
GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT**No. R. 753****16 July 2008****DEPARTMENT OF TRANSPORT****ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES ACT, 1998 (Act No. 46 of 1998) AS AMENDED****ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES REGULATIONS, 2008**

The Minister of Transport acting under section 34 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) hereby revokes Government Notice No. R. 701 as published in *Government Gazette* No. 31183 of 1 July 2008 with the following schedule.



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Minister of Transport

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CHAPTER 1

Interpretation of regulations

Definitions

1. In these regulations, any word or expression which has been defined in the Act has that meaning and any word or expression defined in the National Road Traffic Act, 1996 or the Road Traffic Regulations, 2000 has that meaning, and unless the context indicates otherwise –
 - (a) “**bank guaranteed cheque**” means a cheque that has been guaranteed to contain the funds reflected thereon;
 - (b) “**Corporation**” means the Road Traffic Management Corporation established in terms of section 3 of the Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999);
 - (c) “**National Road Traffic Act**” means the National Road Traffic Act 1996 (Act No 93 of 1996) as amended from time to time;
 - (d) “**Road Traffic Regulations**” means the Road Traffic Regulations, 2000 made under section 75 of the National Road Traffic Act, 1996 as amended from time to time; and
 - (e) “**the Act**” means the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998).

CHAPTER 2

Administrative functions

Execution of administrative functions of the Agency by the Corporation

2. The administrative functions of the Agency that arises as a result of the infringement notices to be issued and served to the infringers, representations to be made by the infringers and submitted to the representation officers for consideration, courtesy letters, enforcement orders, warrants, service of notices and other administrative functions concerning the recording of information, reception and dispatch of mail, as approved by the Registrar, shall be executed by the Corporation on behalf of the Agency: Provided that the Corporation shall not provide any service to the Agency that entails that it shall execute any discretion or decision on behalf of the Agency.

CHAPTER 3

Adjudication procedure

Infringement notice

3. (1) An infringement notice contemplated in section 17(1) of the Act shall be issued and served or caused to be served to the infringer –
 - (a) in person, on a form similar to forms AARTO 01 and AARTO 02 as shown in Schedule 1; or
 - (b) by registered mail, on a form similar to form AARTO 03 as shown in

Schedule 1, within 40 days of the commission of the infringement.

- (2) Subject to the provisions of section 17(1) of the Act, the infringement notice shall contain the following additional information –
- (a) the provision of the National Road Traffic Act, the Road Traffic Regulations, provincial legislation and by-laws, which the infringer is alleged to have contravened;
 - (b) the facts of the infringement;
 - (c) the details of the infringer, including his or her –
 - (i) surname;
 - (ii) full name, and if such infringer has more than one name, at least the first two full names and the initials of any further names;
 - (iii) nationality;
 - (iv) identification type;
 - (v) country of issue;
 - (vi) identification number;
 - (vii) driving licence number and code and if applicable, the category of professional driving permit held by the infringer, and if such licence is a foreign licence, the country of issue of such licence; and
 - (viii) operator card number, if applicable;
 - (d) the addresses of the infringer, including the –
 - (i) postal address and code;
 - (ii) street address and code;
 - (iii) business address and name, if applicable; and
 - (iv) e-mail address;
 - (e) the telephone and fax numbers of the infringer, including the –
 - (i) home telephone number;
 - (ii) business telephone number;
 - (iii) fax number; and
 - (iv) cellular telephone number;
 - (f) the details of the vehicle with which the infringer has committed the infringement, including the –
 - (i) motor vehicle licence number;
 - (ii) motor vehicle licence disc number;
 - (iii) gross vehicle mass, if applicable;
 - (iv) vehicle description;
 - (v) make of vehicle;
 - (vi) series of vehicle; and
 - (vii) colour of vehicle;
 - (g) the place where the infringement was committed, including the –
 - (i) name of the province;
 - (ii) name of the municipality, city or town or court district where applicable;

- (iii) name of the suburb, where applicable;
 - (iv) street name or public road or route number where the infringement was committed and direction of travel; and
 - (v) names of the nearest city or town on both sides of the location in rural areas;
 - (h) the date and time of the infringement;
 - (i) the code number and description of the infringement and the alternative infringement, if applicable, together with the following in each instance –
 - (i) classification of the infringement as contemplated in section 29(a) of the Act;
 - (ii) penalty amount of the infringement;
 - (iii) applicable discount amount and the discounted amount; and
 - (iv) demerit points for the infringement;
- and
- (j) with regard to the officer who issued the notice, his or her –
 - (i) surname and initials;
 - (ii) infrastructure number; and
 - (iii) the name of the issuing authority at which he or she is employed.
- (3) Subject to regulation 2, the manner in which the issuing authority must notify the Agency that an infringer has failed to comply with an infringement notice within the period contemplated in section 17(1) of the Act, is by submitting an electronic data file on which the information known in respect of the infringer and the infringement appears, in accordance with regulation 23(1), within such period, not exceeding 32 days, as may be agreed upon between the issuing authority and the Agency.
- (4) The information that must be contained in the electronic file, as contemplated in subregulation (3), is set out in Schedule 5.

