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OFFICE OF THE PRESIDENT

No. 504.

28 April 1999

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 22 of 1999: Administrative Adjudication of Road Traffic Offences Amendment Act, 1999.

KANTOOR VAN DIE PRESIDENT

No. 504.

28 April 1999

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 22 van 1999: Wysigingswet op die Administratiewe Beregtiging van Padverkeersmidrywe, 1999.

Act No. 22, 1999

ADMINISTRATIVE ADJUDICATION OF ROAD
TRAFFIC OFFENCES AMENDMENT ACT, 1999**GENERAL EXPLANATORY NOTE:**

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 14 April 1999.)

ACT

To amend the Administrative Adjudication of Road Traffic Offences Act, 1998, so as to substitute the definition of "issuing authority"; to further regulate the execution of warrants; to make further provision for the service of documents; to further regulate the apportionment of penalties; to repeal section 6 of the Finance and Financial Adjustments Acts Consolidation Act, 1977; and to provide for incidental matters.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 46 of 1998

1. Section 1 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (hereinafter referred to as the principal Act) is hereby amended by the substitution for the definition of "issuing authority" of the following definition: 5

"issuing authority" means—

- (a) a local authority contemplated in Chapter 7 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable law; [or] 10
- (b) a provincial administration; or
- (c) the Road Traffic Management Corporation, established under section 4 of the Road Traffic Management Corporation Act, 1999,

in so far as such authority, [or] administration or Corporation is responsible for traffic matters [in its area of jurisdiction];". 15

Amendment of section 21 of Act 46 of 1998

2. Section 21 of the principal Act is hereby amended by the substitution for subsections (3) and (4) of the following subsections:

- "(3) A warrant that has been issued under this section is regarded as process of execution for the purposes of Chapter IX of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), which applies with the necessary changes, and in such application a reference to— 20
- (a) the judgment creditor or execution creditor, must be read as a reference to the agency; and
 - (b) the judgment debtor or execution debtor, must be read as a reference to the infringer. 25

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 14 April 1999.)

WET

Tot wysiging van die Wet op die Administratiewe Beregting van Padverkeersmidrywe, 1998, ten einde die omskrywing van "uitreikingsgesag" te vervang; om die uitvoering van lasbriewe verder te reël; om verdere voorsiening te maak vir die betekening van dokumente; en die toedeling van boetes verder te reël; om artikel 6 van die Konsolidasiewet op Finansiële Reëlingswette, 1977, te herroep; en om voorsiening te maak vir bykomstige aangeleenthede.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 46 van 1998

1. Artikel 1 van die Wet op die Administratiewe Beregting van Padverkeersmidrywe, 1998 (hierna die Hoofwet genoem), word hierby gewysig deur die omskrywing van "uitreikingsgesag" deur die volgende omskrywing te vervang:

" 'uitreikingsgesag' —

- (a) 'n plaaslike owerheid beoog in Hoofstuk 7 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996), die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), of enige ander toepaslike wet; [of]

(b) 'n provinsiale administrasie; of

(c) die Padverkeersbestuurskorporasie, ingestel kragtens artikel 4 van die Wet op die Padverkeersbestuurskorporasie, 1999,

- 15 vir sover sodanige owerheid, [of] administrasie of Korporasie verantwoordelik is vir verkeersaangeleenthede [in sy regsgebied];".

Wysiging van artikel 21 van Wet 46 van 1998

2. Artikel 21 van die Hoofwet word hierby gewysig deur subartikels (3) en (4) deur die volgende subartikels te vervang:

- 20 "(3) 'n Lasbrief wat kragtens hierdie artikel uitgereik is, word beskou as 'n lasbrief vir eksekusie by die toepassing van Hoofstuk IX van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), wat met die nodige wysigings van toepassing is, en by sodanige toepassing moet 'n verwysing na—

- 25 (a) die vonnisskuldeiser of eksekusieskuldeiser, uitgelê word as 'n verwysing na die agentskap; en
- (b) die vonnisskuldenaar of eksekusieskuldenaar, uitgelê word as 'n verwysing na die oortreder.

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(4) Subject to the Rules of Court as defined in section 1 of the Magistrates' Courts Act, 1944, a warrant that has been issued under this section must be executed as prescribed."

Substitution of section 30 of Act 46 of 1998

3. The following section is hereby substituted for section 30 of the principal Act: 5

"Service of documents

30. (1) Any document required to be served on an infringer in terms of this Act, must be served on the infringer personally or sent by registered mail to his or her last known address.

