



RULES AND CONDITIONS OF CARRIAGE

VERSION 1.0



SEPTEMBER 2020

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1 WELCOME

Welcome to the Nelson Mandela Bay Municipality's (NMBM) Libhongolethu experience and thank you for taking the time to read these Libhongolethu Rules.

Libhongolethu represents the NMBM's Integrated Public Transport System or IPTS which forms part of the vision of the Department of Transport as set out in the White Paper for Transport in South Africa (DoT, 1996) which will:

“Provide safe, reliable, effective, efficient and fully integrated transport operations and infrastructure which will best meet the needs of freight and passenger customer at improving levels of service and cost in a fashion which supports government strategies for economic and social development whilst being environmentally and economically sustainable”.

Thus, the Libhongolethu's vision is:

“To provide an efficient, safe, affordable, sustainable and accessible multi-modal public transport system which supports social and economic development to ensure optimal mobility and improved quality of life for the residents and users of the transport system in the metropolitan area.”

These Libhongolethu Rules seek to explain in clear and simple terms what you as our Customer can expect from Libhongolethu in respect of service delivery and expectations are from all Customers using the services offered.

In this document we describe our commitment to providing you with a world class service that meets travelling needs by delivering people to your destination safely, comfortably and on time. We will work to ensure local people from NMBM and visitors alike have confidence in the service.

Please note, that while this document describes the Rules and regulations governing the use of the Libhongolethu Service and any person may be prosecuted for any other offence in terms of National and Provincial laws not listed in these Rules, or governed under any other statute.

Libhongolethu strives to provide:

- Clean, comfortable, safe, frequent, punctual and affordable services;
- Convenient operating hours;
- Smartcard fare system which stores monetary value and can in due course be integrated with other transport modes;
- Universal design for improved accessibility, to be implemented progressively;
- Staff who know their job, are honest, polite, helpful and professional;
- Clear signage and Customer information;
- A safe and secure environment;
- A sustainable and environmentally friendly public transport system, through for example, the reduction of emissions levels by using clean vehicle technologies;



- A dynamic service that changes as a result of constructive feedback and lessons learnt; and
- Wider and more integrated bus, taxi, train and air services links as the NMBM strives to manage and coordinate transport solutions with other public transport providers.

It should be noted that this service is the first of its kind operating within the boundaries of NMBM and shall, in the interim, be treated as a starter service, with routes, schedules, and Rules subject to change. Therefore, not all these standards will be achievable at the beginning, and the NMBM will work towards improving the standard of service progressively and in line with the directions of National Department of Transport Guidelines.

Customers must oblige with these Libhongolethu Rules, as set out in **Section 14**, which are “Conditions of Carriage”, for example:

- Pay your way – always travel with a valid Ticket or a loaded Smartcard (once introduced);
- Treat all fellow Customers and Libhongolethu employees with respect;
- Use Libhongolethu property in a respectful and responsible way;
- Cooperate and be patient; and
- Report any incidents and concerns to the call centre provided.

We understand the importance of listening to what you, our Customers, want from the Libhongolethu Service and therefore encourage constructive critique and feedback. Your feedback allows us to constantly evaluate and improve our system and service for everyone, every day.

Occasionally things do not go according to plan, and since we can only address the issues we know about, we encourage you to make contact with us by telephoning between the hours of 05h00 and 23h00 at the Transport Information Centre (referred to as the Call Centre) at **0800 478 787**, or by letter, email or through comment on our website. You will find all the relevant contact details in **Section 10**.

If you contact the Call Centre, please make a note of the reference number which will be provided to assist with follow-up. We aim to respond to you within a reasonable time period. If we have not responded within a time frame you would consider reasonable, please follow up with us through your Councillor.

2 DEFINITIONS

The terms below have the meaning indicated, unless the context indicates otherwise:

Access Act means the Control of Access to Public Premises and Vehicles Act, 53 of 1985;

Authorised Officer includes:

- a) An employee of the Libhongolethu Implementation or Libhongolethu Operations departments;
- b) An employee of the NMBM Revenue Services, who may at times be charged with access control to any Libhongolethu Premises or vehicles;

- c) Any other employee or contractor of the NMBM, authorised by the Executive Director of Infrastructure and Engineering and Major projects to act as Authorised Officer;
- d) An employee of a contractor contracted to provide vehicle operation services or Station management services, and who is charged with access control, security or ambassadorial services, including a Driver of a Libhongolethu Vehicle; and
- e) A NMBM Law Enforcement Officer, Traffic Officer, or Safety and Security or Metro Police Officer; is empowered to enforce the Libhongolethu Rules, and can be identified in case of (a), (b), (c), by a Libhongolethu identification card; and in case of (d) by an identification card identifying the bearer as an officer of the relevant service;

City or NMBM means the Nelson Mandela Bay Municipality as established in terms of the Local Government: Municipal Structures Act, 117 of 1998;

Conductor means any Authorised Officer charged with access control to any Ticket Controlled Area;

Controlled Area means an access-controlled area that cannot be entered without Ticket validation;

Customer means any person using Libhongolethu, or entering a Ticket Controlled Area, excluding any Authorised Officer;

Driver means an authorised suitably qualified and trained person who is in direct control of the operation of a Libhongolethu Vehicle;

Fare Policy means the Nelson Mandela Bay Municipality Fare Policy and Structure, 2017;

Feeder vehicle means a Libhongolethu Vehicle that runs on a secondary route, primarily to carry Customers to or from stations;

Luggage includes a bicycle, wheelchair, pram, stroller and walking aid;

Libhongolethu means the public transport service that has been put in place as part of the NMBM's Integrated Public Transport System (IPTS);

Libhongolethu Premises means any of the Libhongolethu bus ways and cycleways, Libhongolethu Vehicles, Stations and Stops, buildings, structures, halls, rooms, offices, conveniences, land, enclosures or water surfaces which are occupied by, or is under the control of the Libhongolethu Operator;

Libhongolethu Operator means the NMBM Department: IPTS Operations or the Municipal Entity (if any) to which Libhongolethu operations have been assigned;

Libhongolethu Vehicle means any motor vehicle, bus, rapid bus, other vehicle or conveyance, which is the property or under the control of the Libhongolethu Operator, and which is used for the transport, for profit or otherwise, of members of the public;

NLTA means the National Land Transport Act, 5 of 2009;

Object includes but is not limited to refuse or litter, a suitcase, attaché case, bag, handbag, folder, envelope, parcel, or container of any nature which a person has in his or her possession or custody or under his or her control;

Outdoor Signs By-law means the Nelson Mandela Bay Municipality Outdoor Signs (Advertising and other) By-law, 2010;

Paper Ticket means a valid Libhongolethu Paper Ticket;

Public Amenities By-law means the Nelson Mandela Bay Municipality Public Amenities By-law, 2010;

Public Nuisances By-law means the Nelson Mandela Bay Municipality By-law relating to prevention of Public Nuisances and Public Nuisances arising from the Keeping of Animals, 2010;

Roads, Traffic and Safety By-Law means Nelson Mandela Bay Municipality By-laws for Roads, Traffic and Safety as amended, 2009

Rules means these Libhongolethu Rules contained herein and the Conditions of Carriage as set out in Section 14;

Smartcard is an electronic Europay-Mastercard-Visa (EMV) compliant, or equivalent, Smartcard accepted by the Libhongolethu automatic fare collection equipment;

Station means an area within a Libhongolethu Premises designed for boarding Libhongolethu Vehicles or alighting from such vehicles, which is enclosed and to which access by the public is usually controlled;

Stop means a bus stop used for boarding or alighting a Libhongolethu Vehicle, identified as a Libhongolethu Stop through a Libhongolethu Bus Stop sign or identified as a Libhongolethu Stop by an Authorised Officer;

