DEPARTMENT OF TRANSPORT

NO. 1049 **02 OCTOBER 2020**

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 acting in terms of section 34 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) intends to revoke the Regulations published in Government Notice No. R. 753 of 16 July of 2008 with the following Schedule.

NB: Included herein are Explanatory Memorandums (which have no legal effect but are meant to assist the members of the public in understanding the draft AARTO regulations and Schedule 3 on the demerit point and penalties and are for information purposes only: **Memorandum 1**- *Draft AARTO Regulations* and **Memorandum 2** – *Draft Schedule 3 - Demerit points and Penalties* .

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 a period of sixty (60) days from the date of publication of this Gazette to:

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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 National Road Traffic Regulations, 2000 has that meaning, and unless the context indicates otherwise –

(a) **"AARTO bank account"** means the bank account administered by the Authority for purposes of receiving and disbursing infringement penalties and fees;

(b) **"AARTO notice"** means a notice excluding an infringement notice required to be issued or served on the infringer in terms of the Act including a courtesy letter and an enforcement order issued to the infringer in terms of sections 19 and 20 of the Act respectively;

(c) "**Act**" means the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998);

(d) **"Appeal"** means an appeal lodged with the Tribunal in terms of section 29B of the Act;

(e) **"Appellant"** means a person who lodges an appeal against the decision of the representations officer with the Tribunal in terms of section 29B(2);

(f) **"Applicant"** means a person who applies for a review against the decision of the representations officer to the Tribunal in terms of section 29B(2);

(g) **"bank"** means a public company registered as a bank in terms of the Banks Act,1990 (Act No. 94 of 1990);

(h) "**bank guaranteed cheque**" means a cheque that has been guaranteed to contain the funds reflected thereon;

(i) **"Designated official"** means an official designated by the Registrar in terms of section 29I of the Act to perform the administrative work of the Tribunal ;

(j) **"Documents"** means driving licence card, professional driving permit, motor vehicle licence disc, operator card or any other permit, card or licence issue in terms of road traffic legislation and transport legislation;

(k) **"form"** means a form as prescribed in the Regulations;

(l) **"infrastructure number"** means a unique identification number allocated to a duly appointed and Authorised Officer on the National Traffic Information System;

(m) "**National Road Traffic Act**" means the National Road Traffic Act 1996 (Act No 93 of 1996) as amended from time to time;

(n) "**National Road Traffic Regulations**" means the National Road Traffic Regulations, 2000 made under section 75 of the National Road Traffic Act, 1996 as amended;

(o) **"Personal Service"** means personal service as contemplated in section 29 of the Act;

(p) **"power of attorney"** means a written authorization to represent or act on behalf of an infringer in terms of the Act;

(q) **"Postage"** means postage as contemplated in section 30 of the Act;

(r) **"receiving entity"** means any Issuing Authority, Driving Licence Testing Centre, or Registering Authority receiving payments in terms of the Act or payment agent appointed by the Authority to receive payments;

(s) **"Review"** means a review lodged with the Tribunal in terms of section 29B of the Act; and

(t) **"SAPS force number"** means a unique identification number allocated to a South African Police Service member that allows them to transact on the National Road Traffic Offences Register.

CHAPTER 2

Adjudication procedure

Infringement notice

2. (1) Where an infringer has committed an infringement, categorised as such in terms of section 29 (a) of the Act, an infringement notice contemplated in section 17 (1) of the Act on either form similar to AARTO 01, AARTO 02, AARTO 03, AARTO 03a or AARTO 03b as shown in Schedule 1 must be served or caused to be served on the infringer in terms of regulation 33 (4) within 60 days of the commission of the infringement or immediately upon commission of an infringement in relation to AARTO 01 and AARTO 02.

(2) In case of unattended motor vehicles, the authorised officer must issue and place a notice in respect of an unattended motor vehicle on a form similar to AARTO 31 on a motor vehicle notifying an infringer that an infringement notice on a form similar to AARTO 03b will be issued in accordance with regulation 33 (4) within 60 days of the commission of the infringement.

(3) Subject to section 23 of the Act, where a person has allegedly committed an offence, categorised as such in terms of section 29 (a) of the Act, a form similar to AARTO 32 as shown in Schedule 1 must be completed by the authorised officer in order to record the particulars of the offence on the National Road Traffic Offences Register as contemplated in regulation 28.

(4) In the case of an offence captured on camera, the Issuing Authority under whose jurisdictional area the offence was committed, must serve a form similar to AARTO 33 as shown in Schedule 1, on the person alleged to have committed an offence in accordance with regulation 33 (4) within 60 days of the commission of the offence and also serve the required summons on such person in accordance with the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

(5) Where a juristic person who is not an operator or an operator is alleged, in terms of section 49 of the National Road Traffic Act as shown in column 11 of Schedule 3 to have committed an-

(a) infringement, such a juristic person who is not an operator or an operator must be issued and served with an infringement notice on

a form similar to AARTO 03a as shown in Schedule 1 in accordance with regulation 33 (4); and

(b) an offence, such a juristic person who is not an operator or an operator must be served with a notice of summons to be issued on a form similar to AARTO 33a as shown in Schedule 1 in accordance with regulation 33 (4), within 60 days of having committed such an infringement or the offence, as the case may be.

(6) In addition to the information mentioned in section 17 (1) of the Act, an infringement notice may contain the following information—

(a) the details of the infringer, including his or her —

(i) surname;
(ii) first names, and if such infringer has more than one name, at least the first two full names and the initials, including initials of any further names;
(iii) identification type;
(iv) identification number;
(v) country of issue; and
(vi) driving licence code and, if applicable, the category of professional driving permit held by the infringer, or the learner licence code or temporary driving licence code.

(b) contact detail of the infringer, including his or her —

(i) home telephone number, if any;
(ii) mobile number; and
(iii) e-mail address, if any.

(c) the details of the motor vehicle with which the infringer has committed the infringement, including the —

(i) motor vehicle licence number plate;
(ii) motor vehicle licence disc number (not applicable in the case of camera captured infringements and offences);
(iii) operator card number and any other permit or licence number as contemplated in the Act, if applicable;
(iv) motor vehicle description;
(v) make of motor vehicle; and
(vi) motor vehicle licence number/s of drawn vehicle/s; if applicable.

(d) the location, date and time where and when the infringement was committed, including the —

(i) name of the province;
(ii) name of the municipality, city or town where applicable;
(iii) name of the suburb, where applicable; and
(iv) name of the street/s or public road and/or route number where the infringement was committed.

(e) the particulars of the Infringement/s and the alternative infringement/s, if applicable, including the —

(i) charge code, short statutory reference and short charge wording as shown in columns 1, 2 and 3 of Schedule 3; and
(ii) demerit points for the infringement as shown in column 7 of Schedule 3.

(f) with regard to the officer who issued the notice, his or her —

(i) surname and initials;
(ii) infrastructure number; and
(iii) the name and code of the issuing authority at which he or she is employed.

