# ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES (AARTO) ACT, 1998 (Act No. 46 of 1998) – DRAFT REPLACEMENT OF AARTO REGULATIONS

# GENERAL NOTICE

#### **NOTICE 223 OF 2011**

# **DEPARTMENT OF TRANSPORT**

# ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES ACT, 1998 (Act No. 46 of 1998)

I, S'busiso Joel Ndebele, Minister of Transport, intend in terms of section 34 of the Administrative Adjudication of Road Traffic Offences Act, 1998, to make the regulations in the Schedule.

Interested persons are hereby invited to submit, within 30 days from the date of publication of this notice, their written comments on this draft Administrative Adjudication of Road Traffic Offences Regulations, 2011 to the Director-General: Department of Transport for the attention of:

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#### **CHAPTER 1**

#### **Definitions**

#### **Definitions**

- 1. In these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act, the National Road Traffic Act, the National Road Traffic Regulations or the RTMC Act has that meaning:
  - (a) "AARTO bank account" means the national bank account or accounts determined by the Agency;

- (b) "bank" means a public company registered as a bank in terms of the Banks Act,1990 (Act No. 94 of 1990);
- (c) "bank guaranteed cheque" means a cheque which the drawee bank has signed and has added words to the cheque to indicate that the cheque will be paid by the drawee bank or that funds are available for its payment according to the tenor of its certification;
  - (d) "form" means a form as prescibed in Schedule 1;
  - (e) "National Road Traffic Act" means the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended;
  - (f) "National Road Traffic Regulations" means the National Road Traffic Regulations, 2000 made under section 75 of the National Road Traffic Act and published under Government Notice No. R.225 of 17 March 2000, as amended;
- (g) "paypoint" means the place at the premises of a paypoint agent where payments in terms of the Act may be made;
- (h) "paypoint agent" means an agent of the Agency for payments, details of whom or which are published in the *Government Gazette*;
- (i) "receiving entity" means the Agency, and any issuing authority, driving licence testing centre, registering authority or paypoint agent receiving payment of amounts in terms of the Act;
- (j) "the Act" means the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) as amended and includes the regulations in terms of section 34.

#### **CHAPTER 2**

#### Adjudication procedure

# Infringement notice and notice of summons

- 2. (1) Where an infringer is alleged to have committed an infringement, an infringement notice contemplated in section 17(1) of the Act must in accordance with that section be served or caused to be served on the infringer—
  - (a) in person at the roadside, on form AARTO 01 or AARTO 02; or
  - (b) by registered mail, on form AARTO 03, within 40 days of the commission of the infringement; or

- (c) in person at a place other than the roadside on form AARTO 03 within 40 days of the commission of the infringement.
- (2) Where a person has allegedly committed an offence as prescribed for purposes of the Act and an arrest is not justified under the circumstances, a notice of summons to be issued must be served or caused to be served on the offender-
  - (a) in person at the roadside on form AARTO 32; or
  - (b) by ordinary mail on form AARTO 33 within 40 days of the commission of the offence.
- (3) In addition to the matters listed in section 17(1) of the Act, the infringement notice may contain the following additional information—
  - the section of the road traffic law which the infringer is alleged to have contravened and the Charge Code thereof as shown in Schedule 3;
  - (b) details of the infringer, including-
    - (i) identification type (identity document, passport or other);
    - (ii) country of issue of document contemplated in paragraph (iii);
    - (iii) identity number, passport number, business registration number or traffic register number;
    - (iv) if a natural person, his or her driving licence card number or temporary driving licence number and driving licence code or learner's licence number and learner's licence code and if applicable, the category of professional driving permit held by the infringer, and if such licence is a foreign licence, the country of issue of the licence; and
    - (v) operator card number, if applicable;
  - (d) if available the e-mail address of the infringer;
  - (e) if available the contact numbers of the infringer, including the-
    - (i) home telephone number;
    - (ii) business telephone number;
    - (iii) fax number; and
    - (iv) cellular telephone number;
  - (f) the details of the vehicle by means of which the infringer has committed the infringement, including the—
    - (i) motor vehicle licence number;
    - (ii) motor vehicle licence disc number:
    - (iii) gross vehicle mass, if a freight vehicle;

- (iv) vehicle description;
- (v) make of vehicle;
- (vi) series (model) of vehicle;
- (vii) colour of vehicle; and
- (viii) passenger carrying capacity in the case of a passenger vehicle.
- (g) the place where the infringement was committed, including the-
  - (i) name of the province;
  - (ii) name of the municipality or court district in whose area the infringement was committed;
  - (iii) name of the suburb, where applicable;
  - (iv) street name or public road or route number where the infringement was committed and direction of travel; and
  - (v) names of the nearest cities or towns on both sides of the road or route in rural areas:
- (h) the date and time of the infringement;
- (i) the charge code number and description of the infringement and any alternative infringement, if applicable, together with the following in each instance—
  - (i) classification of the infringement as contemplated in section 29(a) of the Act; and
  - (ii) demerit points for the infringement; and
- (j) with regard to the officer who issued the notice-
  - (i) his or her surname and initials;
  - (ii) his or her infrastructure number; and
  - (iii) the name of the issuing authority which employs the officer.
- (4) In the case of an offence contemplated in regulation 25(2) and in the instance where the driver and operator of the vehicle are the same infringer, infringement notices must be served on the person as the driver and the operator.

#### Representations

- 3. (1) The representations contemplated in section 17(1)(f)(i), 18 or 19(2)(b)(i) of the Act, including representations to accept guilt on an alternative infringement, must be submitted to the Agency on form AARTO 08.
  - (2) Within seven days from the date of receipt of representations the Agency must acknowledge receipt thereof on form AARTO 05c.

# Notification of result of representations

4. The Agency must inform an infringer of the decision of the representations officer within 40 days from the date of receipt of the representations by sending to the infringer a properly completed form AARTO 09.

#### **Courtesy letter**

5. The Agency must issue and serve a courtesy letter in terms of section 19(1) of the Act on form AARTO 12.

#### **Enforcement order**

- 6. (1) The Registrar must issue an enforcement order contemplated in section 20(1) of the Act on form AARTO 13 and serve it on the infringer.
  - (2) The Agency must notify the infringer as required by section 20(1)(c) of the Act of the demerit points recorded against his or her name in the NCR, by sending a properly completed form AARTO 19.
  - (3) The manner in which an infringer must provide proof that he or she has paid the penalty and fees specified in the enforcement order as contemplated in section 20(6) of the Act is by providing to an issuing authority, registering authority, driving licence testing centre or the Agency—
    - the original receipt of payment, if payment was made directly to an issuing authority, registering authority, driving licence testing centre or paypoint agent as contemplated in regulation 12;
    - (b) the deposit slip, if payment was made by cash deposit;
    - (c) the deposit slip and certified copy of the bank guaranteed cheque, if payment was made by such cheque; or
    - (d) a certified copy of the infringer's bank statement, if payment was made by debit order or electronic transfer.
  - (4) An infringer who wishes to apply to the Agency for the revocation of the enforcement order as contemplated in section 20(9)(a) of the Act must submit a properly completed form AARTO 14 to the Agency.
  - (5) The Agency must acknowledge receipt of such application on form AARTO 05e as contemplated in regulation 22(3) and must, within 21 days from the date of receipt of the application, notify the infringer of the result of the application on form AARTO 15 by one of the same methods.
  - (6) An issuing authority may apply to the Agency for the revocation of the enforcement order as contemplated in section 20(9)(b) of the Act by recording the application, with the reference number of the

- infringement notice, the particulars of the infringer and the reason for the application, on the NCR.
- (7) The Agency must notify the issuing authority contemplated in subregulation (6) of the result of its application, by recording the notification, which contains the outcome of the application for revocation, on the NCR.

#### Warrant

- 7. (1) Subject to section 21(1) of the Act, the Registrar may issue a warrant, after a period of 14 days has elapsed after expiry of the period contemplated in the Act, on form AARTO 24.
  - (2) The warrant issued in terms of sub-regulation (1) must be executed after 07h00 and before 21h00, unless otherwise authorized by the Registrar.
  - (3) (a) If payment is made in cash satisfying the warrant partially or fully with costs, the sheriff must endorse the warrant accordingly as contemplated in rule 41(1)(c) of the Magistrates Rules of Court referred to in section 6 of the Rules Board for Courts of Law Act 1985 (Act No. 107 of 1985).
    - (b) If payment is tendered by cheque to satisfy the warrant partially or fully with costs, the sheriff must only accept a bank guaranteed cheque, and endorse the warrant accordingly.
    - (c) If the warrant cannot be satisfied in full, the sheriff must proceed with the attachment in terms of the said Magistrates Rules of Court.
    - (d) The sheriff must only uplift the inventory made in terms of the warrant if the warrant is fully satisfied with costs.
  - (4) If an infringer pays the penalty, fees and all costs relating to the execution of a warrant, after the warrant has been executed, the Agency must return the documents seized in terms of section 21(1) of the Act and remove any equipment that immobilized the motor vehicle contemplated in section 21(1)(e) thereof.
  - (5) If the execution of the warrant produces no movable property to seize and sell, the procedures set out in section 22(1)(b) of the Act must be followed and the issuing authority must prepare a summons in terms of that subsection within 30 days after being notified accordingly by the sheriff.