Street Trading By-law means the Nelson Mandela Bay Municipality Street Trading By-law (draft 2);

Ticket means a valid Smartcard. It also means any other form of electronic card or Paper Ticket issued by the Libhongolethu Operator to grant members of the public a right to access and use of Libhongolethu facilities and services. The Smartcard or other electronic Ticket is valid only if it has sufficient value loaded to cover the journey the Customer is undertaking on a Libhongolethu Service in terms of the applicable Tariff, and regarding which the Customer has checked in to a Libhongolethu Station or Feeder Bus using the validator provided. A Paper Ticket is valid only if it has been issued by the Libhongolethu for use on a given Libhongolethu Service, if used before or on the date of validity printed on the Ticket, or during such further period as the Libhongolethu may announce through official notices at kiosks. This includes concessionary Tickets which can only be used for the purpose and on the date specified;

Ticket Controlled Area means an area which Customers are normally allowed to enter only if they have a valid Ticket, namely:

- (a) The enclosed area of every Station, excluding the area immediately in front of the Station kiosk and the area between such area and the entrance of the Station; and
- (b) A Libhongolethu Vehicle that is in service.

Tobacco Act means the Tobacco Products Control Act, 83 of 1993 as amended;

Traffic Act means the National Road Traffic Act, 93 of 1996 as amended and the National Road Traffic Regulations, 1999 as amended.

Waste By-law means the Nelson Mandela Bay Municipality Integrated Waste Management By-law, 2010.

Any reference to an enactment is to that enactment as amended, from time to time, or any enactment that revokes and replaces an earlier enactment regarding a relevant provision.

3 DISCLAIMER

The Nelson Mandela Bay Municipality, Libhongolethu Operator, Libhongolethu Vehicle Operating Companies and their respective shareholders, directors, officers, employees, subcontractors, agents and/or affiliates, in whole or in part, shall not be liable, to the extent permissible by law, for any loss, injury and/or damage (including but not limited to consequential or special damages or loss of profits) of whatsoever nature and howsoever arising whether or not by way of negligence to any Customer and/or other person (third party).

The waiver referred to in paragraph 1 above will be binding on the heirs, dependents, assignees, executors, trustees or other legal representatives of the Customer or person which are conveyed or in respect of which there is a failure to convey, as the case may be.

Should the Nelson Mandela Bay Municipality, Libhongolethu Operator, Libhongolethu Vehicle Operating Companies, through necessity or choice, employ the vehicles or services of other operators in respect of the whole or any portion of any journey to be carried out by it, then to the extent that such other operator provides or, having the obligation to provide, fails to provide any such vehicle or service, such provision or failure to provide such vehicle or service will be subject to the relevant conditions of such other operator. The Nelson Mandela Bay Municipality, Libhongolethu Operator, Libhongolethu Vehicle Operating Companies shall, to the extent permissible by law, have no liability of any nature whatsoever to any Customer or person to whom a ticket as contemplated in paragraph 1 above is issued.

4 CONTROL OF ACCESS TO PUBLIC PREMISES AND VEHICLES ACT

Access to the Libhongolethu Premises, vehicles and network is regulated in terms of the Access Act and the Libhongolethu Rules.

Contravention of this Act can result in a fine not exceeding R2,000.00 or imprisonment for a period not exceeding two years or both that fine and imprisonment.

An Authorised Officer may, under section 2(2) of the Act, require a passenger/person:

- a) to furnish his or her name, address and any other relevant information required by the Authorised Officer;
- b) to produce proof of his or her identity to the satisfaction of the Authorised Officer;

- c) to declare whether he or she has any dangerous object in his or her possession or custody or under his or her control;
- d) to declare what the contents are of any vehicle, suitcase, attaché case, bag, handbag, folder, envelope, parcel, or container of any nature which he or she has in his or her possession or custody or under his or her control, and show those contents to the Authorised Officer;
- e) intending to enter a designated area or found inside such area to subject him or herself and anything which he or she has in his or her possession or custody or under his or her control to an examination by an electronic or other apparatus in order to determine the presence of any dangerous object;
- f) to hand to an Authorised Officer anything which he or she has in his or her possession or custody or under his or her control for examination or custody until he or she leaves the Libhongolethu network;
- g) be searched by an Authorised Officer; and
- h) be subject to CCTV monitoring.

5 AUTHORISED OFFICERS

Authorised Officers will aim to ensure that all Customers comply with 'Conditions of Carriage' set out in **Section 14** when in or on Libhongolethu Premises and Vehicles.

In terms of the "Conditions of Carriage", Customers are prohibited from travelling without a valid Ticket, and will be required to produce a Ticket (and concessionary identification where appropriate) upon request by an Authorised Officer.

This includes:

- Refusing access to any member of the public to a Libhongolethu Vehicles or Premises or removing a person from such premises or vehicle;
- Asking a Customer or any other person using the Libhongolethu Premises or Vehicles for:
 - The person's name and address if the Authorised Officer believes the person has committed an offence;
 - Produce documents verifying that the information given is correct;
 - Declare whether the person has any dangerous object in his/her possession; and
 - Declare what the contents are of any, suitcase, attaché case, bag, handbag, folder, envelope, parcel or contained of any nature which the person has in his/her possession, and show those contents to the Authorised Officer.

We remind Customers that Authorised Officers are executing their duties and Libhongolethu will not tolerate any abusive behaviour towards these persons.

Law Enforcement Officers and other officers responsible for law enforcement may issue fines in terms of any applicable legislation.



Safety and security are key priorities and we are working towards ensuring an environment that is both safe (free from all forms of hazard) and secure (free from all forms of crime). In order to make sure that your journey on Libhongolethu is both safe and comfortable; all Customers are required to treat fellow Customers with courtesy and respect.

Our Station and vehicle staff are trained in Customer service and safety and they are your first point of contact should you feel threatened by any unruly, aggressive or anti-social behaviour. In the event of a threat to, or breach of, your right to personal safety and security, please report the offending behaviour to an Authorised Officer or phone the Call Centre at **0800 478 787** to register a concern.

6 SAFETY

For your safety:

- Platforms at the Stations allow for level boarding, usually without a gap between the Libhongolethu Vehicle and the platform; and
- The use of dedicated roadways, where necessary, enhances vehicle safety.

Safety in the Libhongolethu system is a primary consideration. However, please note that Customers travel at their own risk. Therefore, the NMBM or its contractors shall not be held liable if you injure yourself while travelling in the Libhongolethu system. Customers must also follow the instructions contained in the Conditions of Carriage, **Section 14**, to ensure their own safety and the safety of others in using the Libhongolethu system.

7 SECURITY

For your security the following are being implemented:

- Security staff and Customer service staff at most Stations and on Vehicles;
- On-board roaming law enforcement officers; and
- Use of Closed Circuit Television (CCTV) surveillance. This network of CCTV is constantly being expanded.

At Libhongolethu we have a 'zero tolerance' policy when it comes to any crime and we shall be working closely with NMBM Safety and Security Department and Metro Police together with the SA Police Services towards the objective of making our Libhongolethu Stations and Vehicles secure environments.

All Customers must be fit for travel, and not in immediate need of medical assistance. Libhongolethu does not undertake to provide emergency transport.

Libhongolethu has endeavoured to make use of universal design principles to allow access for as many people as possible, including the aged and people with special needs.

All Stations will have easy access and allow level boarding of vehicles. At present, feeder vehicles do not offer universal accessibility, but in the future, they will be equipped with ramps



that can be pulled out to allow easy access into the vehicles for prams and Customers using wheelchairs.

