

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

WRITTEN REPLY

FRIDAY, 27 MARCH 2026

20. Prof N Mbombo to ask Mr I M Sileku, Minister of Mobility:

With reference to the Department's intention to assess the Western Cape Provincial Road Traffic Administration Act, 2012 (Act 6 of 2012), with the view possibly to introduce provisions for impoundments:

- (1) What (a) deficiencies have been identified in the current legislation and (b) expansions or amendments to the legislation are being considered;
- (2) (a) how many vehicles were impounded in the province in the 2025/26 financial year, specifically vehicles (i) of MBT operators, (ii) of e-hailing operators and (iii) in private or everyday use, and (b) what are the main reasons for these impoundments;
- (3) what measures does his Department implement to assist the stakeholders mentioned in (2) above in preventing impoundments?

Response:

(1) What (a) deficiencies have been identified in the current legislation and (b) expansions or amendments to the legislation are being considered;

(a) Deficiency identified: The Western Cape Road Traffic Administration Act (WCRTAA) does not currently provide for vehicle impoundments. The concluded regulatory impact assessment assessed whether this constitutes a regulatory gap, taking into account constitutional, enforcement and road-safety considerations.

(b) We are considering whether amendments, including the introduction of impoundment provisions, are appropriate, based on the outcomes of the regulatory impact assessment (RIA).

A previous attempt to amend the WCRTAA, through the insertion of a provision enabling the relevant MEC to promulgate regulations on impoundments, was found to be unconstitutional and was consequently aborted in 2015. A new regulatory impact assessment was initiated in 2023, with a broader scope of assessment, inclusive of other legislation, such as Law 8 of 1996 (Western Cape Road Transportation Act), to determine whether there are deficiencies in these pieces of legislation which, if addressed, might contribute to improving safety on our roads.

The gap analysis and legislative review report was finalised on 31 March 2026. Its findings confirm that the current transport legislative framework contains regulatory gaps, overlaps and inconsistencies, and that national legislation is often too broad to adequately address specific provincial realities. The report further identifies a need for clearer, province-specific

provisions, improved alignment across legislation, and strengthened regulatory and enforcement mechanisms.

In this regard, key areas identified for possible amendment include:

- **Regulatory alignment and scope**, to provide clearer provincial definitions of transport modes and address local operational realities.
- **Strengthening the regulatory powers of the Registrar**, to improve oversight, enforcement and compliance within the public transport sector.
- **Clarifying registration frameworks** for taxi associations, members, drivers and mother bodies, including improved accountability and periodic re-registration.
- **Enhancing codes of conduct and governance arrangements**, particularly to strengthen driver-level accountability and ensure continuity during leadership transitions.
- **Improving capacity-building and oversight mechanisms**, including training, guidance and improved resourcing.
- **Introducing stronger administrative oversight tools**, to enable rapid intervention in high-risk or dysfunctional situations.
- **Refining industry governance and dispute-resolution mechanisms**, including clearer rules relating to operating licences and internal industry disputes.

The outcomes of the RIA and legislative assessment will inform the Department's consideration of appropriate legislative amendments, including whether the introduction of impoundment provisions for serious traffic offences is warranted as an enforcement mechanism.

(2) (a) how many vehicles were impounded in the province in the 2025/26 financial year, specifically vehicles (i) of MBT operators, (ii) of e-hailing operators and (iii) in private or everyday use, and (b) what are the main reasons for these impoundments;

Impounds per month – (Public Transport):

Reason > No operating License
Reason > Contrary to Operating License

Month	Impounds	Operating License	Contrary
July 2025	1137	881	256
August 2025	1034	769	265
September 2025	921	709	212
October 2025	1196	921	275
November 2025	1075	800	275
December 2025	866	716	150
January 2026	667	521	146
February 2026	933	654	279
March 2026	408	291	117

Impounds per month (e-hailing):

Reason > No permit
Reason > Contrary to permit

Month	Permit	Contrary	E-hailing Impounds
July 2025	551	0	551
August 2025	460	1	461

September 2025	442	1	443
October 2025	591	0	591
November 2025	465	0	465
December 2025	453	0	453
January 2026	283	0	283
February 2026	280	0	280
March 2026	130	0	130
Total	3655	2	3657

Impounds Jul 2025 – Mid March 2026 (private / everyday use):

- Parking/obstructions = 441
- Abandoned = 143
- City By Law = 40

(3) what measures does his Department implement to assist the stakeholders mentioned in (2) above in preventing impoundments?

The Department met with representatives of all the different public transport modes to source their input on the Department's intentions to introduce impoundment legislation and invited these stakeholders to provide the Department with suggestions on how to improve road safety, other than through impoundments. In addition, the Department provided opportunities for free roadworthy checks, particularly in the run-up to the festive season, school holidays and Easter weekend. From a regulatory approach, the Provincial Regulatory Entity (PRE) also creates awareness around the legal requirement obligating public transport operators and drivers to adhere to operating licence conditions and often acts against operators who transgress in this regard. These administrative measures are aimed at providing another level of deterrence, albeit less dramatic than impoundment, and could save an operator from temporarily losing the use of his/her vehicle through an impoundment, if warnings by the PRE are responded to positively. The PRE may also suspend or cancel an operator's operating licence.

MINISTER OF MOBILITY

DATE: