

(5) In these Regulations, for the purposes of charge codes 6000 to 6499 of Schedule 3, any word or expression in such codes to which a meaning has been assigned in road traffic or transport by-laws of a local authority, shall have the meaning so assigned, unless the context indicates otherwise.

CHAPTER 2

Adjudication procedure

Infringement notice

2.(1) An infringement notice must be issued on the appropriate form AARTO 01, AARTO 02, AARTO 03, AARTO 03a or AARTO 03b.

(2) An infringement notice must be served on the infringer as contemplated in section 17(1) of the Act –

- (a) in the case of form AARTO 03 and AARTO 03a, within 60 days of the date of commission of the infringement: or
- (b) in the case of form AARTO 01 and AARTO 02, immediately upon commission of an infringement.

(3) In the case of an unattended motor vehicle -

- (a) an authorised officer must issue and place form AARTO 31, that notifies an infringer that form AARTO 03b will be served on the infringer, on the motor vehicle; and
- (b) form AARTO 03b must be served within 60 days of the commission of the infringement.

(4) Subject to section 23 of the Act, where a person has allegedly committed an offence, form AARTO 32 must be completed by the authorised officer upon the arrest of the offender must be submitted to the issuing authority in order to record the particulars of the offence on the National Road Traffic Offences Register as contemplated in regulation 30.

(5) In the case of an offence captured on camera, the issuing authority under whose jurisdictional area the offence was committed must serve form AARTO 33 on the person alleged to have committed the offence within 60 days of the commission of the offence.

(6) Where an operator is alleged, in terms of section 49 of the National Road Traffic Act, as shown in column 9 of Schedule 3, to have committed an —

- (a) infringement, such operator must be issued and served with an infringement notice on form AARTO 03a; and
- (b) an offence, such operator must be served with a notice of summons to be issued on form AARTO 33a,

within 60 days from the date of commission of such an infringement or the offence, as the case may be.

(7) Where a juristic person, who is not an operator, is alleged, as shown in column 9 of Schedule 3, to have committed an-

- (a) infringement, such juristic person must be issued and served with an infringement notice on form AARTO 03; and
- (b) an offence, such juristic person must be served with a notice of summons to be issued on form AARTO 33,

within 60 days of the date of commission of such an infringement or the offence, as the case may be.

(8) An Infringement notice contemplated in this regulation must be served in accordance with regulation 35(4) of these Regulations.

(9) In addition to the information contemplated in section 17(1) of the Act and subject to regulation 3, an infringement notice must contain the following information:

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

- (i) identification type;
 - (ii) identification number;
 - (iii) country of issue of the identification document; and
 - (iv) driving licence code and, if applicable, the category of professional driving permit held by the infringer, or the learner's licence code or temporary driving licence code, if applicable;
- (b) contact details of the infringer, including his or her —
- (i) home telephone number, if any;
 - (ii) mobile cellular number, if any; 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;
 - (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, of drawn vehicle, 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 or public road or route number where the infringement was committed;

- (e) the particulars of the Infringement and the alternative infringement, if applicable, including the —
 - (i) charge code and short charge wording as shown in columns 1 and 3 of Schedule 3; and
 - (ii) penalty amount, discount amount and, if applicable, demerit points for the infringement as shown in columns 7, 8 and 6 of Schedule 3 respectively; and
- (f) with regard to the officer who issues the notice, his or her —
 - (i) surname and initials;
 - (ii) infrastructure number; and
 - (iii) the name and code of the issuing authority where he or she is employed.

Additional requirements for infringement notices issued on forms AARTO 03 and 03a where the infringer is unknown, and the presumption of owner in section 73 of the National Road Traffic Act is used to identify the alleged infringer

3.(1) An infringement that is captured by means of camera equipment and served on the owner of a motor vehicle, by application of the presumption referred to in section 73 of the National Road Traffic Act, on an infringement notice issued on form AARTO 03 or 03a, must contain the information contemplated in subregulation (2).

- (2)(a) An infringement notice for a speeding infringement must contain a photograph or image of the motor vehicle concerned together with the—
 - (i) date of infringement;
 - (ii) time of infringement;
 - (iii) speed measured; and
 - (iv) location description.
- (b) The motor vehicle must be clearly identifiable by make, model and licence number as the transgressing vehicle.

(c) Two or more vehicles may not appear in the measurement area between the sensor lines if the sensor lines are general or not lane specific, and if lane specific, the lane of violation shall be indicated.

(3)(a) An infringement notice for a traffic signal infringement must contain a photograph or image wherein the following information is clearly visible:

- (i) Date of infringement;
- (ii) time of infringement;
- (iii) yellow interval time of the traffic light preceding the red-light time;
- (iv) elapsed red-light time at time of the photograph or image;
- (v) view of the whole width of the traffic lane and intersection and at least one functioning traffic light must be visible in the photograph or image indicating the interval of the intersection;
- (vi) vehicle clearly identifiable by make, model and licence number as the transgressing vehicle; and
- (vii) the location description.

