

NOTICE 1539 OF 2000**PROPOSED ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES
THIRD AMENDMENT BILL**

The National Department of Transport hereby publishes the proposed Administrative Adjudication of Road Traffic **Offences** Third Amendment Bill, 2000 for public information, discussion and comment.

The explanatory summary of the Bill is hereby published in accordance with Rule 241(c) of the Rules of the National Assembly.

The Bill amends the Administrative adjudication of Road **Traffic Offences** Act, 1998, so as to provide afresh for the appointment of registrar, deputy registrars and representation officers.

Comments should be sent or **faxed** to:

The Director-General: Transport
Attention: **Mr Aubrey Thabo Tsholetsane**
Department of Transport
Private Bag X193
PRETORIA
0001
Fax: (012) 309 3134/ 3093812

Comments must be received on or before 20 May 2000.

GENERAL EXPLANATORY NOTE:

[1 Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Administrative Adjudication of Road Traffic Offences Act, 1998, so as to provide afresh for the appointment of registrar, deputy registrars and representation officers.

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) is hereby amended –

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

“(l) 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]** who complies with the qualifications and experience determined by the Minister as the registrar of the Agency.”

Amendment of section 9 of Act 46 of 1998

2. Section 9 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) is hereby amended –

(a) by substitution for subsection (2) of the following subsection:

“(2) No person may be appointed as a deputy registrar unless that person [—

(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 interrupted period of at least five years; or**
(b) has a tertiary qualification in financial or information management and at least three years appropriate experience]

complies with the qualifications and experience determined by the Minister.

Amendment of section 10 of Act 46 of 1998

3. Section 10 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) is hereby amended –

(a) by substitution for subsection (2) of the following subsection:

“(2) No person may 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] complies with the qualifications and experience determined by the Minister.

Short title

4. This Bill is called the Administrative Adjudication of Road Traffic Offences Third Amendment Bill, 2000

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

1. In terms of section 6(1) of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) ("the Act"), the Road Traffic Infringement Agency Board ("the Board") is established to represent and control the Agency, comprising three persons, who are not employed by the State, appointed by the Minister on account of their commercial and technical expertise; a Director of Public Prosecutions, nominated by the National Director of Public Prosecutions, in consultation with the Directors of Public Prosecutions; and the registrar of the Agency. Section 6 (2) of the Act makes provision for the Minister to publish, prior to their appointment, the names of the persons proposed to be appointed as members of the Board in the *Gazette* and invite comment on the suitability of such member for appointment.
2. In terms of section 8 of the Act, the members of the Board must appoint a person with proven expertise in corporate and financial management as the registrar of the Infringement Agency.
3. In terms of section 9 (2) of the Act, no person may be appointed as a deputy registrar unless the person has occupied a post of magistrate under the Magistrates Act, 1993 (Act No. 90 of 1993), or a post of senior prosecutor, for an interrupted period of at least five years; or has a tertiary qualification in financial or information management and at least three years appropriate experience.
4. In terms of section 10 (2) of the Act, no person may be appointed as a representations officer unless that person holds a legal qualification and has proven expertise in the field of road traffic law; or holds a qualification in road traffic management and control approved by the board.
5. The requirement for the appointment of the registrar, the deputy registrars and the representations officers need to be changed in order for the Minister to head hunt and that suitable persons be identified by the Minister for the said positions.

CONSULTATIONS

6. The Minister of Transport consulted with the Members of the Executive Council responsible for traffic and/or transport of the nine provinces where a consensus regarding the proposed changes was reached.

IMPLICATION FOR PROVINCES

7. None

FINANCIAL IMPLICATIONS FOR THE STATE

8. None

PARLIAMENTARY PROCEDURE

9. The State Law Advisers and the Department of Transport are of the opinion that this Bill must be dealt with in accordance with section 76 of the Constitution.
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