



(1 December 2011)

APPLICATION NUMBER: \_\_\_/\_\_\_/\_\_\_

For Office Use Only

## TERMINAL OPERATOR LICENCE

Application for a Terminal Operator licence issued in terms of section 57 read with section 65 of the National Ports Act No. 12 of 2005

Trading name of Applicant:

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Port in which terminal is operated:

Place	Tick applicable port
Port of Richards Bay	
Port of Durban	
Port of East London	
Port of Ngqura	
Port of Port Elizabeth	
Port of Mossel Bay	
Port of Cape Town	
Port of Saldanha	
Port Nolloth	

Type of terminal operated:

Type of terminal	Tick applicable terminal
Automotive	
Break bulk	
Container	
Dry bulk	
Liquid bulk	
Multi-purpose	

## IMPORTANT INFORMATION - INSTRUCTIONS

### UNDERSTANDING THE APPLICATION FORM

1. Applicants are advised to read these **Instructions**, as well as the Guidelines for Agreements, Licences and Permits in terms of the National Ports Act No. 12 of 2005 ("the Guidelines") carefully before completing the **Application form**. The Guidelines are available at [www.transnetnationalportsauthority.net](http://www.transnetnationalportsauthority.net).
2. Any queries regarding the completion of the **Application form** may be submitted to the respective Port Property Manager.

### ANNEXURES

3. Certain documentation or information is required in support of a response to some questions. Applicants are instructed in the **Application form** regarding the documentation or information required as annexures. If the required documentation or information is not submitted, the application may be adversely affected or may be refused.

### COMPLETION OF APPLICATION FORM

4. An application for a terminal operator licence must be made in writing in the form specified hereinafter and must contain the information specified therein.
5. Complete all paragraphs of the **Application form** in the spaces provided. If the information necessary for completion of a paragraph is not available, the response should be "information not available". Information may not be submitted by way of annexures, except where applicants are specifically directed to do so.
6. The **Application form** must be completed and submitted together with the required supporting documents. Complete the **Application form** in black ink and in **CAPITAL LETTERS**.
7. The **declaration** must be signed and declared as true. If the declaration is not signed and declared to be true, the application will be refused.
8. The application must be punched and placed in a file, with a divider before each annexure. The annexures must be clearly marked and numbered as indicated in the **Application form**.

### LODGEMENT OF APPLICATION

9. Any person who **managed and operated an automotive, break bulk, container, dry bulk, liquid bulk or multi-purpose cargo terminal immediately prior to 26 November 2006 and who wishes to continue to do so, must apply** for a terminal operator licence in respect of that terminal within six months of the date determined in the Minister of Public Enterprises' notice in the Government Gazette.
10. In order to finalise the **Application** the following documents and information are required:
  - a) Completed and signed **Application form** per terminal per port; and
  - b) Provide **annexures** as indicated in the **Application form**, as needed;

11. **Applications** must be submitted on a, **per terminal per port** basis, to the office of the Authority's Port Property Manager at the respective port.
12. **Applications** must be delivered between 08:30 and 16:00 during weekdays, to the office of the Authority's Port Property Manager for the applicable port, namely:

Port	Person	Email	Fax	Telephone
Richards Bay	Mr Cobie Snyman	cobie.snyman@transnet.net	035 9053189	035 9053235
Durban	Ms Nokuzola Nkowane	nokuzola.nkowane@transnet.net	031 3618427	031 3618837/ 8909
East London	Mr Donovan Samuels	donovan.samuels@transnet.net	043 7002391	043 7002203
Ngqura	Mr Sujit Bhagattjee	sujit.bhagattjee@transnet.net	041 5071966	041 5071762
Port Elizabeth	Mr Sujit Bhagattjee	sujit.bhagattjee@transnet.net	041 5071966	041 5071762
Mossel Bay	Mr Willem Roux	willem.roux@transnet.net	044 6046231	044 6046272
Cape Town	Mr Johan Claassen	johan.claassen2@transnet.net	021 4493345	021 449 2337
Saldanha Bay	Ms Deidre Marshall	deidre.marshall@transnet.net	022 7035474	022 7035475
Port Nolloth	Mr Johan Claassen	johan.claassen2@transnet.net	021 4493345	021 449 2337

13. A formal acknowledgement of receipt will be issued by the Authority's Port Property Manager upon receipt of the **application**. The receiving of the application does not imply an acknowledgment of the completeness of the application or the correctness of its content.
14. **Applications** may **not** be submitted by post, fax or email. An application not submitted by hand, within the timeframes at the applicable port, as stipulated in the invitation, will be refused.

