

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Division, Pretoria

CASE NO: **2026-166564**

In the matter between:

ORGANISATION UNDOING TAX ABUSE NPC Plaintiff / Applicant / Appellant

and

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA, THE MINISTER OF TRANSPORT, THE DIRECTOR-GENERAL: DEPARTMENT OF TRANSPORT, THE ROAD TRAFFIC INFRINGEMENT AUTHORITY, THE ROAD TRAFFIC MANAGEMENT CORPORATION, THE MINISTER OF FINANCE, THE DIRECTOR-GENERAL: NATIONAL TREASURY, THE SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION Defendant / Respondent

Notice of Motion (Long Form)

NOTE: This document was filed electronically at 2:36:05 PM South African Standard Time on 13/7/2026. The document was filed by the party in the case. The time and date of filing is indicated on the header of each page of this document.

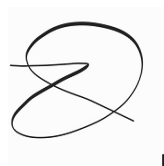


Registrar on 13/7/2026 (ST). The time and date of filing is indicated on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

Registrar of Pretoria , Gauteng
Division,Pretoria



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

Case No: _____

In the matter between:

ORGANISATION UNDOING TAX ABUSE NPC

Applicant

and

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

First Respondent

THE MINISTER OF TRANSPORT

Second Respondent

THE DIRECTOR-GENERAL:

DEPARTMENT OF TRANSPORT

Third Respondent

**THE ROAD TRAFFIC INFRINGEMENT
AUTHORITY**

Fourth Respondent

**THE ROAD TRAFFIC MANAGEMENT
CORPORATION**

Fifth Respondent

THE MINISTER OF FINANCE

Sixth Respondent

THE DIRECTOR-GENERAL:

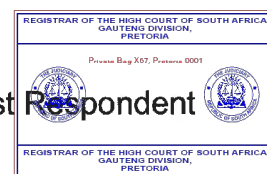
NATIONAL TREASURY

Seventh Respondent

**THE SOUTH AFRICAN LOCAL
GOVERNMENT ASSOCIATION**

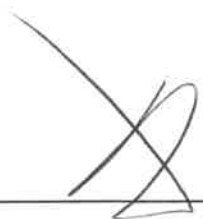
Eighth Respondent

NOTICE OF OPPOSITION TO MEDIATION IN TERMS RULE 41A



TO TAKE NOTICE that the Applicant hereby opposes the referral of this matter to mediation on the grounds that the issue cannot be determined without the intervention of this Court.

DATED at Pretoria on this 13th day of July 2026.



JENNINGS INCORPORATED

Attorneys For The Applicant

56 Jerome Road

Leopard Court

Ground Floor

Lynnwood Glen

Pretoria

Tel: 012 110 4442

Ref: A Jennings/OUT048

Email: andri@jinc.co.za; delia@jinc.co.za; kayla@jinc.co.za; office@jinc.co.za

**TO: THE REGISTRAR OF THE HIGH COURT GAUTENG DIVISION,
PRETORIA**

AND TO: PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

The First Respondent

Union Building

Government Avenue

Pretoria

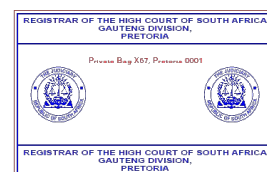
c/o THE STATE ATTORNEY PRETORIA

SALU Building

316 Thabo Sehume Street
Pretoria

AND TO: THE MINISTER OF TRANSPORT

The Second Respondent
Forum Building
159 Struben Street (corner Bosman Street)
Pretoria
c/o THE STATE ATTORNEY PRETORIA
SALU Building
316 Thabo Sehume Street
Pretoria



**AND TO: THE DIRECTOR-GENERAL:
DEPARTMENT OF TRANSPORT**

The Third Respondent
Forum Building
159 Struben Street (corner Bosman Street)
Pretoria

AND TO: THE ROAD TRAFFIC INFRINGEMENT AUTHORITY

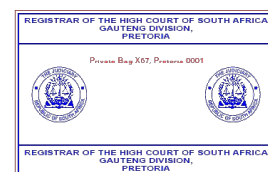
The Fourth Respondent
New Road Office Park
10 Matuka Close
Carlswald
Midrand

AND TO: THE ROAD TRAFFIC MANAGEMENT CORPORATION

The Fifth Respondent
Centurion Gate Business Park,
Block A to D
146 Akkerboom Street
Zwartkop
Centurion

AND TO: THE MINISTER OF FINANCE

Sixth Respondent
Old Reserve Bank Building
2nd Floor
40 Church Square
Pretoria
c/o THE STATE ATTORNEY PRETORIA
SALU Building
316 Thabo Sehume Street
Pretoria



AND TO: THE DIRECTOR GENERAL: NATIONAL TREASURY

Seventh Respondent
Old Reserve Bank Building
2nd Floor
40 Church Square
Pretoria

AND TO: THE SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION

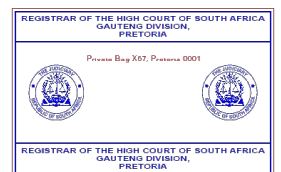
The Eighth Respondent

Menlyn Corporate Park

Block B, 175 Corobay Avenue (Corner of Garsfontein and Corobay)

Waterkloof Glen Ext 11

Pretoria



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

Case No: _____

In the matter between:

ORGANISATION UNDOING TAX ABUSE NPC

Applicant

and

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

First Respondent

THE MINISTER OF TRANSPORT

Second Respondent

THE DIRECTOR-GENERAL:

DEPARTMENT OF TRANSPORT

Third Respondent

**THE ROAD TRAFFIC INFRINGEMENT
AUTHORITY**

Fourth Respondent

**THE ROAD TRAFFIC MANAGEMENT
CORPORATION**

Fifth Respondent

THE MINISTER OF FINANCE

Sixth Respondent

THE DIRECTOR-GENERAL:

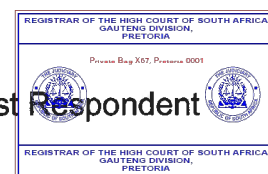
NATIONAL TREASURY

Seventh Respondent

**THE SOUTH AFRICAN LOCAL
GOVERNMENT ASSOCIATION**

Eighth Respondent

NOTICE OF MOTION



TO TAKE NOTICE that the Applicant intends to apply to this Honourable Court on **4 August 2026 at 10h00**, or so soon thereafter as counsel may be heard, for an order in the following terms:

1. That the ordinary forms and service provided for in the Uniform Rules of Court be dispensed with and that this application be heard as one of urgency in terms of Rule 6(12)(a) of the Uniform Rules of Court.
2. Pending the final determination of a review application to be instituted by the applicant within 30 days from the granting of an interim interdict herein, **to review and set aside the 2026 Proclamations and 2026 Regulations referred to below, the First** to Fifth Respondents are interdicted and restrained from implementing, operationalising, enforcing or giving effect to:



- 2.1. the commencement and implementation of Phase 2 and any staggered phases of the Administrative Adjudication of Road Traffic Offences Act 46 of 1998, as amended ("AARTO Act");
- 2.2. the Administrative Adjudication of Road Traffic Offences Regulations, 2026, published under Government Notice R.7646 in Government Gazette No. 54922 dated 30 June 2026; and
- 2.3. the proclamation bringing into operation sections 17, 18, 19, 19A, 19B, 20, 23, 29, 30, 31, 32, 33, 34 and 35 of the AARTO Act in the affected municipal areas, published under Proclamation Notice 322 of 2026 in Government Gazette No. 54917 dated 29 June 2026.

- 2.4. the proclamation bringing the Administrative Adjudication of Road Traffic Offences Amendment Act 4 of 2019 into operation, except for section 2(g), in the in the affected municipal areas, published under Proclamation Notice 323 of 2026 in Government Gazette No. 54918 dated 29 June 2026.
3. That the costs of this application be reserved pending the final determination the applicant's review application.
4. Further and/or alternative relief.



TAKE FURTHER NOTICE that the facts and circumstances upon which the applicant relies appear from the affidavit deposed to by *Stefanie Fick* attached hereto.

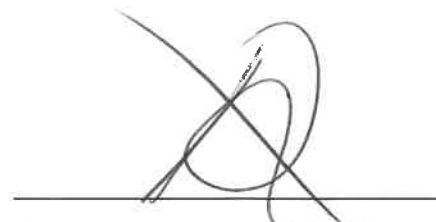
TAKE NOTICE FURTHER that if you intend to oppose this application, you are required to

- a. File your notice of intention to oppose on or before **16:00 on Friday, 17 July 2026**;
- b. State in such notice an address where you will accept service of all documents, notices and processes in this application; and
- c. File your opposing affidavit, if any, on or before **10:00 on Monday, 27 July 2026**.

TAKE NOTICE FURTHER that the applicant appoints as its attorneys the attorneys whose address is set out hereunder, at whose offices it shall accept notice and service of all process in these proceedings.

KINDLY SET THE MATTER DOWN FOR HEARING ACCORDINGLY.

DATED at Pretoria on this 13th day of July 2026.



JENNINGS INCORPORATED

Attorneys For The Applicant

56 Jerome Road



Pretoria

Tel: 012 110 4442

Ref: A Jennings/OUT048

Email: andri@jinc.co.za; delia@jinc.co.za; kayla@jinc.co.za; office@jinc.co.za

**TO: THE REGISTRAR OF THE HIGH COURT GAUTENG DIVISION,
PRETORIA**

AND TO: PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

The First Respondent

Union Building

Government Avenue

Pretoria

c/o THE STATE ATTORNEY PRETORIA

SALU Building

316 Thabo Sehume Street

Pretoria

AND TO: THE MINISTER OF TRANSPORT

The Second Respondent

Forum Building

159 Struben Street (corner Bosman Street)

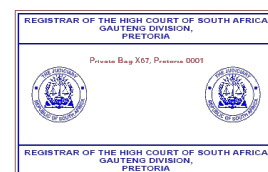
Pretoria

c/o THE STATE ATTORNEY PRETORIA

SALU Building

316 Thabo Sehume Street

Pretoria



AND TO: THE DIRECTOR-GENERAL:

DEPARTMENT OF TRANSPORT

The Third Respondent

Forum Building

159 Struben Street (corner Bosman Street)

Pretoria

AND TO: THE ROAD TRAFFIC INFRINGEMENT AUTHORITY

The Fourth Respondent

New Road Office Park

10 Matuka Close

Carlswald

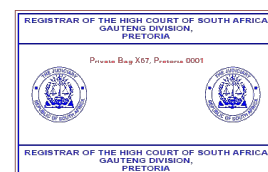
Midrand

AND TO: THE ROAD TRAFFIC MANAGEMENT CORPORATION

The Fifth Respondent
Centurion Gate Business Park,
Block A to D
146 Akkerboom Street
Zwartkop
Centurion

AND TO: THE MINISTER OF FINANCE

Sixth Respondent
Old Reserve Bank Building
2nd Floor
40 Church Square
Pretoria
c/o THE STATE ATTORNEY PRETORIA
SALU Building
316 Thabo Sehume Street
Pretoria