Representations

4. (1) Subject to regulation 2 –
- (a) the representations contemplated in section 18 or 19(2)(b)(i) of the Act; or
 - (b) the representations to accept guilt on an alternative infringement;
- must be submitted to the Agency on a form similar to form AARTO 08 as shown in Schedule 1, in the manner contemplated in regulation 23(1)(a) and the infringer must keep a copy of such representation.
- (2) Subject to regulation 2, the Agency must within 7 days from the date of receipt of representations, acknowledge the receipt of such representations on a form similar to form AARTO 05c as shown in Schedule 1, in the manner contemplated in regulation 23(4).

- (3) If the infringer has not received an acknowledgement as contemplated in subregulation (2), from the Agency within 21 days from the date on which the infringer submitted representations, the infringer must notify the Agency on a form similar to form AARTO 08 as shown in Schedule 1, in the manner contemplated in regulation 23(1)(a), if the said acknowledgement has not been received as contemplated in paragraph (a).
- (4) The manner in which the representations officer must inform the issuing authority concerned of receipt of a representation indicating reasonable grounds why the infringer should not be held liable as contemplated in section 18(4)(a) of the Act, is by a notification made in terms of regulation 23(2).
- (5) The issuing authority shall reply to the representation received in terms of subregulation (4) within 7 days of receipt of such notification from the Agency.

Notification of result of representations

5. Subject to regulation 2, the Agency must inform an infringer of the decision of the representation officer within 21 days from the date of receipt of his or her representations contemplated in regulation 4(1), by providing the infringer with a properly completed form similar to form AARTO 09, as applicable, as shown in Schedule 1 in accordance with regulation 23(3).

Courtesy letter

6. Subject to regulation 2, the Agency shall issue a courtesy letter in terms of section 19(1) of the Act, on a form similar to form AARTO 12 as shown in Schedule 1 and within such period, not exceeding 32 days, as may be agreed upon between the issuing authority and the Agency, after receipt of the notice contemplated in regulation 3(3).

Enforcement order

7.
 - (1) The Registrar shall issue an enforcement order as contemplated in section 20(1) of the Act on a form similar to form AARTO 13 as shown in Schedule 1.
 - (2) Subject to regulation 2, the Agency must notify the infringer, as contemplated in section 20(1)(c) of the Act, of the demerit points recorded against his/her name in the National Contraventions Register by sending a properly completed form similar to form AARTO 19 as shown in Schedule 1.
 - (3) The manner in which an infringer may provide proof that he or she has paid the penalty and fees specified in the enforcement order as contemplated in section 20(6) of the Act is by providing to a registering authority or driving licence testing centre –
 - (a) the original receipt of payment, if payment was directly made to an issuing authority, a registering authority, driving licence testing centre or agent as contemplated in regulation 13;
 - (b) the deposit slip, if payment was made by cash deposit;
 - (c) the deposit slip and certified copy of the bank guaranteed cheque, if payment was made by bank guaranteed cheque; or

- (d) a certified copy of the infringer's bank statement, if payment was made by debit order, bank guaranteed cheque or electronic transfer.
- (4) Subject to regulation 2, a registering authority or driving licence testing centre must retain the records of payments received and must record such payments made by the infringers pursuant to the issuing of the infringement notice in the National Contraventions Register as contemplated in regulation 18(5).
- (5) An infringer who wishes to apply to the Agency for the revocation of the enforcement order as contemplated in section 20(9)(a) of the Act, must submit a properly completed form similar to form AARTO 14 as shown in Schedule 1 to the Agency in accordance with regulation 23(1)(a).
- (6) The Agency must acknowledge receipt of such application on a form similar to form AARTO 05e as shown in Schedule 1 and must, within 21 days from the date of receipt of an application contemplated in subregulation (5), notify the infringer of the result of the application on a form similar to form AARTO 15, as shown in Schedule 1.
- (7) An issuing authority may apply to the Agency for the revocation of the enforcement order as contemplated in section 20(9)(b) of the Act, by submitting to the Agency in accordance with regulation 23(1) an electronic data file on which the reference number of the infringement notice, the particulars of the infringer and the reason for the application appear.
- (8) The Agency must notify the issuing authority contemplated in subregulation (7) of the result of its application, by submitting an electronic data file which contains the outcome of the application for revocation to the said issuing authority, within 21 days from the date of receipt of an application contemplated in subregulation (7).

Warrant

- 8. (1) Subject to section 21(1) of the Act, the Registrar shall issue a warrant, after a period of 14 days has elapsed, which period shall be calculated from the first day after the expiry of a period referred to in section 20(3)(a) of the Act has elapsed, on a form similar to form AARTO 24 as shown in Schedule 1.
- (2) The warrant issued in terms of subregulation (1) above shall –
 - (a) be valid until it is executed by the sheriff as contemplated in section 21(4) of the Act, or is cancelled by the Registrar;
 - (b) be executed after 07h00 and before 21h00, unless otherwise authorized by the Registrar; and
 - (c) only be executed against movable property of the infringer in accordance with the terms of the warrant.
- (3) Subject to regulation (2), the sheriff must execute a warrant contemplated in section 21(1) of the Act –
 - (a) in accordance with the Rules of Court made under the Magistrates Courts Act, 1944 (Act No. 32 of 1944), in so far as they apply to the execution against movable property, and