#### PAYMENT OF LICENCE FEE

15. **No** licence fee is payable.

#### IMPROPER LODGEMENT

16. Improperly lodged **applications** will be refused. An **application** is improperly lodged if:

- it was received **late**;
- the **application** was lodged in a manner not in line with the **Instructions**.

#### MATERIAL DEFECTS

17. **Applications** that are materially defective will be refused. An **application** is materially defective if, amongst others:
- the **declaration** was not signed and attested to by an applicant's **authorised representative**;
  - or
  - the applicant provided false information or documents, failed to disclose material information or attempted to improperly influence officials of Transnet National Ports Authority ("the Authority").

**TERMINAL OPERATOR LICENCE - APPLICATION FORM**

**Paragraph 1 - Applicant details**

1.1 Registered name of applicant: .....

1.2 Trading name of applicant: .....

1.3 Registration number: .....

1.4 Address/location of terminal premises: .....

1.5 Principal place of business: .....  
(Physical address)

.....  
.....

Town / City: .....

Postal code: .....

1.6 Postal address: .....

Town / City: .....

Postal code: .....

1.7 Telephone number: (     ) .....

1.8 Fax number: (     ) .....

1.9 Authorised representative's first name: .....

1.10 Authorised representative's surname: .....

a) Identity number: .....

b) Position held / relationship to applicant: .....

c) Cellular number: .....

d) E-mail address: .....

1.10.1 Provide, as **Annexure 1A**, a copy of a resolution authorising the person listed in paragraph 1.10 to be the authorised representative.

## Paragraph 2 - General obligations / functions of the Terminal Operator

2.1. Please provide as:

**Annexure 2A**, a list of the terminal operation services/activities provided immediately prior to 26 November 2006; and

**Annexure 2B** a list of the services/activities it currently provides at the applicable terminal.

2.2 Is the applicant capable of complying with the obligations of the terminal operator specified in clause 3.5 of the applicable model Terminal Operator licence ("the Terminal Operator licence")?

Yes  No

2.2.1 If "Yes", provide as **Annexure 2C** a motivation demonstrating that the applicant is capable of efficiently operating the terminal and is capable of complying with the obligations of the terminal operator in terms of clause 3.5 of the Terminal Operator licence.

2.2.2 If "No", provide as:

**Annexure 2D**, a brief explanation of "why" not; and

**Annexure 2E**, an explanation of "how" and "when" the applicant will remedy the situation.

2.2.3 An applicant may be in the position to comply with certain of the obligations in clause 3.5 of the model licence but not with others. If so, provide as:

**Annexure 2F**, an explanation of the extent to which the applicant **is** capable of complying with the obligations; and a motivation demonstrating that it is capable of complying.

**Annexure 2G**, an explanation of the extent to which the applicant is **not** capable of complying with the obligations. Indicate "how" and "when" the applicant will remedy the situation.

2.3 Does the applicant have all licences, permits and other authorisations necessary to operate the Terminal and render the services and perform the activities referred to in clause 3 of the Terminal Operator licence?

Yes  No

2.3.1 If "Yes", provide, as **Annexure 2H**, a list of the applicant's current licences, permits and other authorisations.

2.3.2 If "No", provide as:

**Annexure 2I**, a list of the applicant's current licences, permits and other authorisations; and

**Annexure 2J**, a brief explanation as to “what” steps the applicant intends to take to remedy the situation and “when” such steps will be taken.