AND TO: THE DIRECTOR GENERAL: NATIONAL TREASURY

Seventh Respondent
Old Reserve Bank Building
2nd Floor
40 Church Square
Pretoria

AND TO: THE SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION

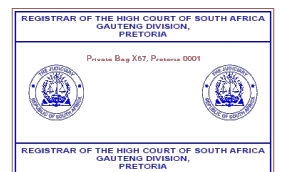
The Eighth Respondent

Menlyn Corporate Park

Block B, 175 Corobay Avenue (Corner of Garsfontein and Corobay)

Waterkloof Glen Ext 11

Pretoria



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

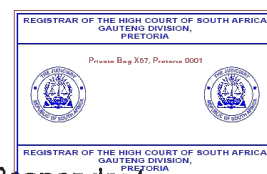
Case No: _____

In the matter between:

ORGANISATION UNDOING TAX ABUSE NPC

Applicant

and



THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

First Respondent

THE MINISTER OF TRANSPORT

Second Respondent

THE DIRECTOR-GENERAL:

DEPARTMENT OF TRANSPORT

Third Respondent

**THE ROAD TRAFFIC INFRINGEMENT
AUTHORITY**

Fourth Respondent

**THE ROAD TRAFFIC MANAGEMENT
CORPORATION**

Fifth Respondent

THE MINISTER OF FINANCE

Sixth Respondent

THE DIRECTOR-GENERAL:

NATIONAL TREASURY

Seventh Respondent

**THE SOUTH AFRICAN LOCAL
GOVERNMENT ASSOCIATION**

Eighth Respondent

-1-

[Handwritten signature]

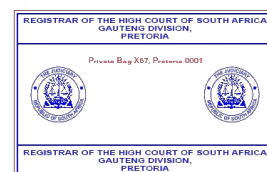
FOUNDING AFFIDAVIT

I, the undersigned,

STEFANIE FICK

do hereby make oath and say:

1.



I am an adult female executive director of the applicant's Accountability Division with offices situated at Unit 4, Boskruin Village Office Park, Cnr President Fouché and Hawken Road, Bromhof, Randburg, Gauteng.

2.

I hold an LLB degree from Unisa and am an admitted but currently non-practising advocate. Before joining OUTA in 2017, I served as a prosecutor for 17 years and was a member of the Johannesburg Society of Advocates for 5 years. I have thus considered the legal submissions in this affidavit, understand their meaning, and agree with their contents and import.

3.

I am duly authorised by a resolution of the applicant's executive committee (Annexure "FA1") to institute and represent the applicant in these proceedings and to depose to this affidavit on behalf of the applicant.

-2-

[Handwritten signature]

4.

The facts deposed to below are within my personal knowledge. To the best of my belief, the contents of the affidavit are true and correct. The annexures appended to this application were not obtained from the respondents (**"the respondents"**), and these documents do not constitute the full record supporting the issue under review or the basis for the urgent application.

5.



I have in my possession and under my control all documentation that is relevant and pertinent to the adjudication of this application, and with the documentation and facts set forth herein, I am familiar.

6.

To avoid prolixity, I respectfully request that the annexures affixed to this affidavit and the facts apparent therefrom be read and incorporated as if specifically restated in this affidavit, and that they be regarded and dealt with accordingly.

7.

Since any reference to any event or the annexures may constitute hearsay evidence, the applicant requests that such hearsay evidence be admitted in terms of the provisions of section 3 (1) (c) of the Law of Evidence Amendment Act 45 of 1988.

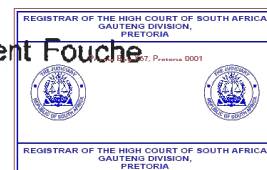
-3-

A PARTIES

8.

Applicant

- 8.1. The applicant is the Organisation Undoing Tax Abuse NPC ("**OUTA**"), a non-profit company duly registered in terms of the Company laws of the Republic of South Africa with registration number 2012/064213/08 and principal place of business at Unit 4, Boskruin Village Office Park, Cnr President Fouché Road and Hawken Avenue, Bromhof, Johannesburg, Gauteng.



- 8.2. OUTA is a public interest civil society organisation that advances constitutional accountability, lawful administration and the proper exercise of public power. OUTA brings this application in its own interest, in the public interest and in the interest of road users affected by the impugned implementation of AARTO Phase 2.

Respondents

- 8.3. The first respondent is the President of the Republic of South Africa (the "**President**"), cited in his official capacity as the functionary who issued the impugned proclamations and who bears the statutory duty under section 29A of the Administrative Adjudication of Road Traffic Offences Act, 1998 (the "**AARTO Act**") to appoint the Chairperson and other members of the Appeals Tribunal before the commencement date of 1 July 2026. The President has his address at Union Buildings, Government Avenue, Pretoria, c/o The State Attorney, Pretoria, SALU Building, 316 Thabo Sehume Street, Pretoria.

-4-

[Handwritten signature]

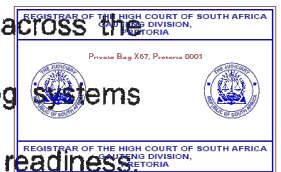
- 8.4. The second respondent is the Minister of Transport (the "**Minister**"), cited in her official capacity as the member of the national executive and the political head responsible for policy development and implementation concerning national transport, road safety and matters ancillary thereto. Under section 29A of the AARTO Act, the Minister must recommend to the President the members to serve on the Appeals Tribunal. Under section 34 of the AARTO Act, the Minister is responsible for making Regulations. The Minister has her main place of business at Forum Building, 159 Struben Street (corner Bosman Street), Pretoria, c/o The State Attorney, Pretoria, SALU Building, 316 Thabo Sehume Street, Pretoria.
- 8.5. The third respondent is the Director-General: Department of Transport (the "**DG**"), cited in his official capacity as the accounting officer and senior administrative functionary of the Department of Transport, who is responsible for overseeing the implementation of the AARTO Act together with the fourth and fifth respondents and all proclaimed municipalities. The DG has been centrally involved in the operationalisation and implementation of AARTO Phase 2. The DG has his main place of business at Forum Building, 159 Struben Street (corner Bosman Street), Pretoria.
- 8.6. The fourth respondent is the Road Traffic Infringement Authority ("**RTIA**"), a juristic person established in 2007 in terms of section 3 of AARTO. RTIA administers the AARTO process and is directly involved in representations, notices, courtesy letters, enforcement orders, records and the national



Handwritten signature/initials

implementation framework. RTIA has its principal place of business at New Road Office Park, 10 Matuka Close, Carlswald, Midrand.

- 8.7. The fifth respondent is the Road Traffic Management Corporation ("**RTMC**"), established in terms of section 3 of the Road Traffic Management Corporation Act 20 of 1999. RTMC is a critical institutional actor in implementing the AARTO Phase 2 and the lead road safety agency tasked with coordinating, regulating, and enforcing road traffic safety across the national, provincial, and local spheres of government, including systems support, coordination, traffic management and related operational readiness.



The RTMC has its principal place of business at Centurion Gate Business Park, Block A to D, 146 Akkerboom Street, Zwartkop, Centurion.

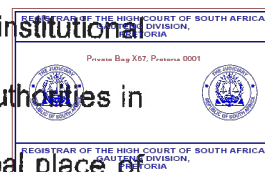
- 8.8. The sixth respondent is the Minister of Finance (the "**Finance Minister**"), cited in his official capacity because the amended scheme expressly implicates finance, including the remuneration and allowances of Tribunal members, funding arrangements, and the broader fiscal architecture for AARTO Phase 2 implementation. The Finance Minister has his principal place of business at Old Reserve Bank Building, 2nd Floor, 40 Church Square, Pretoria, c/o The State Attorney Pretoria, SALU Building, 316 Thabo Sehume Street, Pretoria. No direct relief is sought against the Finance Minister, who is cited herein to the extent he has an interest in the matter.

- 8.9. The seventh respondent is the Director-General: National Treasury (the "**DGNT**"), cited in his official capacity because National Treasury has a direct interest in the funding, financial governance and budgetary consequences of

the AARTO Act, and its implementation framework. The Tribunal remuneration provisions and AARTO implementation model are subject to Treasury oversight. No direct relief is sought against the DGNT, who is cited herein to the extent he has an interest in the matter.

- 8.10. The eighth respondent is the South African Local Government Association ("**SALGA**"), cited only to the extent that it has an interest in this application.

SALGA represents organised local government and has a direct institutional interest because municipalities are among the affected issuing authorities in the proclaimed Phase 2 municipal areas. SALGA has its principal place of business at Menlyn Corporate Park, Block B, 175 Corobay Avenue (Corner of Garsfontein and Corobay), Waterkloof Glen Ext 11, Pretoria.



B INTRODUCTION

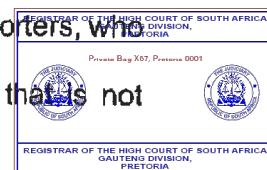
9.

- 9.1. This is an urgent application for interdictory relief pending a review application to be instituted within 30 days from the granting of an order herein, for the setting aside of certain presidential proclamations and ministerial regulations made under the AARTO Act, which I will refer to below.
- 9.2. At the centre of the application lies a simple but fundamental defect, namely, that the President proclaimed a remedial and enforcement scheme into operation without establishing the Appeals Tribunal that the statute requires

[Handwritten signature]

and that the Minister issued regulations without inviting any participation of the public, where it was required in the circumstances.

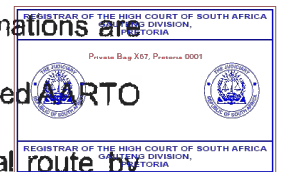
- 9.3. The President acted unlawfully and irrationally when he implemented the amended AARTO Act of 2019 in the relevant municipalities from 1 July 2026, despite the Tribunal not being duly constituted in accordance with the requirements of section 29A. Consequently, this results in a statutory process that purports to direct aggrieved road users, including OUTA supporters, who challenge traffic offences, fines and demerit points to a forum that is not operationally established.



- 9.4. Similarly, the Minister published and made effective the 2026 AARTO Regulations published in Government Notice R.7645 of 30 June 2026, which repealed the previously published 2008 AARTO Regulations published in Government Notice R.753 of 16 July 2008, without inviting the public, including OUTA supporters, to participate in such processes or to make any submissions.
- 9.5. The 2008 Regulations, which were subsequently repealed, underwent a public participation process before their promulgation. The 2026 Regulations did not undergo a similar public participation process despite being characterised by greater breadth and scope, thereby affecting the rights of road users. Ordinary road users, including OUTA supporters, whose rights are likely to be significantly affected by the 2026 Regulations, had, and still have, a reasonable expectation of being allowed to participate in the regulatory development process. The enactment of the AARTO Amendment

Act, 2019, has significant implications for road users, including OUTA supporters, and, in certain respects, markedly modifies the previous statutory framework, particularly concerning the remedies accessible to aggrieved road users. The public, including OUTA supporters, was not afforded any opportunity to participate in any public process before the promulgation of the 2026 Regulations.

