



THE SUPREME COURT OF APPEAL  
OF SOUTH AFRICA

**MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

**FROM** The Registrar, Supreme Court of Appeal  
**DATE** 23 September 2011  
**STATUS** Immediate

*Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.*

**Moruleng and District Taxi Association v North West Provincial Department of Transport & 27 others (254/10) [2011] ZASCA 138 (23 September 2011)**

The appellants (the Moruleng and District Taxi Association) the fourth respondent (the Mogwase Taxi Association) are rival taxi associations. They both laid claims to operate on a disputed taxi route (the Mogwase-Moruleng Taxi route) in the North West Province. Members of the appellant had operating licences issued by the North West Provincial Operating Licence Board (the Board) in terms of s 79 of the National Land Transportation Act 22 of 2000 (NLTTA) to operate on this route as they had been operating on the disputed route on a regular basis for a period of at least 180 days before the application for the conversion of their old taxi permits to the new operating licences as required by s 80(1) of the NLTTA. The competing claims by the two rival associations to operate on the disputed route led to many protracted and acrimonious disputes.

Subsequently members of the fourth respondent applied and were granted new operating licences to operate on the disputed route by the Board. Aggrieved by this decision, members of the first appellant took the matter on review to the High Court Mmabatho. The high court (Landman J) dismissed the application, not on the merits, but on a point in limine that it had been brought after some unreasonable delay or at least not within 180 days after the appellants had become aware of the decision of the Board as required by s 7 of the Promotion of Administrative Justice Act 3 of 2000 (PAJA). On appeal the High Court, Mmabatho (Hendricks J, Leeuw AJP and Kgoele AJ) dismissed the appeal.

Essentially they held that the operating licences issued to members of the fourth respondent were properly issued and thus valid.

The Supreme Court of Appeal (SCA) held that the court below was wrong in finding that members of the fourth respondent (Mogwase Taxi Association) had complied with the jurisdictional requirement set out in s 80(1) of the NLTTA ie that they had been providing a regular service on the disputed route for at least 180 days before the date on which they made their applications for the conversion of their taxi permits into operating licences. The SCA found that members of the fourth respondent had not been operating on the disputed route at least 180 days before the date of their applications for conversion. Having found that this jurisdictional requirement had not been met, the SCA upheld the appeal, reviewed and set the decision of the second respondent (North West Provincial Operating Licence Board) to grant the operating licences aside with costs.