

CHAPTER 29:14

URBAN AREA (OMNIBUS SERVICES) ACT

Acts 6/1977, 3/1979, 20/1982, 8/1988 (s. 164), 22/2001 (s. 282).

AN ACT to provide for the establishment and operation of omnibus services within an urban area or between two or more urban areas; and to provide for matters incidental to or connected with the foregoing.

[Date of commencement: 25th March, 1977.]

1 Short title

This Act may be cited as the Urban Areas (Omnibus Services) Act [*Chapter 29:14*].

2 Interpretation

(1) In this Act—

“appropriate Minister” means the Minister to whom the administration of the provision of this Act concerned has been assigned in terms of subsection (2); “area under the jurisdiction of a local authority” means—

- (a) in the case of a municipality or town, the municipal or town area and, in addition—
 - (i) the area of any local government area which is administered and controlled by the municipal or town council concerned;
 - (ii) any other area not within the municipal or town area but which is completely surrounded by the municipal or town area;
- (b) in the case of a rural district council, any town ward of the council area or any area declared to be a specified area in terms of the Rural Districts Councils Act [*Chapter 29:13*];
- (c) in the case of a local board the local government area and, in addition, the area of any other local government area which is administered and controlled by the local board;

“authorized operator” means a person who has entered into an agreement such as is referred to in section *three* with the appropriate Minister;

“Controller” means the Controller of Road Motor Transportation appointed in terms of section 3 of the Transportation Act;

“local authority” means a municipal council, town council, local board or rural district council;

“prohibition notice” means a notice such as is referred to in subsection (1) of section *four*;

“public service vehicle” has the meaning assigned thereto in the Transportation Act;

“road service permit” means a permit issued in terms of section 10 of the Transportation Act;

“specified area” means an area referred to in paragraph (b) of subsection (1) of section *four* which is specified in the prohibition notice;

“Transportation Act” means the Road Motor Transportation Act [*Chapter 13:10*];

“unauthorised”, in relation to a place, terminal point or route referred to in subsection (2) of section *five* means a place, terminal point or route other than one fixed by the appropriate Minister in terms of subsection (1) of that section;

“urban area” means—

- (a) an area under the jurisdiction of a local authority; or
- (b) an area of land within Communal Land which has been set aside in terms of section 10 of the Communal Land Act [*Chapter 20:04*] for the establishment of a township, village, business centre or industrial area.

(2) The President may, from time to time, by statutory instrument assign the administration of this Act to one Minister or partly to one Minister and partly to another in respect of different areas of Zimbabwe.

3 Agreements to provide omnibus services

(1) Subject to subsection (2), if the appropriate Minister is of the opinion that in any particular urban area or between any two or more urban areas—

- (a) no omnibus service is provided or any omnibus service which is provided is inadequate in the circumstances; and
- (b) it is necessary or desirable that an omnibus service or an adequate omnibus service, as the case may be, should be provided;

he may enter into an agreement with any person for the establishment and operation of an omnibus service within that urban area or between the urban areas concerned, as the case may be.

(2) The appropriate Minister shall not enter into an agreement in terms of subsection (1) for the establishment and operation of an omnibus service—

- (a) entirely within the area under the jurisdiction of a local authority without the prior approval of that local authority;
- (b) part of which will be within the area under the jurisdiction of a local authority without prior consultation with that local authority.

(3) Sections 194 and 195 of the Urban Councils Act [*Chapter 29:15*] shall not preclude the operation of any omnibus service in accordance with an agreement in terms of this section.

4 Prohibition of omnibus services in specified area

(1) Notwithstanding anything to the contrary in the Transportation Act or in any other enactment, whenever any omnibus service is or is proposed to be established and operated in terms of an agreement referred to in section *three*, the appropriate Minister may, subject to this section, by notice in the *Gazette*, prohibit the carrying on by any person other than the authorized operator of any omnibus service— (a) for such period as may be specified in that notice; and (b) within the area specified in that notice:

Provided that any route within the specified area which is not being served by the omnibus service operated by the authorised operator may be served by some other public service vehicle in terms of this section if the appropriate Minister has agreed thereto.

(2) Before publishing a notice in terms of subsection (1) the appropriate Minister shall—

- (a) cause to be published in the *Gazette* and in a newspaper circulating in the area, notification of the proposed notice, stating the period and area to be specified for the purposes of subsection (1) and that any representations in connection with or objections to the proposal may be lodged with the appropriate Minister in writing before a specified date, being not less than thirty days after the date of the publication of the notice in the *Gazette*; and
- (b) have regard to all representations and objections lodged in terms of paragraph (a).

(3) Notwithstanding anything to the contrary in the Transportation Act, if the appropriate Minister has published a prohibition notice, then, save as is provided in this section, no road service permit in respect of any public service vehicle which is authorized to carry more than seven passengers shall, without the consent of the appropriate Minister, entitle any person to carry passengers for hire or reward with such vehicle within the specified area during the period of the validity of the prohibition notice.

(4) The right of any person to carry for hire or reward passengers—

- (a) within the specified area in accordance with an agreement such as is referred to in paragraph (c) of subsection (1) of section 192 of the Urban Councils Act [*Chapter 29:15*] with a municipal council; or
- (b) within the specified area for the unexpired period of any road service permit issued prior to the coming into force of the prohibition notice; or
- (c) departing to or arriving from any place outside the limits of the specified area: shall not be affected by the prohibition notice.

(5) An omnibus service carried on by a local authority within the specified area; shall not be affected by the prohibition notice.

5 Omnibus routes, terminal points and stops

(1) The appropriate Minister may, from time to time, during the period of the validity of a prohibition notice, by notice in the *Gazette*, fix the routes and terminal points and the places for the setting down and taking up of passengers in respect of any omnibus service which any person is permitted by section *four* to carry on within that portion of the specified area concerned which is not within an area under the jurisdiction of a local authority.

(2) Any person who, in the course of carrying on any omnibus service within that portion of the specified area which is not under the jurisdiction of a local authority—

- (a) takes up or sets down any passenger at an unauthorized place or terminal point; or
- (b) carries any passenger for hire or reward along an unauthorized route; shall be guilty of an offence and liable to a fine not exceeding level three.

[Subsection as amended by section 282 of Act 22 of 2001]

(3) On a second or subsequent conviction of an offence in terms of subsection (2), the court may, in addition to any penalty authorized by this Act, cancel the road service permit relating to the vehicle used in connection with the commission of the offence and a copy of such cancellation order shall be forwarded by the clerk of the court to the Controller.