9.6. OUTA's complaints and concerns regarding the defective proclamations are neither technical nor peripheral. They go to the heart of the amended AARTO model. The 2019 Amendment Act removed the previous judicial route by which an infringer could, in defined circumstances, elect to be tried in court. The amended AARTO scheme, giving effect to the proclamations, substituted that judicial route with review or appeal to the Tribunal. If the Tribunal does not exist, the substitute remedy collapses.



9.7. The President's conduct also produces constitutionally unequal consequences. Road users in the newly proclaimed Phase 2 municipalities are now subject to a remedial regime that no longer provides the old court-election path. Yet the replacement Tribunal-based remedy is factually non-existent and unavailable to the public and to OUTA supporters. By contrast, road users outside those proclaimed areas are not exposed to the same remedial vacuum.

9.8. OUTA accordingly seeks urgent interim relief to prevent further implementation, application and enforcement of an unlawful and irrational scheme, and final relief reviewing and setting aside the proclamations and

the 2026 Regulations, alternatively declaring them invalid and of no force and effect. The matter concerns legality, rationality, equality and access to courts.

- 9.9. It must be emphasised that OUTA does not attempt to impeach the constitutional validity of the AARTO Act, which the Constitutional Court confirmed. OUTA is seeking the lawful, legally compliant roll-out and implementation of the AARTO Act in all its phases, and not a piecemeal, discriminatory and unconstitutional implementation thereof.



C LOCUS STANDI

10.

- 10.1. OUTA derives its standing to bring this application from section 38 of the Constitution.
- 10.2. OUTA approaches the Court under sections 38(a) (acting in its own interest) and 38(d) (acting in the public interest) read with section 172 of the Constitution.
- 10.3. OUTA has further been approved as a public benefit organisation in terms of section 30(1) of the Income Tax Act 58 of 1962, with its principal objective as set out in clause 3.1 of its Memorandum of Incorporation ("MOI"), as:

"...the promotion and advocacy of human rights and democracy in South Africa through the advancement and protection of rights, values and principles enshrined in the Constitution of the Republic of South Africa."

- 10.4. OUTA's Memorandum of Incorporation ("**MOI**") continues to define its objectives. In particular, clause 3.2 provides:

"3.2 In particular the Company shall, through conducting Activities, focus on-

3.2.1 promoting Taxpayer's rights by —

3.2.1.1 legitimately challenging the unlawful squandering, maladministration and/or Government Funding; and

3.2.1.2 legitimately challenging laws, policies of and regulations which are irrational or ineffective for their intended purposes."



- 10.5. To avoid unnecessary prolixity in the papers, I do not attach the complete and voluminous MOI and mission statement of OUTA, but only the relevant excerpt dealing with OUTA's objectives (Annexure "**FA2**").

- 10.6. Lastly, OUTA is a civil action organisation that:

10.6.1. Investigates, exposes and combats corruption, maladministration, and the abuse of taxes and public funds in the public sector;

10.6.2. Challenges irrational and unconstitutional government decisions, policies and legislation;

10.6.3. Works to improve public administration and service delivery; and

10.6.4. Advocates for positive policy changes and holds those responsible for misconduct accountable.

10.7. At this stage, it is impossible to identify any specific individual or road user in the proclaimed Phase 2 municipalities who is directly affected, as no such precedent has yet arisen in the short period since the promulgation of the proclamations. However, OUTA's challenge is based on the proclamation's inherent unconstitutionality, discrepancies and apparent discriminatory measures. It is therefore not a hypothetical challenge dressed up as a facial constitutional attack and may be brought without the need to prove a specific prejudicial act.



D STRUCTURE OF THIS AFFIDAVIT

11.

I structure this affidavit as follows.

11.1. First, I set out the statutory and historical background to the AARTO Act before the impugned proclamations.

11.2. Second, I explain the nature and effect of the Administrative Adjudication of Road Traffic Offences Amendment Act 4 of 2019 ("2019 Amendment Act") and the phased implementation framework publicly adopted for the national roll-out of AARTO.

-12-

[Handwritten signature]

- 11.3. Third, I deal with the regulatory history relevant to the 2026 proclamations, including the process of drafting regulations, the 2025 implementation attempt and subsequent postponement due to municipal unreadiness, and the eventual 2026 commencement.
- 11.4. Fourth, I explain what materially changed under the 2019 Amendment Act and the 2026 Proclamations.
- 11.5. Fifth, I analyse the significance of sections 18, 19 and 20 of the AARTO Act and the shift from the previous remedial regime to the new but incomplete regime.
- 11.6. Sixth, I explain why the non-establishment of the Appeals Tribunal renders the 2026 proclamations unlawful and irrational.
- 11.7. Seventh, I address the equality concerns arising under section 9 of the Constitution of the Republic of South Africa, 1996, that result from the phased rollout in these circumstances.
- 11.8. Eighth, I deal with the impairment of access to courts and the remedial deadlock now confronting road users in the affected municipalities.
- 11.9. Ninth, I set out the basis for urgency in this matter and the requirements for the grant of interim interdictory relief.
- 11.10. Tenth, I explain and deal with the requirements for interim interdictory relief, including the balance of convenience and the interests of justice which weigh in favour of granting the interim relief sought.



11.11. Lastly, I set out the grounds supporting the review and setting aside of the impugned 2026 proclamations and the 2026 Regulations, including failures of public participation and the relief sought.

E AARTO BEFORE THE IMPUGNED PROCLAMATIONS

12.

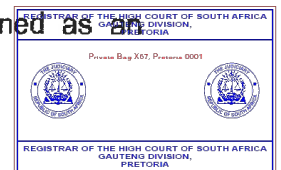
- 12.1. AARTO, as national legislation, was enacted to establish an administrative system for the adjudication of road traffic infringements, to promote compliance with road traffic legislation, to encourage road safety and to establish a demerit points system applicable to drivers and operators of motor vehicles. From the outset, AARTO contemplated phased implementation rather than a single-step national commencement, as provided for under the AARTO Act.
- 12.2. Section 36 of the AARTO Act provides that the Act comes into operation on a date determined by the President by proclamation in the Government Gazette. Section 36 further authorises the President to determine different commencement dates for different provisions of the AARTO Act and different areas of the Republic.
- 12.3. The implementation of AARTO was initially confined to pilot areas, namely the Johannesburg and Tshwane Metropolitan Municipalities. Before the 2026 proclamations, the operative AARTO regime had therefore long been limited



[Handwritten signature]

in practice to the pilot and Phase 1 areas, particularly in Johannesburg and Tshwane.

12.4. In those areas, the Act operated in conjunction with the older legislative adjudication framework created by the principal Act and earlier amendments, including the framework in sections 17 to 20 read with section 22 of the AARTO Act. That earlier framework provided a judicial route for road users to contest infringements, even though the system was designed as an administrative system.



12.5. Under that prior regime, when an authorised officer or issuing authority served an infringement notice under section 17 of the AARTO Act, the alleged infringer had specified options. Those options included payment, payment arrangements, representations in the case of a minor infringement, election of the driver and, importantly, an election, in the prescribed manner, *to be tried in court*.

12.6. Under section 18 of the earlier regime, an infringer served with an infringement notice for a minor infringement was entitled to make representations. If the representations officer rejected those representations, section 18(7) of the prior AARTO scheme provided that the infringer could elect to be tried in court and invoke section 22. Accordingly, it gave effect to section 34 of the Constitution.

12.7. Section 19 governed the courtesy letter stage. If an infringer failed to comply with the initial infringement notice, the agency issued a courtesy letter. Under

the previous regime, section 19(2)(b) expressly included, among the options available after the courtesy letter, the right to notify the agency that the infringer elected to be tried in court, once again giving effect to section 34 of the Constitution.

- 12.8. Section 20 then regulated the enforcement order stage. Under the previous regime, an enforcement order followed non-compliance with the section 18 notification or the section 19 courtesy letter, or failure to appear in court as contemplated in section 22(3)(a). The enforcement provisions therefore existed alongside and, in part, depended upon the continued availability of the court-election and trial route.



- 12.9. Section 22 was critical in the earlier legislative framework. It provided for the consequences when an infringer elected to be tried in court and preserved a route into the judicial system. In substance, the prior AARTO system recognised that a disputed infringement could move out of the administrative process and into a court process under the Criminal Procedure Act, 1977 and in accordance with the provisions of section 34 of the Constitution.
- 12.10. That is the important baseline. Before the proclamations now under attack, the AARTO process in the limited operating areas still contained a judicial escape route. Although AARTO was administrative in design, a road user who disputed liability was not confined to a non-existent internal administrative mechanism alone.

Handwritten signature or initials, possibly 'B1'.

F THE AARTO AMENDMENT ACT AND THE PHASED IMPLEMENTATION FRAMEWORK

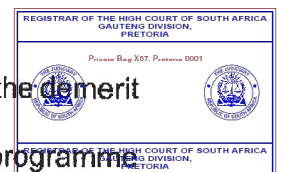
13.

- 13.1. During 2015, the Administrative Adjudication of Road Traffic Offences Amendment Bill was introduced in Parliament to substantially amend the existing legislative framework established under the AARTO Act.
- 13.2. The Amendment Bill was subsequently passed by Parliament during 2017 and was assented to by the President during August 2019 as the Administrative Adjudication of Road Traffic Offences Amendment Act 4 of 2019 (the "**Amendment Act**"). It did not come into operation immediately because the President had not yet proclaimed the commencement date.
- 13.3. The Amendment Act significantly expanded the administrative adjudication framework established by the original AARTO Act. It provided for nationwide implementation of the AARTO system, expanded the powers and functions of the RTIA, introduced the Appeals Tribunal, strengthened the administrative enforcement process, and provided for the eventual implementation of a national demerit points system.
- 13.4. The implementation of the amended AARTO framework was publicly communicated as occurring in four distinct phases:-
 - a) Phase 1 concerned the establishment of the internal administrative and technological infrastructure, including the integration of NaTIS.



B N

- b) Phase 2 concerned the expansion of the administrative enforcement framework, excluding the demerit points system, to approximately 67 municipalities throughout the Republic.
- c) Phase 3 was described as extending the administrative framework to the remaining issuing authorities and local authorities throughout the Republic.
- d) Phase 4 was described as the nationwide implementation of the demerit points system together with the driver rehabilitation programme contemplated by AARTO. A copy of the RTIA's newsletter published in July 2021, evidencing the phased roll-out plan is annexed as "FA3".

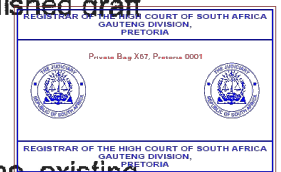


13.5. This phased framework is important for present purposes. OUTA does not object to phased implementation as such. AARTO itself expressly permits differential commencement in different areas. OUTA's complaint is that the executive proceeded with a phase of implementation that depended on an Appeals Tribunal, even though that Tribunal had not been established. Furthermore, in contravention of section 34 of the Constitution, road users do not have access to a court to challenge any infringement.