### Paragraph 3 - Replacement, repair and maintenance obligations

- 3.1 Does the applicant currently comply with the replacement, repair and maintenance obligations contemplated in clause 6 of the Terminal Operator licence?  Yes  No
- 3.1.1 If not, is the applicant capable of complying with those obligations  Yes  No
- 3.1.2 To the extent that the applicant does not currently comply but is capable of complying, provide, as **Annexure 3A**, a motivation explaining “how” the applicant is capable of complying.
- 3.1.3 To the extent that the applicant is not capable of complying, provide, as **Annexure 3B**, an explanation as to “how” and “when” the applicant will become capable of so complying.
- 3.2 Provide as **Annexure 3C** a list of the current equipment in the terminal.

### Paragraph 4 - Roadways, surfaces and access

- 4.1 Does the applicant currently comply with the construction and maintenance requirements contemplated in clause 7.1 of the Terminal Operator licence?  Yes  No
- 4.1.1 If not, is the applicant capable of complying with those requirements  Yes  No
- 4.1.2 To the extent that the applicant does not currently comply but is capable of complying, provide, as **Annexure 4A**, a motivation explaining “how” the applicant is capable of complying.
- 4.1.3 To the extent that the applicant is not capable of complying, provide, as **Annexure 4B**, an explanation as to “how” and “when” the applicant will become capable of so complying.
- 4.2 Does the applicant currently comply with the obligations contemplated in clause 7.2 of the Terminal Operator licence?  Yes  No
- 4.2.1 If not, is the applicant capable of complying with those obligations  Yes  No
- 4.2.2 To the extent that the applicant does not currently comply but is capable of complying, provide, as **Annexure 4C**, a motivation explaining “how” the applicant is capable of complying.

- 4.2.3 To the extent that the applicant is not capable of complying, provide, as **Annexure 4D**, an explanation as to “how” and “when” the applicant will become capable of so complying.

### Paragraph 5 – Private siding (if applicable)

- 5.1 Provide a certified copy of the safety permit for the private siding issued in terms of the National Railway Safety Regulator Act 16 of 2002, as **Annexure 5A**.

### Paragraph 6 - Labour and personnel

- 6.1 Does the applicant currently comply with the labour and personnel obligations contemplated in clause 9.2 of the Terminal Operator licence?  Yes  No
- 6.1.1 If not, is the applicant capable of complying with those obligations  Yes  No
- 6.1.2 To the extent that the applicant does not currently comply but is capable of complying, provide, as **Annexure 6A**, a motivation explaining “how” the applicant is capable of complying.
- 6.1.3 To the extent that the applicant is not capable of complying, provide, as **Annexure 6B**, an explanation as to “how” and “when” the applicant will become capable of so complying.
- 6.2 Provide, as **Annexure 6C**, the number of employees employed by the applicant at the terminal.
- 6.3 Provide, as **Annexure 6D**, the number and positions of independent contractors at the terminal.

### Paragraph 7 - Health and Safety

- 7.1 Does the applicant currently comply with the health and safety obligations contemplated in clause 10.2, 10.3 and 10.4 of the Terminal Operator licence?  Yes  No
- 7.1.1 If not, is the applicant capable of complying with those obligations  Yes  No
- 7.1.2 To the extent that the applicant does not currently comply but is capable of complying, provide, as **Annexure 7A**, a motivation explaining “how” the applicant is capable of complying.
- 7.1.3 To the extent that the applicant is not capable of complying, provide, as **Annexure 7B**, an explanation as to “how” and “when” the applicant will become capable of so complying.

## Paragraph 8 - Broad-based black economic empowerment

- 8.1 What is the applicant's current BBBEE Status as contemplated in clause 11.1 of the Terminal Operator licence? **Level [ ] Contributor**
- 8.2 Provide, as **Annexure 8A**, a copy of the certificate from an accredited verification agency reflecting the applicant's current BBBEE status.
- 8.3 If applicant's current BBBEE status is from level 5 to 9, provide as **Annexure 8B** an explanation as to "how" the applicant will comply with the requirement in clause 11.1 of the Terminal Operator licence.