#### Election to be tried in court, duties of prosecutor and clerk of the court

8. (1) The manner in which an infringer may elect to be tried in court as contemplated in sections 17(1)(f)(iv), 18(7)(c) or 19(2)(b)(iii) of the Act is by properly completing form AARTO 10 and submitting it to the issuing authority or the Agency.

- (2) An election form submitted in terms of sub-regulation (1) must-
  - (a) be signed by the infringer;
  - (b) reflect the street address where the infringer will accept service of notices or documents; and
  - (c) reflect the infringer's postal address.
- (3) The Agency must acknowledge receipt of such election on form AARTO 05d and notify the issuing authority as contemplated in section 22(1)(a)(ii) of the Act by submitting the details of the offender and offence in an electronic data file to the issuing authority within 21 days from the date of receiving the election form, and record the election in the NCR.
- (4) A prosecutor who declines to prosecute a matter that has been referred to court in respect of an offence or infringement, either where form AARTO 10 was submitted in terms of sub-regulation (1), or where a form AARTO 32 or 33 was issued, or where the offender was arrested, must notify the issuing authority in terms of section 22(2)(a) of the Act, by sending a properly completed form AARTO 11A.
- (5) The clerk of the court must notify the Agency or the issuing authority in terms of section 22(2)(b) of the Act of the outcome of a court case by sending a properly completed—
  - (a) form AARTO 11A in the case where an infringer elected to be tried in court and in the case of an offence where a form AARTO 32 or 33 was issued; or
  - (b) form AARTO 11B where an offender was arrested.
- (6) The forms contemplated in sub-regulation (4) and (5) must be completed and provided to the relevant issuing authority within seven days after completion of the court process for each case.

#### **CHAPTER 3**

#### Penalties, discount and fees

#### **Penalties**

- 9. (1) The penalty contemplated in section 29(b) of the Act, which is payable in respect of an infringement mentioned in columns 3 and 4 of Schedule 3, is calculated in accordance with the penalty units set out against it in column 5 of Schedule 3, where each unit has a monetary value as prescribed
  - (2) The rand value payable in respect of a penalty for an infringement mentioned in columns 3 and 4 of Schedule 3, calculated in accordance

with sub-regulation (1), is set out against it in column 7 of that Schedule.

- (3) The penalty in the case of an infringer who or which is-
  - (a) a juristic person that is not required to be registered as the operator of the vehicle in question;
  - (b) the holder of a cross-border road transport permit contemplated in the Cross-border Road Transport Act, 1998 (Act No. 4 of 1998);
  - (c) the holder of a foreign driving licence;
  - (d) not the holder of a driving licence and is a South African citizen or holds temporary or permanent residency in South Africa; or
  - (e) the holder of a learner's licence,

will be calculated on the basis of three times the units indicated in column 5 of Schedule 3 against the infringement concerned mentioned in columns 3 and 4 of that Schedule, but that infringer will not incur any demerit points.

#### **Discount**

- **10.** (1) The discount contemplated in section 17(1)(d) of the Act is set out in paragraph 3 of Schedule 3.
  - (2) The discount amount deductible in respect of an infringement mentioned in columns 3 and 4 of Schedule 3 is set out against it in column 8 of Schedule 3.
  - (3) The discounted amount payable in respect of an infringement where payment is made within 32 days after the infringement notice was served, is set out in column 9 of Schedule 3.
  - (4) If a representation contemplated in section 18 of the Act is received by the Agency within the period prescribed in section 17(1)(f) of the Act, and the representations are unsuccessfull, the infringer is entitled to the discount contemplated in section 17(1)(d) of the Act if payment of the discounted amount is made within 10 days after the notification of the results of such representation or application has been served on the infringer.
  - (5) If a representation contemplated in section 18 of the Act is received by the Agency within the period prescribed in section 17(1)(f) of the Act, and the representations on the main charge is successfull and the infringer admits guilt on the alternative charge or other charges or the representations on the alternative charge or charges is unsuccessfull, the infringer is entitled to the discount contemplated in section 17(1)(d) of the Act if payment of the discounted amount is made within 10 days

- after the notification of the results of such representation or application has been served on the infringer.
- (6) If an arrangement for payment of the penalty and fees in instalments are made, such payment will be made in pre determined instalments, in which case the infringer, is not entitled to a discount and the full penalty will be payable.

#### **Fees**

- 11. (1) The Minister may prescribe fees contemplated in section 34(d) of the Act by Notice in the Government Gazette.
  - (2) An infringer is not liable for the fee which may be charged for-
  - (a) a courtesy letter, if the infringer provides acceptable proof that he or she complied with one of the options contemplated in section 17(1)(f) of the Act before the date on which the courtesy letter was issued.
  - (b) an enforcement order, if the infringer provides acceptable proof that he, she or it paid the penalty and any outstanding fees before the date on which the enforcement order was issued.

#### **CHAPTER 4**

#### Manner of payment

# Payment in response to an infringement notice

- 12. (1) The manner in which payment of any penalty or fee contemplated by the Act may be made is by providing details of the infringement and paying the amount due—
  - (a) by depositing cash or a bank guaranteed cheque at any-
    - (i) branch of a bank indicated on the infringement notice;
    - (ii) Post Office:
    - (iii) paypoint;
    - (iv) motor vehicle registration or licensing office;
    - (v) driving license testing centre; or
    - (vi) issuing authority.
  - (b) by ATM, bank transfer or electronic funds transfer (internet or cell phone banking) to any of the banks indicated on the infringement notice;
  - (c) by following the directions on the indicated Internet Websites:

- (2) Where payment is made by depositing cash or a bank guaranteed cheque, the infringer must ensure that the correct infringement notice reference number as indicated on the infringement notice is recorded on the deposit slip.
- (3) Where payment is made by ATM, bank transfer or electronic funds transfer, the correct infringement notice reference number as indicated on the infringement notice must be used for the electronic payment.
- (4) Where payment is made -
  - (a) in person by the infringer to an issuing authority, driving licence testing centre or registering authority, a receipt must be issued directly to the infringer which must contain a printout of the infringer's demerit points contemplated in section 17(3)(d) of the Act on form AARTO 20: or
  - (b) by any other method, the Agency must provide the infringer with a printout of the infringer's demerit points contemplated in section 17(3)(d) of the Act on form AARTO 19 by registered mail within 32 days of receipt of the payment; and
  - (c) in person to a paypoint, a receipt must be issued directly to the person making the payment by the paypoint agent concerned and the Agency must provide the infringer with a printout of the infringer's demerit points contemplated in section 17(3)(d) of the Act on form AARTO 19 by registered mail within 32 days of receipt of the payment.
- (5) Post-dated bank guaranteed cheques are not acceptable.
- (6) If the infringer provides an incorrect number on the deposit slip or electronic transfer which results in a courtesy letter being issued, the infringer must pay the extra fees attached to the courtesy letter.
- (7) Where a payment is made in terms of sub-regulation (1) which amounts to a partial payment, or where a cheque or transfer is dishonoured or not completed, or where application is made to pay in instalments, this will result in demerit points being recorded against the infringer.
- (8) Where payment is made to an issuing authority that is the issuing authority under whose authority the infringement notice was issued within 32 days from the date on which the infringement notice was served on the infringer, the issuing authority is entitled to the amounts as contemplated in regulation 11(1).
- (9) Where payment is made to an issuing authority that is the issuing authority under whose authority the infringement notice was issued later than 32 days from the date on which the infringement notice was served on the infringer, the issuing authority is entitled to the amounts as contemplated in regulation 11(1) and must notify the Agency of the

- payment and that a courtesy letter should not be issued to such infringer if one has not yet been issued.
- (10) Where payment is made to a receiving entity that is not the issuing authority under whose authority the infringement notice was issued, within 32 days from the date on which the infringement notice was served on the infringer, that receiving authority must-
  - (a) keep the receiving fee calculated as contemplated in regulation 11(1); and
  - (b) deposit the penalty paid, less that receiving fee, into the AARTO bank account for transfer to the issuing authority within whose area of jurisdiction the infringement was committed in terms of section 32 of the Act.
- (11) Where payment is made to a receiving authority that is not the issuing authority of that particular infringement, later than 32 days from the date on which the infringement notice was served on the infringer, that receiving authority must-
  - (a) keep the receiving fee calculated as contemplated in regulation 11(1) and notify the Agency of the payment and that a courtesy letter should not be issued to such infringer if one has not already been issued; and
  - (b) deposit the remainder of the payment into the AARTO bank account for transfer to the issuing authority within whose area of jurisdiction the infringement was committed in terms of section 32 of the Act.