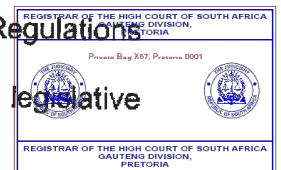
G REGULATORY BACKGROUND AND PRIOR IMPLEMENTATION ATTEMPTS

14.

- 14.1. On **16 July 2008**, the Minister published the 2008 Administrative Adjudication of Road Traffic Offences Regulations, thereby establishing the first comprehensive regulatory framework for implementing the AARTO Act.
- 14.2. Following the enactment of the Amendment Act, the Minister published draft AARTO Regulations during 2020 for public comment.
- 14.3. The draft regulations proposed a comprehensive revision of the existing administrative adjudication regime. They addressed, among other things, the issuing and service of infringement notices, representations, appeals and reviews, the establishment and functioning of the Tribunal, the operation of the demerit points system, the responsibilities of issuing authorities, operators, and juristic persons, and the prescribed statutory forms required for the administration of the AARTO Act.
- 14.4. OUTA submitted written comments on the draft regulations. These submissions raised various concerns, including the proposed mechanisms for service of infringement notices and the establishment and functioning of the Tribunal.
- 14.5. On **1 August 2025**, the President issued a proclamation setting out commencement dates for phased implementation of various provisions of the Amendment Act (Annexure "FA4").

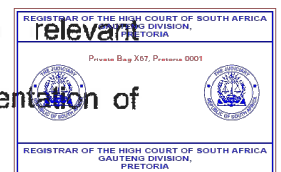


- 14.6. Under the 2025 proclamation, the majority of the provisions of the Amendment Act, excluding section 2(g), were to commence on 1 December 2025 in the municipalities listed in Annexure A to the proclamation. The remaining municipalities listed in Annexure B were to be brought into operation on 1 April 2026. Section 2(g), which provides for rehabilitation, was scheduled to commence on 1 September 2026.
- 14.7. On **31 October 2025**, the Minister published the 2025 AARTO Regulations intended to give effect to the implementation of the amended legislative framework.
- 14.8. On **11 November 2025**, only 11 days after the publishing of the 2025 AARTO Regulations, in a media statement (Annexure "FA5"), the Minister publicly announced that the implementation of AARTO would be deferred until 1 July 2026. The stated reason for the deferment was that an assessment by the Department of Transport found that several municipalities intended for inclusion in the first phase of implementation were not operationally ready.
- 14.9. The Department of Transport identified the outstanding training of enforcement and administrative personnel, the harmonisation of existing municipal law-enforcement systems, and funding challenges as some of the grounds affecting implementation. These facts are material because they show that the government itself previously acknowledged that operational readiness mattered to lawful and workable implementation. OUTA very much questions the operational and financial readiness of the municipalities earmarked for AARTO's Phase 2 implementation.



14.10. It is public knowledge that SALGA had challenged the Phase 2 municipalities' readiness in an urgent application issued out of this Court under case number 143399-2026, which was struck due to a want of urgency on 30 June 2026. SALGA contended that the Phase 2 municipalities are not ready to implement the AARTO Act as the President proclaimed on 24 June 2026.

14.11. On **28 November 2025**, the Minister formally withdrew the 2025 AARTO Regulations, and the President similarly withdrew the **relevant** commencement proclamations (Annexure "FA6"). The implementation of the amended AARTO framework was accordingly postponed.



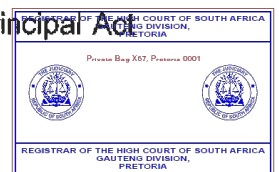
14.12. This prior sequence is important. It shows, first, that the executive already recognised in late 2025 that municipal and systemic readiness was insufficient. It shows, second, that the State had previously accepted the need to halt commencement when essential conditions for implementation had not been met.

H THE 2026 PROCLAMATIONS AND THE 2026 REGULATIONS

15.

15.1. On **29 June 2026**, the President published two further proclamations relating to the commencement of AARTO and the Amendment Act, which were signed by the President on 24 June 2026.

- 15.2. The first proclamation, Proclamation Notice 322 of 2026 published in Government Gazette No. 54917 (Annexure "FA7"), determined that sections 17, 18, 19, 19A, 19B, 20, 23, 29, 30, 31, 32, 33, 34 and 35 of AARTO would come into operation on 1 July 2026 in the municipalities listed in Annexure A to the proclamation.
- 15.3. Annexure A to Proclamation 322 lists 60 metropolitan and municipal areas. These are the affected Phase 2 areas for the purposes of the principal Act sections commenced by that proclamation.
- 15.4. The second proclamation, Proclamation Notice 323 of 2026 published in Government Gazette No. 54918 (Annexure "FA8"), determined that the Amendment Act, excluding section 2(g), would likewise come into operation on 1 July 2026 in the municipalities listed in Annexure A to that proclamation.
- 15.5. Annexure A to Proclamation 323 lists 62 metropolitan and municipal areas. These areas overlap substantially with those listed in Proclamation 322, but they are not identical. The additional two areas are the City of Johannesburg Metropolitan Municipality and the City of Tshwane Metropolitan Municipality.
- 15.6. The practical effect of Proclamation 323 is that, from 1 July 2026, the amended AARTO remedial provisions come into force in the listed 62 municipalities. That includes the amendments to sections 18, 19 and 20, the repeal of section 22, and the insertion of Chapter IVA establishing the Appeals Tribunal.



- 15.7. The practical effect of Proclamation 322 is that, from the same date, the substantive procedural mechanisms in sections 17 to 20 of the AARTO Act and related provisions become active and enforceable in the 60 listed areas. Taken together, the proclamations seek to bring the amended AARTO process into operation in the affected municipalities from 1 July 2026.
- 15.8. On **30 June 2026**, the Minister published the 2026 AARTO Regulations (Annexure "**FA9**"). Regulation 39 expressly *repealed* the 2008 AARTO Regulations, Regulation 40 contains transitional provisions, and Regulation 41 provides that the 2026 Regulations *came into operation on 1 July 2026*.
- 15.9. Most Important is that regulation 10 determines that nominations in response to calls for nominations of members of the Tribunal from the public as contemplated in section 29A(3) of the AARTO Act, which will be made by notice in the Gazette or media, must be submitted within 30 days from the date of the notice to the office of the Minister.
- 15.10. OUTA is aware that the Department of Transport invited nominations by public notice on 22 January 2021 and 28 March 2024, respectively (Annexures "FA10" and "FA11"). Despite these invitations for nominations, the President has not appointed the members of the Tribunal.
- 15.11. The 2026 Regulations establish a comprehensive administrative framework that regulates virtually every aspect of the AARTO implementation. Amongst other matters, Chapter 2 regulates the administrative adjudication process, Chapter 3 establishes the Tribunal's procedural framework, Chapter 4



regulates penalties, discounts, fees and costs, Chapter 5 regulates the demerit points system and related consequences, and Chapter 9 regulates general administrative procedures.

15.12. The promulgation and commencement of the 2026 Regulations were not preceded by any notice inviting public comment or participation. I mention this background because it forms part of the broader implementation history.

15.13. The proclamations, therefore, did not merely continue the old regime. They attempted to activate the new remedial design under which contested matters move through representations and then, if necessary, to a review or an appeal before the Tribunal, rather than to a section 22 trial route.



I THE APPEALS TRIBUNAL AS AN INDISPENSABLE COMPONENT OF THE AMENDED SCHEME

16.

16.1. The AARTO Amendment Act introduced Chapter IVA into the AARTO Act, thereby introducing the Appeals Tribunal as a permanent statutory body forming an integral part of the administrative dispute-resolution framework created by the Legislature.

16.2. Section 29A(1) establishes the Tribunal. Section 29A(2) provides that it has jurisdiction throughout the Republic, is a juristic person, is a tribunal of record,

and must exercise its functions in accordance with the AARTO Act and applicable legislation.

- 16.3. Section 29A(3) provides that the Tribunal consists of a Chairperson and eight other persons appointed by the President, on a part-time basis, on the recommendation of the Minister, from among persons nominated in response to a public call for nominations as prescribed.
- 16.4. Section 29A(4)(a) is central. *It provides that the President must appoint the Chairperson and other members of the Tribunal no later than the date on which the Act comes into operation.* The obligation is couched in mandatory terms. The Legislature expressly required the Chairperson and members to be appointed *before*, or at the latest, simultaneously with the commencement of the AARTO Act.
- 16.5. Section 29B confers substantive powers on the Tribunal to adjudicate matters brought by infringers aggrieved by decisions of the representations officer, to hear appeals against or review any such decision, and to make any ruling or order necessary or incidental to the performance of its functions.
- 16.6. Section 29G requires the presence of at least 50 per cent plus one of the members to constitute a sitting of the Tribunal. The Tribunal must therefore exist in operational and practical form, with the prescribed complement of members, if it is to function as the substitute adjudicative body created by the Legislature.



[Handwritten signature]

- 16.7. An infringer aggrieved by a representations officer's decision is entitled to lodge an appeal or review with the Tribunal within the prescribed period, subject to the Tribunal's power to condone non-compliance with the applicable time limits. A person aggrieved by the Tribunal's decision may thereafter institute review proceedings in a Magistrates' Court under PAJA or appeal to a designated Magistrates' Court in accordance with section 291.
- 16.8. The Tribunal is accordingly an essential component of the statutory enforcement and dispute-resolution architecture created by the Amendment Act. It is not a peripheral add-on. It is the statutory substitute for the court election route, which was removed by the amendments to sections 18 and 19 and the repeal of section 22.



J THE FAILURE TO ESTABLISH THE TRIBUNAL

17.

- 17.1. OUTA's first complaint is that the Tribunal had not been established as a functioning statutory body by 1 July 2026, when the amended scheme commenced in the affected municipalities.
- 17.2. On or about **22 January 2021**, the Department of Transport published an invitation calling for nominations of suitably qualified persons to serve as members of the Tribunal. Thereafter, on 28 March 2024, the Department published a further invitation for nominations to serve as members of the Tribunal.

- 17.3. Despite those invitations, no appointments were publicly announced before the commencement of the relevant provisions of the Amendment Act on 1 July 2026, contrary to the provisions of section 29A(4).
- 17.4. Indeed, during an interview published in the Sunday Times on 5 July 2026 (Annexure "FA12"), the Minister of Transport confirmed that the process of appointing members to the Appeals Tribunal was still "*under way*". The necessary implication of that statement is that the Tribunal had not yet been constituted as contemplated by section 29A(4) when the amended scheme came into operation.
- 17.5. At best for the respondents, there may have been incomplete or partial steps towards appointments. That does not cure the defect. Section 29A requires the appointment of the Chairperson and eight other persons *no later than the commencement date*. The commencement date for AARTO Phase 2 was 1 July 2026. The President and the Minister have failed to comply with the AARTO Act and its subsequent proclaimed amendment.
- 17.6. The statutory requirement is associated with operational capability. A Tribunal cannot fulfil the duties outlined in section 29B, hold a valid hearing under section 29G, or act as the alternative remedy envisioned in sections 18 and 20 unless it possesses substantive operational existence. It must possess the appointed complement necessary to function as the tribunal as intended by the AARTO Act.



