



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 452

Cape Town,
Kaapstad,

20 February
Februarie 2003

No. 24577

THE PRESIDENCY

No. 259

20 February 2003

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

No. 72 of 2002: Administrative Adjudication of Road Traffic Offences Amendment Act, 2002.

IHHOVISI LIKAMONGAMELI

Ino. 259

20 February 2003

Ngalokhu ukwaziswa ukuthi uMongameli usewuvumile loMthetho nosewuzo-shicilelwa umphakathi:—

Ino. 72 ka-2002: uMthethosivivinywa oyisiChibiyelo ka-2002 wokwe-Ngamela ukuThathwa kweziNqumo ngamaCala ezeNdlele.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

Act No. 72, 2002 ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC
OFFENCES AMENDMENT ACT, 2002

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 12 February 2003.)*

ACT

To amend the Administrative Adjudication of Road Traffic Offences Act, 1998, so as to regulate the composition of the board; to further regulate the appointment of sheriffs; to prescribe an extended period for payment of infringement fines and matters related thereto; and 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 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 amended by—

- (a) the insertion of the following paragraph after paragraph (d) of the definition of “acceptable identification”:

“(dA) a driving licence card issued in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);”; and

- (b) the insertion after the definition of “prescribed” of the following definition: “‘representations officer’ means a person contracted by the agency in terms of section 5 or appointed by the Registrar in terms of section 10 to consider representations submitted by any person who, after having committed a minor infringement, elects to make a representation.”.

Amendment of section 2 of Act 46 of 1998

2. Section 2 of the principal Act is amended by—

- (a) the substitution for paragraph (a) of the following paragraph:

“(a) to encourage compliance with the national and provincial laws and municipal by-laws relating to road traffic and to promote road traffic safety;”; and

- (b) the substitution for paragraph (f) of the following paragraph:

“(f) to reward law-abiding behaviour by reducing demerit points [imposed] where they have been incurred if infringements or offences are not committed over specified periods.”.

IZINCAZELO EZIBANZI:

- [] Umbhalo ogqamile okubakaki abazikwele usikhombisa lezo ngxenye ezeqiwe emthethweni osewethuliwe.
- _____ Umbhalo odwetshele ngomugqa ohlangene uveza lokho okwengeziwe emthethweni osewethuliwe.

(English text signed by the President.)
(Assented to 12 February 2003.)

UMTHETHO

Lapha kuchitshiyelwa uMthetho ka-1998 wokweNgamela ukuThathwa kweziNqumo ngamaCala ezeNdlela ngenhloso yokulawula ukwakheka kweBhodi; ukuze aqhubeke alungise ukubekwa kwamaphoyisa esifunda (*sheriffs*); ukunquma nokwelula isikhathi sokukhokhwa kwenhlawulo yokwephula umthetho nokubhekela amanye amaphuzu aphathelene nakho, ukulungisa lokho okubhaliwe; kanye nokuhlinzekela amanye amaphuzu aphethelene nakho.

Uma wemukelwa yiPhalamende laseNingizimu Afrika ngendlela elandelayo:—

Ukuchitshiyelwa kwesigaba soku-1 soMthetho onguNombolo 46 ka-1998

1. Isigaba 1 soMthetho ka-1998 wokweNgamela ukuThathwa kweziNqumo ngamaCala ezeNdlela (nokuzothi ngemuva kwalokhu waziwe ngoMthetho owethulwe kuqala) siyachitshiyelwa ngokuthi kufakwe ipharagrafu elandelayo ngemuva kukapharagrafu (d) wencazelo ethi “ukuzazisa okwamukelekayo”—

“(dA) ilayisensi yokushayela eyikhadi ekhishwe ngokwezimiso zoMthetho kaZwelonke wezeNdlela ka-1996 (UMthetho onguNombolo 93 ka-1996);”

(b) okufakwayo emva kwencazelo “yokubekiwe” incazelo elandelayo: 10
“‘isisebenzi sikhahulumeni esethulayo’ sisho umuntu oqashwe okwesikhashana isikhungo ngokulandela isigaba sesi-5 noma oqashwe ngoBhalisayo ngokulandela isigaba-10 ukubhekaukwethula okufakwe ngunoma yimuphi umuntu, Oothi emva kokwenza icala elincane akhethe ukwenza isethulo.”. 15

Ukuchitshiyelwa kwesigaba sesi-2 soMthetho onguNombolo 46 ka-1998

2. Isigaba sesi-2 soMthetho owethulwe kuqala siyachitshiyelwa ngokuthi—

- (a) Kwenziwe uguquko kupharagrafu (a) wepharagrafu elandelayo:
“(a) ukukhuthaza ukhlonishwa kwemithetho yezifunda nekaZwelonke kanye nemithetho Kamasipalati ephathelene nezendlela kanye nokukhuthaza ukuphepha emigqwaqeni”; kanye 20
- (b) Ukubeka endaweni yesiqephu (f) isiqephu esilandelayo:
“(f) ukwamukelisa ukuiphatha okuhlonipha umthetho ngokwehlisa amaphuzu okubi [atheliwe] lapho ake atholakala khona uma amacalana noma amacala angenziwanga ngokuhamba kwezikhathi ezibekiwe. 25

Act No. 72, 2002 ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC
OFFENCES AMENDMENT ACT, 2002

Amendment of section 5 of Act 46 of 1998

3. Section 5 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

“(2) The prescribed procedures must be followed in respect of any procurement or contract contemplated in subsection (1).”.

5

Amendment of section 6 of Act 46 of 1998

4. Section 6 of the principal Act is amended by—

(a) the substitution for subsection (1) of the following subsection:

“(1) A Road Traffic Infringement Agency Board, to represent and control the agency, is hereby established, comprising—

10

(a) [three] five persons[, who are not employed by the State,] appointed by the Minister, [on account] who by virtue of their [commercial] relevant experience and technical expertise are suitably qualified to perform the functions of the Agency under this Act;

(b) a Director of Public Prosecutions, nominated by the National Director of Public Prosecutions, in consultation with the [Directors of Public Prosecutions] Minister; and

15

(c) the registrar of the agency.”;

(b) the substitution for subsection (2) of the following subsection:

“(2) [The Minister must, prior to appointing the members contemplated in subsection (1)(a), publish the names of the persons proposed to be appointed as such members in the Gazette and invite comment on the suitability of such members for appointment] Prior to the appointment of a person to the board, the Minister must—

20

(a) by notice in the Gazette, publish his or her intention to appoint that person and invite public comment or objections within the period specified in the notice;

25

(b) forward a copy of the notice to the relevant Parliamentary Committees; and

(c) take into account any comment or objection received by him or her in accordance with such notice.”.

30

Amendment of section 9 of Act 46 of 1998

5. Section 9 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) The board may appoint not more than [twenty five] 25 persons as deputy registrars.”.