A Customer and his/her wheelchair or electrically driven mobility aid, which does not occupy a space wider than 700mm and longer than 1300mm nor weigh more than 300kg combined, can travel in Libhongolethu Vehicles. Unfortunately, Libhongolethu cannot transport a Customer whose wheelchair is larger or heavier than the above specifications.

A Customer using a wheelchair must secure his/her wheelchair in the designated area using the equipment provided and also use the seat belt to secure himself/herself. It is not the responsibility of any Authorised Officer to do this for the Customer and, if an Authorised Officer does assist the Customer, the Customer is responsible for ensuring that they are properly and safely secured.

Prams and bicycles are welcome, subject to the 'Conditions of Carriage' contained in **Section 14** below. Customers are responsible for these items at all times and must ensure that they do not inconvenience or injure fellow Customers.

Please make the priority seats, as indicated, on Libhongolethu Vehicles available to those Customers who are more in need of the seat, such as Customers who are elderly, with special needs or in an advanced state of pregnancy.

For more information please refer to the Conditions of Carriage contained in **Section 14**. For special needs assistance or advice, please contact the Call Centre on **0800 478 787**.

8 TICKETING

All Libhongolethu Customers must be in possession of a validated Ticket when travelling. Tickets are issued in accordance with the Libhongolethu Fare Policy. A Customer must validate his/her Ticket (either a Smartcard - available later - or a Paper Ticket) prior to boarding a Libhongolethu Vehicle. Paper Tickets are available for purchase at any of the accredited vendors close to the Stations. Smartcard recharge facilities will be made available at certain major retail outlets after that system has been rolled out.

8.1 Concessions

Where concessions are allowed in terms of the Libhongolethu Fare Policy, as approved by Council, proof of a concession entitlement must be carried by Customers travelling on a concessionary fare and any other proof of a concession entitlement.

Children under one metre tall, who are under the age of 4, are eligible to ride free of charge on Libhongolethu services. These children must be small enough to ride on their parent / accompanying adult's lap to make a seat available to another Customer, particularly where seats are needed by other Libhongolethu Customers.

Other Customers eligible to ride free are:

- Authorised Officers in Libhongolethu uniform in possession of a valid access pass;

- Officers from the following services, provided that they are in **uniform** and carrying a service identification document confirming their position within those services:
 - SA Police Service;
 - NMBM Metro Police; and
 - NMBM Traffic Services.

Other concessions, in terms of a discount, will be granted to:

- Learners and Scholars in school uniform on a school day; and
- Pensioners, who have registered with Libhongolethu in accordance with the Fare Policy.

8.2 Tickets

8.2.1 Paper Tickets

Initially, Customers will need to purchase a Libhongolethu Paper Ticket to travel on the Libhongolethu system. Smartcards are planned to be introduced later.

The following tickets will be available on the Starter services:

- 12 ride multi-journey ticket for use on the trunk routes;
- 12 ride multi-journey ticket for use on any local routes;
- 12 ride multi-journey concession ticket for use on trunk routes;
- 12 ride multi-journey concession ticket for use on local routes;
- Single ride ticket for trunk routes;
- Single ride ticket for local routes;
- Single ride concession ticket for trunk routes; and
- Single ride concession ticket for local routes.

Concession tickets will be issued in accordance with **Section 8.1** above and the Libhongolethu Fare Policy and Rules.

Libhongolethu reserves the right to amend the tickets issued and the fare issued with reasonable notice.

When entering a Libhongolethu Station or vehicle a Customer must insert the ticket into the ticket validator and on demand to the ticket examiner, conductor or driver. You can buy Tickets at kiosks on the stations, and identified Vendors. You are encouraged to buy 12 ride multi-journey Paper Tickets, so you always have a valid ticket even when the kiosk is closed or there is no Vendor close by.

For a full explanation of the fare collection system, please refer to the Libhongolethu Fare Policy and Fare Schedules and rules, which are available on the Libhongolethu website.

Paper tickets may only be used until the expiry date printed on the ticket. Tickets are non-refundable and non-transferrable. You may not pass-back your ticket to another person on the same bus.

You must ensure that your paper ticket is validated as follows:



- Fully insert your ticket into the ticket validator mounted near to the entrance of the bus; and
- The ticket validator shall punch the ticket and at the same time stamp the ticket with the current date and time and other information.

Please keep your Ticket handy. When requested, you must present your validated ticket to a Libhongolethu official or a law enforcement officer, for inspection.

If you are found on a Libhongolethu Station or Vehicle without a Ticket:

- You will be required to buy a ticket from an on-board conductor (if available), or
- You may be required to get off the Libhongolethu Vehicle to buy a ticket at a Libhongolethu kiosk, vendor, and have it validated; or
- You may be required to get off the Libhongolethu Vehicle or out of a station.

Tickets that have been defaced, damaged, altered, imitated, forged and rendered illegible or unable to be inserted into the ticket validator shall be considered as invalid. Libhongolethu, its staff, agents and vendors shall not be held liable for any remaining trips nor for any monetary refund.

If you are found without a validated Ticket, you can also be fined, in the absence of a valid explanation. If you are caught trying to evade paying the fare (for example by walking into a station/vehicle without presenting your ticket to a conductor, or by climbing over a station fence) you will be fined, or you may be arrested.

The Libhongolethu fare tariff is approved by the Council, may change from time to time, and can be found at <http://www.nelsonmandelabay.gov.za/Residents.aspx?pageID=251>. Fares will be charged in accordance with the applicable tariff table. Ask for a leaflet regarding fares and concessions at the Ticket kiosk.

8.2.2 Smartcard Tickets

It is the intention that a fully automated fare collection system (AFC) will be installed at a later date. This system will make use of smartcard media (replacing the paper tickets) and will provide additional functionality and security to our customers. This rule book will be revised at the time of introduction of the new AFC.

9 GENERAL

9.1 Dangerous goods and Luggage

Dangerous items and materials are at all times strictly prohibited on Libhongolethu. These include toxic, highly flammable and explosive materials, or weapons of any kind. Customers may travel only with those items that can be carried without assistance and which can be stored on the Libhongolethu Vehicles without causing an inconvenience to fellow Customers.

Customers are permitted to bring luggage items on board the Libhongolethu Vehicles, but must ensure that the presence of such items does not cause discomfort or inconvenience to other Customers.

Customers are not permitted to bring on board anything that:

- Is more than 2 metres long or weighs more than 300 kg;
- Cannot be carried by the Customer alone;
- Is a hazardous or inflammable substance;
- Is likely to cause injury or offence to other Customers or to authorised officers; and
- Is likely to cause damage to Libhongolethu vehicles or stations.

Staff can refuse permission for you to take any item onto our services or premises.

Please keep your luggage and possessions with you at all times. Unattended property is a security risk and can cause unnecessary delays to services, as well as injury and damage. It will be removed by authorised officers and may be destroyed by the police.

Any luggage may be refused access at the discretion of an authorised officer. At the instruction of an authorised officer, any luggage must immediately be removed.

Prams, strollers and walking aids (including electrically-driven mobility aids such as wheelchairs and scooters) can be carried free of charge, provided that they comply with the Conditions of Use. Parents and other child minders are responsible for the safety of any child in a pram or stroller.

Bicycles are permitted on Libhongolethu vehicles and are carried free of charge. Customers transporting bicycles must keep them in the designated area provided for bicycles which is located next to the wheelchair area. Customers transporting bicycles may only board if space is available in this area. If no space is available for the bicycle, the Customer must wait for the next bus with available space. Bicycles may not be placed in a manner that blocks aisles, doors or emergency exits, or which impede movement in aisles or through doors and exits. Regarding bicycles, as in all other cases, Customers must comply with instructions issued by a Libhongolethu staff member.