[Handwritten signature]

- 17.7. Furthermore, Regulation 11 of the AARTO Regulations provides that the Tribunal may develop its own rules governing its hearings, the conduct of its members, and other related matters. These rules must be made available on AARTO's website.
- 17.8. As there is no Tribunal in place, it could not have developed any such rules. In any event, there are no such rules published on AARTO's website.
- 17.9. The President nonetheless issued proclamations that activated a scheme dependent on the Tribunal's existence. That conduct is unlawful because it disregards a mandatory statutory provision. It is also irrational because there is no rational connection between bringing the substitute Tribunal-based remedy into force and failing to ensure that the Tribunal exists and is capable of performing its functions.

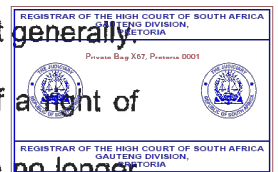


K. SECTIONS 18, 19 AND 20 AND THE DIFFERENCE BETWEEN THE PREVIOUS REGIME AND THE PROCLAIMED REGIME

18.

- 18.1. The difference between the previous AARTO regime and the proclaimed regime is most clearly evident in sections 18, 19 and 20. Those sections are not procedural details. Together, they govern the path from initial contestation to escalating enforcement.

- 18.2. Under the previous regime, section 18 permitted representations in respect of a minor infringement. If the representations officer rejected those representations, section 18(7) advised the infringer of the possibility of electing to be tried in court. That regime recognised a judicial endpoint for disputed liability.
- 18.3. Under the proclaimed amended regime, section 18 is materially different. Representations may now be made in relation to an infringement generally. If those representations are rejected, the infringer is advised of a right of review or appeal to the Tribunal. The former court-election route no longer appears in the operative section.
- 18.4. Under the previous regime, section 19 at the courtesy letter stage also preserved the court path. An infringer who had not complied with the infringement notice could still, at that stage, notify the agency of an election to have the matter tried in court. The courtesy letter, therefore, did not trap a disputing person in a closed administrative loop.
- 18.5. Under the proclaimed amended regime, section 19 no longer affords that election. The options are narrowed to administrative ones, including payment and representations. The judicial option that previously existed at that stage has been removed from the legislation.
- 18.6. Under the previous regime, section 20 allowed enforcement to follow not only non-compliance with the section 18 notification or the section 19 courtesy letter, but also failure to appear in court as contemplated in section 22(3)(a).



The structure of section 20, therefore, reflected that the court route remained part of the process.

18.7. Under the proclaimed amended regime, section 20 now refers to the position where an infringer has failed to apply for review or appeal to the Tribunal. That contextual shift is decisive. It shows that the Tribunal is the substituted forum upon which the legality and operability of the amended enforcement model depend.



18.8. The previous AARTO regime was therefore imperfect but logically complete in one important respect. A person who disputed the matter could, in defined circumstances, move from the administrative process to the courts. The proclaimed regime removed that path and replaced it with a Tribunal-based route. Yet the Tribunal has not been established in fact and practice.

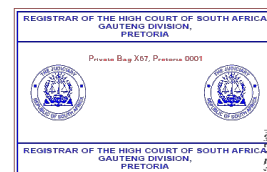
18.9. The previous option to access the courts is no longer available in the proclaimed areas. The new route to the Tribunal is unavailable because the Tribunal has not been duly constituted. The result is a legal vacuum in which sections 18, 19 and 20 purport to operate, but their remedial logic breaks down when a matter is contested.

18.10. It means the post-proclamation regime does not merely differ from the pre-proclamation regime. It is legally worse for those who contest liability. Before the proclamations, the old path to court remained available in the relevant statutory structure. After the proclamations, that path is removed, but the

B

substitute path is missing in practice. This is a violation of section 34 of the Constitution.

- 18.11. The proclamations have therefore transformed AARTO from a limited operating system with an extant judicial outlet into a broader Phase 2 scheme, in which a non-existent forum has displaced the adjudicative safeguard for contested matters. That is why the matter is urgent and why the implementation cannot be permitted to continue.

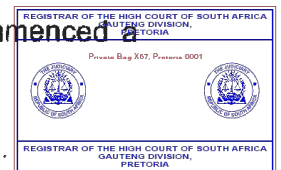


L UNLAWFULNESS AND IRRATIONALITY OF THE PRESIDENT'S DECISION TO ISSUE THE JUNE 2026 PROCLAMATIONS

19.

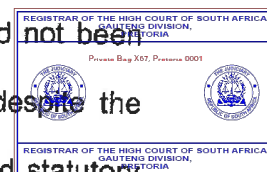
- 19.1. The President exercises public power when he brings legislation into operation by proclamation. The Constitution constrains that power, the principle of legality, and the statute that confers the commencement power. He may not lawfully bring a statutory scheme into force in a manner that defeats or contradicts mandatory statutory preconditions.
- 19.2. The President's conduct is unlawful because section 29A(4)(a) required him to appoint the Chairperson and other members of the Tribunal no later than the commencement date. The statutory command is framed in peremptory language. Compliance was not optional. The President's power to proclaim had to be exercised consistently with that requirement.

- 19.3. The President's conduct is irrational because the commencement decision lacks a rational relationship to the purpose of the amended scheme. The 2019 amendments removed the old court-election route and replaced it with a Tribunal-based review and appeal mechanism. That mechanism is central to the fair and orderly resolution of contested infringements.
- 19.4. It is irrational to commence the amended sections that depend on the Tribunal while failing to establish it. The President thereby commenced a substitute remedy in form while leaving it absent in substance.
- 19.5. The irrationality is not cured by saying that some uncontested administrative functions may still proceed. The proclamations did not purport to commence only the uncontested aspects of the scheme. They commenced the integrated process in sections 17 to 20 and the Amendment Act framework that makes the Tribunal the substitute forum after representations is rejected.
- 19.6. The proclamations are also irrational when viewed in the context of the territorial mismatch between Proclamation 322 and Proclamation 323. One proclamation applies the principal Act commencement of certain sections to 60 municipal areas, while the other applies the Amendment Act commencement to 62 areas. That mismatch underscores the lack of coherence in the commencement design.
- 19.7. OUTA accepts that the AARTO Act permits phased commencement in different areas. The problem is not a phased rollout as such. The problem is the phased rollout of a remedial architecture that is incomplete and non-



functional in the areas to which it is *newly applied*, coupled with territorial inconsistency between the two proclamations. In this regard, we again refer to the fact that Annexure A to Proclamation 322 lists 60 metropolitan and municipal areas, whereas Annexure A to Proclamation 323 lists 62.

19.8. The prior 2025 postponement underscores the irrationality of what occurred in 2026. The executive had already accepted in 2025 that implementation should be deferred where essential conditions of readiness had not been met. Yet the President later commenced a scheme in 2026 despite the absence of the very adjudicative body required by the amended statutory process.



19.9. The President's conduct accordingly falls to be set aside on the grounds of legality (in the context of section 1C of the Constitution 1996) and on rationality grounds. He proclaimed an amended remedial framework that could not lawfully and rationally operate as intended because, at its core, the mandatory institutional body had not been constituted.

19.10. OUTA contends that in addition to the legality ground, the proclamations should also be set aside on the following grounds contained in the Promotion of Administrative Justice Act, 2002:

- a) Section 6(2)(b) - a mandatory and material procedure or condition prescribed by an empowering provision was not complied with;
- b) Section 6(2)(d) - the action was materially influenced by an error of law;

- c) Section 6(2)(e)(iii) - because irrelevant considerations were taken into account or relevant considerations were not considered;
- d) Section 6(2)(f)(i) – the administrative action contravenes a law or is not authorised by the empowering provision;
- e) Section 6(2)(f)(ii)(aa) and (bb) - the action itself is not rationally connected to— the purpose for which it was taken or the purpose of the empowering provision.



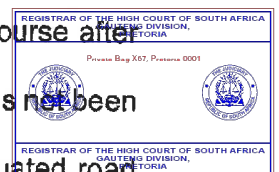
M THE SECTION 9 EQUALITY ISSUE

20.

- 20.1. OUTA also relies on section 9 of the Constitution as a supporting ground. The phased rollout itself does not automatically offend equality. Section 36 of the principal Act expressly permits different commencement dates for different provisions and areas. Geographic phasing, without more, can be lawful.
- 20.2. The equality difficulty arises because road users in the Phase 2 municipalities are subjected to a materially different and inferior remedial position from those in areas where the old route remained available or where the amended scheme had not yet displaced prior processes. In the affected Phase 2 areas, the old court-election route falls away immediately.
- 20.3. This differentiation is arbitrary, as there is no rational or legal basis for it and it violates both sections 9 and 34 of the Constitution. The President's failure

to appoint the Tribunal, while permitting the selective rollout of AARTO, simultaneously violates section 9 (equality before the law and equal protection and benefit of the law) and section 34 (access to courts and independent tribunals) by consigning road users in AARTO-proclaimed areas to a materially inferior remedial regime compared with that enjoyed by similarly situated road users in non-AARTO areas.

20.4. Phase 2 road users are confronted with the reality that their recourse after rejected representations lies with the Tribunal. Yet the Tribunal has not been established as a functioning body. The result is that similarly situated road users are treated differently in relation to effective remedies, depending on where the alleged infringement occurs.



20.5. In the affected municipalities, a road user faces an administratively closed system with no operational substitute forum. Outside those newly affected areas, road users are not exposed to the same remedial vacuum. The differentiation is practical, serious and prejudicial.

20.6. The discriminatory sting lies not in geography alone, but in unequal access to effective remedial mechanisms once the old court route has been removed in the proclaimed municipalities but not replaced in working form by the Tribunal. A road user in a Phase 2 municipality is materially worse off than a road user elsewhere.

20.7. The equality issue reinforces the unlawfulness of the commencement decision and the unfairness of allowing implementation to proceed in the affected areas.

20.8. OUTA's challenge under sections 9 and 34 of the Constitution may be summarised as follows:

20.8.1. The President's failure to appoint the Tribunal envisaged under the AARTO legislation, while allowing AARTO to operate in only selected municipalities, renders the current implementation of that legislation constitutionally invalid because it unjustifiably infringes sections 9 and 34 of the Constitution.

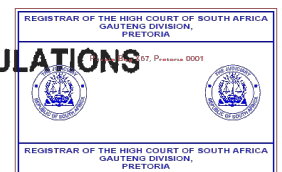


20.8.2. In AARTO-proclaimed areas, road-traffic infringements are channelled into an administrative regime designed to replace ordinary criminal-court adjudication with administrative enforcement backed by a specialised Tribunal.

20.8.3. Yet, in the absence of that Tribunal, alleged infringers are in practice deprived of both the promised independent forum and meaningful access to courts to contest infringements and the exercise of public power. Road users in non-AARTO areas, who are otherwise similarly situated, retain full recourse to the ordinary courts and thus continue to enjoy the equal protection and benefit of the law and untrammelled access to adjudication guaranteed by sections 9(1) & (2) and 34 of the Constitution.