35

Substitution of section 12 of Act 46 of 1998

6. Section 12 of the principal Act is substituted by the following section:

“12. The Minister, after consultation with the registrar, may recommend to the Minister of Justice that such sheriffs or deputy sheriffs, as may be necessary to ensure the proper performance of the agency’s functions, be appointed in terms of the Sheriffs Act, 1986 (Act No. 90 of 1986).”.

40

Amendment of section 13 of Act 46 of 1998

7. Section 13 of the principal Act is amended by the substitution in subsection (1) for paragraph (d) of the following paragraph:

45

“(d) donations received, which must be declared in the annual report contemplated in section [7(3)] 7(2); and”.

Ukuchitshiyelwa kwesigaba sesi-5 soMthetho onguNombolo 46 ka-1998

3. Isigaba sesi-5 soMthetho owethulwe kuqala siyachitshiyelwa ngokuthi kwenziwe izinguquko esigatshaneni sesi-2 salesi sigatshana esilandelayo:

“(2) Inqubo ebekiwe kumele ilandelwe lapho kwenziwa isivumelwano noma inkontileka okukhulunywa ngayo esigatshaneni (1).”.

5

Ukuchitshiyelwa kwesigaba 6 soMthetho onguNombolo 46 ka-1998

4. Isigaba sesi-6 soMthetho owethulwe kuqala siyachitshiyelwa ngokuthi kwenziwe izinguquko esigatshaneni soku-1 salesi sigatshana esilandelayo—

“(a) Lapha kusungulwa iBhodi yoMkhandlu obhekele ukunqanda kokwephulwa kwemithetho yezendlela, nezokwakhiwa—

10

(a) ngabantu [abathathu] abahlanu [abangaqashiwe wuHulumeni] abaqokwe nguNgqongqoshe [ngokubheka] ngokwamakhono abanawo [kwezohwebo] ulwazi olufanele nasekwenzeni umsebenzi nabenza babe ngabantu abakulungele ukwenza umsebenzi woMkhandlu ngokulandela lo Mthetho;

15

(b) Umqondisi wokuPhenywa kwamaCala oMphakathi, oqokwe nguMqondisi kaZwelonke wokuPhenywa kwamaCala oMphakathi ngokubonisana [nabaQondisi bokuPhenywa kwamaCala oMphakathi] noNgqongqoshe; kanye

20

(c) nonobhala womkhandlu”;

(b) uguquko lwesigatshana sesi-2 kulesi sigatshana esilandelayo:

“(2) [Ungqongqoshe kumele kuthi ngaphambi kokuqoka amalungu okukhulunywa ngawo esigatshaneni (1)(a), ashicilele amagama abantu abahlongozwayo ukuba baqokwe njengamalungu kusoMqulu kaHulumeni futhi acele ukuthola uvo mayelana nokuqokwa kwalabo bantu.] Ngaphambi kokuqoka umuntu ukuba abe yilungu leBhodi, uNgqongqoshe kumele—

25

(a) ashicilele isaziso kusoMqulu kaHulumeni lapho eveza khona ukuthi uhlangoza ukuqoka lowo muntu, acele umphakathi ukuba wethule uvo lwawo kumbe iziphakamiso eziphikisa ukuqokwa, singapheli isikhathi esinqunywe esazisweni esikhishiwe; futhi

30

(b) hambisa ikhophi lombiko kumaBandla ePhalamende afenele; kanye

(c) akubheke ukuphawula okwenziwe neziphakamiso eziphikisayo azithole ngokwaleso saziso.”.

Ukuchitshiyelwa kwesigaba 9 soMthetho onguNombolo 46 ka-1998

35

5. Isigaba sesi-9 soMthetho owethulwe okokuqala siyachitshiyelwa ngokuthi kukhishwe isigatshana 1 salesi sigatshana esilandelayo:

“(1) IBhodi ingaqoka abantu abangevile [emashumini amabili nanhlanu] 25 njengabasizi bonobhala.”.

Ukuguqulwa kwesigaba se-12 soMthetho onguNombolo 46 ka-1998

40

6. Indawo yesigaba se-12 soMthetho owethulwe okokuqala ithatha yisigaba esilandelayo:

“12. UNgqongqoshe kungathi ngemuva kokubonisana nonobhala, enze isiphakamiso kuNgqongqoshe wezobuLungiswa sokuba kuthi ngokulandela uMthetho ka-1986 weziThunywa ezibhekele ukugcinwa komthetho kuqokwe iziThunywa ezizobhekela ukugcinwa komthetho (sheriff), namaphini azo eziyodingakalela ukusebenza ngendlela komkhandlu.”.

45

Ukuchitshiyelwa kwesigaba 13 soMthetho onguNombolo 46 ka-1998

7. Isigaba 13 soMthetho owethulwe okokuqala siyachitshiyelwa ngoguquko olwenziwa esigatshaneni (1) kupharagrafu (d) wepharagrafu elandelayo:

50

“(d) Iminikelo etholakele, okumele yaziswe embikweni wonyaka okukhulunywa ngawo esigabeni [7(3)] 7(2); kanye.”.

Act No. 72, 2002 ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC
OFFENCES AMENDMENT ACT, 2002

Amendment of section 17 of Act 46 of 1998

8. Section 17 of the principal Act is amended by—

- (a) the substitution in subsection (1) for paragraph (d) of the following paragraph:
“(d) specify the prescribed discount which may be obtained if the penalty is paid not later than [28] 32 days after the date of service of the infringement notice;”;
- (b) the substitution in paragraph (f) of subsection (1) for the words preceding subparagraph (i) of the following words:
“(f) inform the infringer that, not later than [28] 32 days after the date of service of the infringement notice, the infringer may—”;
- (c) the substitution for subsection (2) of the following subsection:
“(2) If an infringer fails to comply with an infringement notice within the period contemplated in subsection (1)(f), the issuing authority must give notice of the failure, in the prescribed manner, to the agency for further action in terms of section 19.”;
- (d) the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
“(3) If an infringer complies with an infringement notice by arranging to pay the penalty in instalments or by paying the penalty, as reduced by the discount contemplated in subsection (1)(d), the [issuing authority] agency must—”;
- (e) the substitution in subsection (3) for paragraph (c) of the following paragraph:
“(c) notify the infringer by registered mail in the prescribed manner that the demerit points have been recorded against his or her name in the national contraventions register in respect of the infringement in question; and”.