(2) A document which is sent by registered mail in terms of subsection (1), is regarded to have been served on the infringer on the tenth day after the date which is stamped upon the receipt issued by the post office which accepted the document for registration, unless evidence to the contrary is adduced, which may be in the form of an affidavit." 10

Substitution of section 32 of Act 46 of 1998

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4. The following section is hereby substituted for section 32 of the principal Act:

"Apportionment of penalties

32. (1) [Despite section 6 of the Finance and Financial Adjustments Acts Consolidation Act, 1977 (Act No. 11 of 1977),] Any penalty received by the agency in terms of this Act must be paid over monthly, after deduction of an amount equal to the discount contemplated in section 17(1)(d), to the issuing authority under whose authority the infringement notice was issued, and if it was not issued under the authority of such authority, to the issuing authority within whose area of jurisdiction the infringement was committed. 20 25

(2) [Subject to section 6 of the Finance and Financial Adjustments Acts Consolidation Act, 1977 (Act No. 11 of 1977),] Any fine received in respect of any conviction under the national and provincial laws relating to road traffic, must be paid over monthly to the issuing authority under whose authority the infringement notice was issued, and if it was not issued under the authority of such authority, to the issuing authority within whose area of jurisdiction the infringement was committed." 30

Repeal of section 6 of Act 11 of 1977

5. Section 6 of the Finance and Financial Adjustments Acts Consolidation Act, 1977 (Act No. 11 of 1977), is hereby repealed. 35

Short title and commencement

6. This Act is called the Administrative Adjudication of Road Traffic Offences Amendment Act, 1999, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

WYSIGINGSWET OP DIE ADMINISTRATIEWE
BEREGTING VAN PADVERKEERSMISDRYWE, 1999

Wet No. 22, 1999

(4) Behoudens die Hofreëls soos omskryf in artikel 1 van die Wet op Landdroshowe, 1944, moet 'n lasbrief wat kragtens hierdie artikel uitgereik is, uitgevoer word soos voorgeskryf.”.

Vervanging van artikel 30 van Wet 46 van 1998

5 3. Artikel 30 van die Hoofwet word hierby deur die volgende artikel vervang:

“Betekening van dokumente

30. (1) Enige dokument wat ingevolge hierdie Wet op 'n oortreder beteken moet word, moet op die oortreder persoonlik beteken word of per geregistreerde pos na sy of haar jongste bekende adres gestuur word.

10 (2) 'n Dokument wat ingevolge subartikel (1) per geregistreerde pos gestuur word, word beskou om op die oortreder beteken te wees op die tiende dag na die datum wat gestempel is op die kwitansie wat uitgereik is deur die poskantoor wat die dokument vir registrasie aanvaar het, tensy getuienis tot die teendeel, wat in die vorm van 'n beëdigde verklaring kan wees, aangevoer word.”.

Vervanging van artikel 32 van Wet 46 van 1998

4. Artikel 32 van die Hoofwet word hierby deur die volgende artikel vervang:

“Toedeling van boetes

20 32. (1) [Ondanks artikel 6 van die Konsolidasiewet op Finansie- en Finansiële Reëlinswette, 1977 (Wet No. 11 van 1977),] Enige boete wat deur die agentskap ontvang word ingevolge hierdie Wet, moet maandeliks, na aftrekking van 'n bedrag gelyk aan die afslag beoog in artikel 17(1)(d), oorbetaal word aan die uitreikingsgesag op wie se gesag die oortredingskennisgewing uitgereik is, en indien dit nie op gesag van so 'n gesag uitgereik is nie, die uitreikingsgesag in wie se regsgebied die oortreding gepleeg is.

25 (2) [Behoudens artikel 6 van die Konsolidasiewet op Finansie- en Finansiële Reëlinswette, 1977 (Wet No. 11 van 1977), moet] Enige boete wat ontvang word ten aansien van 'n skuldigbevinding ingevolge die nasionale en provinsiale wette wat met padverkeer verband hou, moet maandeliks oorbetaal word aan die uitreikingsgesag op wie se gesag die oortredingskennisgewing uitgereik is en, indien dit nie op gesag van so 'n gesag uitgereik is nie, aan die uitreikingsgesag in wie se regsgebied die oortreding gepleeg is.”.

35 **Herroeping van artikel 6 van Wet 11 van 1977**

5. Artikel 6 van die Konsolidasiewet op Finansie- en Finansiële Reëlinswette, 1977 (Wet No. 11 van 1977), word hierby herroep.

Kort titel en inwerkingtreding

40 6. Hierdie Wet heet die Wysigingswet op die Administratiewe Beregting van Padverkeersmisdrywe, 1999, en tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal.