(b) In the case of a traffic signal infringement contemplated in paragraph (a), the issuing authority must have at least two photographs or images available, at the request of the infringer, indicating the position of the vehicle of the infringer and—

- (i) the first image must show the vehicle approaching or entering the intersection after a delay time has lapsed at the start of the red interval of the intersection; and
- (ii) the second image taken a fixed time or distance from the first image indicating the vehicle moving through the intersection during the red interval.

(4) A photograph or image contemplated in subregulations (2) and (3) must be adjudicated by an authorised officer of the relevant issuing authority before such photograph or image may be transferred to the National Road Traffic Offences Register for a notice to be served on the owner contemplated in subregulation (1), in order to ensure that—

- (a) all the requirements of this regulation are complied with; and

- (b) the information on the photograph or image, relating to the vehicle model, make and licence number, correlates to such information on the National Road Traffic Information System.

(5) An owner who is issued with an infringement notice, a form AARTO 33, a courtesy letter or an enforcement order that does not contain evidence of a motor vehicle licensed to him or her on the National Traffic Information System, must complete a notification on form AARTO 08a and submit such notification to the Authority in accordance with regulation 35.

(6) The Authority must process the notification contemplated in subregulation (5) and if the Authority determines that the notification on form AARTO 08A is correct and that the infringement notice, form AARTO 33, courtesy letter or enforcement order, as the case may be, was not adjudicated as contemplated in subregulation (4), and the motor vehicle is not owned by the alleged infringer or offender, such infringement notice, form AARTO 33 or subsequently issued courtesy letter or enforcement order, as the case may be, must be marked as suspect or unverified in terms of regulation 36.

Courtesy letter

4. A courtesy letter contemplated in section 19 of the Act must—

- (a) be issued on form AARTO 12; and
- (b) be served on an infringer in accordance with regulation 35(4).

Enforcement order

5.(1) The enforcement order contemplated in section 20(1) of the Act must —

- (a) be issued on form AARTO 13; and
- (b) be served on the infringer in accordance with regulation 35(4).

(2) In the case where demerit points were incurred as contemplated in section 20(1)(b), the infringer must be notified on form AARTO 18 that the demerit points have been recorded against his or her name in the National Road Traffic Offences Register.

(3) The manner in which an infringer may apply to the Authority for the revocation of an enforcement order as contemplated in section 20(9)(a) of the Act, is by submitting a completed form AARTO 14 to the Authority in accordance with regulation 35(1).

(4) The form referred to in subregulation (3) must be accompanied by —

(a) a certified copy of proof of payment made in terms of regulation 25 or a proof that an arrangement to pay in instalments in terms of section 17(1)(f)(iii) of the Act has already been made prior to the issuing of the enforcement order; or

(b) proof that an application for—

(i) a representation in terms of section 17(1)(f)(i);

(ii) a review or appeal in terms of section 29B of the Act;

(iii) a notice in terms of regulation 3(5); or

(iv) a nomination in terms of section 17(1)(f)(v) of the driver;

has already been submitted as required prior to the issuing of the enforcement order;
or

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

(5) An application for the revocation of an enforcement order which is not completed and submitted in accordance with subregulation (3), after the applicant is made aware of the defects in the application and provided the opportunity to resubmit the application, will not be processed and the enforcement order will remain effective, and the Authority will notify the applicant on form AARTO 36 that the application is cancelled.

(6) If the form referred to in subregulation (3) has been submitted to—

(a) an issuing authority, such issuing authority must process the application in accordance with regulation 35(2) and inform the Authority thereof in accordance with regulation 35(5);

- (b) the Authority, the Authority must process the application process the application in accordance with regulation 35(2); and
- (c) the Authority, must notify the infringer, in accordance with regulation 35(4), of the result of the application made in accordance with subregulation (3) on form AARTO 15.

(7) 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 regulation 35(5), with the reference number of the infringement notice, the particulars of the infringer and the reason for the application.

(8) The Authority must notify the infringer, in accordance with regulation 35(5), of the result of the application made in terms of subregulation (7) which notification must specify the outcome of the application for revocation.

Nominating driver or person in control of motor vehicle

6. (1) The manner in which an infringer or offender who received an infringement notice or a form AARTO 33 may nominate the driver of the motor vehicle at the time the infringement or offence was committed, as contemplated in section 17(1)(f)(v) of the Act, is -

- (a) by completing form AARTO 07 and submitting it as contemplated in regulation 35(1); or
- (b) in the case of a fleet interface user, by submitting the required information of the driver of the vehicle by electronic data exchange in accordance with regulation 35(1)(c); Provided that if a fleet interface user is not able to submit the data by electronic data exchange, the fleet interface user must comply with paragraph (a).