- (b) (i) by seizing the driving licence or professional driving permit of the infringer, that is mentioned in the warrant, if available, and submitting it to the Agency together with the return of service;
 - (ii) by removing and defacing the licence disc of the motor vehicle that is mentioned in the warrant, if available, and of which the infringer is the owner, or any other motor vehicle of which the infringer is the owner; and submitting the disc to the Agency together with the return of service;
 - (iii) by seizing or defacing the operator card of the motor vehicle that is mentioned in the warrant, if available, and of which the infringer is the registered operator; and submitting the disc to the Agency together with the return of service; and
 - (iv) by immobilizing the motor vehicle that is mentioned in the warrant and of which the infringer is the owner or registered operator.
- (4) (a) If payment is made by way of cash satisfying the warrant partially or fully with costs, the sheriff shall endorse the warrant accordingly as contemplated in rule 41(1)c of the Magistrate's Court Act 32 of 1944.
- (b) If payment is made by way of a cheque to satisfy the warrant partially or fully with costs, the sheriff shall only accept a bank guaranteed cheque, and endorse the warrant accordingly.
- (c) If the warrant cannot be satisfied, the sheriff shall proceed with the attachment in terms of the Rules of Court made under the Magistrate's Court Act, 1944 (Act No. 32 of 1944).
- (d) The sheriff shall only uplift the said inventory if the warrant is fully satisfied with costs.
- (5) If an infringer pays the infringement and all costs relating to the execution of a warrant after such warrant has been executed, the Agency must return the documents seized in terms of subregulation (3) and remove any equipment that immobilized the motor vehicle, as contemplated in subregulation (3).
- (6) If the execution of the warrant produces no movable property to seize and sell, the procedures set out in section 22(1) of the Act must be followed.

Trial and prosecutor's duties

9. (1) The manner in which an infringer may elect to be tried in court –
- (a) as contemplated in section 17(1)(f)(iv) of the Act, is by properly completing a form similar to form AARTO 10 as shown in Schedule 1, and submitting the said form to the Agency in accordance with regulation 23(1)(a) or (b); or
 - (b) as contemplated in section 18(7)(c) or 19(2)(b)(iii) in of the Act, is by properly completing a form similar to form AARTO 10, as shown in Schedule 1, and submitting the said form to the Agency in accordance with regulation 23(1)(a), subject to regulation 2.
- (2) An election form submitted by an infringer as contemplated in subregulation (1), must –

- (a) be signed by the infringer; and
 - (b) reflect the street address where the infringer will accept service of notices or documents, as well as confirmation of the infringer's postal address.
- (3) Subject to regulation 2, the Agency must acknowledge receipt of such election on a form similar to form AARTO 05d as shown in Schedule 1 and notifies the issuing authority as contemplated section 22 of the Act, by submitting the details of the offender and offence in an electronic data file to the said issuing authority, within 21 days from the date of an election to be tried in court.
- (4) A prosecutor who declines to prosecute a matter –
- (a) that has been referred to court by means of a summons issued and served in terms of section 54 of the Criminal Procedure Act, 1977; or
 - (b) that is classified in terms of Schedule 3 as an offence,

must notify both the Agency and the issuing authority in terms of section 22(2)(a) of the Act, by providing the Agency and the issuing authority in accordance with regulation 23(1) and (2) respectively, with a properly completed form similar to form AARTO 11 as shown in Schedule 1.

CHAPTER 4

Penalties, discount and fees

Penalties

10. (1) The penalty contemplated in section 29(b) of the Act, which is payable in respect of an infringement mentioned in columns 3 and 4 of Schedule 3 is calculated in accordance with the penalty units set out against it in column 6 of Schedule 3, where each unit has a monetary value as described in paragraph (a) of Schedule 2.
- (2) The penalty amount payable in respect of an infringement mentioned in columns 3 and 4 of Schedule 3, calculated in accordance with subsection (1), is set out against it in column 8 of that Schedule.
- (3) Subject to regulation 24(10), the penalty of an infringer who is a juristic person will be calculated on the basis of three times the units indicated in column 6 of Schedule 3 against the infringement concerned mentioned in columns 3 and 4 of that Schedule.
- (4) Subject to regulation 24(11), the penalty of an infringer who is the holder of a cross-border road transport permit, as contemplated in section 1 of the Cross-border Road Transport Act, 1998 (Act No. 4 of 1998) will be calculated on the basis of three times the units indicated in column 6 of Schedule 3 against the infringement concerned mentioned in columns 3 and 4 of that Schedule.

Discount

11. (1) (a) Subject to paragraph (b) and (c), the discount contemplated in section 17(1)(d) of the Act is set out in paragraph (b) of Schedule 2.
- (b) An infringer who holds a foreign driving licence or an international driving permit shall not be entitled to any discount as set out in Schedule 2 and shall be liable to pay the full amount as reflected in Schedule 3.
- (c) An infringer who is not the holder of a licence and who operates a motor vehicle on a public road shall not be entitled to a discount for an infringement as set out in Schedule 2 and shall be liable to pay the full amount as set out in Schedule 3.
- (2) The discount amount deductible in respect of an infringement mentioned in columns 3 and 4 of Schedule 3, calculated in accordance with subsection (1), is set out against it in column 9 of that Schedule.
- (3) Subject to paragraph (1)(b), the discounted amount payable in respect of an infringement within the 32 days after the infringement notice was received is set out in column 10 of Schedule 3.
- (4) If a representation contemplated in section 17(1)(f)(i) of the Act or an application for payment of a penalty in instalments, as contemplated in section 17(1)(f) of the Act, is received by the Agency within the period prescribed in section 17(1)(f) of the Act, the discount contemplated in section 17(1)(d) of the Act may be obtained up to 10 days after the notification of the results of such representation or application has been served on the alleged infringer.

