

MEDIA STATEMENT

TO: ALL NEWS EDITORS/TRANSPORT JOURNALISTS
DATE: 05 April 2016
FOR IMMEDIATE USE

A STATEMENT ISSUED BY THE RTIA REJECTING THE MISLEADING REPORTS ABOUT AARTO NOTICES FROM TSHWANE AND JOHANNESBURG METROS BEING UNENFORCEABLE.

The Road Traffic Infringement Agency (RTIA) rejects the misleading report by Moneyweb which claims that AARTO notices issued by JMPD are unenforceable due to the RTIA not sending out Courtesy Letters and Enforcement Orders.

This report is misleading the public and is extremely misguided especially in the face of efforts to get the motorists educated and empowered on how to comply with the AARTO Act whilst also upholding their rights and responsibilities.

It is important to put in context that the RTIA may only be able to issue and serve courtesy letters and enforcement orders when infringement notices issued against an alleged road traffic offender has been legitimately served. Section 30 of the AARTO Act provides that an infringement notice has to be issued and served through registered mail or personally served to the alleged infringer.

In the case where an infringement notice issued to an alleged infringer has not been served through a registered mail or through personal service, the RTIA as an administrator of AARTO as well as an adjudicator is supposed to uphold the rights of the motorist and allow the motorist to:

- make a representation,
- choose to identify the driver who may have had possession of the vehicle at the time the alleged infringement was committed

- choose to have their matter heard in court
- opt to pay the penalty in full or in instalments

In terms of section 17 of the Act, Issuing Authorities have a responsibility to serve infringement notices.

The role of the RTIA emerges only after an infringement notice issued and served within the prescribed period is ignored beyond the statutory first 32 day period. Thus notices legitimately issued to infringers are enforceable and are being paid by infringers who acknowledge wrong doing.

The current challenge confronting RTIA is a contractual dispute between the Agency and the South African Post Office (SAPO) on the amount of debt owed by RTIA versus proof of legitimately served AARTO documents.

It would be unfair and unlawful for RTIA to continue to issue courtesy letters and enforcement orders for notices that cannot be proven to have been served via registered mail or through personal service. In this instance, the RTIA is encouraging motorists to make representations for documents which motorists can prove have not been issued in line with AARTO regulations.

Due to the fact that the RTIA and SAPO cannot find common ground in terms of providing proof of legitimate service of AARTO documents against the invoices submitted by SAPO to the RTIA for notices served, a contractual dispute has been declared. The RTIA is thus exploring options of providing personal service of AARTO documents in support of SAPO processes. This is to help ensure continuity of operations and minimize the amount of dependencies the Agency has on a single platform of serving AARTO documents.

Further to this, the RTIA is keenly awaiting the completion of Parliamentary processes towards the promulgation of the AARTO Amendment Bill which will, amongst others see to the expansion of alternative means of serving AARTO documents beyond registered mailing system.

The RTIA reiterates the fact that issued AARTO documents are legitimate and enforceable. In instances where the legitimacy of an issued notice is questionable, the RTIA invokes corrective processes provided through AARTO.

ISSUED BY: ROAD TRAFFIC INFRINGEMENT AGENCY(RTIA)

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