The Libhongolethu will be increasing the number of bike racks, lockers and cages on the Libhongolethu premises, especially at major Libhongolethu Stations.

All luggage (including bicycles, prams and all other items carried) must be stowed safely and Customers must ensure that they are secured or held securely. Customers are responsible for any damage or injury caused by luggage brought onto Libhongolethu Premises.

The open space in the bus with flip-down seats and straps for securing wheelchairs is meant for preferential use by Customers using wheelchairs or bicycles and Customers with large pieces of luggage, such as suitcases and prams. Other Customers are requested to vacate the space and the flip-down seats on request of such Customers.

If you have any questions or concerns in relation to the above, please contact the Call Centre on **0800 478 787** for more information.

9.2 Animals

No animals are permitted in the premises or vehicles of the Libhongolethu services, with exception of the following and under certain conditions:

- Authorised and trained assistive animals (for example guide dogs) are permitted on Libhongolethu Vehicles;
- Assistive animals are not allowed on seats and may not block aisles and exits;
- Assistive animals must be controlled by their owners at all times while using the Libhongolethu Services; and

Domestic pets, which are not assistive animals, are not permitted on any Libhongolethu Vehicles unless they are in a travelling container, which conforms to the guidelines for goods and luggage as in **Section 9.1**, from which they cannot escape and potentially cause injury, inconvenience or discomfort for fellow Customers.

9.3 Lost Property

If you believe an item of your property has been left on a Libhongolethu Vehicle or at one of our stations, ask at the relevant kiosk or please call the Call Centre at **0800 478 787**, between the hours of 05h00 and 22h00, to find out where this can be collected, if it has been handed in to a Libhongolethu Offices.

While Libhongolethu staff will make every reasonable effort to collect and hand in any lost property found on the Libhongolethu Premises, Libhongolethu does not accept any responsibility for loss or damage of any nature to any property of Customers using the Libhongolethu Services. Any lost property handed in will be available for collection only for a period of one week from the date that it is handed in, after which it will be disposed of in accordance with standard Libhongolethu policy for the disposal of goods.

9.4 Special Events and Services

Services include scheduled services and special event services.

There may be a need to adjust services occasionally and we reserve the right to change Libhongolethu Services to better serve the needs of Libhongolethu Customers. These changes will be suitably communicated to the public.

Special events that require the dedicated use of the Libhongolethu Services, as well as any additional, or special, services and promotions which may occasionally take place will be communicated to the public with sufficient notice.

Libhongolethu Service information and all relevant details, including route maps, schedules and timetables, have been made available in prominent locations at stations. For updates and more information contact the Libhongolethu Call Centre at **0800 478 787**,

Libhongolethu can provide copies of these Rules in different formats and languages upon request (see contact details in **Section 10**). It will in due course be available in the following official languages: Afrikaans, and IsiXhosa.

10 CONTACT US

Call: The Call Centre at **0800 478 787**



Email: IPTS@mandelametro.gov.za

Mail: Customer Feedback: NMBM IPTS
Box 7
Port Elizabeth
6000

Website: <http://www.nelsonmandelabay.gov.za/Residents.aspx?pageID=251> where you can submit comment by going to this site and clicking on *Contact Us*.

11 ENABLING LEGISLATION

These Rules have been issued in terms of the relevant sections of the Access Act, read with the relevant sections of the National Land Transport Act (NLTA). The Conditions of Carriage contained in **Section 14** below are necessary to further the aim of creating a safe travelling environment for all, and to explain the duties and functions of the officials involved.

When you use the Libhongolethu Services, you undertake to be bound by the Conditions of Carriage (i.e. the Rules) contained in **Section 14** below and in the text above. All Libhongolethu Customers, in using the Libhongolethu Services and all other persons on the Libhongolethu Premises, therefore agree to be bound by these Rules. These Rules will be strictly enforced in the Libhongolethu Premises and Vehicles in order to ensure the safety and security of all Customers and staff, and ensure the provision of a safe reliable service.

A breach of the Rules may be penalised by way of a fine and/or imprisonment, in terms of section 4 of the Access Act and/or section 90(2)(b) of the NLTA, depending upon the severity of the breach in question. Equally, where a breach of the Rules constitutes an offence under any other NMBM approved By-law, the person concerned may be penalised under the relevant provision of the By-law(/s) in question.

Where a person found on or in the Libhongolethu Premises or Vehicles commits or attempts to commit an offence contained in Schedule 1 to the Criminal Procedure Act, 51 of 1977 ("CPA") ("a Schedule 1 Offence"), in the presence of an Authorised Officer, that Authorised Officer may, in terms of section 42 of the CPA, arrest and detain such person without a warrant. Similarly, if an authorised officer entertains a reasonable suspicion that a person found on/in the Libhongolethu Premises or Vehicle has committed a Schedule 1 Offence (including, inter alia, public violence; robbery; malicious injury to property; assault; theft etc), the Authorised Officer may arrest and detain the offending person, which person shall then be charged accordingly. An Authorised Officer in charge of a property forming part of the Libhongolethu Premises or Vehicle may without warrant, arrest a person committing any other offence on that property. On finding a person to be acting in contravention of the Rules, an Authorised Officer may also remove that person from the Libhongolethu Premises or Vehicle

or take other steps as provided for in the Rules, pursuant to the powers afforded to Authorised Officers under the Access Act.

As a breach of the Rules will also constitute an offence under the relevant legislation (either the NLTA or the Access Act, or a provision of one or more of the NMBM By-laws), the NMBM may elect to prosecute offending Customers in terms of the relevant empowering provisions under the Acts and/or By-laws. In terms of section 4 of the Access Act, a person found to be in contravention of its provisions (including any conditions of use made in terms thereof) is guilty of an offence and liable on conviction to a fine not exceeding R2000 or to imprisonment for a period not exceeding 2 years, or both. In terms of section 90(2)(b) of the NLTA, the penalty that may be imposed is a term of imprisonment not exceeding 3 months or a fine not exceeding R10 000.

In light of the severity of the penalties that may be imposed under the legislation, we urge all Customers to use Libhongolethu in compliance with the Rules.

Customers are reminded to behave with patience and common courtesy when using the Libhongolethu Services by, for example, allowing Customers already on Libhongolethu Vehicles to exit the Libhongolethu Premises or Vehicles before boarding.



12 RULES AND EXAMPLES

Table 1: Rules and Examples

No	Rule	Examples/Comments	Corresponding Offence/Empowering Provision	Fine Category
1.	No person may access the Libhongolethu Premises, or any part thereof, including access to Ticket Controlled Areas without a valid Ticket.	All Customers must be in possession of a valid Ticket for the date of travel.	<p>Section 2(1)(b) read with 2(2) of the Access Act ("permission for entry/access provisions"), and section 4(a) of the Access Act (it is an offence to enter public premises or a public vehicle in the absence of permission in breach of section 2(2)).</p> <p>Section 90(1)(k)(i) of the NLTA: failure to pay fare due.</p> <p>Section 3(4) of the Public Nuisance By-law: any person who ... fails to comply with any notice lawfully given ...</p> <p>Section 5, of the Public Amenities By-Law: Entrance Fees.</p> <p>Section 12(1)(c)(ii) of the Public Amenities By-Law: Prohibited Behaviour</p>	i, ii, iii, vi