Fees

12. (1) The fees which may be charged for any document, order or action required to be issued, made or performed as contemplated in section 34 (d) of the Act, are set out in paragraph (c) of Schedule 2.
- (2) The infringer is not liable for the fee which may be charged for –
- (a) a courtesy letter, if the infringer provides proof that he or she did comply with one of the options contemplated in section 17(1)(f) of the Act, before the date on which the courtesy letter was served; or
- (b) an enforcement order, if the infringer provides proof that he or she has paid the penalty before the date on which the enforcement order was served.

CHAPTER 5*Manner of payment***Payment to issuing authority**

13. (1) The manner in which any payment of a penalty must be made by an infringer to an issuing authority as contemplated in section 17 read with section 34(e) of the Act, is by paying the full amount due –

- (a) in cash or with a bank guaranteed cheque, at any issuing authority, except at the offices of the Corporation, as indicated on a form similar to forms AARTO 01, AARTO 02 or AARTO 03, as the case may be, as shown in Schedule 1;
 - (b) by means of a cash or bank guaranteed cheque deposit directly into any of the bank accounts indicated on the infringement notice as referred to in paragraph (a) above and the infringer shall be responsible to ensure the correct infringement notice reference number, as indicated on the infringement notice, is recorded on the deposit slip;
 - (c) at any agent as contemplated in regulation 14(1)(c); or
 - (d) by means of an electronic transfer to any of the bank accounts indicated on the infringement notice as referred to in paragraph (a) above and the infringer shall be responsible to ensure the correct infringement notice reference number, as indicated on the infringement notice, is used for the electronic payment.
- (2) If the infringer provides an incorrect number on the deposit slip or electronic transfer as contemplated in subregulation (1)(b) or (d), and such incorrect number results in a courtesy letter being served on the infringer, he or she shall be liable to pay any extra administrative costs.
- (3) Post dated bank guaranteed cheques shall not be acceptable.
- (4) Any payment contemplated in subregulation (1), which payment includes a partial payment and dishonoured payment, is regarded as an admission of guilt by the infringer and shall result in the demerit points prescribed in Schedule 3, being incurred by the infringer.
- (5) If payment is made –
- (a) in person as contemplated in subregulation (1)(a), the issuing authority concerned must issue a receipt directly to the infringer, whereafter the Agency must provide the infringer with a printout contemplated in section 17(3)(d) of the Act, on a form similar to form AARTO 19 as shown in Schedule 1, within 32 days of receipt of payment;
 - (b) by bank deposit or by electronic transfer as contemplated in subregulation (1)(b) or (d), respectively, the Agency must provide the infringer with a printout contemplated in section 17(3)(d) of the Act, on a form similar to form AARTO 20 as shown in Schedule 1, within 32 days of receipt of payment and subject to regulation 2; or
 - (c) to an agent as contemplated in regulation 14(1)(c), the agent must issue a receipt directly to the infringer, whereafter the Agency must provide the infringer with a printout contemplated in section 17(3)(d) of the Act, on a form similar to form AARTO 19 as shown in Schedule 1, within 32 days of receipt of payment, and subject to regulation 2.
- (6) If the payment of an infringer is recorded by the issuing authority after a period of 32 days from the date on which the infringement notice was served on the

infringer –

- (a) but before the electronic data file has been submitted to the Agency, the issuing authority must keep the payment and notify the Agency accordingly; or
- (b) after the electronic data file has been submitted to the Agency, the issuing authority must –
 - (i) keep the payment; and
 - (ii) notify the Agency of such payment, and that a courtesy letter should not be issued to such infringer.

Payment to the Agency

- 14.** (1) Subject to regulation 2, the manner in which an infringer must make any payment of a penalty or penalty and fee or fees to the Agency, is by –
- (a) paying the full amount in the manner contemplated in subregulation (3);
 - (b) paying the amount due in approved instalments in the manner contemplated in sub-regulation (7), in which case the infringer is not entitled to the discount referred to in regulation 11;
 - (c) paying the full amount at any agent approved by the Registrar by notice in the Government Gazette; or
 - (d) means of an electronic transfer to any of the bank accounts indicated on the courtesy letter or enforcement order.
- (2) Any payment of the penalty and fees to the Agency, which payment includes a partial payment, dishonoured payment and an application to pay in instalments, is regarded as an admission of guilt by the infringer.
- (3) The manner in which a payment contemplated in subregulation (1)(a) must be made by an infringer to the Agency as contemplated in sections 17(1)(f)(iii), 18(7)(b), 19(2)(b) and 20(3)(a), read with section 34(e), of the Act, is by depositing the amount due by means of a cash or bank guaranteed cheque deposit directly into the Agency's bank account, particulars of which are obtainable from forms AARTO 01, AARTO 02, AARTO 03, AARTO 06, AARTO 09, AARTO 12, AARTO 13, AARTO 15, AARTO 16, AARTO 17 or AARTO 18 as shown in Schedule 1.
- (4) If a payment to the Agency is made in the manner contemplated in subregulations (3) or (9), the infringer must ensure that the infringement notice number appears on the deposit slip, debit order or stop order instruction of any payment completed at a bank contemplated in the said subregulations.
- (5) If the infringer provides an incorrect number on the deposit slip, debit order or stop order instruction as contemplated in subregulation (4), and such incorrect number results in an enforcement order or warrant, whichever is applicable, being served on the infringer by the Agency, the infringer shall be liable to pay any extra administrative cost.
- (6) If payment of the penalty contemplated in subregulation (1), was received before an enforcement order was served, the Agency must, subject to regulation 2, notify the infringer on a form similar to form AARTO 19 as shown

in Schedule 1, that the demerit points have been recorded against his or her name in the National Contraventions Register in respect of the infringement in question.