# Payment in response to a courtesy letter, enforcement order or on rejection of representations

- 13. (1) The manner in which an infringer must make payment of a penalty and fees contemplated in sections 18(7)(b), 19(2)(b) or 20(3)(a) of the Act to the Agency pursuant to a courtesy letter, on rejection of representations or pursuant to an enforcement order, as the case may be, is by paying the full amount by one of the methods set out in regulation 12(1).
  - (2) Regulations 12(2) to (11) also apply to such a payment.

# Payment in instalments

- 14. (1) The manner in which an infringer may pay a penalty or penalty and fees in instalments as contemplated in section 17(1)(f)(iii) or 18(7)(b)(ii) of the Act, is by making arrangements with the Agency on form AARTO 04 to pay in instalments.
  - (2) The Agency must acknowledge receipt of such arrangement on form AARTO 06 and-

# (a) may, if the penalty-

- (i) equals or is smaller than the value of 15 penalty units as shown in column 5 of Schedule 3, grant an application to pay the penalty and fees in not more than three equal monthly instalments; or
- (ii) is greater than the value of 15 such units, grant an application to pay the penalty and fees in not more than six equal monthly instalments; and
- (b) must notify the infringer by registered mail of-
  - (i) confirmation of the arrangement to pay in instalments on form AARTO 06; and
  - (ii) the fact that the relevant demerit points have been recorded against his or her name in the NCR in respect of the infringement in question on form AARTO 19.
- (3) Where payment is made in instalments, each payment must be made on or before the first day of each calendar month until full settlement thereof has been made, by—
  - (a) signing a debit order and submitting it by registered mail to the Agency for the amount of the instalments, which amount must be debited against the infringer's bank account and credited in favour of the Agency's bank account as it falls due; or
  - (b) depositing the amount due by means of cash or a bank guaranteed cheque deposited directly into the AARTO bank account, particulars of which are stated on form AARTO 06; or
  - (c) electronic funds transfer into the desecnated AARTO bank account; or
  - (d) paypoint.
- (4) If the infringer fails to pay, or makes an insufficient payment of an instalment or the cheque used for payment of that instalment is dishonoured as contemplated in section 19B(2) of the Act the Agency must notify the infringer on form AARTO 16 that—
  - (a) the outstanding balance of such instalment, including the fee for the notice, must be paid within seven days of service of the said notice; or
  - (b) that arrangements must be made within seven days for the payment thereof; and
  - (c) that any payment referred to in paragraphs (a) or (b) must be made as arranged and that subsequent instalments must be paid as originally arranged; and
  - (d) failure to comply with the said notice will result in a warrant being issued by the Agency against the infringer in respect of the full amount owed in terms of section 21 of the Act.

#### Late payment of a penalty, fee or instalment

- 15. If payment of a penalty, fee or instalment is received from an infringer after a period of 32 days from the date on which form AARTO 06, AARTO 09, AARTO 12, AARTO 13 or AARTO 18, as applicable, was served on the infringer, the Agency—
  - (a) must accept the money as payment of the penalty, fee or instalment if the amount was paid in full; or
  - (b) must, if the money tendered is insufficient for a full settlement of the penalty and fees-
    - (i) accept the payment as partial payment of the penalty and fees:
    - (ii) record the infringement and demerit points on the NCR;
    - (iii) notify the infringer on form AARTO 17 in the manner contemplated that-
      - (aa) a courtesy letter, notification of the result of representation, notification of dishonoured payment or enforcement order, whichever is applicable, has in the meantime been issued and that the infringer is liable for the balance of the amount due and the fees for issuing the form or forms so served;
      - (bb) no discount will be allowed; and
      - (cc) failure to pay the full amount due will result in a warrant on form AARTO 24 being served on him, her or it.

#### Refunds

- 16. (1) Where an infringer is of the opinion that he, she or it has paid more than the prescribed penalties or fees, he, she or it may apply for a refund on form AARTO 25.
  - (2) The Agency must acknowledge receipt of such an application for a refund on form AARTO 05f.
  - (3) The Agency must consider the application and either refund the penalties and fees or refuse the refund, and must notify the applicant of the result of the application on form AARTO 26.

#### **Dishonoured payments**

- 17. (1) If a payment of a penalty or fee contemplated in these regulations is dishonoured or not credited to the account of the receiving authority for any reason, the receiving entity concerned must notify the Agency in the manner contemplated and the matter must be dealt with in accordance with sub-regulation (2).
  - (2) The Agency must, after receipt of the notification contemplated in subregulation (1), notify the infringer by registered mail thereof on form AARTO 18 in the manner contemplated in section 19B(1) of the Act.

#### **CHAPTER 5**

#### Record keeping

#### Information to be recorded

- 18. (1) A person contemplated in terms of section 17(1) who has personally served an infringement notice must return the copy of such notice with his or her confirmation of service to the issuing authority where the contents of the notice must be recorded on the NCR in the manner contemplated in regulation 20.
  - (2) The issuing authority must verify whether there has been compliance with the infringement notice and notify the Agency accordingly.
  - (3) If an infringement notice is served by registered mail, the issuing authority must, for the purposes of section 30(2) of the Act, keep the receipt issued by the post office that accepted the notice for registration.
  - (4) Issuing authorities, registering authorities and driving licence testing centres must retain records of all transactions executed by them in terms of the Act in accordance with the directions of the Agency, and records of payments received and receipts issued must be kept until the time of disposal in terms of regulation 20(5).
  - (5) The Agency must keep record of all documents that are issued, served, received or deemed to have been received in terms of the Act or these regulations.

#### **National Contraventions Register**

- **19.** (1) Detailed information regarding offences and infringements must be recorded onto the NCR as follows:
  - (a) Handwritten infringement notices (form AARTO 01), infringement notices in respect of unattended vehicles (form AARTO 31) and

- notices of summonses to be issued (form AARTO 32) must be captured directly onto the NCR within five days from the date of issuing thereof;
- (b) Electronically generated infringement notices for overload offences, infringements recorded at weigh bridges and cases where a computer was used to record any other offences or infringements at the roadside contemplated in form AARTO 02, must be uploaded onto the NCR within four days from the date of issuing thereof; and
- (c) In cases where offences or infringements have been captured by means of a camera, including speed and other moving violations contemplated in form AARTO 03, such offences and infringements must be recorded onto the NCR by submitting an electronic data file within 20 days from the date on which the offence or infringement was recorded.
- (2) The information and particulars known in respect of the infringer, the vehicle, the location, date and time and the particulars of the offence or infringement must be recorded in terms of sub-regulation (1).
- (3) The issuing authority must-
  - (a) update the NCR on the outcome of court cases within 48 hours after being notified in terms of regulation 8(5);
  - (b) keep a record of the outcome of cases notified to it in terms of section 22(2)(b) of the Act, which must contain the information set out in form AARTO 11A; and
  - (c) update the information recorded under paragraph (a) or (b) on the NCR to accommodate any changes to the information or situation.
- (4) The Agency must keep record on the NCR of all cases referred to court for appeal or review, as well as the outcome of such cases.
- (5) Subject to the written authorisation of the National Archivist as contemplated in section 13(2)(a) of the National Archives and Record Service of South Africa Act, 1996, (Act No. 43 of 1996), the Registrar may dispose of any document contemplated in this Chapter after
  - (a) an electronic image has been made of such document; and
  - (b) the Agency has certified the authenticity of the electronic image.