Amendment of section 18 of Act 46 of 1998

9. Section 18 of the principal Act is amended by—

- (a) the substitution in subsection (7) for paragraphs (b) and (c) of the following paragraphs:
“(b) if the infringer does not elect to be tried in court—
(i) that the penalty, the prescribed representations fee and the prescribed fee of the courtesy letter, if any, are payable to the agency or that the arrangements are made with the agency in the prescribed manner to pay in instalments, not later than [28] 32 days after the date of service of the notification; and
(ii) that a failure to pay the penalty and fees or to make arrangements to pay in instalments will result in an enforcement order being served on the infringer and that the infringer will become liable to pay the penalty and fees and the prescribed fee of the enforcement order; and
(c) if the infringer elects to be tried in court, which may only be done on the advice of the representations officer, that the provisions of section 22 apply.”; and
- (b) the substitution in subsection (8) for the words preceding paragraph (a) of the following words:
“(8) If an infringer pays the penalty and fee as contemplated in subsection (7)(b)(i), or makes arrangements to pay in instalments, the agency must—”.

Amendment of section 19 of Act 46 of 1998

- 10. Section 19 of the principal Act is amended by the substitution in paragraph (b) of subsection (2) for the words preceding subparagraph (i) of the following words:**
“(b) give notice that the infringer must, not later than [28] 32 days after the date of service of the courtesy letter—”.

Ukuchitshiyelwa kwesigaba 17 soMthetho onguNombolo 46 ka-1998

8. Isigaba 17 soMthetho owethulwe okokuqala siyachitshiyelwa ngokuthi—
- (a) kwenziwe uguquko esigatshaneni (1) kupharagrafu (d) wepharagrafu elandelayo:
- “(d) ukusho isaphulelo esinqunyiwe esinokunikezwa uma kuwukuthi inhlawulo ikhokhwe zingakedluli izinsuku ezingu [28] 32 ngemuva kokukhishwa kwesaziso sokwephulwa komthetho;”;
- (b) uguquko olwenziwe kupharagrafu (f) wesigatshana (1) emagameni endulela ipharagrafana (i) yamagama alandelayo:
- “(f) ukwazisa umephuli womthetho ukuthi, kumele kuthi kungakapheli izinsuku ezingu [28] 32 ngemuva kosuku lokukhishwa kwesaziso sokwephula umthetho umephuli mthetho anga—”;
- (c) uguquko olwenziwa esigatshaneni sesi (2) sesigatshana esilandelayo:
- “(2) Uma umephuli womthetho ehluleka ukuhlonipha isaziso esimbikela ngokwephula umthetho esikhathini esivezwe esigatshaneni (1)(f), iziphathimandla ezikhiphe isaziso kumele zibikele umkhandlu ngendlela ebekiwe ukuze uthathe ezinye izinyathelo ngokulandela izimiso zesigaba 19;”;
- (d) uguquko olusesigatshaneni (3) emagameni endulela upharagrafu (a) emagameni alandelayo:
- “(3) Uma umephuli womthetho evuma ukuhlonipha isaziso esimbikela ngokwephula umthetho ngokuthi ahlele ukukhokha inhlawulo ngamancu-ncozu noma ngokuthi akhokhe inhlawulo incishiswe ngesaphulelo okukhulunywa ngaso esigatshaneni (1)(d), [iziphathimandla ezikhiphe isaziso] umkhandlu kumele—”;
- (e) uguquko esigatshaneni (3) kupharagrafu (c) wepharagrafu elandelayo:
- “(c) ukwazisa umephuli mthetho ngencwadi erejistiwe nebhawle ngendlela enqunyiwe ukuthi igama lakhe selifakwe kurejista kazwelonke yabantu abangaziphethe kahle ngenxa yokwephula kwakhe umthetho akwenzile; futhi”.

Ukuchitshiyelwa kwesigaba se-18 soMthetho onguNombolo 46 ka-1998

9. Isigaba 18 soMthetho owethulwe kuqala siyachitshiyelwa ngokuthi—
- (a) kwenziwe izinguquko esigatshaneni 7 kumapharagrafu (b) no (c) wamapharagrafu alandelayo:
- “(b) uma umephuli mthetho ekhetha ukungaveli enkantolo—
- (i) uyokhokha eMkhandlwini inhlawulo, izimali zokumelwa ezinqunyiwe kanye nemali yencwadi abhalelwe yona noma enze amalungiselelo noMkhandlu ngendlela ebekiwe yokukhokha kancane kancane, zingakapheli izinsuku ezingama [28] 32 ngemuva kokuphuma kwesaziso esimbikela ngokwephula umthetho; kanye
- (ii) nokuthi ukwehluleka ukukhokha inhlawulo kanye nezimali ezifunekayo noma ukwehluleka ukwenza amalungiselelo okukhokha kancane kancane kuzoholela ekutheni kukhishwe incwadi yomyalo wokuphoqa umephuli mthetho, nezokwenza ukuthi umephuli mthetho abhekane nokukhokha inhlawulo, ezinye izimali ezifunekayo kanyenemali ezonqunywa yencwadi yokumphoqa.
- (c) uma umephuli mthetho ekhetha ukuvela enkantolo, nokuyinto engenzeka kuphela ngokweseleluleko salowo omumele, kuyosebenza izimiso sezigaba sama-22.”; futhi
- (b) uguquko esigatshaneni (8) emagameni endulela upharagrafu (a) wamagama alandelayo:
- “(8) Uma umephuli mthetho ekhokha inhlawulo nezimali okukhulunywa ngazo esigatshaneni (7)(b)(i) noma enza amalungiselelo okukhokha kancane kancane, umkhandlu kumele—”.

Ukuchitshiyelwa kwesigaba se-19 soMthetho onguNombolo 46 ka-1998

10. Isigaba 19 soMthetho owethulwe kuqala siyachitshiyelwa ngezinguquko kupharagrafu (b) wesigatshana sesi (2) emagameni endulela ipharagrafana yokuqala yamagama alandelayo:

Insertion of sections 19A and 19B into Act 46 of 1998

11. The following sections are inserted after section 19 of the principal Act:

“Options

- 19A.** Where an infringer exercises one of the options envisaged in sections 17(1)(f), 18(7)(b) or 19(2)(b) within 32 days, which options— 5
- (a) include the option to pay fines and monies, if any, or to make arrangement to pay in instalments, the matter must be concluded without considering the other options; and
 - (b) in any other case, including the option to be heard in court, this option must be ignored in order to conclude the matter out of court, 10 corresponding to the administrative process envisaged in this Act.