No	Rule	Examples/Comments	Corresponding Offence/Empowering Provision	Fine Category
2.	No person may refuse to allow an Authorised Officer to inspect a Ticket.	<p>Authorised Officers (clearly identifiable by their uniforms and name badges) are entitled to request proof of permission for entry/access in the form of a Ticket.</p> <p>If, on inspection of the Ticket, an Authorised Officer believes the person concerned does not have a right of access to the Libhongolethu Ticket Controlled Area, the Authorised Officer may instruct the offending person to leave the Libhongolethu Premises forthwith.</p>	<p>Section 90(1)(j) of the NLTA (refusal/failure to comply with the lawful order, direction or demand of an Authorised Officer);</p> <p>Section 90(1)(k)(iv) of the NLTA (disobeying a reasonable instruction issued by the Driver or conductor for the purposes of maintaining order)</p> <p>Section 2(3)(a) (read with section 4(c)) of the Access Act: failure to observe a condition of entry.</p> <p>Section 3(4) of the Public Nuisance By-law: any person who ... fails to comply with any notice lawfully given ...</p> <p>Section 5(6) of the Public Amenities By-law: An Official may require any person in a public amenity to produce the entrance ticket issued in terms of subsection (1),</p>	i, ii, iii, vi
3.	No person may use a concessionary Ticket for which they do not qualify.	<p>(a) No person is permitted to impersonate someone else in order to make use of that customer's personalised Ticket.</p> <p>(b) If, on inspection of the Ticket, an Authorised Officer believes the person concerned does not have a right of access to the concession, the Authorised Officer may, in addition to other steps, instruct the person to leave the Libhongolethu Premises forthwith.</p>	<p>Section 4(b) of the Access Act: deliberately furnishing false information.</p> <p>Section 90(1)(k)(i) of the NLTA: failure to pay fare due.</p> <p>Section 5 of the Public Amenities By-law</p>	i; ii, vi

No	Rule	Examples/Comments	Corresponding Offence/Empowering Provision	Fine Category
4.	No person shall travel in an unfit state.	<p>(a) Libhongolethu Vehicles may not be used for the primary purpose of emergency transport and all Customers must be in a fit state of health to travel. For example, people suffering from infectious airborne diseases, and with exposed wounds or sores, may not use the Libhongolethu Services, and are requested to use alternative services, such as that provided by ambulance services.</p> <p>(b) If a person that is not fit to travel is allowed to travel, that person (as any other customer) travels at his or her own risk.</p> <p>(c) If, in the opinion of an authorised officer, a Customer is not in a fit physical and/or mental state to travel, he or she may require of the person concerned to leave the Libhongolethu Premises.</p>	<p>Section 2(1)(b) read with 2(2) of the Access Act ("permission for entry/access provisions"), and section 4(a) of the Access Act (it is an offence to enter public premises or a public vehicle in the absence of permission in breach of section 2(2))</p> <p>Section 3 of the Public Nuisance By-law: ... any action or condition on any premises that endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people ...</p>	i, iii

No	Rule	Examples/Comments	Corresponding Offence/Empowering Provision	Fine Category
5.	No person may smoke and/or drink any liquids on the Libhongolethu Premises and Vehicles. All persons on the Libhongolethu Premises are strictly prohibited from consuming any liquor and/or drugs thereon.	<p>(a) No person may smoke in/on the Libhongolethu Premises, including on Libhongolethu Vehicles and in Stations.</p> <p>(b) No person may drink in/on the Libhongolethu Premises, including on Libhongolethu Vehicles and in Stations.</p> <p>(c) No person may bring an open container containing liquid into a Ticket Controlled Area.</p> <p>(d) The provisions of paragraphs (b) and (c), and in Rule 6(a) do not apply in a designated area (if any) where liquids such as coffee or tea and / or eating is allowed, as indicated through explicit signage. However, when leaving such a designated area, Customers must comply in all respects with these provisions.</p>	<p>Condition in terms of 3(2) of the Access Act.</p> <p>Section 90(1)(k)(ii) of the NLTA: smokes or drinks liquor on that vehicle in contravention of a notice on the vehicle which forbids smoking or drinking;</p> <p>Section 3(1)(u) of the Public Nuisance By-Law: no person shall be drunk in a public place.</p> <p>Section 3(3) of the Public Nuisance By-law: ... any action or condition on any premises that endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people ...</p> <p>Section 3(4) of the Public Nuisance By-law: any person who ... fails to comply with any notice lawfully given ...;</p> <p>Section 12(1)(a) of the Public Amenities By-law: no person who is drunk or under the influence of any drug may enter or remain in ... a public amenity;</p> <p>Section 39(1)(bb) of the Roads, Traffic and Safety By-law: no person may, in a public road or public place – use intoxicating liquor or drugs;</p> <p>Tobacco Act: Section 2: no person may smoke in a public place. Fine imposed in terms of Section 7(1).</p>	i, ii, iii, vi, viii, ix

No	Rule	Examples/Comments	Corresponding Offence/Empowering Provision	Fine Category
6.	<p>(a) No person may consume food and/or chew gum in or on the Libhongolethu Services, Vehicles or Premises.</p> <p>(b) All Customers are strictly prohibited from disposing of chewing gum in any place other than in the provided waste bins.</p> <p>(c) Littering is strictly prohibited.</p>	<p>This rule is to ensure that Libhongolethu's Premises and Vehicles remain in a clean and hygienic state and are maintained in good order to ensure our Customers comfort.</p>	<p>Section 2(3)(a) (read with section 4(c)) of the Access Act: failure to observe a condition of entry.</p> <p>Section 90(1)(k)(iii) of the NLTA: acting in a manner that inconveniences a fellow passenger.</p> <p>Section 3 of the Public Nuisance By-law: any person who ... fails to comply with any notice lawfully given ...</p> <p>Section 15(1), read with Section 23 of the Waste By-law: no person may discard, drop, throw, deposit, spill, dump, store or in any other way, any litter or waste into or onto any public place, or any place to which the public has access, or otherwise dispose of it, nor may they allow a person under their control to do so.</p>	i, ii, iii, v