#### **CHAPTER 6**

#### Service of process

#### Personal service

- **20.** (1) Personal service is achieved when the document to be served, is delivered to an infringer identified in the document, in person at the
  - (a) road side at the time when the infringer
    - (i) allegedly committed an offence or infringement, or
    - (ii) was identified by an authorised officer.
  - (b) address as indicated on a form similar to form AARTO 01 or AARTO 02, as may be applicable, as shown in Schedule 1, which he or she has confirmed as correct;
  - address as indicated by him or her on the election to appear in court on a form similar to form AARTO 10 as shown in Schedule 1;
  - (d) address as indicated by him or her on the notice of change of address on a form similar to form AARTO 30 as shown in Schedule 1, or
  - (e) last known address of the infringer as indicated in the register of driving licences or the register of motor vehicles.
  - (2) If the document is served personally to the infringer identified in a document, he or she must accept the document on the request of the person who serves it.
  - (3) An infringer who fails to comply with subregulation (2) is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding three months.
  - (4) The person who serves a document must explain to the infringer the contents of --
    - (a) section 17(1)(f) of the Act, if an infringement notice is served;
    - (b) section 19(2) of the Act, if a courtesy letter is served; and
    - (c) section 20(3) of the Act, if an enforcement order is served.
  - (5) The person who serves a document must
    - (a) certify on the copy of the notice, letter or order that the document was served personally, stating the time and place of

- service, and that the explanation contemplated in subregulation (4) was given and understood by the infringer; and
- (b) sign the document and request the infringer to also sign the document where it is provided or in a relevant space for signature: Provided that where the infringer refuses to sign the document, the person serving such document must indicate such refusal on the document, and: the fact that the infringer refused to sign the document shall not affect the validity of such service.
- (6) A signed document referred to in subregulation (5), is *prima facie* proof that the notice, letter or order concerned was duly served.
- (7) If the person named in the document cannot be found, the document may be served by
  - (a) delivering it at the infringer's place of residence or place of employment or business to a person on the premises at the time of the delivery, being a person apparently over the age of 16 years; or
  - (b) affixing the document to a door of such place if there is no person contemplated in paragraph (a) at such place,

and for the purposes of this subregulation, when a building other than a hotel, boarding house, hostel or similar residential building, is occupied by more than one person or family, "place of residence" or "place of business" means the portion of the building which is occupied by the person upon whom service is to be effected.

- (8) If service is to be affected on -
  - a company or other corporate body the document must be delivered to an employee thereof at its registered office or principal place of business;
  - (b) a partnership, firm or voluntary association, the document must be delivered at the place of business of such partnership, firm or voluntary association to a person on the premises at the time of the delivery, being a person apparently over the age of 16 years, and if such partnership, firm or voluntary association has no place of business, the service is effected on a partner, the proprietor or the chairperson or secretary of the committee or other managing body of such partnership, firm or association, as the case may be;

- (c) a State institution, the document must be delivered to an official or employee of the said institution and at the office of the State Attorney for that area; or
- (d) two or more persons in their joint capacity as trustees, liquidators, executors, administrators, curators or guardians, or in any joint representative capacity, the document must be delivered to each of them.

#### **CHAPTER 7**

#### General

# Nominating driver

- 21. (1) The manner in which an infringer must provide the information contemplated in section 17(1)(f)(v) of the Act, is by submitting a properly completed nomination form AARTO 07 to the issuing authority.
  - (2) The issuing authority must acknowledge receipt of the nomination form on form AARTO 05b within 14 days of receiving it after verifying that the form was completed properly and in full.

#### Manner of application, notification or submission

- 22. (1) Any application, notification or submission by an infringer to the Agency or an issuing authority, as the case may be, must be made as indicated on the applicable forms.
  - (2) Any application, notification or submission by an issuing authority or paypoint agent to the Agency must be made by recording it on the NCR by electronic data exchange.
  - (3) Any notification to an infringer must be made by posting it by registered mail to the last known address of the infringer or delivered in person.

#### **Demerit points**

- 23. (1) The demerit points to be incurred in respect of an infringement or offence committed by a person who is the holder of a South African driving licence, for an infringement or offence as indicated in column 3 of Schedule 3, are as set out in column 6 of that Schedule.
  - (2) The demerit points to be incurred in respect of an operator for infringements or offences indicated in column 10 of Schedule 3 shall be for infringements charged for under section 49 of the National Road

Traffic Act as indicated in that column, and the demerit points shall be as indicated in Column 6 of Schedule 3.

- (3) The total number of demerit points which, if exceeded, disqualifies a person from driving a motor vehicle, as contemplated in section 29(d) of the Act, is 12 points.
- (4) The total number of demerit points in respect of a particular vehicle which, if exceeded, results in the suspension of the specific operator card of a motor vehicle for the purposes of section 45 of the National Road Traffic Act, is 12 points.
- (5) The total number of demerit points that will result in the suspension of all the operator cards of an operator shall be as set out in Schedule 4 and shall result in a one month's suspension for every demerit point over the maximum points, calculated in terms of the number of vehicles given in the table in that Schedule.
- The notice contemplated in section 26(1) of the Act, by which a person (6)must be informed that he or she has incurred more than the number of demerit points referred to in sub-regulations (3), (4) and (5), must be on form AARTO 21 and sent to the person by registered mail.
- **(7)** An application contemplated in section 25(5) of the Act, to the issuing authority to return a person's driving licence or professional driving permit that was handed in, in terms of section 25(3) of the Act, must be submitted on form AARTO 23.
- (8) The demerit points of an operator shall be reduced by the Agency both in respect of the individual vehicle and the total operator points contemplated in schedule 4, by one point for every three months for every motor vehicle in respect of which an operator card was issued to the operator and that has not incurred any additional demerit points, except for the time that a court may find that the process has been deliberately delayed by that person to obtain a reduction in points.

#### **Access to information**

- 24. The manner in which an employee referred to in section 33(2) of the (1) Act may grant permission to his or her employer to ascertain his or her demerit points, is by providing that employer with a properly completed and signed consent form AARTO 27 for submission to the issuing authority, registering authority, driving licence testing centre or Agency for processing.
  - (2) The manner in which an infringer must be informed by any issuing authority, registering authority, driving licence testing centre or the Agency of his or her demerit points position, is by providing the infringer with a detailed statement of every infringement recorded against him or her on form AARTO 28 or AARTO 29, whichever is applicable, in the manner contemplated in regulation 22(3).

#### **Transitional provisions**

Any application, notification, submission, information provided and or recorded made or performed in terms of the Administrative Adjudication of Road Traffic Offences Regulations, 2008 and the First Amendment to the Administrative Adjudication of Road Traffic Offences Regulations, 2008 shall, subject to sub-regulation two hereunder, be regarded to have been issued, made, given, granted or taken under the corresponding provisions of these regulations.

# Repeal of regulations

- **26.** The following regulations are hereby repealed:
  - (1) The Administrative Adjudication of Road Traffic Offences Regulations, 2008, issued under Government Notice No. R.753 in Government Gazette No. 31242 on 16 July 2008; and
  - (2) The First Amendment to the Administrative Adjudication of Road Traffic Offences Regulations, 2008 issued under Government Notice No. R212 in *Government Gazette* No. 33039 on 19 March 2010.

#### Short title and commencement

- 27. (1) These regulations are called the Administrative Adjudication of Road Traffic Offences Regulations, 2011, and shall, subject to sub-regulation (2), come into operation on the date determined by the Minister by notice in the *Government Gazette*.
  - (2) Regulation 11(1), 25, Schedule 2 and column 6 of Schedule 3, shall come into operation on a date to be determined by the Minister by notice in the *Government Gazette*.

# ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES REGULATIONS MADE UNDER ACT 46 of 1998 ("the Act")

# **SCHEDULE 1**

# General Forms

The following forms are prescribed for the purposes of the Act and the regulations:

Number of		Legislation r	references
Form	Name and Type of Form	Act 46 of 1998	AARTO
		as amended	Regulations
Infringement i	Votices		
	Infringement notice completed by hand at the	<u> </u>	<del></del>
AARTO 01	roadside and served in person, on the back of which is provided: payment detail, other options that may be exercised and general information	. 17	3
	Infringement notice completed electronically at the roadside and served in person or by registered mail,		
AARTO 02	on the back of which is provided: payment detail, other options that may be exercised and general information	17	3
AARTO 03	Infringement notice for camera and other infringements, served by registered mail or in person other than at the roadside, on the back of which is provided: payment detail, other options that may be exercised and general information	17	3
Annii antian fa	w.in.odo.lan.o.uda		
Application fo	rinstalments		
AARTO 04	Application for payment of penalty in instalments	17(1)(f)(iii) and 18(7)(b)(ii)	15
AARTO 05a	Acknowledgement of receipt of application for payment of penalty in instalments	17(1)(f)(iii)	15
AARTO 06	Notification of the result of an application to pay in instalments	17(1)(f)(iii)	15
Nomination of	driver	-	
AARTO 07	Novelection of deliver and the control	17(1)(f)(v)	23
	Nomination of driver or person in control  Acknowledgement of receipt of the nomination of a	<u> </u>	
AARTO 05b	driver or person in control	17(1)(f)(v)	23
Representatio	ns		
AARTO 08	Representation form	18	4
AARTO 05c	Acknowledgement of receipt of representation	18	4
AARTO 09	Notification of result of representation	18(6)	4
Trial and Cour	t Procedures		•