Payments

- 19B.** (1) If an infringer makes an insufficient payment to the agency in terms of this Act in respect of a fine or the cheque used for payment is dishonoured, a notice as prescribed must be served on the infringer, 15 informing him or her—
- (a) that the full amount owed, including the prescribed fee for the notice, must be paid within 32 days of service of the notice; and
 - (b) that failure to comply with the notice contemplated in paragraph (a) will lead to a warrant being issued against him or her in terms of 20 section 21.
- (2) If an infringer who has made arrangements to pay a fine or monies, if any, in instalments, fails to pay the instalments or makes an insufficient payment on an instalment or the cheque used for payment of that instalment is dishonoured, a notice as prescribed must be served on the infringer, 25 informing him or her—
- (a) that the outstanding balance of the instalment, including the fee for the notice, must be paid within seven days of service of the notice or that arrangements must be made within that time for the payment thereof; 30 and
 - (b) that any payment referred to in paragraph (a) must be made as arranged and that subsequent instalments must be paid as originally arranged; and
 - (c) that failure to comply with the notice will lead to a warrant in respect of the full amount owed being issued against him or her in terms of 35 section 21.”.

Amendment of section 20 of Act 46 of 1998

12. Section 20 of the principal Act is amended by—

- (a) the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 40

“(1) If an infringer fails to comply with the requirements of a notification contemplated in section 18(7) or a courtesy letter contemplated in section 19(2)(b) or has failed to appear in court as contemplated in section 22(3)(a), as the case may be, the registrar must, subject to subsection (2)—”;

UMTHETHOSIVIVINYWA OYISICHIYIYELA KA-2002 Act No. 72, 2002
WOKWENGAMELA UKUTHATHWA KWEZINQUMO NGAMACALA EZENDLELA

“(b) ukukhipha isaziso sokuthi umephuli mthetho kumele kuthi kungakapheli izinsuku ezingama [28] 32 ngemuva kosuku athole ngalo incwadi yesibonelelo embikela ngokwephula umthetho—.”.

Ukufakwa kwezigaba 19A no 19B eMthethweni 46 ka-1998

11. Lezi gaba ezilandelayo zifakwa ngemuva kwesigaba 19 soMthetho owethulwe okokuqala: 5

“Izinyathelo okungakhethwa kuzo

19A. Lapho zingakapheli izinsuku ezingama-32 umephuli mthetho ekhetha ukuthatha okukodwa kokhetho kulezo ezivezwe esigabeni 17(1)(f); 18(7)(b) noma 19(2)(b), kuzona okukhona— 10

(a) ithuba lokukhokha inhlawulo nezimali ezifunekayo uma zikhona, noma ukwenza amalungiselelo okukhokha kancane kancane, udaba kumele luphethwe ngaphandle kokuthi kucatshangwe ngezinye izinyathelo; futhi

(b) kuthi kwezinye izimo ezibandakanya isinyathelo sokuthi udaba luye enkantolo, lesi sinyathelo kumele singasetshenziswa ukuze udaba luxoxwe luqedwe kungayiwanga enkantolo kulandelwa uhlelo lokwengamela oluhlongozwa kulo Mthetho. 15

Ukukhokhwa kwenhlawulo

19B. (1) Uma umephuli mthetho ekhokha imali engenele eMkhandlweni ngokwalo Mthetho eqondene nenhlawulo noma uma isheke alisebenzisele ukukhokha kutholakala ukuthi alinamali, kumele kukhishwe isaziso esizothunyelwa kumephuli mthetho ukumbikela— 20

(a) ukuthi isamba sisonke esikweletwayo kuhlenganisa nemali enqunyiwe yesaziso kumele kukhokhwe zingakapheli izinsuku ezingama-32 ngemuva kokuthola isaziso, futhi 25

(b) ukuthi ukwehluleka ukuhlonipha isaziso okukhulunywa ngaso kupharagrafu (a) kungaholela ekutheni akhishelwe incwadi yokumphoqa ngokwezimiso zesigaba sama-21.

(2) Uma umephuli mthetho owenze amalungiselelo okukhokha inhlawulo yakhe noma enye imali kancane kancane ehluleka wukukhokha isitolimente noma ekhokha imali engenele isitolimenti noma isheke akhokhe ngalo kutholakala ukuthi alinamali kumele athunyelelwe isaziso sokumbikela umephuli mthetho— 30

(a) ukuthi yonke imali esalile yesitolimenti kanye nemali yesaziso kumele ikhokhwe zingakapheli izinsuku eziyisikhombisa siphumile isaziso kumbe kumele ahlele singakapheli lesi sikhathi indaba yokukhokha kwaleyo mali; kanye 35

(b) nanoma yiyiphi imali okumele ikhokhwe okukhulunywa ngayo kupharagrafu (a) kumele ikhokhwe njengoba kuhleliwe nanokuthi zonke ezinye izitolimenti okumele zilandele kumele zikhokhwe njengoba kwakuhleliwe phambilini; futhi 40

(c) ukwehluleka ukuhlonipha isaziso kuzoholela ekutheni kukhishwe incwadi ezoyalela ukuba umephuli mthetho akhokhe sonke isamba esikweletwayo ngokwezimiso zesigaba sama-21..” 45

Ukuchitshiyelwa kwesigaba sama-20 soMthetho 46 ka-1998

12. Isigaba sama-20 soMthetho owethulwe kuqala siyachitshiyelwa—

(a) ngokwenza uguquko esigatshaneni (1) emagameni endulela upharagrafu (a) walokhu okulandelayo:

“(1) Uma umephuli mthetho ehluleka ukuhlonipha imibandela yesaziso okukhulunywa ngaso esigabeni 18(7) noma incwadi yesibonelelo okukhulunywa ngayo esigabeni 19(2)(b) noma ehlulwe wukuvula enkantolo njengoba kusho isigaba 22(3)(a), unobhala kumele kuthi ngokulandela isigatshana 2—”; 50

Act No. 72, 2002 ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC
OFFENCES AMENDMENT ACT, 2002

- (b) the substitution for paragraphs (a) and (b) of subsection (2) of the following paragraphs:
- “(a) **[an infringement notice,]** a notification contemplated in section 18(7) or courtesy letter, as the case may be, has been served on the infringer in question; 5
- (b) a period of at least **[28] 32** days has passed since the date of service of the said notification or courtesy letter, as the case may be;”;
- (c) the substitution for paragraph (a) of subsection (3) for the following paragraph:
- “(a) state that the infringer on whom it is served may, not later than **[28] 32** 10 days after the date of service of the order, pay the penalty, representations fee and the fees of the courtesy letter, if any, and the prescribed fee of the enforcement order to the agency at the specified place and in the specified manner, and that the prescribed demerit points will be recorded in the national contraventions register; and”;
- (d) the substitution for subsections (7) and (8) for the following subsections:
- “(7) An infringer on whom an enforcement order has been served may comply with it by paying the applicable penalty and fees to[—
- (a) **a registering authority; or**
- (b) **a driving licence testing centre.]** 20
- the local registering authority or driving licence testing centre.
- (8) A local registering authority or driving licence testing centre must update the national contraventions register and notify the agency in the prescribed manner if it has received any payment contemplated in subsection (7) and must pay over such payment to the agency after deduction of the prescribed collection fee, within the prescribed period after which the agency may charge interest at the prescribed rate. 25
- (e) the addition of the following words after paragraph (b) of subsection (9):
- “, and the infringer or the issuing authority, as the case may be, who applied for the revocation of an enforcement order, must be informed in the prescribed manner of the result of such an application.”;
- (f) the addition of the following subsection: 30
- “(10) If an enforcement order is revoked, its consequences must be cancelled and if it involves the cancellation of a disqualification to drive or use a motor vehicle—
- (a) the national contraventions register must be updated; and
- (b) the infringer must be informed about it in the prescribed manner and his or her driving licence, professional driving permit or operator’s card must be returned or the endorsement of a driving licence that is contained in an identity document must be cancelled, unless he or she has been disqualified otherwise.” 35