## Paragraph 9 - Security

- 9.1 Does the applicant currently comply with the security obligations contemplated in clause 12.1 of the Terminal Operator licence?  **Yes  No**
- 9.1.1 If not, is the applicant capable of complying with those obligations  **Yes  No**
- 9.1.2 To the extent that the applicant does not currently comply but is capable of complying, provide, as **Annexure 9A**, a motivation explaining "how" the applicant is capable of complying.
- 9.1.3 To the extent that the applicant is not capable of complying, provide, as **Annexure 9B**, an explanation as to "how" and "when" the applicant will become capable of so complying.
- 9.2 Does the applicant currently comply with the provisions of the International Maritime Organisation Convention of Safety and Security at Sea, the ISPS Code and the Maritime Security Regulations 2004, adopted under the Merchant Shipping Act No 57 of 1951, contemplated in clause 12.2 of the Terminal Operator licence?  **Yes  No**
- 9.2.1 If not, is the applicant capable of complying with those obligations  **Yes  No**
- 9.2.2 To the extent that the applicant does not currently comply but is capable of complying, provide, as **Annexure 9C**, a motivation explaining "how" the applicant is capable of complying.
- 9.2.3 To the extent that the applicant is not capable of complying, provide, as **Annexure 9D**, an explanation as to "how" and "when" the applicant will become capable of so complying.

## Paragraph 10 - Environmental protection

- 10.1 Does the applicant currently comply with the environmental obligations contemplated in clause 13.4 of the Terminal Operator licence?  **Yes  No**
- 9.1.1 If not, is the applicant capable of complying with those obligations  **Yes  No**



- 9.1.2 To the extent that the applicant does not currently comply but is capable of complying, provide, as **Annexure 10A**, a motivation explaining “how” the applicant is capable of complying.
- 9.1.3 To the extent that the applicant is not capable of complying, provide, as **Annexure 10B**, an explanation as to “how” and “when” the applicant will become capable of so complying.

## Paragraph 11 - General

- 12.1 Does the applicant want to submit any comments on or propose amendments to the content of the Terminal Operator licence? ○ Yes ○ No
- 12.1.2 If so, provide, as **Annexure 11A**, the comments and suggestions.
- 12.1.3 To the extent that the applicant submits that a particular proposed licence condition is inappropriate, the applicant must provide, as **Annexure 11B**, a motivation explaining why.
- 12.2 Note: The Authority will make the decision, at its discretion, as to the appropriate licence terms and conditions.

## Paragraph 12 - Applicant declaration

I, the undersigned, do hereby declare that:

- a) I have read the instructions set out on the instructions page of this application form.
- b) The information submitted with and in this application is true, correct and complete.
- c) I accept that if any information in this application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the application being refused, or to the withdrawal, suspension or cancellation of any licence granted on the strength of this application.
- d) In order to allow for the proper verification of information submitted, I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to the application, to disclose or make the information available to the Transnet National Ports Authority.
- e) The applicant undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises and documents. The applicant accepts that a failure to co-operate may constitute an independent ground for refusing an application.

- f) The applicant accepts that any attempt to influence the decision of Transnet National Ports Authority on the allocation of a licence in any manner other than provided for in the Guidelines or in this application form, may result in the application being refused.

**Signed at** .....

**This**..... **day of** ..... **20**.....

**Signature of Authorised Representative:** .....

**Representative's full name:** .....

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Full name: .....

Designation: .....

Physical address: .....

.....

**FOR OFFICIAL USE ONLY: DO NOT TEAR OFF** **RECEIPT**

**Registered name of applicant:** .....

**Received by:** .....  
*(Name)* *(Signature)*

**Date of receipt:** ..... 20.....

**Time of receipt:** ..... : .....

**Receipting venue:** .....

**Application number:** .....

Transnet National  
Ports Authority  
Stamp:

**Disclaimer:** The receiving of this application does not imply an acknowledgment of the completeness of the application or the correctness of its content.

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