Number of		Legislation references					
Form	Name and Type of Form	Act 46 of 1998	AARTO				
		as amended	Regulations				
		18(7)(c) and					
		19(2)(b)(iii)					
AARTO 05d	Acknowledgement of receipt of election to be tried in court		9				
AARTO 11	Notification of prosecutor who declines to prosecute	22(2)(a)	9(4)				
AARTO 11-A	Outcome of court cases – Elect to be tried in court		9(5)				
AARTO 11-B	Outcome of court cases – In terms of Offences		9(5)				
AARTO 11-C	Outcome of court cases – In terms of Arrests		9(5)				
Courtesy lette	r						
AARTO 12	Courtesy letter	19	6				
Enforcement of	order						
AARTO 13		20	7				
	Enforcement order	20	· · · · · ·				
AARTO 14	Application for the revocation of an enforcement order by the infringer	20(9)(a)	7				
AARTO 05e	Acknowledgement of receipt of application for the revocation of enforcement order	20(9)(a)	7				
AARTO 15	Notification of result of application for revocation of enforcement order	20(9)(a)	7				
Notifications t	o Infringers						
AARTO 16	Notification of dishonoured instalment	19B(2)	15(4)				
AARTO 17	Notification of partial payment	19B(2)	15(4)				
AARTO 18	Notification of dishonoured payment	19B(1)	18				
AARTO 19	Notification of recording of road traffic contravention and corresponding demerit points on the National Contraventions Register	17(3)(d), 18(8)(b), 19(3)(b), 20(1)(c), 20(4)	7(2), 13(4)(b) and (c), 15(2)(b)(ii)				
AARTO 20	Notification of payment received	17(3)(d)	13(4)(a)				
AARTO 21	Notification in respect of suspensions and/or cancellations	26	25(6)				
AARTO 22	Notification of revocation in respect of suspension or cancellations	27					
Warrant							
	Application for return of suspended driving licence,						
AARTO 23	PrDP or operator card	25(5)	24(2), 25(7)				
AARTO 24	Warrant of Execution	21	8				
Refund of mo	nies						
AARTO 25	Application for refund of monies		17(1)				
AARTO 05f	Acknowledgement of receipt of application for refund of monies		17(2)				
AARTO 26	Notification of result of application for refund of monies		17(3)				

Number of		Legislation references						
Form	Name and Type of Form	Act 46 of 1998 as amended	AARTO Regulations					
Applications	for return or re-issue of Driving Licence, P	rofessional Drivin						
Operator Card	l(s)							
	Application to a debter liganos testing control to be							
LL1 *	Application to a driving licence testing centre to be tested for a learner licence in the case of a cancelled driving licence	NRTA : Sec.27 NRTR : Reg, 114						
DL1 *	Application to a driving licence testing centre to be tested for a driving licence and in the case of a cancelled driving licence	NRTA : Sec.27 NRTR : Reg, 114						
PD1*	Application to a driving licence testing centre for a professional driving permit in the case of a cancelled professional driving permit	NRTA : Sec.36 NRTR : Reg, 115	24					
ALV*	Application to a registering authority to re-issue an operator card to the operator in the case of a cancelled operator card	NRTA : Sec.50 NRTR : Reg, 271						
Other Forms								
AARTO 27	Written permission to access demerit points information	33	26					
AARTO 28	Road traffic offence history in respect of driver	33	26					
AARTO 29	Road traffic offence history in respect of operator	33	26					
AARTO 30 or NCP*	Notification of change of address or particulars of person or organisation	NRTR : Reg. 52	22(b)					
AARTO 05g	Acknowledgement of receipt of notification of change of particulars	-						
AARTO 31	Notice in respect of unattended vehicle		20(1)(a)					
Notice of Sum	mons to be Issued							
AARTO 32	Notice of summons to be issued for a traffic offence where the offender was apprehended at the roadside		9(5)(b)					
AARTO 33	Notice of summons to be issued for a traffic offence captured by camera		9(5)(b)					

#### Ordering of Forms

Due to the unique numbering and bar-code requirements associated with infringement notices and to prevent any possible duplication of numbers, the allocation of such numbers will be done on a national basis. In order to ensure full compliance with the specifications and other requirements set for the AARTO forms listed in this Schedule, AARTO forms and books must be ordered only from duly approved printing companies. Approval for the ordering of forms and books must be obtained in writing from the Agency prior to the placing of orders. Payment for orders placed with the appointed printing company will be for the account of the Issuing Authority.

<sup>\*</sup> These forms are shown in the regulations under the National Road Traffic Act, 1996, and are available on the following internet website: www.aarto.gov.za

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#### INFRINGEMENT NOTICE NUMBERS

The infringement Notice number(s) must be used as reference number(s) on the deposit slip at the bank, post office, vehicle or driver licensing office, on the internet or at the pay point selected for all payments made.

It should be noted that the Infringement Notice numbers on the front of this notice refer to every individual charge separately. This enables you in taking your action of choice for each infringement that you have been charged with separately.

Ensure that you use the correct Infringement Notice number for every charge. Infringement Notice number 1 is applicable to charge and alternative charge number 1 and so forth. If you require any assistance the Issuing Authority will be able to assist.

#### IMPORTANT PROVISIONS AND INFORMATION

# A Payment of penalties within 32 days

- If the penalty is paid within 32 days from the date of service, the total discounted amount for the main charges, as shown on the front of this notice, must be paid.
- Payments may be made:
  - At the following banks:
    - (i) By cash deposit or bank guaranteed cheque at any branch of ABSA bank.
    - (ii) For ABSA bank and FNB bank clients only by ATM. internet or cell phone banking.

      By cash deposit or bank guaranteed cheque at any:
  - - Post Office; or
    - Approved pay points; or
    - Motor vehicle registration and licensing office; or
    - (iv) Driving licence testing centre; or
    - (v) Issuing Authority.
  - At the following Internet websites by electronic funds (c) transfer:
    - (i) www.aarto.gov.za or (ii) www.aartosa.co.za
- The Infringement Notice Numbers applicable to each of the Individual Main Charges must be used as reference with all

#### B-1. Other options within 32 days

- Submit an application to pay the penalty in instalments on Form AARTO 04, in which case the discounted amount will no longer be applicable; or
- Nominate the driver or person in control of the vehicle, if it was a person other than yourself, on form AARTO 07; or Only in the case of a minor infringement, submit a Representation for consideration, on form AARTO 08, in which case an additional Representations fee may be payable if the Representation is rejected; or
- Elect to be tried in court on form AARTO 10.

#### B-2. Obtaining forms

- The forms listed under B-1 above may be downloaded from, or electronically completed on the following Internet websites: www.aarto.gov.za or www.aartosa.co.za; or
- Forms are also obtainable from any:
  - Motor vehicle registration and licensing office; or
  - (b) Driving licence testing centre; or
  - Issuing Authority

#### B-3. Submission of forms within 32 days

If not completed and submitted on the above Internet website, completed forms must be posted by registered mail, within 32 days from date of the Notice, to the following address:

AARTO Submissions, Private Bag X147, Pretoria, 0001. Retain copies of submitted forms for your own record purposes

#### G. Enquiries and Information

All enquiries regarding this Infringement Notice or the provisions of the AARTO Act may be made:

- By post, to: AARTO Enquiries, Private Bag X147, Pretoria, 0001.
- 2.
- By telephone: Telephone number: 086 122 7881 (0881AARTO1)
- By fax:
- Fax number: 086 662 8861
- By e-mail: aartoenquiries@rtmc.co.za

Enquiries on the number of Dement Points accumulated, for which are additional fee will be payable, may be made:

- On the following Internet websites:
- www.aarto.gov.za or www.aartosa.co.za; or By completing form AARTO 27 in person at any:
- Vehicle registration and licensing office; or
  - Driving licence testing centre; or
  - (iii) Issuing Authority.

General information and traffic infringement statistics are available on the following internet website: www.aarto.gov.za

#### D. Allocation of Demerit Points

Depending on the classification of the infringement or offence, or on failure to comply with the provisions of the Act. Demerit Points ranging from 1 to 6 will be allocated to the Infringer as follows:

- On receipt and recording of payments; or
- 2 On application to pay in instalments; or
- If found guilty in court of an offence; or 3.
- On issuing of an Enforcement Order.

In the case of more than one (1) infringement arising from the same circumstances, Demerit Points will be allocated only for the infringement with the highest points.

A juristic person (eg company or organisation) who is not an operator and fails to nominate the driver of the vehicle receives no Dement Points but pays three times the penalty amount.