Amendment of section 21 of Act 46 of 1998

13. Section 21 of the principal Act is amended by—

- (a) the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 45
- “(1) If an infringer on whom a notice contemplated in section 19B(1) or (2) or an enforcement order is served does not comply with the requirements of the notice contemplated in section 19B(1)(a) or (2)(a) or the provisions of the order contemplated in section 20(3)(a), the registrar may, on the prescribed conditions, issue a warrant against the infringer, which is valid until such time it is served by the sheriff or is cancelled by the registrar—”;
- (b) the substitution for paragraph (a) of subsection (1) of the following paragraph: 50

UMTHETHOSIVIVINYWA OYISICHIBIYELO KA-2002 Act No. 72, 2002
WOKWENGAMELA UKUTHATHWA KWEZINQUMO NGAMACALA EZENDLELA

- (b) uguquko kumapharagrafu (a) no (b) esigatshana (2) samapharagrafu alandelayo—
“(a) **[isaziso sokwephulwa komthetho]** isaziso okukhulunywa ngaso esigabeni 18(7) noma incwadi yesibonelelo ithunyelwe kumephuli mthetho othintekayo; 5
(b) isikhathi esiyizinsuku ezingama [28] 32 sedlule kusuka osukwini okukhishwe ngalo isaziso noma incwadi yesibonelelo;”;
- (c) indawo kapharagrafu (a) esigatshaneni sesi-(3) ithathwa yipharagrafu elandelayo:
“(a) ukusho ukuthi umephuli mthetho onikwe isaziso kungathi kungakedluli izinsuku ezingama [28] 32 kukhishwe isaziso, akhokhe eMkhandlwini inhlawulo, imali yokumelwa nezimali zencwadi yesibonelelo kanjalo nemali yomyalo wokumphoqa endaweni enqunyiwe nangendlela eyonqunywa nokuthi igama lakhe liyofakwa kuregista kazwelonke yabephuli mthetho; futhi”; 10 15
- (d) ukuguqulwa kwezigatshana (7) no (8) indawo yazo ithathwe yizigatshana ezilandelayo:
“(7) Umephuli mthetho othunyelelwe incwadi yokumphoqa ukuba akhokhe angayihlonipha leyoncwadi ngokuthi ayokhokha inhlawulo nezinye izimali[— 20
(a) **emkhandlwini obhekele ukubhalisa; noma**
(b) **esikhungweni esihlolela amalayisensi okushayela.]**
emkhandlwini wendawo obhekele ukubhalisa noma esikhungweni sendawo esihlolela amalayisensi okushayela.
8. Umkhandlu wendawo obhekele ukubhalisa noma isikhungo sendawo esihlolela amalayisensi okushayela kumele sihlale njalo sifaka imininingwane emisha kurejista kazwelonke yabephula umthetho, futhi sazise umkhandlu ngendlela ebekiwe uma kunemali ekhokhiwe nokukhulunywa ngayo esigatshaneni sesi-(7) futhi sedlulisele leyo mali kungakapheli isikhathi esinqunyiwe nokungathi uma kungenzeki lokho uMkhandlu ufune inzalo eyobalwa ngokwamanani anqunyiwe. 25 30
- (e) ukwengezwa kwamagama alandelayo ngemuva kukapharagrafu (b) wesigatshana (9).
“, kanye nomephuli mthetho noma umkhandlu okhiphe isaziso lowo ofake isicelo sokuchithwa kwencwadi ephoqa umephuli mthetho, kumele abikelwe ngendlela enqunyiwe ngomphumela wesicelo leso;” futhi 35
- (f) ukwengezwa kwesigatshana esilandelayo:
(10) Uma umyalo ophoqayo uchithwa kumele imiphumela ehambisana nawo ihoxiswe kanti uma ibandakanya ukwesulwa kokumiswa komuntu ekushayenileni noma ekusebenziseni imoto— 40
(a) irejista kazwelonke lezaphulamthethi kumele lifakwe leyo mininingwane
(b) umephuli mthetho kumele aziswe ngendlela enqunyiwe kuthi ilayisensi noma iphemithi yakhe noma ikhadi lokushayela kuphindiselwe kuye noma ukumiswa kwelayisensi kokusebenza kwelayisensi okwenziwe kumazisi kwesulwe ngaphandle uma ukumiswa kwenziwe ngaphansi kwezinye izimo.”. 45

Ukuchitshiyelwa kwesigaba sama-21 soMthetho 46 ka-1998

13. Isigaba 21 soMthetho owethulwe kuqala siyachitshiyelwa—

- (a) ngezinguquko esigatshaneni (1) emagameni endulela upharagrafu (a) wamazwi alandelayo: 50
“(1) Uma umephuli mthetho othunyelelwe isaziso okukhulunywa ngaso esigabeni 19B(1) noma (2) noma incwadi yokumphoqa engayihloniphi imibandela yesaziso okukhulunywa ngaso ku 19B(1)(a) noma (2) kumbe engahloniphi izimiso zencwadi yokumphoqa okukhulunywa ngayo esigabeni 20(3)(a), unobhala kungathi ngokwezimo amiselwe zona incwadi eya kulowo owephule umthetho nezogunyazwa ukusebenza kuze kube seyihanjisiwe ngumsebenzi obhekele ukugcinwa komthetho noma kuze kube isihoxisiwe ngunobhala—”; 55
- (b) uguquko kupharagrafu (a) wesigatshana (1) wepharagrafu elandelayo: 60

Act No. 72, 2002 ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC
OFFENCES AMENDMENT ACT, 2002

“(a) to seize and sell movable property to defray the penalty and fees due;”.