Courtesy Letter

3. If an infringer has failed to comply with the provisions of section 17 (1) (f) of the Act within 32 days after the date of service of the infringement notice, the authority must, in terms of section 19 (1) of the Act, issue a courtesy letter on a form similar to AARTO 12 as shown in Schedule 1 and serve it on an infringer in accordance with regulation 33 (4)

Enforcement Order

4. (1) If an infringer fails to comply as contemplated in section 20 (1) of the Act or an application for an appeal or review made in accordance with regulation 10 (1) is unsuccessful, the Registrar must —

(a) subject to the provisions of sections 20 (2) and 20 (3) of the Act, issue an enforcement order on a form similar to AARTO 13 as shown in Schedule 1 and serve it on the infringer in accordance with regulation 33 (4) ; and

(b) notify the infringer on a form similar to AARTO 18 as shown in Schedule 1 as required by section 20 (1) (c) of the Act that the demerit

points have been recorded against his or her name in the National Road Traffic Offences Register.

(2) The manner in which an infringer may apply for the revocation of the enforcement order as contemplated in section 20 (9) (a) of the Act, is by submitting a properly completed form similar to AARTO 14 as shown in Schedule 1 in accordance with regulation 33 (1) within 32 days after receipt of the enforcement order, which may include —

(a) a certified copy of proof of payment made in terms of regulation 23 or a proof that an arrangement to pay in instalment in terms of section 17 (1) (f) (iii) of the Act has already been made; or

(b) proof that an application for—

(i) a representation in terms of section 17 (1) (f) (i) ; or
(ii) a review or appeal in terms of section 29B of the Act; or
(iii) a nomination in terms of section 17 (1) (f) (iii) of the driver;

has already been submitted as prescribed; or

(c) any other relevant proof which must be substantiated in writing and be to the satisfaction of the Registrar.

(3) If a form similar to AARTO 14 as shown in Schedule 1 has been submitted to—

(a) an issuing authority, such issuing authority must process the application in accordance with regulation 33 (2) and inform the Authority in accordance with regulation 33 (5)

(b) the Authority, the Authority must —

(i) process the application in accordance with regulation 33 (2);
(ii) notify the infringer of the result of the application made in accordance with sub-regulation (2) on a form similar to AARTO 15 as shown in Schedule 1 in terms of regulation 33 (4) within 21 days from the date of receipt of such application.

(4) An issuing authority may apply for the revocation of the enforcement order as contemplated in section 20 (9) (b) of the Act by recording the application in accordance with regulations 33 (5), with the reference number of the infringement notice, the particulars of the infringer and the reason for the application.

(5) The Authority must notify the issuing authority of the result of its application made in terms of sub-regulation (4) within 10 days of having made that application, by recording the notification, which contains the outcome of the application for revocation in terms of regulation 33 (5).

Nominating Driver or Person in control

5. (1) The manner in which an infringer may nominate the driver of the motor vehicle at the time the infringement was committed as contemplated in section 17 (1) (f) (v) of the Act, is by properly completing a form similar to AARTO 07 as shown in Schedule 1 and submitting it in accordance with regulation 33 (1).

(2) The nomination form similar to AARTO 07 as shown in Schedule 1, submitted in terms of sub-regulation (1) must—

(a) be comprehensively completed and signed by the infringer ; and

(b) be accompanied by a legible copy of a valid driving licence of the nominated person issued and recognised as such in terms of National Road Traffic Act.

(3) If a form similar to AARTO 07 as shown in Schedule 1 has been submitted to—

(a) an issuing authority that is not the issuing authority that issued the infringement notice or the Authority, such issuing authority or the Authority must process the nomination in accordance with regulations 33 (2) and notify the issuing authority that issued the infringement notice in accordance with regulation 33 (5)

(b) the issuing authority that issued the infringement notice, such issuing authority must—

(i) process the nomination in accordance with regulation 33 (2);

(ii) Where a nomination submitted in accordance with sub-regulation (1) is successful on the basis that the information of the nominated person provided in terms of sub-regulation (2) (a) and (b) is valid or accurate, inform the infringer within 21 days of receipt of such nomination on a form similar to form AARTO 07a as shown in Schedule 1 in accordance with regulation 33(4) that the initial infringement notice will be cancelled and that a new infringement notice will be issued to the nominated person;

(iii) Where a nomination submitted in accordance with sub-regulation (1) is unsuccessful on the basis that the information of the nominated person provided in terms of sub-regulation 2 (b) and (b) is invalid or inaccurate and could not enable service of an infringement notice to the nominated person in accordance with sub-regulation (3) (b) (iv), inform the infringer within 21 days from the date of unsuccessful service of an infringement notice to the nominated person in accordance with regulation 33 (4) on a form similar to AARTO 07b that the nomination is unsuccessful and that the infringer shall remain liable for the penalty and fees of the initial infringement notice as contemplated in section 17 (5) of the Act; and

(iv) if a nomination submitted in accordance with sub-regulation(1) is successful and the infringer has been notified of the results of such application in accordance with sub-regulation 5(3) (b) (ii), despite regulation 2 issue and serve an infringement notice on the nominated person within 60 days from the date of successful nomination outcome in accordance with regulation 33 (4) .

(4) A successfully nominated driver may not submit further nominations and is liable for the nominated infringement and shall incur the demerit points applicable to that infringement.

Representations

6. (1) A representation contemplated in sections 17 (1) (f) (i), 18 (1) or 19 (2) (b) (i) of the Act, must be submitted by infringers on a form similar to AARTO 08 as shown in Schedule 1 in accordance with regulation 33 (1).

(2) A representation submitted in terms of sub-regulation (1) must be comprehensively completed and signed by the infringer and supported by all relevant documents where applicable.

(3) A representation which is not completed and submitted in accordance with sub-regulations (1) and (2) will not be processed and the consequent administrative processes in terms of the Act will be applicable.

(4) If a representation has been submitted to—

(a) an issuing authority, such issuing authority must process a representation in accordance with regulation 33 (2) and inform the Authority in accordance with regulation 33 (5); or

(b) the Authority, the Authority must process the representation in accordance with regulations 33 (2) and inform the infringer of the result of such application in accordance with regulation 7.

Notification of result of representations

7. (1) The Authority must inform an infringer in accordance with regulation 33 (4) of the decision of a representations officer within 32 days from the date of receipt of the application made in accordance with regulation 6 (1), by providing the infringer with a properly completed form, as shown in Schedule 1—

(a) Form similar to AARTO 09a, successful on all charges; and

(b) Form similar to AARTO 09b, unsuccessful on all charges;

(2) A notice given to an infringer in accordance with sub-regulation (1) (b) and (c) must advise an infringer of the information contemplated in section 18 (7) of the Act.

Chapter 3
Appeals Tribunal

Appointment of Members

8. (1) Members of the Tribunal including the Chairperson shall be appointed by the President through a public nomination on the Government Gazette issued by the Minister.

(2) Members of the Tribunal are appointed on a part-time basis and shall serve a term as contemplated in section 29D (2) of the Act.

Rules of the Tribunal

9. The Tribunal may develop its own rules governing the proceedings of the sittings, the conduct of its members as well as other related matters.

Lodging of appeals and reviews

10. (1) The manner in which an infringer may appeal or review the decision of a representations officer as contemplated in sections 29B of the Act is by properly completing and signing a form similar to AARTO 10 as shown in Schedule 1 together with copies of additional supporting documents relating

to a review where applicable and submitting it in accordance with regulation 33 (1).