#### E. Reduction of Denem Poly

Demerit Points will be reduced by one (1) point every three (3) continuous months during which no additional points are incurred

# F. Prohibition to drive or operate a vehicle

- An infringer will be disqualified from driving a motor vehicle for the period of months that equals the number of points by which twelve (12) is exceeded, multiplied by three (3)
- Operators: Every one (1) Demerit Point over the maximum of 12 points per vehicle shall result in a three (3) month suspension of the operator card of that specific motor vehicle. The maximum number of Demerit Points that an operator may incur, based on the number of vehicles owned, is calculated per vehicle as given in the table below. Every one (1) Demerit Point over the maximum total points will result in a one (1) month suspension of all operator cards.

Vehicle numbers	Maximum Demerit Points per vehicle
1 to 20	12 points per vehicle for the first 20 vehicles
21 to 40	Add 11 points per vehicle more than 20 up to 40
41 to 60	Add 10 points per vehicle more than 40 up to 60
61 to 80	Add 9 points per vehicle more than 60 up to 80
81 to 100	Add 8 points per vehicle more than 80 up to 100
101 to 120	Add 7 points per vehicle more than 100 up to 120
> 120	Add 6 points per vehicle more than 120

# G. Fallure to comply with provi

- Failure to comply with the provisions described under A or B within a period of 32 days, will result in a Courtesy Letter being issued, in which case the discounted amount will no longer be applicable and an additional fee for the Courtesv Letter will be payable.
  Failure to comply with the requirements of a Courtesy Letter
- within a further period of 32 days, will result an Enforcement Order being issued, in which case the discounted amount will no longer be applicable and additional fees for both the Courteey Letter and the Enforcement Order will be payable.
- Failure to comply with the requirements of an Enforcement Order will result in a *Warrant* being issued, which will be handed to a Sheriff for execution and which will result in the following, amongst others:
  - Seizing and selling movable property of the infringer to defray the penalty amount, as well as accumulated
  - fees and costs; and
    Seizing and defacing the driving licence and/or
    professional driving permit of the infringer; and
    Removing and defacing the licence disc of the motor (b)
  - (c) vehicle(s) of which the infringer is the owner; and
  - (d) If applicable, seizing and defacing the operator card(s) of an operator; and

  - Immobilising such vehicle(s); and Reporting the Infringer to a credit bureau.

#### **AARTO 02 - INFRINGEMENT NOTICE** Infringement Notice no: 1: 12-3456-789012345-6 2: 12-3456-789012345-6 Issued in terms of section 17(1) of Act No. 46 of 1998 3: 12-3456-789012345-6 BEST WEEKS AS IN NERINGER AND MOTOR VEHICLE PARTICULAR MOTORIVE TOLES «Sumame» «First names» «Vehicle lic number» «Initials» «Date\_of\_birth» Licence disc no: «veh lic disc\_no» ID type: «ID\_type» «Gender» Operator card no: «Operator\_card\_number» «ID\_number» Country of issue: «Country\_of\_issue» «Vehicle desc» Licence code: «Driving\_lic\_codes» PrDP code: «PrDP codes» «Vehicle GVM» Learner code: «Leamer\_lic\_codes» Foreign code: «Foreign\_lic\_codes» «Make» «Series» Tel (home): «Home\_phone» Tel (work): «Business\_phone» «Colour» Fax: «Fax\_number» Cell: «Cellular» «Emp\_name» «E\_mail» «Street address line 1» «Post address line 1» «Emp\_address\_line\_1» «Street\_address\_line\_2» «Post\_address\_line\_2» «Emp\_address\_line\_2» «Street\_address\_line\_3» «Post\_address\_line\_3» «Emp\_address\_line\_3» «Street\_address\_line\_4» «Post\_address\_line\_4» «Emp\_address\_line\_4» «Street\_address\_line\_5» «Post\_address\_line\_5» «Emp\_address\_line\_5» «Street\_address\_code» «Post\_address\_code» «Emp\_address\_code» CULTOCATION ID A TEANDTEME OF Province: «Province» City/Town: «Place\_name» Suburb: «Suburb» Street A: «Street\_Name\_A» Date: «Date» Time: «Time» Street B: «Street\_Name\_B» Route: «Route\_no» From: «From\_place» To: «To\_place» Y: «GPS Y» X: «GPS\_X» GPS co-ordinates: The infringer as identified, while operating the vehicle on a public road at the place and at the time as described above, committed the following infringement(s) as identified by the Charge Code shown in terms of Schedule 3 of the Administrative Adjudication of Road Traffic Offence Regulations Charge Code: «Main\_charge\_code\_1\_1» «Main\_descrip\_1\_1» Penalty: R «Penalty\_1\_1» Discount: R «Deduct 1 1» Discounted penalty: R «Discount\_1\_1» Demerit Points: «Points 1 Charge type: «Class\_1\_1» Charge Code: «Alt\_charge\_code\_1\_2» «Alt\_descrip\_1\_2» Penalty: R «Penalty\_1\_2» Discount: R «Deduct\_1\_2» Discounted penaity: R «Discount\_1\_2» Dement Points: «Points 1\_2» Charge type: «Class\_1\_2» Charge Code: «Main\_charge\_code\_2\_1» «Main\_descrip\_2\_1» Penalty: R «Penalty\_2\_1» Discount: R «Deduct\_2\_1» Discounted penalty: R «Discount\_2\_1» Charge type: «Class\_2\_1» Demerit Points: «Points 2 1» Charge Code: «Alt\_charge\_code\_2\_2» «Alt\_descrip\_2\_2» Penalty: R «Penalty\_2\_2» Discount: R «Deduct\_2\_2» Discounted penaity: R «Discount\_2\_2» Charge type: «Class\_2\_2» Demerit Points: «Points\_2\_2» Charge Code: «Main\_charge\_code\_3\_1» «Main\_descrip\_3\_1» Penalty: R «Penalty\_3\_1» Discount: R «Deduct\_3\_1» Discounted penalty: R «Discount 3\_1» Charge type: «Class\_3\_1» Demerit Points: «Points\_3\_1» Charge Code: «Alt\_charge\_code\_3\_2» «Alt\_descrip\_3\_2» Discount: R «Deduct\_3\_2» Penalty: R «Penalty\_3\_2» Discounted penalty: R «Discount\_3\_2» Charge type: «Class\_3\_2» Demerit Points: «Points\_3\_2» See reverse side for payments and options IA name and Code: Magisterial District: Officer signature Infringer signature Officer name: Infrastructure no:

			NOTES	
Vehicle	e related:			
	on of travel:			
	r of passengers :			
	ter reading :			
Other:				
	_			
Descri	ption of driver :			-
Hair:	paron or anivor .			
Glasse	<u> </u>			
Build :	<del></del>			<del></del>
Other:				
Other.				
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Road /	Street condition	<u> </u>		
Traffic	conditions:			
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Names	and contact det	tails of witnesse	s:	-
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CONFI	RMATION IN TER		ION 21(5)(a) OF THE ADM FIC OFFENCES REGULAT	INISTRATIVE ADJUDICATION OF IONS
l, an	authorised officer wi	hose details appear l	below, hereby confirm by my si	gnature that the original AARTO 01
infringen indicated	d hereunder and that	t its content and the	options set out in section 17(1)	er on the date and at the time and place (f) of the Act were explained at the time
	and that such		the best of my knowledge und	erstood by the infringer.
Date:		Officer Name :		
Time:		Infrastructure No. :		Officer signature
Place:				

#### **AARTO 03 - INFRINGEMENT NOTICE** Issued in terms of section 17(1) of Act No. 46 of 1998

infringement notice no. 12-3456-789012345-6

AND THE PARTY OF T «Surname»/«Name of organisation» «Gender»/«Type of organisation» «First\_names»/«Representative name and surname» «Initials» «Date\_of\_birth» «ID\_type» Tel (home): «Home\_phone» «ID\_number» Tel (work): «Business\_phone» Country of issue: «Country of\_issue» Fax: «Fax\_number» Licence code: «Driving\_lic\_codes» Cell: «Cellular» PrDP code: «PrDP codes» «E mail» Operator card number: «Operator\_card\_number» «Street\_address\_line\_1» «Vehicle lic number» «Street\_address\_line\_2» «Street\_address\_line\_3» Licence disc no: «veh\_lic\_disc\_no» «Street address line 4» «Vehicle\_desc» «Street\_address\_line\_5» «Street\_address\_code» «Post\_address\_line\_1» «Vehicle\_GVM» «Post\_address\_line\_2» «Post\_address\_line\_3» «Make» «Post\_address\_line\_4» «Series» «Post\_address\_line\_5» «Post\_address\_code» «Colour» «Emp\_name» «Emp\_address\_line\_1» «Emp\_address\_line\_2» «Emp\_address\_line\_3» «Emp\_address\_line\_4» «Emp\_address\_line\_5» «Emp\_address\_code»