Amendment of section 22 of Act 46 of 1998

14. Section 22 of the principal Act is amended by—

- (a) the substitution in subsection (1) for subparagraph (ii) of paragraph (a) of the following subparagraph: 5
“(ii) under section 18(7)(c) or 19(2)(b)(iii), the agency must inform the issuing authority, who must cancel the infringement notice; or”;
- (b) the substitution in subsection (1) for paragraph (b) of the following paragraph: 10
“(b) the execution of a warrant in terms of section 21(1) produces no movable property to seize and sell or the infringer otherwise fails to comply with the enforcement order after execution of the warrant, the agency must inform the issuing authority, who must cancel the infringement notice, and the issuing authority must [issue] prepare a summons in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).”; 15
- (c) the substitution for subsection (2) of the following subsection: 15
“(2) Once a summons has been [issued] prepared in terms of this section, the Criminal Procedure Act, 1977 [(Act No. 51 of 1977)], applies, and—
 - (a) the prosecutor must notify [the agency and] the issuing authority in writing in the prescribed manner of his or her reasons if he or she declines to prosecute; 20
 - (b) the clerk of the court must notify the issuing authority or the agency of the outcome of the case, so that the national contraventions register may be updated; and
 - (c) no admission of guilt [fine] may be endorsed on a summons or may be 25
accepted.”;
- (d) the substitution for subsection (3) of the following subsection: 30
“(3) If an infringer has been summoned to appear at criminal proceedings—
 - (a) in terms of subsection (1)(a), and fails to appear or attend, the court must not, despite the provisions of section 55 of the Criminal Procedure Act, 1977, issue a warrant for his or her arrest, but the clerk of the court must notify the issuing authority, which must inform the agency, and the registrar must proceed to issue an enforcement order contemplated in section 20(1); and 35
 - (b) in terms of subsection (1)(b), the case must be handled in terms of the Criminal Procedure Act, 1977.”; and
- (e) the substitution for subsection (4) of the following subsection: 40
“(4) Despite any other law, an infringer who has been dealt with [administratively] by means of administrative procedures in terms of this Chapter, does not incur previous convictions and may not be prosecuted again on the same facts.” 40

Amendment of section 24 of Act 46 of 1998

15. Section 24 of the principal Act is amended by—

- (a) the substitution for subsection (2) of the following subsection: 45
“(2) Subject to subsection (4), demerit points are incurred on the date on which the penalty and fee, if any, imposed for the infringement are paid, including when partial or dishonoured payments, or arrangements to pay in instalments, are made, an enforcement order is issued or the infringer is convicted of the offence, as the case may be.”; 50
- (b) the insertion of the following subsection after subsection (4):
“(4A) For the purpose of recording the demerit points as contemplated in

UMTHETHOSIVIVINYWA OYISICIBIYELO KA-2002 Act No. 72, 2002
WOKWENGAMELA UKUTHATHWA KWEZINQUMO NGAMACALA EZENDLELA

“(a) ukuthatha nokuthengisa impahla ethathekayo ukubhekana nenhlawulo nezindleko ezifunekayo;”.

Ukuchitshiyelwa kwesigaba 22 soMthetho 46 ka-1998

14. Isigaba 22 soMthetho owethulwe kuqala siyachitshiyelwa—

- (a) ngoguquko olwenziwa esigatshanani (1) kupharagrafana (ii) kapharagafu 5
(a) wepharagrafana elandelayo:
“(ii) ngaphansi kwesigaba 18(7)(c) noma 19(2)(b)(iii), umkhandlu kumele wazise iziphathimandla ezikhiphe isaziso nokumele zihoxise isaziso sokwephulwa komthetho; noma;”;
- (b) uguquko esigatshanani (1) sikapharagrafu (b) wepharagrafu elandelayo. 10
“(b) ukukhishwa kwencwadi yomyalo ngokwezimiso zesigaba 21(1) akuvezi mpahla engathathwa kumbe ithengiswe noma umephuli mthetho uyehluleka ukuhlonipha incwadi emphoqayo ngemuva kokuphuma komyalo, umkhandlu wazise iziphathimandla ezikhiphe isaziso, okumele zihoxise isaziso sokwephulwa komthetho kanti 15
iziphathimandla ebezikhiphe isaziso kumele [zikiphe] zilungise amasamanisi ngokulandela izimiso zoMthetho ka-1977 weNqubo yamacala (uMthetho ongunombolo 51 ka-1977).”;
- (c) Ukuguqulwa kwesigatshana (2) sesigatshana esilandelayo: 20
“(2) uma amasamanisi [esekhishiwe] eselungisiwe ngokwezimiso zoMthetho ka-1977 weNqubo yamaCala [(uMthetho ongunombolo 51 ka-1977)] uyasebenza, futhi—
(a) umshushisi kumele azise [umkhandlu kanye] neziphathimandla ezikhiphe isaziso ngokubabhelela ngendlela enqunyiwe ngezizathu zakhe uma kuwukuthi uyenqaba ukubopha umephuli mthetho; 25
(b) umabhalane wenkantolo kumele azise iziphathimandla ezikhiphe isaziso noma umkhandlu ngomphumela wecala ukuze leyo mininingwane emisha izofakwa kurejista likazwelonke lezaphulamthetho; kanti
(c) [inhlawulo] yokungavumi icala ingabhalwa kumasamanisi futhi inakho ukuthi ingemukelwa.”; 30
- (d) ukuguqulwa kwesigatshana 3 salesi sigatshana esilandelayo:
“(3) Uma umephuli mthetho ebizelwe esigcawini sokuqulwa kwecala—
(a) ngokwezimiso zesigatshana (1)(a) bese ehluleka wukuvela noma ukufika, inkantolo kumele ikhiphe incwadi yokumbopha yize izimiso zesigaba 55 soMthetho weNqubo yamaCala zikuhlinzekela lokho kodwa 35
umabhalane wenkantolo kumele azise iziphathimandla ezikhiphe isaziso, okumele zazise umkhandlu kanti unobhala kumele aqhubeke nokukhipha umyalo wokuphoqa umephuli mthetho okukhulunywa ngawo esigabeni (20)(1); futhi
(b) ngokwesigatshana (1)(b) icala kumele lisingathwe ngokulandela izimiso zoMthetho ka-1977 weNqubo yamaCala.”; futhi 40
- (e) ukuguqulwa kwesigatshana (4) sesigatshana esilandelayo:
“(4) Nakuba kungakhona omunye umthetho, umephuli mthetho [okusingathwe] okwenganyelwe udaba lwakhe ngokwalesi Sahluko akeyuvuselwa amacala amadala kanti futhi akukho ukuthi angaphande 45
aboshwe ngamaphuzu afanayo.”