(2) In the event that a form similar to AARTO 10 as shown in schedule 1 is not properly completed and signed, the designated official shall within 10 days of receipt of an appeal or review, issue a notice on a form similar to AARTO form 10a as shown in Schedule 1 in accordance with regulation 33 (4) calling upon the applicant or an appellant to comply as directed in the notice within a period 10 days.

(3) The Chairperson shall reject an application made in terms of sub-regulation (1) if the applicant or an appellant fails to comply as directed in terms of sub-regulation (2) and shall accordingly notify the applicant or an appellant of the reasons for rejection of an appeal or review on a from similar to AARTO form 10b as shown in Schedule 1 in accordance with regulation 33 (4).

Procedure

11. (1) The Authority or the Issuing Authority must, within 5 days from the date of receipt of the appeal or review submitted in terms of regulation 10 (1) process such an appeal or review in accordance with regulation 33 (2).

(2) A designated official must immediately after receipt of documents relating to an appeal or review processed in accordance with regulation 33 (2) prepare such documents for the Tribunal and submit them to the Chairperson.

(3) Upon receipt of the documents in relation to the appeal or review in terms of sub-regulation (2), the Chairperson must schedule a sitting of the Tribunal within a period of 10 days.

(4) The Tribunal shall make a decision on an appeal or review based on the documents submitted in accordance with regulation 10 (1).

(5) With regards to an appeal, the appellant may only submit documents and rely only on grounds which were initially considered by the representations officer in terms of section 18 (5) of the Act.

(6) An applicant may only submit additional documents contemplated in regulation 10 (1) and rely on additional grounds in relation to a review.

(7) Under extreme circumstances and in the discretion of the Chairperson, the Tribunal may call for an appeal hearing or a hearing in relation to a review in terms of section 29G considering the following in relation to the matter-

(a) complexity and importance of the matter;
(b) monetary value;
(c) number of people with an interest in the matter; and
(d) any other factor which according to the Chairperson may be important for the purpose of a hearing.

(8) In the event that the Chairperson decides to call for an appeal hearing or a hearing in relation to a review in terms of sub-regulation (7), the Tribunal must give notice of sitting 10 days before the date of hearing to the applicant or appellant in accordance with regulation 33 (4) on form AARTO 10c as shown in Schedule 1 setting out the-

(a) names of the applicant or the appellant;
(b) time and date of the hearing;
(c) subject matter of the appeal or review; and
(d) address of the venue where the hearing will be taking place.

(9) The Chairperson may summon any person in writing as a witness to the hearing in terms of section 29G (4) of the Act in accordance with regulation 33 (4) requesting such person to bring any material information or documents relating to the subject matter.

(10) The person summonsed to the Tribunal in terms of section 29G (4) must give evidence as required by the Chairperson after having taken an oath or affirmation and be cross-examined by the applicant or appellant in an appeal hearing or a hearing relating to the review.

(11) Any person called to the Tribunal as a witness, an applicant or an appellant in an appeal hearing or a hearing in relation to a review may apply to be represented by a legal representative or any other person in terms of the rules.

Condonation

12 (1) An infringer who has failed to lodge an application for appeal or review within 30 days in terms of section 29B (2) of the Act may, on good cause shown, apply for a condonation on a form similar to AARTO 35 shown in Schedule 1 and submitting it in terms of regulation 33 (1) before the issuance of an enforcement order in accordance with regulation 4.

(2) The Tribunal must inform the applicant or the appellant of the outcome of the application made in accordance with sub-regulation (1) within 10 days after receipt of such application on a form similar to AARTO 35a as shown in Schedule 1 in accordance with Regulation 33 (4).

(3) If an application for condonation made in accordance with sub-regulation (1) is successful, the infringer must make an application for an appeal or review contemplated in regulation 10 (1) within a period of 7 days from the date of the outcome provided in accordance with sub-regulation (2).

(4) If an application for condonation made in accordance with sub-regulation (1) is unsuccessful, the infringer shall be issued with an enforcement order in accordance with Regulation 33 (4).

Record of Proceedings and Decisions of Tribunal

13 (1) The proceedings of the Tribunal shall be recorded in writing and filed appropriately by the employees designated by the Registrar to perform the administrative work of the Tribunal in terms of section 29J of the Act.

(2) The Tribunal must notify the infringer of the decision made in relation to the appeal or review on a form similar to AARTO form 10d as shown in Schedule 1 in accordance with regulation 33 (4) within 30 days from the date on which the application for appeal or review was made in terms of regulation 10 (1).

(3) The Tribunal must inform the Authority of its decision made in terms of sub-regulation (2) in accordance with regulation 33 (5).

(4) Upon receipt of the decision of the Tribunal, the Authority must capture and process the details of the infringer on the National Road Traffic Offences Register in accordance with regulation 33 (2) and in the case of an unsuccessful appeal or review, issue the infringer with an enforcement order in terms of section 20 of the Act in accordance regulation 33 (4).

(5) If an appeal or review made in accordance with regulation 10 (1) is successful, the infringement notice must be cancelled or re-issued in accordance with regulation 32.

(6) If an appeal or review made in accordance with regulation 10 (1) is unsuccessful and the infringer fails to pay an infringement penalty and fees, if any, in accordance with regulations 23, the Registrar must issue the enforcement order contemplated in regulation 4 in accordance with regulation 33 (4).

(7) Pending the decision of the Tribunal as contemplated in sub-regulation (2), no courtesy letter or enforcement order may be issued to the infringer and no demerit points may be allocated to the infringer.

(8) The decision of the Tribunal shall be binding unless overturned by the relevant Magistrate's court considering the review or appeal of the decision made by the Tribunal in terms of section 29I of the Act.

(9) The clerk of the court must inform the Authority of the decision of the Magistrate in relation to the review or an appeal of the decision of the Tribunal within 7 days after such a decision has been made in accordance with regulation 33 (5).

CHAPTER 4

Penalties, discount, fees and costs

Penalties payable in terms of Infringements

14. (1) The penalty contemplated in section 29 (b) of the Act, which is payable in respect of an infringement mentioned in columns 2 and 3 of Schedule 3, is calculated in accordance with the penalty units set out against it in column 5 of Schedule 3 where each unit has a monetary value as set out in paragraph (a) of Schedule 2.

(2) The rand value payable in respect of a penalty for an infringement mentioned in columns 2 and 3 of Schedule 3, calculated in accordance with sub-regulation (1) and paragraph 2 of Schedule 2, is set out against it in column 7 of that Schedule.

Discount

15. (1) The discount contemplated in section 17 (1) (d) of the Act is set out in paragraph 4 of Schedule 2.

(2) The discounted penalty amounts payable in respect of an infringement where payment is made within 32 days after the infringement notice was served, is set out in column 8 of Schedule 3.

(3) If a representation contemplated in section 18 of the Act is received by the Authority within the period prescribed in section 17 (1) (f) of the Act, and the—

(a) representation is rejected; or

(b) representation on the main charge is allowed and the infringer admits fault on the alternative charge.

the infringer is entitled to the discount contemplated in section 17 (1) (d) of the Act if payment of the discounted amount is made within 32 days after the notification of the results of such representation contemplated in regulation 7 (1) has been served on the infringer in accordance with regulation 33 (4).