- (7) The manner in which an infringer may pay a penalty in instalments as contemplated in section 17(1)(f)(iii) of the Act, read with section 34(e) of the Act, is by applying to the Agency, on a form similar to form AARTO 04 as shown in Schedule 1, to pay the penalty and fees in instalments.
- (8) The Agency must acknowledge receipt of such application on form AARTO 5a and in the case of an application to pay a penalty in instalments –
 - (a) may, in the event that a penalty –
 - (i) equals or is smaller than the value of 15 units, grant an application to pay the penalty and fees in not more than six equal monthly instalments; or
 - (ii) is greater than the value of 15 units, grant an application to pay the penalty and fees in not more than 12 equal monthly instalments; and
 - (b) must notify the infringer in the manner contemplated in regulation 23(3) of –
 - (i) the result of his or her application to pay the penalty in instalments, on a form similar to form AARTO 06 as shown in Schedule 1; and
 - (ii) the fact that the demerit points has been recorded against his or her name in the National Contraventions Register in respect of the infringement in question on a form similar to form AARTO 19 as shown in Schedule 1.
- (9) A payment in instalments must be made before or on the first day of each month until full settlement thereof has been made, by –
 - (a) signing a debit order and submit it by registered mail to the Agency for the amount of the penalty and fee or fees, which amount must be debited against the infringer's bank account and credited in favour of the Agency's bank account; or
 - (b) depositing the amount due by –
 - (i) signing a stop order at a bank where the infringer is the holder of an account, which amount must be debited against the infringer's bank account and credited in favour of the Agency's bank account; or
 - (ii) means of a cash or bank guaranteed cheque deposit directly into the Agency's bank account,

particulars of which are obtainable from the infringement notice, form AARTO 01, AARTO 02 or AARTO 03, or from AARTO 06 as shown in Schedule 1.
- (10) If the infringer fails to pay or partially pays an instalment as contemplated in

subregulation (9) in terms of section 19B(2)(a) of the Act –

- (a) the Agency must notify him or her on a form similar to a form AARTO 16 as shown in Schedule 1, that –
 - (i) such instalment must be paid within 7 days of receipt of the said notification; or
 - (ii) that arrangements must be made within 7 days for the payment thereof; and

failure to comply with the said notification or failure to pay any other instalments will result in a warrant being issued by the Agency against the infringer on a form similar to form AARTO 24 as shown in Schedule 1, being served on him or her by the Agency; and

- (b) such notification is regarded as equivalent to an enforcement order, issued under section 20 of the Act; and

(11) If a payment contemplated in subregulation (1) is received from an infringer after a period of 32 days from the date on which a form similar to forms AARTO 06, AARTO 09, AARTO 12, AARTO 13, AARTO 18 shown in Schedule 1 as applicable, was served on the infringer, the Agency –

- (a) may accept the money as payment of the penalty, if the Agency is satisfied that such failure was due to circumstances beyond the control of the infringer; or

- (b) must, if the money tendered is insufficient for a full settlement of the penalty and fees –

- (i) accept the payment as partial payment of the penalty and fees;
- (ii) record the infringement and demerit points on the National Contraventions Register;
- (iii) notify the infringer on a form similar to form AARTO 17 shown in Schedule 1, within a period of 32 days after receipt of such partial payment or within such period as the Registrar may decide, and in the manner contemplated in regulation 23(3), that –

- (aa) a courtesy letter, notification of the result of representation, notification of dishonoured payment or enforcement order, whichever is applicable, has in the meantime been served and that the infringer is liable for the balance of the amount due and the fee for issuing a form similar to form AARTO 09, AARTO 12, AARTO 13 or AARTO 18 or similar forms shown in Schedule 1, whichever is applicable;

- (bb) no discount will be allowed;

- (cc) failure to pay the full amount due, will result in a warrant, on a form similar to form AARTO 24 as shown in Schedule 1, being served on him or her; and

- (dd) such notification is regarded to be equivalent to an enforcement order, issued under section 20 of the Act.

(12) (a) In the case where an infringer is of the opinion that he or she has paid more than the prescribed penalties or fees, he or she may apply for the

refund of such penalties or fees on a form similar to form AARTO 25 shown in Schedule 1.

- (b) The Agency shall acknowledge receipt of the application referred to in paragraph (a) on a form similar to form AARTO 05f shown in Schedule 1.
- (b) The Agency shall consider the application and shall refund the penalties and fees or refuse the repayment, as the case may be, and shall notify the applicant on a form similar to form AARTO 26 shown in Schedule 1.