Ukuchitshiyelwa kwesigaba sama-24 soMthetho 46 ka-1998

15. Isigaba 24 soMthetho owethulwe kuqala siyachitshiyelwa—

- (a) ngoguquko esigatshanani (2) sesigatshana esilandelayo:
“(2) Ngokubhekisa esigatshanani (4), amaphuzu okungaziphathi kahle 50
umuntu uwathola ngosuku akhokha ngalo inhlawulo nezindleko angene kuzo ngokwephula umthetho uma zikhona, lapha kufakwa nesimo lapho ekhokhe ingxenye yemali noma wakhokha ngesheke elingenamali noma wenza amalungiselelo okukhokha kancane kancane, nalapho kukhishwa umyalo wokumphoqa, noma umephuli mthetho elahlwa yicala.”; 55
- (b) ukufakwa kwesigatshana esilandelayo ngemuva kwesigatshana (4):
“(4A) Ukwenzela ukurekhodwa kwamaphuzu okungaziphathi kahle okukhulunywa ngawo esigatshanani (3) kanye no(4), umabhalane wenkantolo

Act No. 72, 2002 ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC
OFFENCES AMENDMENT ACT, 2002

subsections (3) and (4), the clerk of the court must notify the agency of the result of each prosecution and appeal.”.

Amendment of section 25 of Act 46 of 1998

16. Section 25 of the principal Act is amended by—

- (a) the substitution for subsection (1) of the following subsection: 5
- “(1) If a person incurs demerit points which, when added to the points previously recorded against that person in the national contraventions register and reduced as contemplated in section 28, [exceeds] exceed the total contemplated in section 29(d), that person is disqualified [in the prescribed manner] with effect from 32 days after such excess points have been incurred, 10
- from driving or operating a motor vehicle.”;
- (b) the substitution for paragraph (a) of subsection (3) of the following paragraph: 15
- “(a) must immediately hand in any driving licence card or professional driving permit in the prescribed manner to the issuing authority contemplated in section 26(2) for retention by such issuing authority during the disqualification period, produce any driving licence contained in an identity document to such issuing authority for endorsement as suspended or must remove the prescribed operator card and deal therewith in the prescribed manner; and”; and
- (c) the substitution for subsections (4) and (5) of the following subsections: 20
- “(4) Any person who fails to comply with the provisions of subsection (3)(a) or who drives or operates a motor vehicle during his or her disqualification period is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one year or to both a fine and such imprisonment. 25
- (5) Upon expiry of his or her disqualification period, a person referred to in subsection (3) may apply in the prescribed manner to the issuing authority to return his or her driving licence card or professional driving permit or to reissue an operator card.”.

Amendment of section 26 of Act 46 of 1998

30

17. Section 26 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

“(2) A notice referred to in subsection (1) must be sent by the agency, who must notify the issuing authority within whose area of jurisdiction the person in question is resident.”. 35

Amendment of section 27 of Act 46 of 1998

18. Section 27 of the principal Act is amended by the substitution for subsections (1) and (2) of the following subsections:

- “(1) (a) A person who incurs demerit points resulting in a disqualification in terms of section 25 to drive or operate a motor vehicle for a third time, must 40
- immediately hand in his or her driving licence card, professional driving permit or operator card [issued in respect of that vehicle] in the prescribed manner to the issuing authority [contemplated in section 26(2)] or must submit any driving licence contained in his or her identity document to such issuing authority. 45
- (b) A person who fails to comply with the provisions of paragraph (a) is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one year or to both a fine and such imprisonment.
- (2) An issuing authority must, upon receipt of a driving licence card, professional driving permit or operator card, as the case may be, take the 50
- necessary steps to destroy such licence, permit or card, and must submit any driving licence contained in an identity document to be endorsed as cancelled.”.

UMTHETHOSIVIVINYWA OYISICHIBIYELO KA-2002 Act No. 72, 2002
WOKWENGAMELA UKUTHATHWA KWEZINQUMO NGAMACALA EZENDLELA

kumele azise umkhandlu ngomphumela waleso naleso sigcawu secala noma sokwedluliswa kwalo.”.

Ukuchitshiyelwa kwesigaba sama-25 soMthetho 46 ka-1998

16. Isigaba 25 somthetho owethulwe kuqala siyachitshiyelwa—

- (a) ngezinguquko esigatshaneni (1) sesigatshana esilandelayo: 5
 “(1) Uma umuntu ethola amaphuzu okungaziphathi kahle, okuthi lapho ehlanganiswe nalawo umuntu lowo anawo kurejista kazwelonke yabantu abephula umthetho futhi kwasuswa lelo nani elivezwe esigabeni sama-28 inani [leqe] leqe esibalweni okukhulunywa ngaso esigabeni sama-29(d), lowo muntu uyoyekiswa ukushayela noma ukusebenzisa imoto [kulandelwa inqubo ebekiwe] lokhu kuqale ukusebenza ezinsukwini ezingama-32 ngemuva kokuba enikwe amaphuzu lawo enze kweqe esibalweni.”;
- (b) uguquko kupharagrafu (a) wesigatshana 3 sepharagrafu elandelayo: 10
 “(a) kumele ngokulandela inqubo ebekiwe alethe ngokushesha ilayisensi yokushayela eyikhadi noma iphemithi yokushayela eziphathimandleni ezikhiphe isaziso okukhulunywa ngazo esigabeni 26 (2) ukuze lezo ziphathimandla ziyigcine ngesikhathi umephuli mthetho esayekisiwe ukushayela; ethule nanoma yiyiphi ilayisensi ekumazisi kulezo ziphathimandla ukuze ibhalwe ukuthi imisiwe ukusebenza noma kususwe ikhadi lokusebenzisa imoto bese kubhekwana nalo ngendlela enqunyiwe; futhi”; futhi 20
- (c) ukuguqulwa kwezigatshana 4 no 5 zezigatshana ezilandelayo: 25
 “(4) Nanoma yimuphi umuntu owehluleka ukuhlonipha izimiso zesigatshana (3) (a) noma oshayela kumbe asebenzise imoto ngesikhathi sokumiswa kwakhe unecala kanti lokho kungenza ahlawuliswe noma avalelwe ejele isikhathi esingekho ngaphezulu konyaka noma agwetshwe kokubili ukuba ahlawule aphinde avalelwe.
 (5) Lapho sekuphele isikhathi sokumiswa, umuntu okukhulunywa ngaye esigatshaneni (3) angafaka isicelo ngendlela ebekiwe eziphathimandleni ezikhipha isaziso ukuba zibuyise ilayisensi yakhe yokushayela eyikhadi, iphemithi yokushayela noma ziphinde zimenzele ikhadi lokusebenzisa.” 30

Ukuchitshiyelwa kwesigaba sama-26 soMthetho 46 ka-1998

17. Isigaba sama-26 somthetho owethulwe kuqala siyachitshiyelwa ngoguquko esigatshaneni (2) sesigatshana esilandelayo:

- “(2) Isaziso okukhulunywe ngaso esigatshaneni (1) kumele sithunyelwe eMkhandlwini, okumele wazise iziphathimandla ezikhiphe isaziso, nezengamele indawo okuhlala kuyo lowo muntu okukhulunywa ngaye.”. 35