<p>7.</p>	<p>No person may act in a way that inconveniences and/or causes any discomfort to other Customers, and/or amounts to an interference with the property of other Customers.</p>	<p>This includes (but is not limited to):</p> <ul style="list-style-type: none"> (a)(i) buying, selling, or advertising anything for sale; (ii) begging for money, donations or employment; (iii) distributing any leaflets or other promotional items; (iv) riding a bicycle, roller-skates, rollerblades, skateboards or any similar object or machine inside a station or Libhongolethu Vehicle; (v) failing to store Luggage or any other items in the correct manner and place (all luggage to be stored in designated areas on Libhongolethu Vehicles); (vi) soiling, littering in or damaging the Libhongolethu Premises; (vii) spitting in or on Libhongolethu property or property belonging to another person; (viii) gambling in, on or around the Libhongolethu Premises; (ix) defacing any Libhongolethu property by, amongst others, writing, drawing, painting or fixing anything to or on Libhongolethu property or property belonging to another person; (x) behaving in a disorderly manner; (xi) insulting, abusing or threatening fellow Customers; <p>(b) or where a Customer has complained about another Customer, as directed by an Authorised Officer:</p> <ul style="list-style-type: none"> (i) playing music or instruments; (ii) talking or singing loudly and thereby disturbing other Customers; 	<p>Section 2(3)(a) (read with section 4(c)) of the Access Act: failure to observe a condition of entry.</p> <p>Section 90(1)(k)(iii) of the NLTA: acting in a manner that inconveniences a fellow passenger.</p> <p>Section 3 of the Public Nuisance By-law: ... any action or condition on any premises that endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people ...</p> <p>Section 3 of the Public Nuisance By-law: any person who ... fails to comply with any notice lawfully given ...;</p> <p>Section 4(1) and (2) of the Street Trading By-law: municipality may declare any place in its jurisdiction to be an area in which street trading is restricted or prohibited;</p> <p>Section 7(1)(l) of the draft Street Trading By-law: may not carry on his or her business in such a manner as to – (i) create a nuisance; (ii) damage or deface ... public amenity or public or private property.</p> <p>Section 15(1), read with Section 23 of the Waste By-law: no person may drop, throw, deposit, spill, dump, store or in any other way discard, any litter or waste into or onto any public place, or any place to which the public has access, or otherwise dispose of it, nor may they allow a person under their control to do so.</p> <p>Section 3(6)(a) and (b) of the Roads, Traffic and Safety By-law: No person may sit or lie on a sidewalk, footpath or public road; or stand, congregate or walk so as to obstruct the movement of traffic or to the annoyance or inconvenience of the public.</p>	<p>i, ii, iii, iv, viii, v</p>
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No	Rule	Examples/Comments	Corresponding Offence/Empowering Provision	Fine Category
		(iii) photographing and/or video-recording other Customers where they have objected thereto; (iv) behaving in an indecent or offensive manner.		
8.	(a) No person may tamper with any equipment that forms part of the Libhongolethu Premises or Vehicles. (b) No person may place his/her feet on the seat of a Libhongolethu Vehicle. (c) No person may affix a notice of any kind to a Libhongolethu Vehicle and or Premises.	No person is permitted to make any mechanical or aesthetic changes to any part of the Libhongolethu Premises, including its stations, dedicated roadways (as marked) and Libhongolethu Vehicles.	Section 2(3)(a) (read with section 4(c)) of the Access Act: failure to observe a condition of entry. Section 90(1)(k)(v) of the NLTA: wilfully acting in a way that could cause damage to person or any property; Section 90(1)(k)(iii) of the NLTA: acting in a manner that inconveniences a fellow passenger; Section 12(1)(vi) and (ix) of the Public Amenities By-law: no person may deface or disfigure anything provided by the municipality ...; Section 12(1) of the Outdoor Signs By-Law: No person may display an unauthorised sign. Section 39(1)(s) of the Roads, Traffic and Safety By-law: deface, damage or in any way interfere with any notice board, road traffic sign, public road name board ...	i, ii.vi, vii, viii

No	Rule	Examples/Comments	Corresponding Offence/Empowering Provision	Fine Category
9.	<p>(a) No person may board or alight a Libhongolethu Vehicle at a location other than a station or Stop, unless otherwise instructed by an Authorised Officer.</p> <p>(b) No person may board a Libhongolethu Vehicle that is already at full capacity as stated in signage in the Vehicle or as indicated by an Authorised Officer, or which is out of service.</p>	<p>(i) Boarding and alighting Libhongolethu Vehicles may take place only at designated Libhongolethu Stops, and must be done in such a way to ensure that the scheduled service is not delayed.</p> <p>(ii) Drivers of Libhongolethu Vehicles are prohibited from carrying any Customers (irrespective of whether a fare had been paid), other than Libhongolethu staff, if the bus being driven is out of service.</p>	<p>Section 2(3)(a) (read with section 4(c)) of the Access Act: failure to observe a condition of entry. Section 2(1)(b), read with 2(2) and 4(a) of the Access Act ("permission for entry/access provisions")</p> <p>Section 3 of the Public Nuisance By-law: any person who ... fails to comply with any notice lawfully given ...</p> <p>Section 134(3) and (4) of the Roads, Traffic and Safety By-law: No driver of a bus may stop the bus to pick up a passenger at a place that is not a demarcated stopping place or stand;</p> <p>Section 135(1) read with section 108(2) and (3) of the Roads, Traffic and Safety By-law: No person may insist on boarding a bus which contains the total number of passengers which it is authorised to carry;</p> <p>Traffic Act: Regulation 304, No person shall stop a vehicle on the roadway of a public road...</p> <p>Regulation 233 of the Traffic act: Number of persons that may be carried on a motor vehicle in relation to seating capacity.</p>	i, iii, viii, x

<p>10.</p>	<p>No person may fail or refuse to obey a reasonable instruction issued by an Authorised Officer.</p>	<p>A Customer or other person on Libhongolethu Premises must comply with any reasonable instruction given to him/her by an Authorised Officer. This may include (and is not limited to) an instruction to:</p> <ul style="list-style-type: none"> (a) take a seat or to hold the rails or straps; (b) make available a space designated for Customers using wheelchairs; (c) a parent or person in charge of a child under 4 years of age or otherwise small enough to be taken on that person’s lap, to take that child onto that person’s lap to make a seat available to another Customer; (d) vacate a priority seat marked in red for use by a Customer who is aged, disabled, frail, or pregnant or has a young child; (e) vacate the storage space for bicycles and large Luggage items when required, including vacating flip-down seats; (f) remove an animal (including a bird), or Luggage or other property; (g) desist from boarding a Libhongolethu Vehicle on being given an instruction by an Authorised Officer that a Libhongolethu Vehicle is at full capacity or out of service, or that the Customer may not board for any other reasonable reason; (h) leave the Libhongolethu Premises; (i) provide his or her name and address if the Authorised Officer believes the person has committed an offence; (j) produce documents verifying that the information given is correct; k) declare whether he/she has any dangerous object in his/her possession; 	<p>Section 2(3)(a) (read with section 4(c)) of the Access Act: failure to observe a condition of entry.</p> <p>Section 90(1)(j) of the NLTA: refusal/failure to comply with the lawful order, direction or demand made by an Authorised Officer in the discharge of his/her functions.</p> <p>Section 90(1)(k)(iv) of the NLTA: disobeying a reasonable instruction issued by the Driver or conductor for the purpose of maintaining order or ending a disturbance or controlling any emergency.</p> <p>Section 3of the Public Nuisance By-law: any person who ... fails to comply with any notice lawfully given ...</p> <p>Section 12(1)(b)(xxix) of the Public Amenities By-law: ... may obstruct or interfere with any official appointed by the municipality in proper execution of their duties;</p> <p>Section 142 of the Roads, Traffic and Safety By-law: Obeying and interfering with an officer;</p>	<p>i, ii, iii, vi, viii</p>
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No	Rule	Examples/Comments	Corresponding Offence/Empowering Provision	Fine Category
		(l) declare what the contents are of any, suitcase, attaché case, bag, handbag, folder, envelope, parcel or container of any nature which he/she has in his/her possession, and show those contents to the Authorised Officer.		
11.	No person may travel standing on a Libhongolethu Vehicle without holding onto a hand rail, a seatback or a hand strap	This rule is to ensure that safety of our customers. Our Vehicles, when travelling on the road are subject to traffic conditions, corners and bumps and other road conditions this may result in sudden changes in direction and speed. Passengers who are not holding on to the safety equipment provided will be taken by surprise and taken off-balance which may cause personal injury to themselves and other customers around them.	<p>Section 2(3)(a) (read with Section 4(c)) of the Access Act: failure to observe a condition of entry.</p> <p>Section 90(1)(j) of the NLTA: refusal/failure to comply with the lawful order, direction or demand made by an Authorised Officer in the discharge of his/her functions.</p> <p>Section 90(1)(k)(iv) of the NLTA: disobeying a reasonable instruction issued by the Driver or Conductor for the purpose of maintaining order or ending a disturbance or controlling any emergency.</p> <p>Section 3 of the Public Nuisance By-law: ... any action or condition on any premises that endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people ...</p>	i, ii, iii