Manner of payment to registering authority or driving licence testing centre where enforcement order has been served

15. (1) The manner in which any payment of a penalty or penalty and fees must be made by an infringer to any registering authority or driving licence testing centre in terms of section 20(7) of the Act, read with section 34(e) of the Act, is by paying the cash amount or by paying with a bank guaranteed cheque, in person at such registering authority or driving licence testing centre.
- (2) A payment to a registering authority or driving licence testing centre as contemplated in subregulation (1) –
- (a) must be accompanied by the –
 - (i) infringement notice on a form similar to forms AARTO 01, AARTO 02 or AARTO 03, as the case may be, as shown in Schedule 1, or a copy thereof;
 - (ii) licence renewal notice, form MVL (2), as shown in the Road Traffic Regulations;
 - (iii) notification of dishonoured payment, form AARTO 18 or similar as shown in Schedule 1;
 - (iv) notification of dishonoured instalment, form AARTO 16 or similar as shown in Schedule 1;
 - (v) notification of partial payment, form AARTO 17 or similar as shown in Schedule 1;
 - (vi) enforcement order, form AARTO 13 or similar as shown in Schedule 1, or
 - (vii) warrant, form AARTO 15 or similar as shown in Schedule 1,
 - (b) made as contemplated in subregulation (2)(a)(i) or (ii) is regarded as an admission of guilt by the infringer.
- (3) On receiving the payment in terms of subregulation (1) and (2), the registering authority or driving licence testing centre shall issue a receipt directly to the infringer from the National Contraventions Register on a form similar to form AARTO 20 shown in Schedule 1.

Dishonoured payments

- 16 (1) If a payment of a penalty contemplated in regulation 13(1), and 15(1) is dishonoured, the issuing authority, or the registering authority or driving licence

testing centre concerned must notify the Agency in the manner contemplated in regulation 23(1), and the matter must be dealt with in accordance with subregulation (2).

- (2) The Agency must, after receipt of the notification contemplated in subregulation (1), and after becoming aware of the dishonoured payment contemplated in regulation 14(3), notify the infringer on a form similar to form AARTO 18 as shown in Schedule 1, –
- (a) of the amount payable, including any charges arising from the dishonoured payment; and
 - (b) that a warrant on a form similar to form AARTO 24 as shown in Schedule 1, will be served on him or her by the Agency if payment is not received at the date set on a form similar to form AARTO 18 as shown in Schedule 1,

and such notification is regarded as equivalent to an enforcement order, issued under section 20 of the Act.

Period of grace

17. Where provision is made in terms of this Chapter for a period within which an application or payment must be made, such period must be construed as a period of grace allowed to the infringer, during which period he or she may make such application or payment without being liable for any further administrative penalties.

CHAPTER 6

Record keeping

Information to be recorded

18. (1) A person who has personally served an infringement notice must return the copy of such infringement notice to the issuing authority where the contents of such notice must be recorded in the National Contraventions Register as contemplated in regulation 19(1), and it must be verified whether it has been complied with within 32 days.
- (2) If an infringement notice is served by registered mail, the issuing authority must, for the purposes of section 30(2) of the Act, keep the receipt issued by the post office that accepted the notice for registration.
- (3) Each issuing authority, registering authority and driving licence testing centre must retain records of all transactions executed by it in terms of the Act.
- (4) The Agency must, for the purposes of section 30(2) of the Act, keep all receipts issued by post offices for the acceptance of documents that are served by registered mail, and keep records, for purposes of further reference, of all –
- (a) applications, notifications and submissions furnished or received;
 - (b) payments received and payments in arrears;

- (c) courtesy letters, enforcement orders and warrants served in terms of the Act; and
 - (d) revoked enforcement orders.
- (5) Records of payments received and receipts issued by the issuing authority, registering authority or the driving licence testing centre must be kept in an electronic image until such time of disposal as contemplated in regulation 19(5).

National Contraventions Register

19. (1) Any information regarding any offence or infringement shall be recorded directly onto the National Contraventions Register or by an electronic file.
- (2) Where the issuing authority did not capture the information regarding any offence or infringement in accordance with subregulation (1), the National Contraventions Register must be updated as contemplated in the Act by transferring an electronic data file from the issuing authority or Agency to the National Contraventions Register and such file must contain the information as listed in Schedule 5.
- (3) The issuing authority must –
- (a) keep a record of the outcome of cases notified to it as contemplated in section 22(2)(b) of the Act, which record must contain the information set out in Schedule 5; and
 - (b) update the said record regularly.
- (4) The Agency must keep record of all the cases which were referred to the court for appeal or review in connection with the demerit points recorded against a person in the National Contraventions Register, as well as the outcome of such cases.
- (5) Subject to the written authorisation of the National Archivist as contemplated in section 13 (2)(a) of the National Archives of South Africa Act, 1996, (Act No. 43 of 1996), the Registrar may dispose of any document contemplated in this Chapter, after –
- (a) an electronic image has been made of such document; and
 - (b) the authenticity of the electronic image of such document has been certified by the Agency.
- (6) (a) Any electronic image of a document which has been certified by the Agency as a true image of the original document is deemed to be the original document for the purposes of criminal proceedings, unless evidence to the contrary is adduced.
- (b) Any person, who, under paragraph (a), certifies any image as true knowing that such image is false, is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years.