(4) If a representation contemplated in section 18 of the Act is received by the Authority within the period prescribed in section 17 (1) (f) of the Act, and the representation is rejected, the infringer who applies for an appeal or review in terms of section 29B of the Act shall be entitled to the discount if payment of the discounted amount is made within 32 days after notice of the outcome of an appeal or review contemplated in regulation 13 (6) is served.

(5) If an arrangement for payment of the penalty and fees in instalments is made in accordance with regulation 23, such payment will be made in predetermined instalments, in which case the infringer, despite the provisions of this regulation, is not entitled to a discount and the full penalty and applicable fees will be payable.

Fees

16. (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 5 of Schedule 2.

(2) An infringer is not liable for the fee which may be charged for—

(a) a courtesy letter, if the infringer provides acceptable proof that he or she complied with the provisions in section 17 (1) (f) of the Act before the date of issue of the courtesy letter; and

(b) an enforcement order, if the infringer provides acceptable proof that he or she paid the penalty or outstanding fees where applicable, before the date on which the enforcement order was issued.

(3) Collection fees payable by or to receiving entities or the Authority for receiving and recording of payments, are set out in paragraph 5 of Schedule 2.

Penalties payable by Issuing Authorities and the Authority

17. Penalties payable by Issuing Authorities and the Authority for transfer and disbursement of funds to and from the AARTO bank account outside the prescribed time frames are shown in paragraph 7 of Schedule 2. The payment of such penalties will be the responsibility of the relevant non-compliant issuing authority or the Authority and will be calculated on a percentage basis in

accordance with the amount that needs to be transferred or disbursed and the number of days that the prescribed time limit is exceeded.

CHAPTER 5

Demerit points, Disqualification, Cancellations and Rehabilitation programmes

Demerit Points

18. (1) Subject to section 24(3) (a) of the Act, demerit points are incurred by infringers upon –

(a) making of a payment for a penalty and fees, if any, for an infringement, including partial and dishonoured payments;
(b) receipt of an election to pay a penalty in instalments;
(c) an infringer found guilty of an offence by a court; and (d) authorising of an enforcement order for an infringer.

(2) The demerit points to be incurred by an infringer in respect of an infringement or an offence committed as indicated in columns 2 and 3 of Schedule 3 are set out in column 6 of that Schedule.

(3) An infringement or an offence committed by an operator in terms of section 49 of the National Road Traffic Act, are indicated in column 9 of Schedule 3—

(a) will be charged in accordance with the charge code referred to in column 10 of that Schedule and the demerit points to be incurred for such infringement or offence, are recorded separately and indicated in column 6 and 10 of Schedule 3 in accordance with section 24(3)(b) of the Act;

(b) in the case of an infringement or offence committed by such operator in terms of sections 49 (d), 49 (e), 49 (f) and 49 (g) of the National Road Traffic Act, the operator will be responsible for the payment of the penalty in terms of section 49 charge, and the driver of the motor vehicle will be responsible for the payment of his or her penalty as indicated on the AARTO 01 or AART) 02 infringement notice.

the demerit points applicable to such an infringement or offence shall be allocated to that driver and specific operator for the respective infringements or offences.

(4) In the case where an operator is charged for a camera captured infringement on an AARTO 03 notice, and the operator fails to nominate the driver of the motor vehicle within the prescribed time frame, as contemplated in regulation 5, such operator shall remain liable for such infringement or offence and the demerit points applicable to such an infringement or offence shall be allocated to the specific motor vehicle operator card of such operator

(5) In the case where an infringement or offence is committed by the driver of a motor vehicle that is licenced in the name of a juristic person who is not an operator —

(a) and such infringement or offence related to the registration, licensing or roadworthiness of such motor vehicle charged on an AARTO 01 or AARTO 02 notice, both the juristic person who is not an operator and the driver of such motor vehicle will be responsible for the payment of their respective applicable penalties; and

(b) in the case of a camera captured infringement or offence charged on an AARTO 03, if the juristic person who is not an operator fails to nominate the driver of the motor vehicle within the prescribed time frame, as contemplated in regulation 5, the juristic person who is not an operators shall remain liable for such infringement or offence,

and the demerit points applicable to such an infringement or offence shall be allocated to that driver and juristic person.

(6) The total number of demerit points which, if exceeded, results in the disqualification of an infringer to drive any motor vehicle, as contemplated in section 29 (d) of the Act, is 15 points and in the case of a holder of a learner's license, the total number of points is 6.

(7) In terms of section 28 of the Act, the demerit points of an infringer shall be reduced by the Authority by-

(a) one point for every three months; and
(b) four points after a successful completion of a rehabilitation programme contemplated in regulation 21.

(8) The holder of a foreign driving licence shall, subject to regulation 15 (2), not incur any demerit points.

(9) The clerk of the court must inform the Authority of the decision of the court in relation to any convictions where the offence was committed within 10 days from the date when the offender was convicted in accordance with

regulation 33 (5) for purposes of allocating demerit points to such an offender.

(10) If an operator or a juristic person who is not an operator, of a motor vehicle as contemplated in sub-regulation (3), (4) or (5), –

(a) alienates or sells such motor vehicle;
(b) declares such motor vehicle permanently unfit for use;
(c) exports such motor vehicle; or
(d) reports such motor vehicle as stolen,

while such motor vehicle has demerit points recorded against the operator card or motor vehicle licence, such demerit points must –

(i) be stored on the National Road Traffic Offences Register;
(ii) be allocated to the operator card or motor vehicle licence of the next motor vehicle that is licensed by such operator or juristic person who is not an operator, as the case may be; and
(iii) the provisions of section 28 of the Act on the reduction of demerit points shall apply to such demerit points.

Access to Demerit Point Information

19. (1) The manner in which —

(a) a person referred to in section 33 (1) of the Act may apply to ascertain his or her demerit points status or demerit points history; or

(b) a person referred to in section 33 (2) of the Act may apply to ascertain demerit points status or demerit points history of an employee who has given written permission;

is by submitting a properly completed and signed form similar to AARTO 27 in respect of demerit points status or AARTO 27a in respect of demerit point history as shown in schedule 1 together with a written permission as contemplated in sub-regulation (1) (b) to the Authority in accordance with regulation 33 (1), together with the prescribed fee as shown in paragraph 5.3 and 5.4 of Schedule 2, for processing in term of regulation 33 (2).

(2) An infringer contemplated in section 33 (1) of the Act or an employer contemplated in section 33 (2) of the Act must be informed by the Authority of his or her or the employee's demerit points position within 10 days of having made an application in terms of sub-regulation (1) in the following manner-

(a) form similar to AARTO 28 as shown in Schedule 1, indicating the demerit points status of the person as a driver; or
(b) form similar to AARTO 28a as shown in Schedule 1, indicating the demerit points history of the person as a driver; or
(c) form similar to AARTO 29 as shown in Schedule 1, indicating the demerit points status of the person as an operator; or
(d) form similar to AARTO 29a as shown in Schedule 1, indicating the demerit points history of the person as an operator.