Ukuchitshiyelwa kwesigaba sama-27 soMthetho 46 ka-1998

18. Isigaba sama-27 soMthetho owethulwe kuqala siyachitshiyelwa ngezinguquko esigatshaneni (1) kanye no (2) wezigatshana ezilandelayo: 40

- “(1)(a) Umuntu onikwe amaphuzu okungaziphathi kahle nokwenza ukuthi amiswe ngokwesigaba 25 ekushayeleni nasekusebenziseni imoto ihlandla lesithathu, kumele kuthi ngokulandela indlela enqunyiwe 45
 alethe ngokushesha ilayisensi yakhe yokushayela eyikhadi, iphemithi yokushayela noma ikhadi lokusebenzisa [elikhishelwe leyo moto] eziphathimandleni ezikhipha isaziso [okukhulunywa ngazo esigabeni 26(2)] noma alethe noma yiyiphi ilayisensi yokushayela ekumazisi kulezo phathimandla.
 (b) Umuntu owehluleka ukuhlonipha izimiso zikapharagrafu (a) unecala kanti lokho kungenza ahlawuliswe noma avalelwe ejele isikhathi esingekho ngaphezulu konyaka noma agwetshwe kokubili ukuba ahlawule aphinde avalelwe. 50
 (2) Iziphathimandla ezikhipha isaziso kumele kuthi lapho sezithole kumephuli mthetho ilayisensi yokushayela eyikhadi, iphemithi yokushayela noma ikhadi lokusebenzisa zithathe izinyathelo ezifanele ukucekela phansi ilayisensi yokushayela eyikhadi, iphemithi yokushayela noma ikhadi lokusebenzisa kanti kumele zilethe noma yiyiphi ilayisensi yokushayela ekumazisi ukuba izobhalwa ukuthi ihoxisiwe.”. 55

Act No. 72, 2002 ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC
OFFENCES AMENDMENT ACT, 2002

Amendment of section 28 of Act 46 of 1998

19. Section 28 of the principal Act is substituted by the following section:

“Reduction of demerit points

28. If demerit points have been incurred by any person, the [issuing authority contemplated in section 26(2)] agency must reduce the total number of points recorded in the national contraventions register against that person with one point for every three months, or such other number of points or period as may be prescribed, [during which no demerit points were incurred by that person,] except for the time that the court has found that the [court] process [had] has been deliberately delayed by that person to obtain a reduction in points.”

Amendment of section 31 of Act 46 of 1998

20. Section 31 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

“(2) The laws on prescription are not applicable to penalties and fees payable in terms of this Act, and [they] may be collected at any time.”

Amendment of section 32 of Act 46 of 1998

21. Section 32 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

“(2) [Subject to section 6 of the Finance and Financial Adjustment Acts Consolidation Act, 1977 (Act No. 11 of 1977), any] Any fine received in respect of any conviction under the national [and], provincial or municipal 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.”

Amendment of section 33 of Act 46 of 1998

22. Section 33 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) Any person may, in the prescribed manner and upon payment of the prescribed fee, ascertain his or her demerit points position from the national contraventions register at the office of any [issuing authority,] local registering authority or driving licence testing centre.”

Short title

23. This Act is called the Administrative Adjudication of Road Traffic Offences Amendment Act, 2002.

Ukuchitshiyelwa kwesigaba sama-28 soMthetho 46 ka-1998

19. Isigaba sama-28 soMthetho owethulwe kuqala indawo yaso ithathwa yisigaba esilandelayo:

“Ukuncishiswa kwamaphuzu okungaziphathi kahle

28. Uma umuntu ethole amaphuzu okungaziphathi kahle 5
[iziphathimandla ezikhipha isaziso okukhulunywa ngazo esigabeni 26(2)] umkhandlu kumele unciphise inani lamaphuzu alowo muntu kurejista kazwelonke yabantu abephula umthetho, wehlise iphuzu elilodwa njalo ezinyangeni ezintathu noma ngelinye inani esikhathini lesò obude baso obuyonqunywa [kulesi sikhathi akukho maphuzu okungaziphathi 10
kahle atholwe yilowo muntu], ngaphandle kwesimo lapho [inkantolo ithole] kutholwe ukuthi lowo muntu ubambezele uhlelo ngabomu ngoba efuna ukuthola ukuncishiselwa amaphuzu.”

Ukuchitshiyelwa kwesigaba sama-31 soMthetho 46 ka-1998

20. Isigaba sama-31 soMthetho owethulwe kuqala siyachitshiyelwa ngokuguqula 15
isigatshana (2) salesi sigatshana esilandelayo:

“(2) Imithetho elawulayo ayisebenzi ezinhlawulweni nasezimalini okumele zikhokhwe ngokwalo Mthetho, kanti zingaqoqwa nanoma yinini.”

Ukuchitshiyelwa kwesigaba sama-32 soMthetho 46 ka-1998

21. Isigaba sama-32 soMthetho owethulwe kuqala siyachitshiyelwa ngokuguqula 20
isigatshana (2) sesigatshana esilandelayo:

“(2) [Ngokubhekiswe esigabeni 6 soMthetho ka-1977 weziNguquko kwezeziMali, uMthetho wokuQoqelwa ndawonke, (uMthetho ongunombolo 11 ka-1977).,] Nanoma yiyiphi inhlawulo enhlawulo etholakale ngokwelwa komthetho kazwelonke knaye nowesifunda noma kamasipala ngokuphathelele 25
nezindlela, kumele yedluliselwe njalo ngenyanga eziphathimandleni ezikhiphe isaziso, kanti uma ingedluliselwa kulezo ziphathimandla, kumele yedluliselwe eziphathimandlini ezengamele indawo okwephulwa kuyo umthetho.”

Ukuchitshiyelwa kwesigaba sama-33 soMthetho 46 ka-1998

22. Isigaba sama-33 soMthetho owethulwe kuqala siyachitshiyelwa ngokuguqula 30
isigatshana (1) sesigatshana esilandelayo:

“(1) Nanoma yimuphi umuntu anganako ukuthi ngokulandela indlela ebekiwe, kuthi lapho ekhokha imali enqunyiwe aqinisekise ulwazi olugcinwe kurejista kazwelonke yabantu abephula umthetho mayelana nesimo samaphuzu akhe okungaziphathi kahle, ngokuya kunoma yisiphi isikhungo [seziphathimandla 35
ezikhipha isaziso], isikhungo sendawo sokubhalisa noma isikhungo esihlolela amalaysensi okushayela.”

Isihloko ngokufingqiwe

23. Lo mthetho uzobizwa ngokuthi uMthethosivivinywa oyisiChibiyelo ka-2002 wokweNgamela ukuThathwa kweziNqumo ngamaCala ezeNdlela. 40