CHAPTER 7*Service of process***Personal service**

20. (1) Personal service is achieved when the document to be served, is delivered to an infringer identified in the document, in person at the –
- (a) road side at the time when the infringer –
 - (i) allegedly committed an offence or infringement, or
 - (ii) was identified by an authorised officer;
 - (b) address as indicated on a form similar to form AARTO 01 or AARTO 02, as may be applicable, as shown in Schedule 1, which he or she has confirmed as correct;
 - (c) address as indicated by him or her on the election to appear in court on a form similar to form AARTO 10 as shown in Schedule 1;
 - (d) address as indicated by him or her on the notice of change of address on a form similar to form AARTO 30 as shown in Schedule 1, or
 - (e) last known address of the infringer as indicated in the register of driving licences or the register of motor vehicles.
- (2) If the document is served personally to the infringer identified in a document, he or she must accept the document on the request of the person who serves it.
- (3) An infringer who fails to comply with subregulation (2) is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding three months.
- (4) The person who serves a document must explain to the infringer the contents of –
- (a) section 17(1)(f) of the Act, if an infringement notice is served;
 - (b) section 19(2) of the Act, if a courtesy letter is served; and
 - (c) section 20(3) of the Act, if an enforcement order is served.
- (5) The person who serves a document must –
- (a) certify on the copy of the notice, letter or order that the document was served personally, stating the time and place of service, and that the explanation contemplated in subregulation (4) was given and understood by the infringer; and
 - (b) sign the document and request the infringer to also sign the document where it is provided or in a relevant space for signature: Provided that where the infringer refuses to sign the document, the person serving

such document must indicate such refusal on the document, and: the fact that the infringer refused to sign the document shall not affect the validity of such service.

- (6) A signed document referred to in subregulation (5), is *prima facie* proof that the notice, letter or order concerned was duly served.
- (7) If the person named in the document cannot be found, the document may be served by –
 - (a) delivering it at the infringer's place of residence or place of employment or business to a person on the premises at the time of the delivery, being a person apparently over the age of 16 years; or
 - (b) affixing the document to a door of such place if there is no person contemplated in paragraph (a) at such place,

and for the purposes of this subregulation, when a building other than a hotel, boarding house, hostel or similar residential building, is occupied by more than one person or family, "*place of residence*" or "*place of business*" means the portion of the building which is occupied by the person upon whom service is to be effected.

- (8) If service is to be effected on –
 - (a) a company or other corporate body the document must be delivered to an employee thereof at its registered office or principal place of business;
 - (b) a partnership, firm or voluntary association, the document must be delivered at the place of business of such partnership, firm or voluntary association to a person on the premises at the time of the delivery, being a person apparently over the age of 16 years, and if such partnership, firm or voluntary association has no place of business, the service is effected on a partner, the proprietor or the chairperson or secretary of the committee or other managing body of such partnership, firm or association, as the case may be;
 - (c) a State institution, the document must be delivered to an official or employee of the said institution and at the office of the State Attorney for that area; or
 - (d) two or more persons in their joint capacity as trustees, liquidators, executors, administrators, curators or guardians, or in any joint representative capacity, the document must be delivered to each of them.

Service by registered mail

- 21. If a document is to be served by registered mail, the document must be addressed to the infringer's –
 - (a) last known address as indicated in the register of driving licences, or the

register of motor vehicles;

- (b) address as indicated by him or her on the notice of change of address on a form similar to form AARTO 30 as shown in Schedule 1; or
- (c) address as indicated on a form similar to form AARTO 01 or AARTO 02, as may be applicable, as shown in Schedule 1, which he or she has confirmed as correct.

CHAPTER 8

General

Nominating driver

22. (1) The manner in which the licensed owner of a motor vehicle must provide the information contemplated in section 17(1)(f)(v) of the Act, is by submitting a properly completed form similar to form AARTO 07 as shown in Schedule 1 to the issuing authority in accordance with regulation 23(2).
- (2) The issuing authority shall acknowledge receipt of the nomination of the driver as contemplated in paragraph (a) on a form similar to form AARTO 05b, within a period of 14 days from receiving such nomination.
- (3) If the licensed owner has not received any acknowledgement contemplated in subregulation (2), from the issuing authority within 21 days of the date on which the infringer submitted the nomination, the infringer must notify the Agency on a form similar to form AARTO 07 as shown in Schedule 1, in the manner contemplated in regulation 23(1)(a).

Manner of application, notification or submission

23. (1) Any application, notification or submission to the Agency must be made by –
- (a) posting it by registered mail to the postal address of the Agency;
 - (b) faxing it to the fax number of the Agency contained in the applicable form;
 - (c) electronic form submission by infringers or applicants on the AARTO Website, or
 - (d) electronic data exchange from issuing authorities, agents contracted by the Agency or the National Contraventions Register,
- but affidavits contemplated in regulations 4(1), 7(5) and 22(1) submitted on a form similar to form AARTO 07, AARTO 08 and AARTO 14 as shown in Schedule 1 respectively, may only be submitted in the manner set out in paragraph (a).
- (2) Any application, notification or submission to the issuing authority must be made by –
- (a) delivering it directly to the office of the issuing authority in the case of an

- application or notification by an infringer for –
- (i) the return of suspended driving licence, PrDP or operator card on a form similar to form AARTO 23 as shown in Schedule 1
 - (ii) permission to access demerit points on a form similar to form AARTO 27 as shown in Schedule 1; and
 - (iii) the change of personal particulars on a form similar to form AARTO 30 as shown in Schedule 1;
- (b) faxing it from the Agency or an agent contracted by the Agency to the fax number of the issuing authority;
 - (c) forwarding it from the Agency or an agent contracted by the Agency to the issuing authority's e-mail address; or
 - (d) electronic data exchange from the Agency, an agent contracted by the Agency or the National Contravention Register,

except for an affidavit contained in the form similar to form AARTO 07, AARTO 08 and AARTO 14, and the form on which the infringer elects to appear in court, which may only be submitted in the manner set out in the applicable form.

