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GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 838

1 November 2013

ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES ACT, 1998 (Act No. 46 of 1998) AS AMENDED

AMENDMENT OF ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES REGULATIONS, 2008

The Minister of Transport intends to amend the Administrative Adjudication of Road Traffic Offences Regulations, 2008 and acting in terms of section 34 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) herewith publish the regulations in the schedule for public comments; All interested parties who have any objections, inputs or comments, to the proposed amendments are called upon to lodge their objections, inputs or comments within thirty (30) days from the date of publication of this Notice to:

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Schedule

Arrangement of regulation amendments

CHAPTER 1

Interpretation of regulations

Definition

1. In this schedule "the Regulations" means the Administrative Adjudication of Road Traffic Offences regulations as published in Government Notice No. 31242 of 16 July 2008.

Amendment of regulation 1 in the Regulations

2. Regulation 1 is hereby amended by substitution for Sub-regulation (b) of the following sub-regulation:

"(b) "electronic service" means a communication by means of data messages and include data attached to, incorporated in, or logically associated with other data that may be electronically retrieved, or e-mail messages between the Authority and addressee in an electronic communication format, or text messaging it by the Authority to the recipient's cellular telephone."

Deletion of regulation 8 of the Regulations

3. Regulation 8 is hereby deleted.

Amendment of regulation 10 of the Regulations

4. Regulation 10 of the regulations is hereby amended by the substitution for sub-regulation (2) of

the following sub-regulation—

- “(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, and which is inclusive of the penalty amount payable in terms of the infringement, plus the prescribed penalty amount payable to the Authority in accordance with section 13(1)(dA) of the Act as set out in paragraph (d) of Schedule 2 and which will not be subject to the discount contemplated in term of regulation 11.”

Amendment of regulation 16 of the Regulations

5. Regulation 16 of the Regulations is hereby amended by the substitution for paragraph (b) of sub-regulation (2) of the following paragraph—

- “(b) that an enforcement order on a form similar to form AARTO 13 as shown in Schedule 1, will be served on him or her by the Authority if payment is not received at the date set on a form similar to form AARTO 18 as shown in Schedule 1;“

Amendment of Regulation 21 of the Regulations

6. Regulation 21 of the Regulations is hereby amended by—

- a) the substitution for paragraph (b) of the following paragraph:

- “(b) address as indicated by him or her on the notice of change of address on a form similar to form Notification of Change of Particulars (NCP) in accordance with the national road traffic regulations ;“

- b) the addition of the following paragraphs after paragraph (c):

- “ (d) addresses as indicated upon registering on the AARTO website and providing a postal and/or, residential and/or business addresses, which he or she has confirmed as correct; or
(e) address or addresses as may be obtained by the Authority from any other source.”

- c) the insertion of regulation 21A after regulation 21:

“Service by electronic communication

- 21A If a document is to be served by means of electronic communication, the document must —
- (a) be addressed to the infringer's e-mail address as indicated by him or her —
 - (i) 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.; or
 - (ii) on the notice of change of address on a form similar to form NCR as listed in Schedule 1; or
 - (iii) as indicated in the register of driving licences or the register of motor vehicles; or
 - (iv) in registering on the AARTO website and providing an e-mail address, which he or she has confirmed as correct.;
 - (b) be made available to the infringer for electronic retrieval from an internet domain upon notification of such document by the Authority or the Issuing Authority, in the manner contemplated in regulation 23(3).”

Amendment of regulation 23 of the regulations

7. Regulation 23 of the regulations is hereby amended by —
- (a) the substitution for paragraph (c) of sub-regulation (3) of the following paragraph:

“(c) electronic service, including but not limited to forwarding it to the infringer's e-mail address and/or text messaging it to the infringer's cellular telephone.”
 - (b) the substitution for paragraph (c) of sub-regulation (4) of the following paragraph:

“(c) electronic service, including but not limited to forwarding it to the infringer's e-mail address.”

8. Substitution for certain words and expressions in the regulations

- (a) Any reference to the word “registered mail” in the Regulations whenever it occurs means “registered mail or electronic service”.
- (b) Any reference to the word “Agency” or “agency” whenever it occurs means “Authority”;

- (c) Any reference to the phrase “major infringement” or “minor infringement” whenever it occurs is substituted with the word “infringement”; and
- (d) Any reference to the phrase “national contraventions register” whenever it occurs is substituted by the phrase “National Offences Register”.

9. Amendment of Schedule 1 : General Forms

Schedule 1 is hereby amended by deleting form AARTO 24, warrant of execution, from the schedule.

Amendment of Schedule 2 Monetary value of Penalty Unit, Discount and Fees in terms of Regulation 10(1), 11(1) and I2(1) respectively

10. Schedule 2 of the regulations is hereby amended by —

- (a) the substitution for paragraph (a) of the following paragraph—

(a)	Monetary value of penalty unit	
	The monetary value of a penalty unit contemplated in section 29(b) of the Act and shown in column 6 of Schedule 3 of the Regulations.	R 50-00

- (b) the insertion after paragraph (a) of the following paragraph:

(aA)	Calculation of penalty amount	
	The penalty amount shown in Rand value in column 8 of Schedule 3 of the Regulations is calculated by multiplying the penalty unit shown in column 6 of that Schedule by the monetary value of a penalty unit given in paragraph (a) above, plus the penalty payable to the Authority shown in paragraph (d) below.	See Schedule 3 column 8

- (c) The substitution for subparagraphs(ii) and (iii) of paragraph (c) of the following subparagraphs:

(c)	(ii)	Courtesy letter <i>(Form AARTO 12 as shown in</i>	Served by registered mail	R 60-00
			Served in person	R 100-00

		<i>Schedule 1)</i>	Electronic service	R 40-00
	(iii)	Enforcement order <i>(Form AARTO 13 as shown in Schedule 1)</i>	Served by registered mail	R 60-00
			Served in person	R 100-00
			Electronic service	R 40-00

(d) the deletion of subparagraph (v) of paragraph (c)

(e) the addition of paragraph (d) after paragraph (c) —

(d)	Other penalties and fees payable The penalty payable to the Authority in terms of section 13(1)(dA) of the Act referred to under paragraph (aA) above and which will be applicable to each infringement served, with the exception of infringements committed in terms of traffic bylaws.		R 100-00
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Short title and commencement

11. These Regulations are published for comments.

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