57: 41 = 7.1. b) Province: «Province» City/Town: «Place\_name» Suburb: «Suburb» Date: «Date» Time: «Time» Street A: «Street\_Name\_A» General Location: «Loc» Street B: «Street\_Name\_B» Route: «Route\_no» From: «From\_place» To: «To\_place» GPS co-ordinates: X: «GPS\_X» Y: «GPS\_Y»

E SALIES MEDITE DE SALVORE The infringer as identified, while operating the vehicle on a public road at the place and at the time as described above, committed the following infringement(s) as identified by the Charge Code shown in terms of Schedule 3 of the Administrative

Adjudication of Road Traffic Offences Regulations, 2008 Description: «Main\_descrip» Charge Code: «Main\_charge\_code» Vehicle image Licence plate image Speed readings: «Speed\_1» «Speed\_2» Amber time: «Amber\_time» Red time: «Red\_time» Discounted penalty: R «Discount\_1» Penalty: R «Penalty\_1» Discount: R «Deduct\_1» Charge type: «Class\_1» Demerit Points: «Points\_1» Charge Code: «Alt\_charge\_code» «Alt\_descrip» Alternative Penalty: R «Penalty\_2» Discount: R «Deduct\_2» Discounted penalty: R «Discount\_2»

Demerit Points: «Points 2» Charge type: «Class\_2»

#### See reverse side for payments and options

Issuing Authority: «Issuing\_authority» Officer name: «Officer Name»

Infrastructure no: «infrastructure\_number»

**POSTAGE** LOGO

#### REPUBLIC OF SOUTH AFRICA

The Honourable/Prof/Dr/Rev/Mr/Mrs/Ms/Miss TO:

bar code

«Initials» + «Surname»

«Post address line 1»

«Post\_address\_line\_2»

«Post\_address\_line\_3»

«Post\_address\_line\_4»

«Post\_address\_line\_5»

«Post\_address\_code»



# the penelty is paid within 32 days from the date of service, the total discour mount for the main sharges, as shown on the front of this notice, must be paid.

- amount for the main charges, as shown on the front of this notice, must be paid. 
  Payments may be made:

  (a) At the following banks:

  (i) By cash deposit or bank guaranteed cheque at any ABSA bank.

  (ii) For ABSA and FNB clients only by ATM, internet or cell phone banking.

  (b) By cash deposit or bank guaranteed cheque at any:

  (i) Post office

  (ii) Approved pay-point

  (iii) Motor vehicle registration and licensing office

  (iv) Driving licence testing centre; or

  (v) Issuing Authority; or

  (c) At the following internet website:

  www.aserto.gov.zs

www.aarto.gov.za
The Infringement Notice Number applicable to each of the Individual Main Charges
must be used as reference with all payments.

- es regerding this notice may be made: By post, to: AARTO Enquiries, Private Bag X147, Pretorie, 9001. By telephone: 686 122 7881 (6861AARTO1) By fax: 686 662 8661

3. By fax: use sea own
4. By emeil: enquiries@sertosa.co.zs
General information is available on the AARTO Internet website www.serto.gov.za.

General information is available and the AARTO Internet website were serto.gov.za. Information is available on the AAATO Informed weather shall be information on dement points may be obtained from the above we issuing or Registering Authority or Driving Licence Teeting Centre.

Failure to comply with the provisions of the Act within 32 days after leaving of this notice will result in the leaving of a courteey letter, in which case the discounted amount will no longer be applicable and an additional fee for the courteey letter will be payable.

- Submit an application to pay the full penalty in instalments on form AARTO 84, in which case the discounted amount will no longer be applicable; or Nominete the driver or person in control of the vehicle, if it was a person other than yourself, on form AARTO 07; or 2.
- only in the case of a <u>minor intrinsement</u>, submit a Representation for consideration, on form AARTO 86, in which case an additional Representations fee may be psyable if the Representation is rejected; or Elect to be tried in court on form AARTO 10. If found guilty in court, the demerit points applicable to the periodiar offence will be allocated to the infringer.
- The forms listed above may be downloaded from, or electronically completed on the AARTO Internet websits or, May be obtained at any lasting Authority.

If not completed on the above internet site, completed forms must be posted by registered mail to the following address: AARTO Submissions, Private Beg X147, Pretoria, 9001.

Copies of all completed forms must be retained for your own record purposes

Depending on the classification of the Infringement or offence, or on failure to comply with the provisions of the Act, dement points ranging from 1 to 6 will be allocated to the as follows:

- ger as roticions:

  On receipt and recording of payments; or
  On application to pay in instalments; or
  If found quility in court of an offence; or
  On issuing of an enforcement order.
  A juristic person who la not an operator receives no Demerit Points but pays
  three times the penalty amount

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(a)	This option is not a	_					_												
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(k) Receipt of the application will be acknowledged within 21 days, failing which it must be re-submitted in the manner above.

records.

# **AARTO 05a - ACKNOWLEDGEMENT OF RECEIPT**

Issued in terms of section 17(1)(f)(iii) of Act No 46 of 1998

#### INFRINGER AND MOTOR VEHICLE PARTICULARS

«Surname»/«Name of organisation»

«First\_names»/«Representative name and surname»

«Initials»

«ID\_type»

«ID number»

Country of issue: «Country\_of\_issue»

Licence code: «Driving\_lic\_codes»

PrDP code: «PrDP codes»

Operator card number: «Operator Card number»

«Street\_address\_line\_1»

«Street\_address\_line\_2»

«Street\_address\_line\_3»

«Street address line\_4»

«Street address line 5» «Street address code»

«Post\_address\_line\_1»

«Post\_address\_line\_2»

«Post\_address\_line\_3» «Post\_address\_line\_4»

«Post\_address\_line\_5» «Post\_address\_code»

«Emp\_name»

«Emp\_address\_line\_1» «Emp\_address\_line\_2»

«Emp\_address\_line\_3» «Emp\_address\_line\_4»

«Emp\_address\_line\_5» «Emp\_address\_code»

# ARRANGEMENT TO PAY IN INSTALMENTS

«Gender»/«Type of organisation»

Age: «Age»

«Date\_of\_birth»

Tel (home): «Home\_phone»

Tel (work): «Business phone»

Fax: «Fax number»

Cell: «Cellular»

«E mail»

#### **MOTOR VEHICLE PARTICULARS**

«Vehicle\_lic\_number»

Licence disc no: «veh lic disc no»

«Vehicle desc»

«Vehicle\_GVM»

«Make»

«Series»

«Colour»

# INFRINGEMENT PARTICULARS

Infringement Notice number: «Inf\_notice\_nr»

Date of infringement: «Date»

Issuing Authority: « Issuing Authority »

Charge Code: «Main charge code» «Main descrip»

Charge type: «Class\_1»

Penalty R «Penalty\_1»

Demerit Points: «Demerit»

**ACKNOWLEDGEMENT OF RECEIPT** 

Date received:

«App\_Date»

Receipt of your application to pay in instalments is herewith acknowledged. Particulars of your submission appear below.

(a) Your application will be duly considered; where after you will be notified of the decision in this regard within a period not exceeding 21 days.

(b) Please note that your application may be rejected. Upon such rejection you will be liable to pay all outstanding penalties and fees, if any, within a period of 32 days.

(c) Note should be taken that, in accordance with section 19b(2) of the Act, failure to pay the monthly instalments agreed to, or if an insufficient payment is made on an instalment, a notice will be served on the infringer informing him or her that if:

the outstanding balance of the instalment, plus the fee for the notice has not been paid within 7 days; or

arrangements have not been made within 7 days for the payment thereof a Warrant will be issued in terms of section 21 of the Act.

Penalty payable:

**R**«Penalty»

Total amount of fees:

**R**«Fees»

Total amount due:

R«Total due»

Number of monthly instalments:

«Number\_in»

Monthly instalment amount, if

approved:

R«Amount I»

Monthly method of payment

applied for:

«Method»

Demerit Points allocated:

«Dement»

To expedite the processing of your application, please complete the reverse side of this notification if any of your particulars have changed and send it to the Agency.