20.8.4. This differentiation, founded solely on geography and executive inaction, lacks any rational connection to a legitimate governmental purpose, materially impairs the dignity and access-to-justice interests of those confined to AARTO, and therefore fails the equality enquiry that the Courts employ.

N LACK OF PUBLIC PARTICIPATION WHEN MAKING THE 2026 REGULATIONS



21.

21.1. As an introduction under this heading, it should be noted that the 2026 Regulations are not a standalone administrative instrument detached from the AARTO Act. These Regulations assume the functioning of the Tribunal. Chapter 3 of the 2026 Regulations expressly sets out the Tribunal machinery, including hearings, condonation, records and outcomes. The forms in Schedule 1 likewise presuppose the existence of a Tribunal.

21.2. So even if it's contended that the substantive offence, infringement, penalty and service provisions can technically commence without Tribunal member appointments, the integrated design of the statutory scheme points the other way. The implementation of Phase 2 as a whole appears to be premised on all essential parts being operational together, as evidenced by the 2026 Regulations.

21.3. The 2026 Regulations are extensive and materially affect the rights and obligations of road users. They regulate service, timelines, representations,

appeals, enforcement orders, demerit points, suspensions, cancellations and rehabilitation. They therefore have direct and serious consequences for the public generally and for road users in particular.

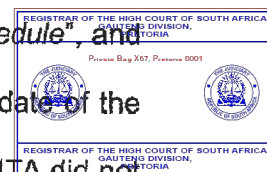
- 21.4. OUTA contends that the 2026 Regulations are broadly applicable, impose significant new duties or penalties, and have serious rights implications for road users.
- 21.5. Lack of meaningful participation in such circumstances, *where there was an expectation to be consulted*, is procedurally irrational/arbitrary, *especially if there was an established practice of calling for comments in respect of earlier published AARTO Regulations*.
- 21.6. In this context, the Constitution, 1996 provides that the Republic is a *sovereign state founded on a multiparty system of democratic government, to ensure accountability, responsiveness and openness (section 1(d)); people's needs must be responded to, and the public must be encouraged to participate in policy-making (section 195(1)(e)); and everyone has the right to administrative action that is lawful, reasonable and procedurally fair (section 33), implemented by the Promotion of Administrative Justice Act 3 of 2000 ("PAJA")*.
- 21.7. During 2008, the Minister published the 2008 Regulations, which were implemented in Pretoria and Johannesburg. The public was not invited to comment on the Regulations. This was before OUTA was established. If OUTA were in existence with the mandate it carries today, it would



BM

undoubtedly have objected to the publishing of the 2008 Regulations and requested a public participation process. The 2008 Regulations were published by the then Minister on 16 July 2008 in Government Notice 31242, under R.753 (Annexure "FA13").

- 21.8. On 15 April 2011, Minister Ndebele (then Transport Minister) published Notice 223 of 2011 in Government Notice 34208 (Annexure "FA14"), announcing that he intended *"to make the regulations in the Schedule"*, and invited interested persons to submit within thirty (30) days from date of the publications, their written comments on the draft Regulations. OUTA did not exist at the time.

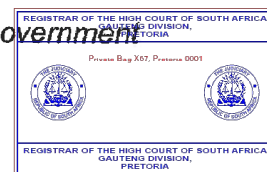


- 21.9. On 7 December 2015, in Government Gazette 39482 under notice 1204 (Annexure "FA15"), the then Minister of Transport intended to amend the AARTO Regulations 2008, in terms of section 34 of the AARTO Act and published the amendment regulations in the Schedule for public comments. All interested persons were invited to submit written comments on these draft amendment regulations within thirty (30) days from the date of publication of the notice.

- 21.10. On 11 October 2019, in Government Gazette 42765 under notice 1319 (Annexure "FA16"), the then Minister of Transport further intended to amend the AARTO Regulations 2008, *"revoking the Regulations published in Government Notice No. R.753 of 16 July of 2008, except for Schedule 3 with the following Schedule hereby published for public comments. All interested parties who have any objections, inputs or comments to the proposed*

amendments are called upon to lodge their objections, inputs or comments within thirty (30) days from the date of publication of this notice..." OUTA did submit its comments in this regard.

- 21.11. On **2 October 2020**, in Government Gazette 43758 under notice 1049 (Annexure "**FA17**"), "*The Minister of Transport acting in terms of section 34 of the Administrative Adjudication of Road Traffic Offences Act, 1 998 (Act No. 46 of 1 998) intends to revoke the Regulations published in Government Notice No. R. 753 of 1 6 July of 2008 with the following Schedule.*



NB: Included herein are Explanatory Memorandums (which have no legal effect but are meant to assist the members of the public in understanding the draft AARTO regulations and Schedule 3 on the demerit point and penalties and are for information purposes only:

Memorandum 1 - Draft AARTO Regulations and Memorandum 2 - Draft Schedule 3 - Demerit points and Penalties.

All interested parties who have any objections, inputs or comments to the proposed amendments are called upon to lodge their objections, inputs or comments within a period of sixty (60) days from the date of publication of this Gazette to." OUTA submitted its comments in this regard.

- 21.12. On **31 October 2025**, the Minister published the 2025 Regulations in Government Gazette 53605, in Notice 6782 (Annexure "**FA18**"), which Regulations were again withdrawn on 28 November 2025 in Government Gazette 53743, in Notice R.6890 (annexure "**FA19**").

B M

- 21.13. I must add that there was a significant upgrade of the 2025 published Regulations *vis-à-vis* the 2020 draft regulations published for public comment. The time lapse is also significant between 2020 and 2025.
- 21.14. Then on **30 June 2026**, the Minister published the 2026 Regulations in Government Gazette 54922, in Notice R.7646 (annexure "FA20").
- 21.15. What transpires from the above is that interested parties were frequently invited to participate and contribute to the regulation-making process.
- 21.16. The Minister and the Department of Transport at least created a legitimate expectation that the public, specifically road users and interested parties such as OUTA, would be invited to comment on the 2026 Regulations before the 2008 Regulations were repealed, which did not materialise in the circumstances.
- 21.17. OUTA contends that road users are materially and adversely affected by the publication and implementation of the 2026 Regulations, without further consideration or input from road users.
- 21.18. Due to the lack of any public participation in the published 2026 Regulations, the implementation of the Regulations should be interdicted, pending the finalisation of a review application to set them aside for want of public participation.

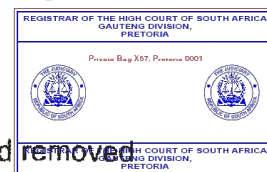


BN

O ACCESS TO COURTS IS BEING HAMPERED

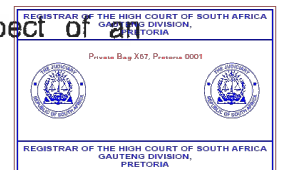
22.

- 22.1. The impugned implementation also hampers access to courts. Under the previous AARTO regime, an infringer who disputed liability could, in the circumstances contemplated by the statute, elect to be tried in court. That route was imperfect and limited, but it preserved access to judicial adjudication for contested matters.
- 22.2. As already explained, the Amendment Act repealed section 22 and removed the court-election features from sections 18 and 19. It substituted it with a review or an appeal to the Tribunal. That substitution could only be constitutionally and practically acceptable if the Tribunal existed as an effective, independent and accessible forum.
- 22.3. Because the Tribunal does not exist operationally at the commencement of the new AARTO regime on 1 July 2026, road users in the affected municipalities now face a position in which the prior court route has been removed and the substitute Tribunal route is unavailable. In practical terms, they are denied effective access to any functioning adjudicative forum after their representations are rejected.
- 22.4. That situation implicates section 34 of the Constitution. Section 34 guarantees everyone the right to have disputes capable of resolution by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum. Here,



neither route exists in working form for affected road users in the proclaimed areas.

- 22.5. The hampering of access to courts is aggravated by section 35 of the amended scheme. Section 35, as amended, provides that notices issued under sections 56 or 341 of the Criminal Procedure Act before the commencement of section 17 may be continued and finalised under that Act. Still, no such notice may be issued after that date in respect of an infringement.



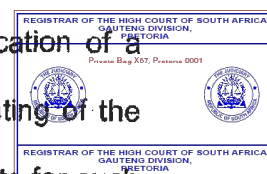
- 22.6. The significance of section 35 is plain. Once section 17 commences in the affected municipal areas, the prior criminal process under sections 56 and 341 of the Criminal Procedure Act may no longer be used for infringements. That means the old criminal process is shut off prospectively in those areas.
- 22.7. The combined effect is severe. First, the statutory election to court is removed. Second, the Criminal Procedure Act notice route is prospectively prohibited for infringements in the proclaimed areas. Third, the supposed replacement adjudicative body, namely the Tribunal, has not been constituted. The implementation therefore impedes, rather than facilitates, lawful dispute resolution.
- 22.8. OUTA accordingly submits that access to courts and access to effective adjudication are being materially hampered in the affected municipalities. The President's commencement decision produced that result and did so in

the face of the statutory obligation to have the Tribunal in place by commencement.

P THE REQUIREMENTS FOR AN INTERIM INTERDICT

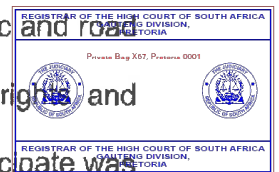
23.

- 23.1. OUTA seeks interim interdictory relief pending the final adjudication of a review application to be instituted within 30 days from the granting of the Interim interdict. OUTA satisfies the well-established requirements for such relief. OUTA has a *prima facie* right, a reasonable apprehension of irreparable harm, a balance of convenience in its favour, and no adequate alternative remedy.
- 23.2. OUTA's *prima facie* right arises from the principle of legality that the exercise of all public power is subject to the Constitution and the rule of law, the right to equal protection and benefit of the law, and the right of road users to a lawful and constitutionally compliant remedial process.
- 23.3. OUTA also has a *prima facie* right to insist that executive power be exercised rationally and in accordance with peremptory statutory requirements. The review grounds have already been listed above, and they are broader than rationality alone.
- 23.4. OUTA also relies on the *prima facie* right of road users not to be subjected to an enforcement system that removes the prior judicial route while failing to



provide the operational substitute Tribunal required by statute. The right implicated is not abstract. It goes to the immediate fairness and lawfulness of contested infringement enforcement.

23.5. Road users in general were not afforded an opportunity to engage on the 2026 Regulations, which were published and implemented on 30 June 2026, which coincides with the Presidential proclamations. The balance of convenience to participate in regulation-making favours the public and road users when the published Regulations materially affect their rights and obligations, and especially where a legitimate expectation to participate was created over more than a decade.



23.6. OUTA and affected road users face irreparable harm if interim relief is refused. Once implementation and enforcement proceed in the affected municipalities, road users may receive notices under a defective scheme, submit representations in vain, and then be channelled to a non-functional Tribunal as enforcement pressures accumulate.

