

REPUBLIC OF SOUTH AFRICA

ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES AMENDMENT BILL

*(As amended by the Select Committee on Public Services (National Council of Provinces))
(The English text is the official text of the Bill)*

(SELECT COMMITTEE ON PUBLIC SERVICES)

[B 31B—2000]

REPUBLIEK VAN SUID-AFRIKA

WYSIGINGSWETSONTWERP OP DIE ADMINISTRATIEWE BEREGTING VAN PADVERKEERSMISDRYWE

*(Soos gewysig deur die Gekose Komitee oor Openbare Dienste (Nasionale Raad van
Provinsies)) (Die Afrikaanse teks is die amptelike vertaling van die Wetsontwerp)*

(GEKOSE KOMITEE OOR OPENBARE DIENSTE)

[W 31B—2000]

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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.
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BILL

To amend the Administrative Adjudication of Road Traffic Offences Act, 1998, so as to regulate the appointment of the registrar, deputy registrars and representations officers; to effect textual corrections; and to provide for matters connected therewith.

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

Amendment of section 8 of Act 46 of 1998

1. Section 8 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection: 5

“(1) The members of the board referred to in section 6(1)(a) and (b) must appoint a person **[with proven expertise in corporate and financial management]** with the qualifications and experience determined by the Minister by notice in the *Government Gazette* as the registrar of the agency.”. 10

Amendment of section 9 of Act 46 of 1998

2. Section 9 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) **[No]** A person may not be appointed as a deputy registrar unless that person [— 15

(a) **has occupied a post of magistrate under the Magistrates Act, 1993 (Act No. 90 of 1993), or a post of senior prosecutor, for an uninterrupted period of at least five years; or**

(b) **has a tertiary qualification in financial or information management and at least three years appropriate experience]** has the qualifications and experience determined by the Minister by notice in the *Government Gazette*.” 20

Amendment of section 10 of Act 46 of 1998

3. Section 10 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: 25

“(2) **[No]** A person may not be appointed as a representations officer unless that person [—

(a) **holds a legal qualification and has proven expertise in the field of road traffic law; or**

- (b) **holds a qualification in road traffic management and control approved by the board]** has the qualifications and experience determined by the Minister by notice in the *Government Gazette*.”.

Short title

4. This Act is called the Administrative Adjudication of Road Traffic Offences Amendment Act, 2000. 5

**MEMORANDUM ON THE OBJECTS OF THE ADMINISTRATIVE
ADJUDICATION OF ROAD TRAFFIC OFFENCES
AMENDMENT BILL**

1. The Bill seeks to amend the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) (“the Act”), in order to regulate the appointment of the registrar, deputy registrars and the representations officers by the Minister. It is proposed that the requirements laid down by the Act for the appointment of the registrar, deputy registrars and representations officers be removed, with the Minister empowered to determine such requirements.

2. The requirements for their appointment will require the Minister to identify suitable persons for the said positions.

CONSULTATIONS

3. Members of the Executive Council responsible for traffic or transport in the nine provinces were consulted and consensus regarding the proposed changes was reached.

IMPLICATIONS FOR PROVINCES

4. None

FINANCIAL IMPLICATIONS FOR STATE

5. None.

PARLIAMENTARY PROCEDURE

6. The State Law Advisers and the Department of Transport are of the opinion that the Bill must be dealt with in accordance with the procedure established by section 76 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), since it falls within a functional area listed in Schedule 4 to the Constitution, namely “Road traffic regulation”.