<p>12.</p>	<p>A Customer may travel only with those item/s that can be carried without assistance and which can be stored on a Libhongolethu Vehicle without causing an inconvenience or discomfort to fellow Customers.</p>	<p>This Rule protects the safety of all Customers.</p> <p>(a) Customers may not place Luggage, including bicycles or prams, in a manner that blocks aisles, doors or emergency exits, or which impede movement in aisles or through doors and exits.</p> <p>(b) A Customer with Luggage must ensure that its storage or movement does not cause a nuisance or inconvenience to fellow Customers. The Customer must move or remove the item (/s) in question on an instruction to do so by an Authorised Officer or on a request from any other Customer. All luggage (including bicycles, prams and all other items carried) must be stowed safely and Customers must ensure that they are secured or held securely. Customers are responsible for any damage or injury caused by luggage brought onto Libhongolethu Premises.</p> <p>(c) A Customer may not bring into a Station or onto a Libhongolethu Vehicle anything that:</p> <p>(i) Is more than 2 metres long;</p> <p>(ii) Has a weight of more than 300 kg;</p> <p>(iii) Cannot be carried by the Customer alone;</p> <p>(iv) Is a hazardous or inflammable substance;</p> <p>(v) Is likely to cause injury to other Customers or to Authorised Officers; or</p> <p>(vi) Is likely to cause damage to Libhongolethu Premises.</p> <p>(d) A Customers using a wheelchair may only enter a Libhongolethu Premises if the Customer and the wheelchair occupy a space of less than 700mm wide and 1300mm long, with a combined weight of Customer and wheelchair of 300kg.</p> <p>(e) A Customer using a wheelchair must themselves secure their wheelchair in the designated area for wheelchairs. It is not the</p>	<p>Section 2(3)(a) (read with section 4(c)) of the Access Act: failure to observe a condition of entry.</p> <p>Section 90(1)(k)(v) of the NLTA: wilfully acting in a way that could cause damage to person or any property;</p> <p>Section 90(1)(k)(iii) of the NLTA: acting in a manner that inconveniences a fellow passenger;</p> <p>Section 90(1)(j) of the NLTA: refusal/failure to comply with the lawful order, direction or demand made by an Authorised Officer in the discharge of his/her functions.</p> <p>Section 3of the Public Nuisance By-law: carry or convey in ... any public place, and ... thing, which is or may become offensive or dangerous ...</p> <p>Section 3 of the Public Nuisance By-law: ... any action or condition on any premises that endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people ...</p>	<p>i, ii, iii</p>
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No	Rule	Examples/Comments	Corresponding Offence/Empowering Provision	Fine Category
		responsibility of a Libhongolethu staff member to do this for the Customer. If an Authorised Officer does assist the Customer, the Customer remains responsible for ensuring that they are properly and safely secured.		

<p>13.</p>	<p>A Customer may not be in possession of a dangerous material or a dangerous item while on Libhongolethu Premises.</p>	<p>(a) Examples of material or items that are not allowed in/on the Libhongolethu Premises are:</p> <ul style="list-style-type: none"> (i) guns and other dangerous weapons; (ii) toxic materials; (iii) inflammable materials such as paraffin, petrol, gas and spirits; (iv) explosive materials. <p>(b) An Authorised Officer may forthwith remove such person and such material or items from the Libhongolethu Premises.</p>	<p>Section 2(3)(a) (read with section 4(c)) of the Access Act: failure to observe a condition of entry.</p> <p>Section 90(1)(k)(v) of the NLTA: wilfully acting in a way that could cause damage to person or any property;</p> <p>Section 90(1)(j) of the NLTA: refusal/failure to comply with the lawful order, direction or demand made by an Authorised Officer in the discharge of his/her functions Section 3 of the Public Nuisance By-law: any person who, inter alia, blocks, occupies, begs, stands, sits or lies in a Public Place shall immediately cease to do so when so directed by a peace officer or member of the NMBM Safety and Security Department.</p> <p>Section 54 of the Traffic Act: no person shall... transport in a vehicle, ... any prescribed dangerous goods.</p> <p>Section 3 of the Public Nuisance By-law: carry or convey in ... any public place, and ... thing, which is or may become offensive or dangerous ...</p> <p>Section 3 of the Public Nuisance By-law: discharge and fire-arm, airgun or air pistol on any premises ...;</p> <p>Section 39(1)(x) of the Roads, Traffic and Safety By-law: discharge a firearm, airgun or airpistol:</p> <p>Section 3 of the Public Nuisance By-law: ... any action or condition on any premises that endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people ...</p>	<p>i, ii, iii, vi, viii, x</p>
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No	Rule	Examples/Comments	Corresponding Offence/Empowering Provision	Fine Category
			Section 7(4) of the Public Amenities By-law: No person may bring into or have on his or her possession in a public amenity a firearm ... Section 132 read with section 106 of the Roads, Traffic and Safety By-law: General;	
14.	No person may leave their Luggage attended.	(a) Unattended property is a security risk and can cause unnecessary delays to services. (b) Unattended property may be removed by Authorised Officers and may be destroyed by the Police.	Section 2(3)(a) (read with section 4(c)) of the Access Act: failure to observe a condition of entry. Section 3 of the Public Nuisance By-law: ... any action or condition on any premises that endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people ...	I, iii

No	Rule	Examples/Comments	Corresponding Offence/Empowering Provision	Fine Category
15.	<p>(a) No person may take or interfere with the property of other persons on/in the Libhongolethu Premises, save with the requisite consent of such persons;</p> <p>(b) No person may intentionally touch or cause physical contact with another person, without that person's consent.</p>	<p>(a) this rule is to prevent theft of Libhongolethu's and other Libhongolethu's customers property.</p> <p>(b) to protect the rights of persons in terms of the Constitution.</p>	<p>Section 2(3)(a) (read with section 4(c)) of the Access Act: failure to observe a condition of entry;</p> <p>Section 90(1)(k)(iii) of the NLTA: acting in a manner that inconveniences a fellow passenger;</p> <p>Section 90(1)(k)(v) of the NLTA: wilfully acting in a way that could cause damage to person or any property;</p> <p>Section 3 of the Public Nuisance By-law: by an action allow that a nuisance be created or continued;</p> <p>Section 3 of the Public Nuisance By-law: ... any action or condition on any premises that endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people ...;</p> <p>Section 12(1)(xxviii) of the Public Amenities By-law in any way whatsoever prejudice the safety, convenience or rights of other persons;</p> <p>Section 12(2)(b) of the Constitution: ... to control over their body;</p> <p>Section 25(1) read with 25(4)(b) with of the Constitution: no one may be deprived of property.</p>	i, ii, iii, vi, xi

No	Rule	Examples/Comments	Corresponding Offence/Empowering Provision	Fine Category
16.	<p>No person may bring any animal onto Libhongolethu Premises of Vehicles, except for:</p> <p>(a) trained assistive animals (for example guide dogs).</p> <p>(b) Assistive animals are not allowed on seats and may not block aisles and exits;</p> <p>(c) Assistive animals must be controlled by their owners at all times while using the Libhongolethu Services; and</p> <p>(d) Domestic pets, which are not assistive animals, are not permitted on any Libhongolethu Vehicles unless they are in a travelling container.</p>	<p>This rule is to prohibit animals into Libhongolethu Premises and Vehicles. The presence of animals can cause an inconvenience to other customers could result in injury. The exceptions are trained assistive animals and small domestic pets that are properly contained to control the actions of the animal.</p>	<p>Section 2(3)(a) (read with section 4(c)) of the Access Act: failure to observe a condition of entry;</p> <p>Section 90(1)(k)(iii) of the NLTA: acting in a manner that inconveniences a fellow passenger;</p> <p>Section 90(1)(k)(v) of the NLTA: wilfully acting in a way that could cause damage to person or any property;</p> <p>Section 3 of the Public Nuisance By-law: by an action allow that a nuisance be created or continued;</p> <p>Section 3 of the Public Nuisance By-law: ... any action or condition on any premises that endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people ...</p> <p>Section 11 of the Public Amenities By-law: Animals</p> <p>Section 12(2)(b) of the Constitution: ... to control over their body;</p>	i, ii, iii, vi, xi