Certificate number: «Cert no»

Creation date: «Cr Date»

«User Group»

POSTAGE LOGO

# **REPUBLIC OF SOUTH AFRICA**

TO: The Honourable/Prof/Dr/Rev/Mr/Mrs/Ms/Miss

bar code

«Initials» + «Surname»
«Post\_address\_line\_1»
«Post\_address\_line\_2»
«Post\_address\_line\_3»
«Post\_address\_line\_4»
«Post\_address\_line\_5»

«Post\_address\_code»

IF UNDELIVERED WITHIN 14 DAYS PLEASE RETURN TO SENDER:

AARTO

Private Bag X147

PRETORIA

0001

Date of posting:

Sumame:						Fi	rst names:				
Type of identification	Driving licence	RSA ID	Foreign ID	Passport	Co	untry o	of issue:	Gender:	Male	Female	
Identification number:								Tel (home):			
Initials:			Date	of birth:				Tel (work):			
Driving licence code(s)	:		PrDF	code(s)	:			Cell:			_
Operator card no:		_						Fax:			
Residential address ar	d code:	_									
Postal address and co	de:	_									
Employer's name, add	ress and	d code:									
Email address :							_				
i declare that the partic or both.	culars pr	rovided a	bove are	true and	сопте	ct and	realise tha	at a false declaration is p	unishable by a fin	e or imp	risonmen

# AARTO 05b - ACKNOWLEDGEMENT OF RECEIPT Nomination of Driver or Person in Control

issued in terms of section 17(1)(f)(v) of Act No 46 of 1998

«Surname»/«Name of organisation»	EEVELONG NEW YEE	«Gender»/«Type of organisa	tion»
«First_names»/«Representative name an	d sumame»	Age: «Age»	
«Initials»		«Date_of_birth»	
«ID_type»		Tel (home): «Home phone»	
		`	
«ID_number»		Tel (work): «Business_phon	∋»
Country of issue: «Country_of_issue»		Fax: «Fax_number»	
Licence code: «Driving_lic_codes»		Cell: «Cellular»	
PrDP code: «PrDP_codes»		«E_mail»	
Operator card number: «Operator_Card_	number»	MOTORVEHICLE	PARTICULARY - 🤼
«Street_address_line_1»		«Vehicle_lic_number»	<u> </u>
«Street_address_line_2» «Street_address_line_3»		Licence disc no: «veh_lic_di	sc_no»
<pre>«Street_address_line_4» «Street_address_line_5» «Street_addres</pre>	s code»	«Vehicle_desc»	
«Post_address_line_1»		«Vehicle_GVM»	
«Post_address_line_2» «Post_address_line_3»		«Make»	
«Post_address_ilne_4»		_	
<pre>«Post_address_line_5» «Post_address_«</pre>	code»	«Series»	
«Emp_name»		«Colour»	
Charge Code: «Main_charge_code» «Main_de Charge type: «Class_1»	escrip»  Penaity: R «Penaity_1»	Demerit Points: «Demeri	b»
ACKNOWEDGEMENT			«App_Date»
Unsuccessful: Reason for rejection  To be Your application w	entrol for the infringement, particled infringement Notice in your rif the infringement to the person on of nomination: «C_Reason»	utars of which are provided above came has been cancelled and a ne whose particulars appear below.	w Infringement Notice will be ill be notified of the decision.
Considered: Note that your app	lication may be rejected, in which	h case you will be liable to pay the «Gender»	outstanding penalty.
«First_names»		Age; «Age»	
«Initials»		«Date_of_birth»	
«ID_type»		Tel (home): «Home_phone»	
«ID_number»		Tel (work): «Business_phone»	
Country of Issue: «Country_of_issue»		Fax: «Fax_number»	
Licence code: «Driving_lic_codes»			
PrDP code: «PrDP_codes»		Cell: «Cellular»	
		Cell: «Cellular» «E_mail»	•
Driving licence number: «DL_number»			·
«Street_address_line_1» «Street_address_line	e_2» «Street_address_line_3» «	«E_mail»	iddress_line_5»
«Street_address_line_1» «Street_address_line «Street_address_code» «Post_address_line_1» «Post_address_line_2		<pre>«E_mail»  «Street_address_line_4» «Street_a</pre>	
«Street_address_line_1» «Street_address_line «Street_address_code»	?» «Post_address_line_3» «Pos	<pre>«E_mail»  «Street_address_line_4» «Street_a  t_address_line_4» «Post_address</pre>	_tine_5»

POSTAGE **LOGO** 

# **REPUBLIC OF SOUTH AFRICA**

TO: The Honourable/Prof/Dr/Rev/Mr/Mrs/Ms/Miss bar code

«Initials» + «Surname»

«Post\_address\_line\_1»

«Post\_address\_line\_2»

«Post\_address\_line\_3»

«Post\_address\_line\_4»

«Post\_address\_line\_5»

«Post\_address\_code»

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IF UNDELIVERED WIT	THIN 14 DAYS P	LEASE RETURN T	O SENDER:	
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Private Bag X14		100		
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Date of posting :				

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Type of identification	Driving	RSA ID	Foreign ID	Passpo	ort	Count	Male	Female					
Identification number:			T		П					Tel (home):		<u> </u>	
Initials:			Date	of birth	:					Tel (work):			
Driving licence code(s)	:		PrDF	code(s	s):					Cell:			
Operator card no:										Fax:			
Residential address an	d code:									<u> </u>			
Postal address and co	 de:												_
Employer's name, add	ress and	d code:								_			
Email address :					_			_					
I declare that the partic or both.	culars p	rovided a	bove are	true ar	d co	rrect a	nd r	ealise th	at a fa	alse declaration is pu	nishable by a fir	e or imp	risonmen
Signature:										Date:			

# **AARTO 05c - ACKNOWLEDGEMENT OF RECEIPT** APPLICATION FOR REPRESENTATION

Issued in terms of sections 18 and 19(2)(b)(i) of Act No 46 of 1998

#### INFRINGER AND MOTOR VEHICLE PARTICULARS \*\*\* «Surname»/«Name of organisation» «Gender»/«Type of organisation» «First\_names»/«Representative name and surname» «Initials» «Date\_of\_birth» «ID\_type» Tel (home): «Home\_phone» «ID number» Tel (work): «Business phone» Country of issue: «Country of Issue» Fax: «Fax number» Licence code: «Driving\_lic\_codes» Cell: «Cellular» PrDP code: «PrDP codes» «E\_mail» Operator card number: «Operator\_Card\_number» . . MOTOR OF THE PARTICULARIES «Street address line 1» «Vehicle lic number» «Street\_address\_line\_2» «Street\_address\_line\_3» Licence disc no: «veh\_lic\_disc\_no» «Street\_address\_line\_4» «Vehicle desc» «Street address line 5» «Street address code» «Post\_address\_line\_1» «Vehicle\_GVM» «Post\_address\_line\_2» «Post address\_line\_3» «Make» «Post address line 4» «Post\_address\_line\_5» «Post\_address\_code» «Series» «Emp\_name» «Colour» «Emp\_address\_line\_1» «Emp\_address\_line\_2»

# INFRINGEMENT PARTICULARS . .

Infringement Notice number: «Inf\_notice\_nr»

«Emp\_address\_line\_3» «Emp\_address\_line\_4» «Emp\_address\_line\_5» «Emp\_address\_code»

Date of infringement: «Date» Issuing Authority: « Issuing Authority »

Charge Code: «Main\_charge\_code» «Main\_descrip»

Charge type: «Class\_1»

Penalty: R «Penalty\_1»

Demerit Points: «Demerit»

# Receipt of your Representation is herewith acknowledged.

ACKNOWLEDGEMENT OF RECEIPT Date received to «App\_Date»

- Your Representation was forwarded to a representations officer, who will duly consider all the facts, where after you will be
- Note that your Representation may be rejected, upon which you will be liable to pay all outstanding penalties, as well as the fees for the Representation.
- All enquines regarding the AARTO Act may be made:
  - (a) By post to: AARTO Enquiries, Private Bag X147, Pretoria, 0001.
  - By telephone: Tel. no: 086 122 7861 (0861AARTO1)
  - (c) By fax: Fax no: 086 662 8861
- Enquiries on the number of Dement Points accumulated, for which an additional fee will be payable, may be made:
  - On the following AARTO Internet websites: www.aarto.gov.za or www.aartosa.co.za; or
  - By completing form AARTO 27 in person at any:
    - (i) Vehicle registration and licensing office; or
    - (li) Driving licence testing centre; or
    - (iii) Issuing Authority
- 5. General information on AARTO and traffic infringement statistics are available on the AARTO Internet website.
- Depending on the classification of the infringement or offence, or on failure to comply with the provisions of the Act, Demerit Points ranging from 1 to 6 will be allocated to the Infringer as follows:
  - On receipt and recording of payments; or
  - On application to pay in instalments; or
  - If found guilty in court of an offence; or
  - On issuing of an Enforcement Order.
- A juristic person who is not an operator receives no dement points but pays three times the penalty amount.
- Dement Points will be reduced by one (1) point for every continuous (3) months during which no dement points were allocated. An infringer will be disqualified from driving a motor vehicle for the period of months that equals the number of points by which twelve (12) is exceeded, multiplied by three (3).

To expedite the processing of your Representation, please complete the reverse side of this notification if any of your particulars have changed and send it to the Agency.

Certificate number: «Cert\_no» Creation date: «Cr\_Date» «User Group»