23.7. Further, a short-term delay to permit lawful regulation-making is preferable to rolling out an unlawful system, which includes the lack of public participation.

23.8. The harm is not easily reversible. Confusion will arise regarding rights and remedies. Invalid or challengeable administrative steps may proliferate. Persons may be induced to pay penalties rather than contest them because the remedial path is unavailable. Municipal and administrative systems may embed an unlawful process before review relief can be finalised.

BM

- 23.9. The balance of convenience strongly favours interim relief. The relief sought preserves the *status quo* pending proper judicial determination. It does not permanently invalidate AARTO. It merely restrains the implementation of an unlawful and irrational Phase 2 rollout until the foundational defect is addressed.
- 23.10. The respondents suffer no comparable prejudice from a temporary restraint. AARTO has existed for many years. National expansion has already been deferred and staged over time. The State suffers little prejudice from the delay in awaiting lawful compliance with section 29A or public participation processes. By contrast, road users and the rule of law suffer substantial prejudice if an unlawful scheme is allowed to operate and be imposed on road users, who had no say in the 2026 Regulations.
- 23.11. OUTA has no adequate alternative remedy. A review without interim relief would be ineffective because the implementation would proceed unabated before the review is heard. Significant harm would occur in the meantime. The very issue in dispute would then be overtaken by facts on the ground, to the prejudice of the public and affected road users.
- 23.12. OUTA further submits that, for reasons set out herein, exceptional circumstances warrant the grant of interim interdictory relief, which, in the circumstances, will not infringe on the principle of separation of powers.



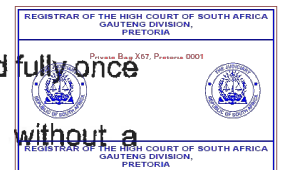
BH

Q URGENCY

24.

24.1. This matter is urgent because the impugned Phase 2 implementation commenced, or is intended to commence, on 1 July 2026 in the affected municipalities. Unless this Court intervenes urgently, the unlawful conduct sought to be restrained will continue, rendering the interim relief ineffective.

24.2. The urgency is not self-created. The critical defect only crystallised fully once the proclamations commenced the amended remedial scheme without a functioning Tribunal in place. OUTA brings this application as soon as reasonably possible after it became clear that the President had proceeded with commencement despite the non-establishment of the Tribunal.



24.3. OUTA will not obtain substantial redress in due course if the matter is heard in the ordinary course. By then, the unlawful scheme may already have been operationalised in practice, representations may already have been processed under the defective framework, and affected persons may already have suffered prejudice with no effective remedial forum available.

24.4. The matter also raises an immediate rule of law concern. Courts should intervene promptly where executive conduct brings a statutory scheme into force in a manner inconsistent with mandatory statutory requirements and where the resulting process impairs effective access to adjudication for a large class of affected persons.

-47-

[Handwritten signature]

R REVIEW AND SETTING ASIDE OF THE PROCLAMATIONS AND 2026 REGULATIONS

25.

25.1. In OUTA's anticipated review application, it will seek to review and set aside Proclamation Notices 322 and 323 of 2026, alternatively, to have them declared invalid and of no force and effect. The review is founded primarily on legality and rationality.

25.2. OUTA will also be seeking the review and setting aside of the 2026 Regulations for failure to embark on a public participation initiative in view of the fact that the newly published regulations materially impact the rights of road users.

25.3. The President acted unlawfully by issuing the proclamations without complying with the mandatory requirement in section 29A(4)(a) that the Chairperson and other members of the Tribunal be appointed no later than the date on which the Act came into operation. The proclamations were therefore issued in conflict with the governing statute.

25.4. The President acted irrationally because he commenced a remedial and enforcement architecture whose operation in contested matters depends on a Tribunal that did not exist. There is no rational relationship between the purpose of the amendments and the decision to activate them without the body that makes them work.



25.5. The proclamations should also be set aside because they impair equal access to effective remedies and hamper access to adjudicative forums in the affected municipalities. The section 9 and section 34 concerns do not displace the legality challenge, but they reinforce the conclusion that the proclamations should not stand.

25.6. The grounds for review will be fully canvassed and amplified in the review application to be instituted within 30 days from the date of the interim interdictory order.



S COSTS

26.

This application concerns the lawful exercise of constitutional and statutory power. OUTA has been compelled to approach this Court in the public interest because the President and the Minister have sought to implement an amended enforcement scheme without the statutorily mandated adjudicative institution in place and without affording the public, and road users in particular, an opportunity to participate in the regulation-making process. In view of the impending review application to be instituted, costs in this application should be reserved.

WHEREFORE, OUTA prays for an order contained in the Notice of Motion.

DEPONENT

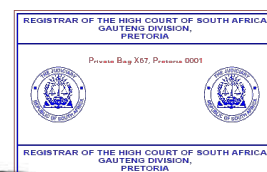
Signed and sworn before me at RANDBURG on this 13th day of JULY 2026 after the deponent declared that she is familiar with the contents of this statement, regards the prescribed oath as binding on her conscience and has no objection against taking the said prescribed oath. There has been compliance with the requirements of the Regulations contained in Government Gazette R1258, dated 21 July 1972 (as amended).

COMMISSIONER OF OATHS

Full names: _____

Capacity: _____

Address: _____



MARTINUS MURRAY BESTER
VAN DYK STEENKAMP ATTORNEYS INC
COMMISSIONER OF OATHS EX OFFICIO
PRACTISING ATTORNEY
OFFICE 10, ZAMBESI OFFICE PARK,
KAMEELDRIFT 012 567 3329



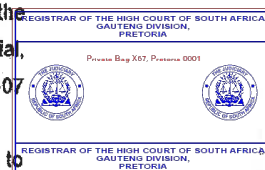
Building 4, Boskruin Village Office Park
Cnr President Fouché & Hawken Road
Bromhof, 2188
Tel: 087 170 0639
Email: info@outa.co.za

FA1

RESOLUTION No 2026/050
of the Executive Committee

The Executive Committee of the Organisation Undoing Tax Abuse ("OUTA") has discussed and resolved that:

- Stefanie Fick, in her capacity as the Executive Director of the Accountability Division of the Organisation Undoing Tax Abuse NPC ("OUTA"), is hereby authorised to instruct Jennings Inc, and/or any other legal representative as may be required, to take any legal, regulatory, administrative or other action deemed necessary or appropriate against the President, the Minister of Transport, and/or any other relevant entity, organ of state, functionary, official, juristic person or party, on behalf of OUTA, in respect of the matter bearing number TR 2607 – 040: AARTO urgent application and review;
- The scope of this authorisation includes, but is not limited to, the authority to sign, depose to and/or cause to be prepared any affidavits, notices, pleadings, applications, complaints, representations, correspondence, mandates, instructions, confirmatory documents, or any other documents required or appropriate in terms of any applicable law, rule, regulation, court process, tribunal process, administrative process, regulatory process or other proceedings;
- Stefanie Fick is further authorised to take, approve or ratify all steps necessary, ancillary or incidental to the above, including the institution, prosecution, opposition, settlement, withdrawal, amendment, appeal, review, referral, escalation or continuation of any proceedings or processes, and to do all things necessary to give effect to this resolution and to protect or advance OUTA's rights, interests and objectives in relation to the matter.



Approved by the Executive Committee on this 3rd day of July 2026.

Wayne Duvenage

Stefanie Fick

Julius Kleynhans

Kerry de Jonge

Samantha Van Nispen

On leave

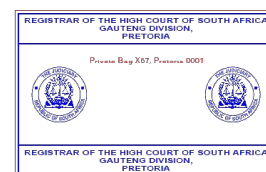
Greig Morrison

ORGANISATION UNDOING TAX ABUSE NPC - Reg No.: 2012/064213/08
Directors: WL Duvenage (CEO), Adv. S Fick, Non-Executive Directors: T Skweyiya (Chair),
LJJ Pauwen, Z Mukwevho, S Ndlovu, SL Mokwena, Z Lees, K Thambi
CONTACTS: 087 170 0639 • info@outa.co.za • www.outa.co.za

FA2

PART B: ESTABLISHMENT AND GOVERNING PROVISIONS**2 JURISTIC PERSONALITY OF THE COMPANY**

- 2.1 The Company is incorporated as a non-profit company, as defined in the Companies Act, and has juristic personality from the date and time that the incorporation of the Company is registered, as stated in its registration certificate and as contemplated in section 19(1).
- 2.2 The Company is incorporated in accordance with and governed by –
- 2.2.1 the unalterable provisions of the Companies Act, subject only to such higher standards, greater restrictions, longer periods of time or similarly more onerous requirements as may be imposed on the Company by this Memorandum of Incorporation in relation to such unalterable provisions;
 - 2.2.2 the alterable provisions of the Companies Act, subject to the limitations, extensions, variations or substitutions set out in this Memorandum of Incorporation;
 - 2.2.3 the other provisions of this Memorandum of Incorporation; and
 - 2.2.4 its Rules, if any.

**3 OBJECTIVES OF THE COMPANY**

- 3.1 The principal objective of the Company is the promotion and advocacy of human rights and democracy in South Africa through the advancement and protection of the rights, values and principles enshrined in the Constitution of the Republic South Africa, 1996.
- 3.2 In particular the Company shall, through conducting the Activities, focus on –
- 3.2.1 promoting Taxpayers' rights by –
 - 3.2.1.1 legitimately challenging the unlawful squandering, maladministration and/or corrupt use of Government Funding; and
 - 3.2.1.2 legitimately challenging laws, policies and regulations which are irrational or ineffective for their intended purposes;
 - 3.2.2 supporting organised civil society by –
 - 3.2.2.1 community engagement and empowerment platforms, the purpose of which shall be to provide access to necessary and useful platforms and/or services which will assist and enable organisations and communities to network and apply, constructive and engaging initiatives and links intended to promote the common interests of Taxpayers through information sharing, training, driving transparency and ensuring improved governance within Government structures;
 - 3.2.2.2 assisting community organisations through structures, electronic and communication platforms to engage with their members and communities on their activities and work in holding local, provincial and national government bodies to account to their constituents;

CLIFFE BERKEL HOFF

Page 6

- 3.2.2.3 selling apparel that promotes the aims and messages of the civil action organisations; and
- 3.2.2.4 providing services to citizens who require assistance in dealing with shortfalls and inefficiencies of government statutes and services to society.

3.3 The provisions of this Memorandum of Incorporation are consistent with the principles set out in item 1(2) to item 1(6) of Schedule 1 to the Companies Act in so far as such principles are applicable to the Company and no amendment of this Memorandum of Incorporation shall be competent to the extent that it is contrary to or negates any of such principles.