Disqualification and Cancellation of documents

20. (1) The notice on the disqualification period contemplated in section 26 (1) of the Act, by which an infringer must be informed that he or she has incurred more than the number of demerit points referred to in regulations 18 (6) and 18 (7) as the case may be, must be on a form similar to AARTO 20 as shown in Schedule 1, issued and served by the Authority on the infringer within 10 days of the disqualification date provide the following information—

(a) in the case of a holder of a driving licence card or professional driving permit —

(i) the length and expiry date of the disqualification period; and
(ii) that he or she –
(aa) must immediately hand in any driving licence card or professional driving permit in terms of section 25 (3) (a) to the issuing authority for retention;
(bb) may not drive or operate any motor vehicle during the disqualification period;
(cc) may be found guilty of an offence and liable on conviction to a fine or imprisonment if found driving or operating a motor vehicle during a disqualification period;

(dd) may re-apply for and be issued with a driving licence, professional driving permit upon expiry of a disqualification period; and
(ee) may not apply for a driving licence or professional driving permit until the expiry date of the disqualification period.

(b) In the case of an operator or a juristic person who is not an operator—

(i) the length and expiry date of the disqualification period for the particular motor vehicle;

(ii) that the operator card or motor vehicle licence disc for such motor vehicle must immediately be handed to the issuing authority for retention in the prescribed manner;

(iii) that such motor vehicle may not be operated on a public road or sold for the duration of the disqualification period;

(iv) that no application for an operator card or motor vehicle licence disc for such motor vehicle may be submitted until the expiry date of the disqualification period; and

(v) that an application may be made for re-issuance of an operator card or motor vehicle licence upon expiry of a disqualification period.

(c) in the case of holder of a learner's licence —

(i) the length and expiry date of the disqualification period;

(ii) that he or she must-

(aa) must immediately hand in a learners licence in terms of section 25 (3) (a) to the issuing authority for retention;

(bb) may not drive or operate any motor vehicle during the disqualification period;

(cc) maybe found guilty of an offence and liable on conviction to a fine or imprisonment if found driving or operating a motor vehicle during a disqualification period;

(dd) may re-apply for and be issued with a leaners licence, upon expiry of a disqualification period; and

(ee) may not apply for a driving licence or professional driving permit until the expiry date of the disqualification period.

(2) Upon receipt of the disqualified driving licence card, professional driving permit, operator card, motor vehicle licence disc or a permit, card or licence issued in terms of the road traffic legislation or transport legislation as the case may be, in terms of sub-regulation (1) by the issuing authority, such issuing authority must—

(a) capture and process the detail of the infringer and the documents received in terms of regulation 33 (2);

(b) retain such documents in a secure manner until the expiry date of the disqualification period; and

(c) provide an infringer with a copy of a form similar to form AARTO 23a as shown in Schedule 1 in accordance with regulation 33 (4) as proof of the documents surrendered.

(3) Upon expiry of the disqualification period, an application contemplated in section 25 (5) of the Act, to return a driving licence card, professional driving permit, operator card or motor vehicle licence disc or a permit, card or licence issued in terms of the road traffic or transport legislation as the case may be, that was handed in, in terms of section 25 (3) of the Act, must be—

(a) submitted on a form similar to AARTO 23 as shown in Schedule 1, to the issuing authority at which such documents were handed in for retention in terms of sub-regulation (1); and (b) the issuing authority must —

(i) return the documents to the holder together with a duly signed and stamped copy of the completed form similar to AARTO 23 as shown in Schedule 1; and

(ii) record the contents of form similar to AARTO 23 as shown in Schedule 1 in a manner contemplated in regulation 33 (2).

(4) In the event that a person, including the holder of a leaners licence, has incurred demerit points resulting in a disqualification to drive or operate a motor vehicle for a third time, the issuing authority contemplated in section 26 (2) must inform such person on a form similar to AARTO 21 as shown in schedule 1 within 10 days of disqualification for third time that his or her documents contemplated in section 25 (3) (a) have been cancelled and must immediately be handed over to be destroyed in terms of section 27 (2).

(5) Upon receipt of a handed document in terms of sub-regulation (4), the issuing authority contemplated in section 26 (2) of the Act, must—

(a) capture and process the detail of the infringer and the documents received on the National Traffic information System in terms of regulation 33 (2); and

(b) destroy a document received in terms of section 27 (2) of the Act.

(6) A document cancelled in terms of sub-regulation (4) shall be considered invalid and non-existent throughout the period of cancellation and the person who wishes to re-apply for such documents shall initiate a new application process in terms of the applicable road traffic or road transport laws as a new applicant after the expiry of a disqualification period contemplated in section 25 (2) (a).

(7) Despite the provisions of National Road Traffic Act, a person who reapplies for a cancelled document in terms of sub-regulation (5) may not be issued with a new document unless such person has successfully completed a compulsory rehabilitation programme as contemplated in regulation 21.

Rehabilitation Programme

21 (1) A rehabilitation programme contemplated in section 4 (2) (h) of the Act shall be made available to habitual infringers whose documents have been cancelled in terms of regulation 20 (4) and wish to reapply for them in terms of regulation 20 (6) and to any infringer who applies for the programme for a purpose of reduction of incurred demerit points.

(2) The manner in which a habitual infringer whose documents have been cancelled and re-applies for such documents in terms of regulation 20 (5), including a holder of leaner's licence whose leaners licence has been cancelled and re-applies for it or a driving licence after expiry of a disqualification period, may apply for a compulsory rehabilitation programme is by comprehensively completing and signing a form similar to AARTO 05 as shown in schedule 1 and submitting it together with a proof of payment of fees as shown in paragraph 5.9 in schedule 2 in terms of regulation 33 (1) as well as a legible copy of acceptable identification to the Authority.

(3) The manner in which an infringer who applies for a voluntary rehabilitation programme for a purpose of reduction of demerit points is by comprehensively completing and signing a form AARTO 11 as shown in schedule 1 and submitting it together with proof of payment of fees as shown in paragraph 5.9 in schedule 2 in terms of regulation 33 (1) as well as a legible copy of acceptable identification to the Authority.

(4) A rehabilitation programme contemplated in sub-regulations (2) and (3) may include-

(a) driver interventions programme;
(b) attendance of therapy and counselling sessions approved by the Authority; or

(c) any other appropriate rehabilitation measures as approved by the Authority.

(5) Upon receipt of the application together with proof of payment contemplated in sub-regulations (2) and (3), the Authority shall capture and process the details of the infringer on the National Road Traffic Offences Register in accordance with regulation 33 (2) and inform the infringer of the result of the application within 30 days from the receipt of such application in accordance with regulation 33 (4) on form similar to AARTO 5a as shown in schedule 1 indicating-

(a) time and date when the programme will be taking place;
(b) venue and the nature of the programme;

(c) duration of the programme;
(d) details of the service provider who will be administering the programme on behalf of the Authority; and
(e) number of demerit points reduced as contemplated in regulation 18 (6) (b) after completion of the programme.

(6) A person who applies for a rehabilitation programme in a manner contemplated in sub-regulation (3) may only do so once after every 12 months.