13 FINE CATEGORIES

Table 2: Fine Categories

FINE CATEGORY	APPLICABLE PENALTY
i.	Access Act: Section 4 of the Access Act: on conviction of an offence, a person may be sentenced to a fine not exceeding R2000 or to imprisonment for a period not exceeding two years, or to both.
ii.	NLTA: Section 90(2)(b) of the NLTA - on conviction of an offence, a person may be sentenced to a term of imprisonment not exceeding three months or a fine not exceeding R10 000.
iii.	The Public Nuisance By-Law
iv.	The Street Trading By-law
v.	Waste Management By-laws and Schedule of Offences and Crimes and Fines Schedule.
vi.	Public Amenities By-law and Fines Schedule.
vii.	Outdoor signs (Advertising and Other) By-Law and Fines Schedule.
viii.	Roads, Traffic and Safety By-law
ix	Tobacco Products Control Act: Section 7: Any person who contravenes or fails to comply with section 2(2), (4) or (6), or fails to comply with any condition contemplated in section 2(1)(b), shall be guilty of an offence and liable on conviction to a fine not exceeding R50 000.
X	Traffic Act and Regulations: Act Section 89 (1)
Xi	Constitution: Bill of Rights.

14 CONDITIONS OF CARRIAGE

Safety in the Libhongolethu system is a primary consideration. However, please note that –

Customers use Libhongolethu services at their own risk.

Therefore, the NMBM or its contractors shall not be liable if you injure yourself while on Libhongolethu premises or travelling in the Libhongolethu system.

Customers should follow the following the instructions below to ensure their own safety and the safety of others in the Libhongolethu system. Non-compliance with these instructions may lead to injury or death.

1. Introduction

- a) Our aim is to provide our passengers with a safe, reliable and pleasant journey. This document aims to provide details of the Terms and Conditions under which we transport our passengers and their property.
- b) These Terms and Conditions do not affect your statutory rights as a passenger or consumer and do not limit our liability for damages due to our gross negligence.
- c) These Terms and Conditions may be altered from time to time, without notice. The edition which is in force at the time when a passenger purchases a Ticket is the edition which will be applicable.

2. Fares and Tickets

- a) Passengers who board a bus and do not already have a valid Ticket, will have to advise the Driver or Conductor of their destination and buy a Ticket.
- b) When buying a Ticket, please try to pay using the correct change, check that the Ticket is new, shows the correct fare and that you have received the correct change. We cannot correct mistakes later.
- c) If a Driver cannot give a passenger the correct change, the Driver will accept payment and issue the passenger with a Ticket. The Driver will then, without leaving the bus unattended, try his/her best to give the passenger the correct change by the time the passenger has reached his/her destination. If this is not possible, the Driver will provide the passenger with a voucher which will have to be presented at Libhongolethu's offices for a refund.
- d) Tickets are not transferable and are only valid for a specific journey.
- e) Each passenger has to be in possession of his/her own Ticket. Passengers are also required to keep their Ticket for the whole journey and to show it to Libhongolethu's officers when asked to do so. Passengers who do not have a valid Ticket will be guilty of an offence and be asked to pay the penalty fare stipulated, alternatively be ejected from the bus.
- f) Fares are subject to review and Libhongolethu reserves its right to change prices or charges without notice.

3. Travelling with Us

- a) Details of our routes, timetables and fares can be obtained by calling us on Call Centre No. 0800 478 787



- b) Occasionally, due to events beyond Libhongolethu's control, such as severe traffic congestion, bad weather, accidents or breakdowns, journeys may be changed, delayed or Libhongolethu may not be able to operate the advertised service at all. The NMBM, its employees and agents will not be liable for any costs or losses that passengers suffer or for any inconvenience that passengers may experience as a result of this.
- c) Libhongolethu also cannot guarantee a seat or space on every journey or that passengers will be able to get on buses that are already full.
4. Safety
- a) Passengers may not board buses when they are full.
- b) Unless otherwise directed by the NMBM Authorised Officer, passengers: -
- i) May not board or alight from buses that are moving or at places other than scheduled Stops; and
 - ii) Shall enter or depart from a bus by the left-hand or right-hand doors of the vehicles as may be in use at that time;
- c) Passengers shall: -
- i) Show due regard for the safety of other passengers;
 - ii) Follow all instructions shown on our buses and those given by the Authorised Officials;
 - iii) Take their seats (if available) immediately after boarding the bus and where possible, remain seated until such time as the bus comes to a standstill at their required bus Stop;
 - iv) Stand in the standing room allocated in the bus and hold onto a hand pole, sling or seat back at all times while standing;
 - v) If standing, occupy a seat as soon as one becomes available;
 - vi) Immediately advise the bus Driver or Authorised Officer if they sustain an injury travelling on the bus; and
 - vii) Immediately advise the bus Driver, Authorised Officer or emergency services if they see any suspicious article or package on or near a bus.
- d) Passengers may not: -
- i) Occupy platforms, stairs or unauthorised portions of the bus;
 - ii) Stand on a bus seat;
 - iii) Without reasonable cause distract the Driver's attention or obstruct his/her vision; or
 - iv) Throw or stick anything out of the bus windows or doors.
5. Your Conduct
- a) All passengers are welcome on our buses. We ask that passengers comply with the following conduct conditions. Failure to comply may result in passengers being refused access or directed to leave our buses or premises at any time.
- b) Passengers may not: -
- i) Smoke on any of our buses or in any of our stations and or premises at any time;
 - ii) Behave in an abusive or threatening manner;
 - iii) Behave in such a manner as to cause offence to any reasonable passenger;

- iv) Wear clothing that is soiled to such an extent that it could reasonably be expected to soil the fittings in the bus or the clothing or possessions of other passengers;
 - v) Be intoxicated or consume intoxicating liquor on the bus; or
 - vi) Intentionally interfere, deface or damage any part of the bus or any person or property thereon.
6. Luggage, Parcels and Animals
- a) Libhongolethu may permit passengers to carry luggage, parcels or animals on buses and reserves the right to charge an authorised fare where applicable;
 - b) Articles should be kept on the lap of a passenger or safely stowed underneath a seat;
 - c) Articles shall not occupy a standing or seating space. If this happens, an additional fare will be charged for these articles;
 - d) Libhongolethu reserves the right to refuse to carry any animal or article of a bulky, dangerous or offensive nature;
 - e) All luggage, parcels and animals must be accompanied and are carried at the owner's risk;
 - f) No bulky, cumbersome, explosive, combustible or hazardous items will be carried;
 - g) The Passenger retains the risk of loss of, or damage to luggage or parcels. Libhongolethu will not accept liability for loss, damage or inconvenience suffered if a passenger is unable to travel with us because of any of these restrictions;
 - h) Libhongolethu will not accept responsibility or liability for any article left on our buses and/or premises;
 - i) Passengers who find any unattended property in the vehicle or property, must inform the Driver or relevant officials immediately;
 - j) Any property found by or handed to the Driver, shall as soon as possible be handed to the designated Libhongolethu official;
 - k) If the property is claimed by a person who satisfies the Driver as being the owner thereof, before it has been handed to Libhongolethu, then it will be returned to the person immediately;
 - l) Property handed to Libhongolethu that appears to be of a perishable nature and not claimed within 48 hours from the time found, will be disposed of or destroyed. If in the opinion of Libhongolethu, such property has become objectionable, it may be disposed of at any time;
 - m) Property not claimed within 1 month of the date on which it is found, or no person is able to satisfy Libhongolethu of his/her ownership thereof, shall vest in Libhongolethu who may deal with it as it deems fit.

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