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REPUBLIC OF SOUTH AFRICA

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**ADMINISTRATIVE  
ADJUDICATION OF ROAD  
TRAFFIC OFFENCES  
AMENDMENT ACT**

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REPUBLIEK VAN SUID-AFRIKA

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**WYSIGINGSWET OP DIE  
ADMINISTRATIEWE  
BEREGTING VAN  
PADVERKEERSMISDRYWE**

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**No           , 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.
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# 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.**

**B**E 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

(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** 15

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*.