(7) Upon completion of the rehabilitation programme contemplated in sub-regulation (2) or (3), the institution conducting the rehabilitation programme must provide the Authority with a certification of the programme attended to the Authority within (5) days after such completion in accordance with regulation 33 (5).

(8) Upon receipt of a certificate contemplated in sub-regulation (7), the Authority shall capture and process the details of the infringer on the National Road Traffic Offences Register in accordance with Regulation 33 (2);

(9) If the rehabilitation programme was successfully completed, the Authority must inform the infringer on a form similar to AARTO 11a in accordance with regulation 33 (4) that a rehabilitation programme was successfully completed and that-

(a) the number of demerit points have been reduced in accordance with regulation 18 (8); and
(b) if applicable, a suspension is revoked if the number of demerit reduced based on successful completion of the rehabilitation programme is equal or below the threshold of the number of demerit points which will result to suspension as contemplated in regulation 18.

(10) If the rehabilitation programme was not successfully completed for whatever the reason, inform the infringer on a form similar to AARTO 11b in accordance with regulation 33 (4) that-

(a) the demerit point status will remain intact without any reduction; and
(b) the infringer will not be able to re-apply for documents in accordance with Regulation 20 (6) until the rehabilitation programme is successfully completed.

CHAPTER 6

Manner of payment

Payment of penalty and fees

22. (1) The manner in which payment of any penalty or fees contemplated in terms of the Act may be made is by providing the infringement notice number and paying the amount due — In cash, electronic funds transfer, credit or debit card or a bank guaranteed cheque where applicable at any—

(i) branch of a bank indicated on the infringement notice;
(ii) South African Post Office;
(iii) Receiving entity; or
(iv) Authority offices.

(2) Where payment is made by the infringer as contemplated in subregulation (1), a receipt on a form similar to form AARTO 19 as shown in Schedule 1 must be issued to the infringer as a proof of payment so made in accordance with Regulation 33 (4).

(3) If the infringer provides an incorrect infringement notice number when making payment and such payment is not allocated properly against such infringer, the infringer shall, despite the provision of regulation 16 (2), remain liable for payment of a penalty and all subsequent fees.

(4) Where an infringer has made an insufficient payment or a payment made in accordance with sub-regulation (1) is dishonoured, the Authority shall issue a notice on a form similar to AARTO 16 as shown in Schedule 1 in accordance with Regulation 33 (4) informing the infringer to comply as contemplated in section 19B (1) of the Act.

(5) Any penalty amounts and fees received in accordance with sub-regulation (1) (i) - (iii), must be paid over into the AARTO Bank administered by the Authority within 7 days after the end of each month to be dealt with in accordance with section 32 (1) of the Act.

(6) The Authority must pay any penalty amounts and fees received in accordance with sub-regulation (4) directly to the bank account of the issuing authority contemplated in section 32 (1) of the Act within 21 days after the end of each month.

(7) The penalties payable by the receiving entities for late transfer of penalties

and fees into the AARTO Bank account in accordance with sub-regulation (5) and penalties payable by the Authority for late transfer of penalties and fees in accordance with sub-regulation (6) are as shown in paragraph 6 of Schedule 2.

Payment in instalments

23. (1) The manner in which an infringer pays a penalty, or a penalty and fees if applicable, in instalments as contemplated in section 17 (1) (f) (iii) or 18 (7) (b) (i) of the Act, is by making an application and submitting it in accordance with regulation 33 (1) to pay in instalments on form similar to AARTO 04 as shown in Schedule 1.

(2) The application form similar to AARTO 04, submitted in terms of subregulation (1) must—

(a) be comprehensively completed and signed by the infringer; and (b) clearly indicate the number of monthly instalments requested.

(3) If form AARTO 04 has been submitted to—

(a) an issuing authority, such authority must process the application in accordance with regulations 33 (2) and inform the Authority in accordance with regulation 33 (5);

(b) the Authority, the Authority must—

(i) process the election in accordance with regulations and 33 (2);
(ii) notify the infringer of the outcome of the application made in accordance with sub-regulation (1) within 10 days after receipt of such application on a form similar to form AARTO 06 as shown in Schedule 1 and serve it on the infringer in accordance with regulation 33 (4) ; and

(iii) inform the infringer that the relevant demerit points have been recorded against his or her name in the National Road Traffic Offences Register in respect of the infringement in question.

(4) Where payment is made in instalments, each payment must be made on a monthly basis on or before the first day of each calendar month in accordance with regulation 23 (1) until full settlement thereof has been made and such payments shall not exceed 6 monthly payments.

(5) If the infringer fails to pay, or makes an insufficient payment of an instalment or the cheque used for payment of that instalment is dishonoured as contemplated in section 19 (B) (2) of the Act, the Authority must notify the infringer in accordance with regulation 33 (4) on a form similar to AARTO 17 as shown in Schedule 1, that—

(a) the outstanding balance of such instalment, including the fee for the notice, must be paid within 7 days of service of the said notice;
(b) arrangements must be made within 7 days for the payment of the amount contemplated in sub-regulation (a) thereof;
(c) any payment referred to in sub-regulation (b) must be made as arranged and that subsequent instalments must be paid as originally arranged; and
(d) failure to comply with the said notice will result in an enforcement order being issued by the Authority, in terms of section 20 of the Act.

(6) If an arrangement for payment of the penalty and fees in instalments is made, such payment will be made in pre-determined instalments, in which case the infringer, despite the provisions of this regulation, is not entitled to a discount and the full penalty and applicable fees will be payable.

Late payment of a penalty, fee or instalment

24. (1) If payment of a penalty, fee or instalment is received from an infringer after a period of 32 days from the date on which form AARTO 06, AARTO 09b, AARTO 09c, AARTO 12, AARTO 13, AARTO 16, or AARTO 18 as shown in Schedule 1, as applicable, was served on the infringer, the Authority—

(a) must accept the money as payment of the penalty, fee or instalment if the amount was paid in full; 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 Road Traffic Offences Register;
(iii) notify the infringer on form similar to AARTO 17 as shown in Schedule1 in accordance with regulation 33 (4) 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 issued and that the infringer is liable

for the balance of the amount due and the fees for issuing the form or forms so served;

(bb) no discount will be allowed; and

(cc) failure to pay the full amount due will result in an enforcement being issued by the Authority, in terms of section 20 of the Act.

Refunds

25. (1) The manner in which an infringer may apply for a refund of penalties and fees paid is by signing and completing a form similar to AARTO 25 as shown in Schedule 1 and submitting it to the Authority in accordance with regulation 33 (1).

(2) An application for a refund submitted in terms of sub-regulation (1) must—

(a) be comprehensively completed and signed by the infringer; and

(b) provide a fully substantiated motivation, accompanied by supporting documents where applicable.

(3) If form AARTO 25 has been submitted to —

(a) an issuing authority, such authority must process the application in accordance with regulations 33 (2) and inform the Authority in accordance with regulation 33 (5); or

(b) the Authority, the Authority must process the application in accordance with regulations 33 (2) and provide an outcome of such application in accordance with sub-regulation (4).

(4) The Authority must consider the application and either refund the excess amount or refuse the refund, and must notify the applicant of the result of the application on form AARTO 25a as shown in Schedule 1 within 21 days after receipt of the application in accordance with regulation 33 (4) .