(2) The form contemplated in subregulation (1)(a), must—

- (a) be comprehensively completed and signed by the nominating person; and

- (b) be accompanied by a legible copy of the acceptable identification of the nominated natural person or juristic person referred to in subregulation (4).
- (3) If the form contemplated in subregulation (1) has been submitted to—
- (a) an issuing authority that is not the issuing authority that issued the infringement notice or issued form AARTO 33, or to the Authority, such issuing authority, or the Authority as the case may be, must process the nomination in accordance with regulation 35(2) and notify the issuing authority that issued the infringement notice in accordance with regulation 35(5); or
 - (b) the issuing authority that issued the infringement notice or form AARTO 33 or the issuing authority contemplated in paragraph (a) notified the issuing authority that issued the infringement notice, such issuing authority must—
 - (i) process the nomination in accordance with regulation 35(2);
 - (ii) where the nomination submitted in accordance with subregulation (1) is successful on the basis that the information of the nominated person provided in terms of subregulation (2) is accurate, cancel the initial infringement notice or form AARTO 33, notify the infringer on form AARTO 7a that the nomination was successful, and may issue a new infringement notice or form AARTO 33 to the nominated person in terms of paragraph (iv);
 - (iii) where a nomination submitted in terms of subregulation (1) is unsuccessful—
 - (aa) due to the information of the nominated person provided in terms of subregulation (2) being inaccurate or false and the issuing authority could not enable service of an infringement notice or form AARTO 33 to the nominated person; or
 - (bb) the nominated person provided evidence that he or she was not the driver of the vehicle,

inform the infringer in accordance with regulation 35(4), on form AARTO 07b, that the nomination is unsuccessful and that the infringer shall remain liable for the penalty and fees of the initial infringement notice or offence as contemplated in section 17(5) of the Act: Provided that if the infringer provides additional information to make the nomination successful, the issuing authority must act as contemplated in subparagraph (ii): Provided further that if the issuing authority could not serve the notice due to a cause beyond the control of the infringer or offender or if the nominated driver cannot be served in the Republic, such nomination shall not be considered to be unsuccessful for the purpose of placing liability on such infringer; and

- (iv) if a nomination submitted in accordance with subregulation (1) is successful, issue and serve an infringement notice or form AARTO 33 in accordance with regulation 2 on the nominated person within 60 days from the date of the successful nomination outcome.

(4) Subject to sections 17(1)(f)(v) and 17(5) of the Act, an infringer who is a fleet interface user may nominate the proxy of a juristic person to provide the information of the alleged driver or person in control of the vehicle as contemplated in section 17(5) of the Act if—

- (a) the motor vehicle with which such infringement was committed is leased or rented to such juristic person;
- (b) such juristic person is acting on behalf of such fleet interface user; and
- (c) such juristic person is contractually required to provide such information on behalf of such fleet interface user.

- (5) An application for nomination that is not completed and submitted in accordance with subregulations (1) and (2), after the applicant has been informed of the defect, will not be processed and the consequent administrative processes in terms of the Act will be applicable to the original infringer or offender, and the applicant will be notified of the cancellation of the application on form AARTO 36.

Representations

7.(1) A representation contemplated in sections 17(1)(f)(i), 18(1) or 19(2)(b)(i) of the Act, must be submitted by an infringer to the Authority in accordance with regulation 35(1) on form AARTO 08.

(2) A representation submitted in terms of subregulation (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 subregulations (1) and (2), after the infringer has been informed of the defects thereof, and provided an opportunity to resubmit such representation, will not be processed and the consequent administrative processes in terms of the Act will be applicable, and the applicant will be notified that the application has been cancelled on form AARTO 36.

(4) If a representation has been submitted to—

(a) an issuing authority, such issuing authority must process a representation in accordance with regulation 35(2) and inform the Authority in accordance with regulation 35(5); or

(b) the Authority, the Authority must process the representation in accordance with regulation 35(2); and

(c) the Authority, must inform the infringer of the result of such application in accordance with regulation 8.

(5) A representations officer who has received a representation as contemplated in section 18(4) of the Act must inform the issuing authority concerned, in accordance with regulation 35(5), that a representation has been received.

Notification of result of representations

8. (1) The Authority must inform an infringer, in accordance with regulation 35(4), of the decision of a representations officer by providing the infringer with the applicable completed

- (a) form AARTO 09a, "successful on all charges";
- (b) form AARTO 09b, "unsuccessful on all charges"; or
- (c) form AARTO 09c, "successful on main charge".

(2) The fee for a representation which has been rejected as contemplated in section 18(7)(b)(i) is shown in paragraph 5.10 of Schedule 2.

Chapter 3
Appeals Tribunal

Definitions

9. For the purpose of this Chapter—

"applicant" means an infringer who lodges an appeal or review against the decision of a representations officer with the Tribunal in terms of section 29B(2) of the Act.

Call for nominations of members of Tribunal

10. Nominations in response to calls for nominations of members of the Tribunal from the public as contemplated in section 29A(3) of the Act, which will be made by notice in the *Gazette or media*, must be submitted within a period of 30 days from the date of the notice, to the office of the Minister.