- (3) Any notification to the infringer must be made by –
 - (a) posting it by registered mail to the postal address of the infringer;
 - (b) faxing it to the fax number of the infringer; or
 - (c) forwarding it to the infringer's e-mail address.
- (4) Any acknowledgement to the infringer must be made by –
 - (a) posting it to the postal address of the infringer;
 - (b) faxing it to the fax number of the infringer;
 - (c) forwarding it to the infringer's e-mail address; or
 - (d) text messaging it to the infringer's cellular telephone.

Demerit points

24. (1) The demerit points to be incurred –
- (a) in respect of an infringement or offence committed by a person, who is the holder of a South African licence, for an infringement or offence as indicated in column 3 of Schedule 3, are as set out in column 7 of that Schedule: Provided that the reduction of such points, as contemplated in section 28 of the Act, for a person who holds a learner licence shall only commence when such a person has obtained a South African driving licence.
 - (b) in respect of an infringement or offence committed by a person, who is not the holder of a licence and who is a South African citizen or holds a permanent residency permit for South Africa, for an infringement or offence as indicated in column 3 of Schedule 3, are as set out in column 7 of that Schedule: Provided that the points for such a person shall be recorded against his or her name in the National Contraventions Register and the reduction of such points, as contemplated in section 28 of the Act, shall only commence when such a person has obtained a South African driving licence; and

- (c) in respect of an operator contemplated in section 45 of the National Road Traffic Act, shall be as set out in Schedule 4.
- (2) The demerit points incurred in respect of an operator for infringements or offences indicated in column 11 of Schedule 3, shall be for the infringements charged for under section 49 of the National Road Traffic Act and the demerit points shall be as indicated in Column 7 of Schedule 3.
 - (3) The total number of demerit points which, if exceeded, disqualifies a person from driving a motor vehicle, as contemplated in section 29(d) of the Act, is 12 points.
 - (4) The total number of demerit points in respect of a particular vehicle which, if exceeded, will result in the suspension of the specific operator card of a motor vehicle as contemplated in section 45 of the National Road Traffic Act, is 12 points.
 - (5) The total number of demerit points that will result in the suspension of all the operator cards of an operator shall be as contemplated in Schedule 4 and every demerit point over the maximum points, calculated in terms of the number of vehicles given in the table in Schedule 4, shall result in a one month suspension.
 - (6) The notice contemplated in section 26(1) of the Act, by which a person must be informed that he or she has incurred more than the number of demerit points referred to in subregulations (3) and (4), must be on a form similar to form AARTO 21 as shown in Schedule 1.
 - (7) An application contemplated in section 25(3) of the Act, to the issuing authority to return a person's driving licence or professional driving permit as contemplated in section 25(5) of the Act, must be submitted to the issuing authority on a form similar to form AARTO 23 as shown in Schedule 1.
 - (8) The demerit points of an operator shall be reduced by the Agency by one point for every three months for every motor vehicle in respect of which an operator card was issued to the operator that has not incurred any additional demerit points, except for the time that the court has found that the process has been deliberately delayed by that person to obtain a reduction in points.
 - (9) The holder of a foreign driving licence shall, subject to regulation 11(1)(b) not incur demerit points.
 - (10) A juristic person that is not an operator shall, subject to regulation 10(3) not incur any demerit points.
 - (11) The holder of a cross-border road transport permit, as contemplated in section 1 of the Cross-border Road Transport Act, 1998 (Act No. 4 of 1998) shall, subject to regulation 10(4) not incur any demerit points.

Access to information

25. (1) The manner in which an employee referred to in section 33(2) of the Act may

grant his or her written permission to his or her employer is by providing his or her employer with a properly completed and signed consent form similar to form AARTO 27 as shown in Schedule 1.

- (2) Subject to the provisions of section 33(2) of the Act, the manner in which an infringer must be informed by any issuing authority, registering authority, driving licence testing centre or the Agency of his or her demerit points position, is by providing the infringer with a detailed statement of every infringement recorded against him or her on a form similar to form AARTO 28 or AARTO 29, whichever is applicable, as shown in Schedule 1, in accordance with regulation 23(3).

Short title and commencement

26. (1) These regulations are called the Administrative Adjudication of Road Traffic Offences Regulations, 2008, and shall, subject to subregulation (2), come into operation on the day of publication in the Government Gazette.
- (2) Regulation 24, column 7 of Schedule 3 and Schedule 4 shall come into operation on a date to be determined by the Minister by notice in the Government Gazette.

Repeal of regulations

27. The Administrative Adjudication of Road Traffic Offences Regulations, 2008, issued in terms of section 34 of the Administrative Adjudication of Road Traffic Offences Act, 1998, under Government Notice No. R.701 as published in Government Gazette No. 31183 on 1 July 2008, are hereby repealed.