Dishonoured payments

26. (1) If the payment of a penalty made in terms of regulation 22 (1) is dishonoured, the receiving entity concerned must notify the Authority in accordance with regulation 33 (5).

(2) The Authority must, after receipt of the notification contemplated in subregulation (1), and after becoming aware of the dishonoured payment, notify the infringer in accordance with regulation 22 (4).

CHAPTER 7

Record keeping

Information to be recorded

27. (1) An authorised officer who has issued or served an infringement notice or recorded the particulars of an infringer or offender in terms of the Act, must return the copy of such an infringement notice or the document on which the particulars of an offence have been recorded, with his or her confirmation of service to the issuing authority where the contents of the infringement notice or such document on which the particulars of an offence have been recorded must be recorded on the National Road Traffic Offences Register in the manner contemplated in regulation 28 .

(2) Issuing authorities, registering authorities and driving licence testing centres must retain records of all transactions executed by them in terms of the Act and these regulations.

(3) The Authority must keep record of all documents that are issued, served, received or deemed to have been received or served in terms of the Act and these regulations.

(4) The Authority must, for the purposes of section 30 (2) of the Act, keep all receipts issued by the postal service for the acceptance of documents that are served by postage, 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 and enforcement orders issued and served in terms of the Act; and
(d) revoked enforcement orders.

(5) Records of payments received and receipts issued by an 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 28.

National Road Traffic Offences Register

28. (1) Detailed information regarding infringements and offences must be recorded onto the National Road Traffic Offences Register as follows—

(a) all notices on forms AARTO 01, AARTO 31 and AARTO 34, record of particulars of summons on form AARTO 32 and any other document served personally in terms of regulation 29 must be captured directly onto the National Road Traffic Offences Register after service thereof;
(b) notices on form AARTO 02, must be uploaded onto the National Road Traffic Offences Register; and
(c) in cases where infringements or offences have been captured by means of a camera, including speed and other moving violations contemplated on forms AARTO 03 and AARTO 33, such infringements and offences must be recorded onto the National Road Traffic Offences Register by submitting an electronic data file in accordance with Regulation 33 (5).

(2) The Authority must keep record on the National Road Traffic Offences Register of all applications referred to the Tribunal for appeal or review, as well as the outcomes of such applications.

(3) Subject to the written authorisation of the National Archivist as contemplated in section 13 (2) (a) of the National Archives and Record Service 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 Authority has certified the authenticity of the electronic image.

CHAPTER 8

Service of documents

Personal service

29. (1) Personal service is achieved when any document contemplated in the Regulations is served on an infringer who committed an infringement, at the —

(a) road side in respect of AARTO 01 and AARTO 02;

(b) address as provided by the infringer as indicated on form AARTO 01, AARTO 02 or AARTO 10a, where applicable as shown in Schedule 1, which he or she has confirmed as correct;
(c) address of the infringer as indicated in the register of driving licences, or the register of motor vehicles; or
(d) address obtainable from any other credible and lawful source.

(2) The authorised officer who serves a document must explain to the infringer the contents of the document and must —

(a) certify on the copy of the infringement notice, courtesy letter or enforcement order that the document was served personally, stating the date, time and place of service, and that its contents and the options set out in section 17 (1) (f) of the Act, in the case of an Infringement Notice; section 19 of the Act, in the case of a courtesy letter; and section 20 in the case of an enforcement order, were explained at the time of service; 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.

(3) A document referred to in sub-regulation (2), is *prima facie* proof that the infringement notices and the AARTO Notices were duly served.

(4) If the infringer cannot be found, the document may be served by delivering it at the infringer's place of residence to a person apparently over the age of 16 years or place of employment or business to the reception of such place of employment or business.

(5) If a document is to be served on —

(a) an organisation, company or other corporate body, the document must be delivered to an employee at the reception at its registered office or principal place of business;

(b) a partnership, firm, voluntary association, trust or any other business, the document must be delivered at the registered place of business of such partnership, firm, voluntary association, trust or any other business, to a person at the reception of the said institution as the case may be; or

(c) a State institution, the document must be delivered to a person at the reception of the said institution.

(6) In case of personal service the status of such delivery must be updated on the National Road Traffic Offences Register in accordance with regulation 28.

Service by postage

30. (1) If an infringement notice or an AARTO notice is to be served by postage, such infringement notice or an AARTO notice must be addressed to the infringer's-

(a) address as indicated on a form similar to form AARTO 01 or AARTO 02, as shown in Schedule 1, which the infringer has confirmed as correct;
(b) address as indicated by the infringer on the notice of change of address on form NCP as prescribed under the National Road Traffic Act; or
(c) last known address of the infringer as indicated in the register of driving licences, or the register of motor vehicles.

Electronic service

31. (1) If an infringement notice or an AARTO notices to be served by electronic means, such an infringement notice or an AARTO notice must —

(a) be addressed to the infringer's electronic communication network the details of which have been indicated by the infringer —

(i) on either form AARTO 01 or AARTO 02, as shown in Schedule 1, which he or she has confirmed as correct;
(ii) on the notice of change of address on form NCP as prescribed under the National Road Traffic Act;
(iii) as indicated in the register of driving licences or the register of motor vehicles; or
(iv) in registering on the AARTO website.

Re-service of documents

32 (1) Despite the provisions of regulation 2 (1) (a), the manner in which an infringement notice or courtesy letter may be re-issued as contemplated in section 18 (1) (b) is by issuing and serving such an infringement notice or a courtesy letter on the infringer in accordance with Regulation 33 (4).

(2) In the event that a representation is made on the basis that an infringement notice was not served as contemplated in section 18 (1) (b), the Authority shall within 5 days after notifying the infringer of the results of the representations in accordance with regulation 7, notify the issuing authority that issued the infringement notice in accordance with Regulation 33 (5) that an infringement notice must be re-issued and served on the infringer in accordance with Regulation 33 (4)

(3) The Issuing Authority contemplated in sub-regulation (2) must re-issue and serve the infringement notice on the infringer within a period of 40 days as contemplated in section 18 (1) (b) of the Act.

(4) An infringer to whom an infringement notice has been re-issued and served in accordance with sub-regulation (3) shall be entitled to exercise all the elective options contemplated in section 17 (1) (f) within a prescribed period of 32 days upon receipt of such an infringement notice.

(5) In the event that a representation is made on the basis that a courtesy letter was not served as contemplated in section 18 (1) (b), the Authority shall simultaneously, upon notifying the infringer of the results of the representations in accordance with regulation 7, also re-issue and serve a courtesy letter on the infringer in a manner contemplated in Regulation 33 (4).

(6) An infringer to whom a courtesy letter has been re-issued in accordance with sub-regulation (5) shall be entitled to exercise all the elective options contemplated in section 19 (2) within a prescribed period of 32 days upon receipt of such a courtesy letter.

CHAPTER 9
General

Manner of application, notification, submission, or enquiry

33. (1) Any application, by an infringer must be on the applicable and properly completed and signed prescribed AARTO form as shown in Schedule 1 which must be, together with attachments, if any—

(a) handed in, in person, together with a copy of the original form, at any issuing authority, local registering authority, driving licence testing centre or the Authority, which must be processed in accordance with sub-regulation (2);
(b) posted by registered mail to the postal address of any issuing authority, local registering authority, driving licence testing centre or the Authority as shown on the applicable form;
(c) e-mailed to the e-mail address of any issuing authority, local registering authority, driving licence centre or the Authority as shown on the applicable form;
(d) faxed to the fax number of any issuing authority, local registering authority, driving licence testing authority or the Authority as shown on the applicable form;
(e) electronic completion of the applicable form on the AARTO website, printing it and submitting it in terms of sub-regulations (1) (a) to (1) (d); or

(f) electronic data exchange by individuals, companies and agents that are registered for this purpose with the Authority.

(2) Any document received from an infringer in terms of sub-regulations (1) (a) to (1) (e) must be processed as follows-

(a) If original, sign and stamp the copy of the document which must clearly show the name of the issuing authority, local registering authority, driving licence testing authority and the date it was received, and hand it to the infringer as proof of receipt; and

(b) recorded, scanned and uploaded to the National Road Traffic Offences Register by an Issuing Authority, local registering authority, driving licence testing authority or the Authority, as the case may be.

(3) Any enquiries by infringers to the Authority may be made through any of the means provided on the AARTO website at www.aarto.gov.za and any specific enquiries may be submitted as indicated on the specific forms.

(4) An infringement notice or AARTO notice required to be served or issued to the infringer must be issued or served by —

(a) posting it to the address of the infringer as contemplated in regulation 30;

(b) electronic service through electronic communications network the details of which have been provided by the infringer in terms of regulation 32 ; or

(c) personal service as contemplated in regulation 29.

(5) Any notification or application —

(a) to the Authority from an issuing authority, vehicle registration and licencing authority, driving licence testing centre or any agent contracted by the Authority; or

(b) from the Authority to an issuing authority, vehicle registration and licencing authority, driving licence testing centre or any agent contracted by the Authority;

must be made by electronic data exchange or the National Road Traffic Offences Register.

(6) Any application or payment of penalties and fees made in accordance with regulation 22 on behalf of the infringer must be accompanied by a properly completed power of attorney signed by the infringer giving the person who

makes such application or payment of penalties and fees the authority to do so on behalf of the infringer.

Suspect Infringement Notices, Inconclusive Postal Addresses, Returned mail and Cancellation of Notices and Submissions

34. (1) In cases where infringement notices are captured or uploaded on the National Road Traffic Offences Register and certain particulars of the data are in conflict with similar data already contained on the Register, such notices must be dealt with as follows —

(a) infringement notices will be flagged as suspect on the Register and will not be subjected to further processing in terms of the AARTO procedures until the conflicting data has been corrected by the Issuing Authority that issued the notice and such data conflicts, which could be due to incorrect capturing of data or incorrect recording thereof by an officer at the roadside, include the following —

(i) conflicting infringer particulars regarding the name and the identification number of the infringer;
(ii) conflicting motor vehicle particulars regarding the make of the motor vehicle or the motor vehicle licence number;
(iii) the motor vehicle status is marked as deregistered, exported or carries a South African Police mark as stolen;
(iv) the charge code for an infringement does not match the vehicle type description in accordance with Schedule 3;
(v) in the case of speed infringements where the speed reading recoded for the infringer does not fall within the range indicated for the specified charge code as shown in Schedule 3;
(vi) a conflicting penalty amount for a particular charge; or
(vii) conflicting particulars of the traffic officer regarding his or her name, infrastructure number or the name of the Issuing Authority at which he or her is employed.

(b) The suspect Infringement Notices contemplated in sub-regulation (a) may be cancelled by the Registrar in cases where—

(i) after notification of such conflicts the required corrections are not effected within a period of 14 days by the Issuing Authority in the case of wrongly captured data; or
(ii) the conflicting data could not be corrected due to incorrect data recorded by an officer on the infringement notice at the roadside.

Infringement penalty levy

35 (1) An infringement penalty levy shall be payable on every infringement notice issued and followed up by proper administrative processes by the Authority in terms of the Act.

(2) The fee for the infringement penalty levy is as shown in paragraph 3 in Schedule 2 and shall be payable to the Authority in accordance with regulation 22 without a discount contemplated in regulation 15.

South African Police Service

36. Arrangements for the provision of the South African Police Service (SAPS) in the AARTO process; the linking of SAPS stations with specific provincial or municipal issuing authorities and the functions and responsibilities of such authorities are provided in Schedule 4.

Obtaining of AARTO Forms

37. (1) The following printed AARTO forms as shown in Schedule 1 shall be ordered by issuing authorities from the Government Printing Works —

(a) AARTO 01 : Handwritten infringement notice;
(b) AARTO 31 : Handwritten notice in respect of unattended vehicle;
(c) AARTO 32 : Record of Particulars of an Offence;

(2) The following printed AARTO forms, as shown in schedule 1 may be ordered by issuing authorities from the Government Printing Works or downloaded from the AARTO website and printed and must be made available for use by infringers at all issuing authorities, registering authorities and driving licence testing centres-.

a) AARTO 04 : Notification to pay in instalments;
b) AARTO 07 : Nomination of driver or person in control;
c) AARTO 08 : Representation;
d) AARTO 10 : Appeal or Review;
e) AARTO 14 : Application for revocation of an enforcement order;
f) AARTO 23 : Application for return of disqualified driving licence, PrDP or operator card;
g) AARTO 25 : Application for refunding of monies;
h) AARTO 27 : Permission to access demerit points status; and
i) AARTO 27A : Permission to access demerit points history.

(3) Form AARTO 02 as shown in Schedule 1, must be obtained from the Authority and installed on electronic equipment used at the roadside for the electronic generation and printing of notices.

(4) All other forms shown in Schedule 1 and not listed in sub-regulations (1) to (3) shall be electronically generated and processed by the National Road Traffic Offences Register.

Repeal of regulations

38. The following regulations are hereby repealed—

(1) The Administrative Adjudication of Road Traffic Offences Regulations, 2008, issued under Government Notice No. R.753 in *Government Gazette* No. 31242 on 16 July 2008;

(2) The First Amendment to the Administrative Adjudication of Road Traffic Offences Regulations, 2008 issued under Government Notice No. R212 in *Government Gazette* No. 33039 on 19 March 2010; and

(3) The Second Amendment to the Administrative Adjudication of Road Traffic Offences Regulations, 2008 issued under Government Notice No. R869 in *Government Gazette* No. 37025 on 14 November 2013.

Transitional provisions

39. Any matter, application, notification or submission done, information provided and/or recorded, captured, made or performed in terms of the repealed regulations as contemplated in regulation 38, shall be concluded in terms of the said repealed regulations.

Short title and commencement

40. These regulations are called the Administrative Adjudication of Road Traffic Offences Regulations, 2019 and shall come into operation on the date of publication.

List of Schedules

Schedule 1 – AARTO Forms
Schedule 2 – Monetary value of Penalty Unit, Penalty Amount, Discount, Fees, Disbursements and Penalties
Schedule 3 - Charge Book

Schedule 4 – Provision for South African Police Service (SAPS)