4 NON-PROFIT COMPANY REQUIREMENTS

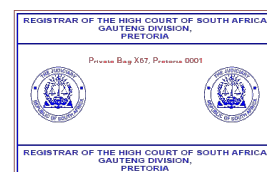
- 4.1 The Company is a non-profit company, and accordingly the Company –
- 4.1.1 must apply all of its assets and income, however derived, to advance its stated Objectives set out in clauses 3.1 and 3.2; and
 - 4.1.2 subject to clause 4.1.1, may –
 - 4.1.2.1 acquire and hold securities issued by a profit company; or
 - 4.1.2.2 directly or indirectly, alone or with any other person, carry on the Business Activities, provided such activities are consistent with or ancillary to its stated Objectives.
- 4.2 The Company, as a non-profit company, must not, directly or indirectly, pay any portion of its income or transfer any of its assets, regardless as to how the income or asset was derived, to any person who is or was an incorporator of the Company, or who is a Director, or person appointing a Director of the Company, except –
- 4.2.1 as reasonable –
 - 4.2.1.1 remuneration for goods delivered or services rendered to, or at the direction of the Company; or
 - 4.2.1.2 payment of, or reimbursement for, expenses incurred to advance a stated object of the Company;
 - 4.2.2 as payment of an amount due and payable by the Company in terms of a *bona fide* agreement between the Company and that person or another;
 - 4.2.3 as payment in respect of any rights of that person, to the extent that such rights are administered by the Company in order to advance a stated object of the Company; or
 - 4.2.4 in respect of any legal obligation binding on the Company.

5 COMPANY NOT TO HAVE MEMBERS

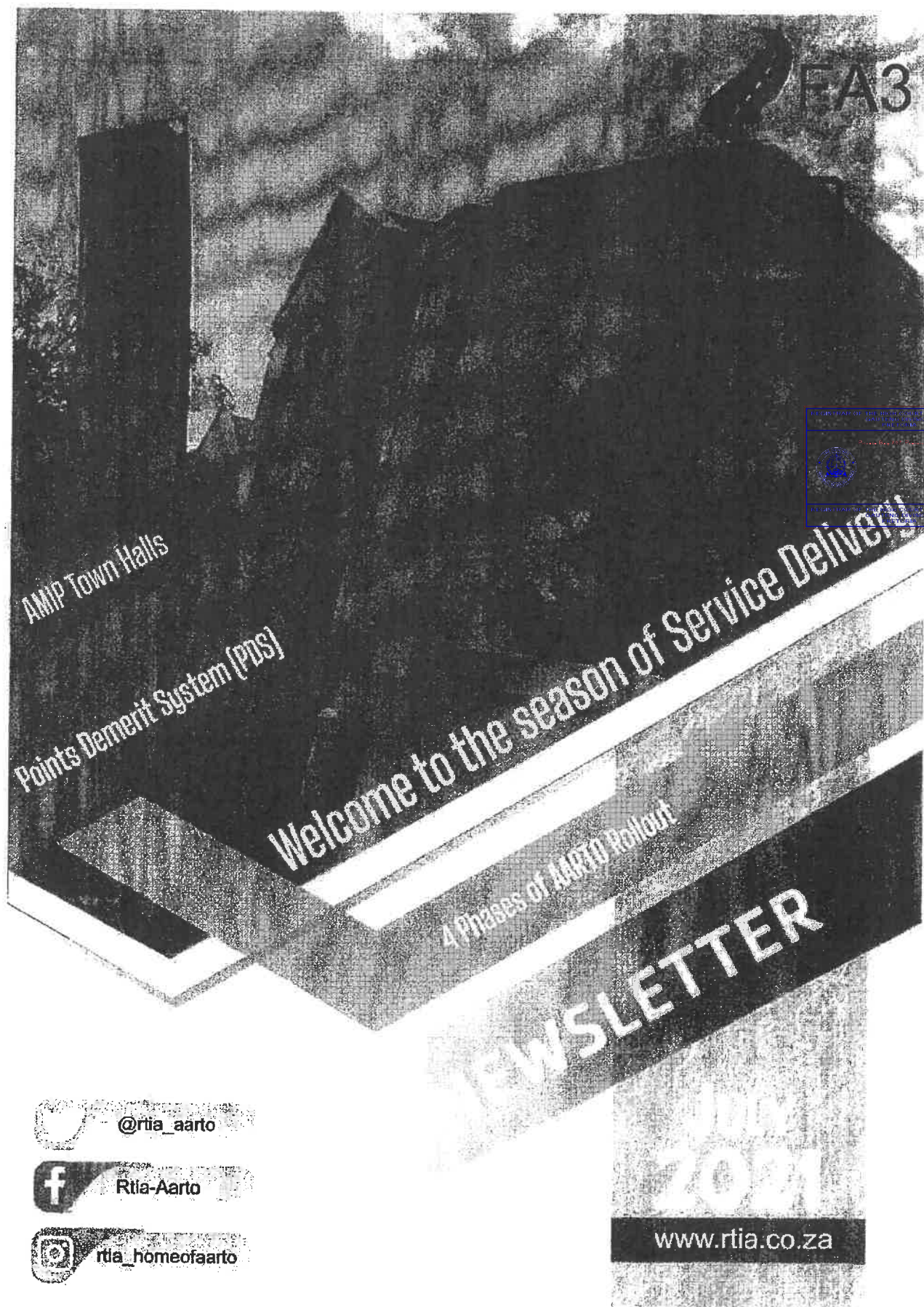
As contemplated in item 4(1) of Schedule 1 to the Companies Act, the Company has no members.

6 TAX EXEMPTION REQUIREMENTS

- 6.1 It is envisaged that the Company, in order to achieve the Objectives, shall apply to the Commissioner for approval –
- 6.1.1 principally, as a Public Benefit Organisation; and



CLIFFE DEKKER HOFMANN



@rtia_aarto

f RTIA-Aarto

rtia_homeofaarto

www.rtia.co.za



Welcome

to the season of Service Delivery

Minister of Transport
Fikile Mbalula

The much anticipated national rollout of the Administrative Adjudication of Road Traffic Offences (AARTO) Act was announced by the Minister of Transport, Mr Fikile Mbalula at a virtual press conference on Thursday, 01 July 2021. The Minister announced a 4-phased rollout to ensure that the Road Traffic Infringement Agency (RTIA) implements an effective system throughout the country.

THE SEASON OF SERVICE DELIVERY

Mr Mbalula kicked off his keynote remarks by welcoming those in the transport fraternity to the Season of service delivery firm, stating that since the AARTO Act was signed into law by President Cyril Ramaphosa he had seen the AARTO Act as another tool that would strike a blow against lawlessness on South African roads.

The Minister reiterated his support for the national implementation of AARTO saying, "In my Budget Speech 2021/22 I committed R545 million to the RTIA in the medium term for the national implementation of AARTO, with R218 million being allocated for the current financial year."

He noted that the phased approach had been chosen due to challenges faced by the Agency including extensions requested by stakeholders for comments on the Amendment Bill, allegations of fraud and mismanagement of funds and the Covid-19 pandemic.

Announcing the 4 phases Mbalula said, the AARTO Act which is meant to also inculcate a culture of voluntary compliance with traffic laws has been successfully operational in the 1st wave and Johannesburg Metros with a few teething problems that were sorted out. The phased rollout will culminate in the implementation of the Points Based System (PDS).

Mr Mbalula thanked the staff of the RTIA for making such a mammoth task that has been a long time coming happen in the end.

AN EFFICIENT, TRANSPARENT AND ACCOUNTABLE AGENCY

Present at the press briefing was the RTIA Board Chairperson, Ms Bongekiso Zulu who mentioned in her opening and welcoming remarks that the Board she stewards was appointed in August 2020 with the marching orders to ensure that the Agency achieves its mandate of the national AARTO rollout on 01 July 2021. This on top of all the governance challenges and allegations of fraud that led to senior staff being placed on suspension. In assuming Agency stakeholders of the RTIA's commitment to being a reliable stakeholder and partner the Chairperson said, "The board promises the transport law fraternity nothing less than an efficient, transparent and accountable Agency based on the precepts of ethical leadership and equality for all."

KEY STAKEHOLDER SUPPORT IS OUR SUCCESS

The Acting Registrar, Ms Dalen Mabura in her acknowledgement remarks thanked all critical stakeholders in their support in putting together the implementation including the RTIA Board, the Department of Transport, the Road Traffic Management Corporation (RTMC) and provincial partners.

this way



RTIA Newsletter |

B M

4 PHASES OF AARTO ROLLOUT

PHASE 1

- RTIA will establish seven (7) service outlets nationally.
- Allow elective options to be processed in Issuing Authorities & AARTO Service Outlets.
- Enable the NaTIS System to collect AARTO payments at collecting agents.
- Communication and education awareness campaigns.
- Readiness assessment.



PHASE 2

- 67 local and metro municipal areas will be proclaimed for AARTO rollout.
- Appeals Tribunal functional.
- Adjudication process effective.
- Establish 18 AARTO Service Outlets.

PHASE 3

- 144 remaining local municipal areas will be proclaimed for the AARTO

PHASE 4

- Implementation of the Points Demerit System.
- Rehabilitation programme.
- Establish 20 AARTO Service Outlets.



RTIA

Road Traffic Infringement Agency

Justice in Adjudication

Highway



RTIA Newsletter |



content line up



JULY 2021

Welcome to the season of
Service Delivery



Four phases of AARTO Rollout



Phase 1 Underway



Deployment List



Municipal Issuing Authority
AARTO Readiness 19/20



Points Demerit System



AMIP Town Halls



Disclaimer

The views expressed in this newsletter are not necessarily the views of The Road Traffic Infringement Agency or the publishers of this newsletter, nor their Directors and Management, and they will not be liable for any losses or damages which any party may suffer as a result of any view or fact which is expressed in this newsletter.



this way



7th Newsletter



B M.

PHASE 1 UNDERWAY

Business Hours

Monday - Friday

9am to 5pm

Saturday

8am to 12pm



On Thursday, 01 July 2021 Transport Minister, Mr Fikile Mbalula ushered in the phasal national implementation of the Administrative Adjudication of Road Traffic Offences (AARTO) Act. The activities outlined in the phase one which began on Thursday, 01 July 2021 mean that the Agency must move with speed and ambition.

Phase one activities include:

- Establishing seven AARTO Service Outlets throughout the country;
- Allowing elective options to be processed (scanning and uploading) at various IAs in all provinces; and
- Final Readiness Assessments confirmation at identified municipal areas.

To assist with these three outcomes, the Road Traffic Infringement Agency (RTIA) has taken the decision to deploy RTIA officials to all provinces. Initially the deployment will be virtual/online to comply with Adjusted Alert Level 4 of Covid-19 Regulations. These officials will be expected to assist in the areas above and have frequent meetings to address other relevant matters pertaining to rollout.

It is envisaged that once the high number of Covid-19 infections starts reducing and the inter-provincial travel restrictions (from GP) are lifted, the officials will likely be physically deployed temporarily so in provinces for the duration of the first phase.

this way

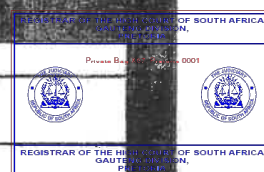


RTIA Newsletter |

PHASE 1 UNDERWAY

DEPLOYMENT LIST

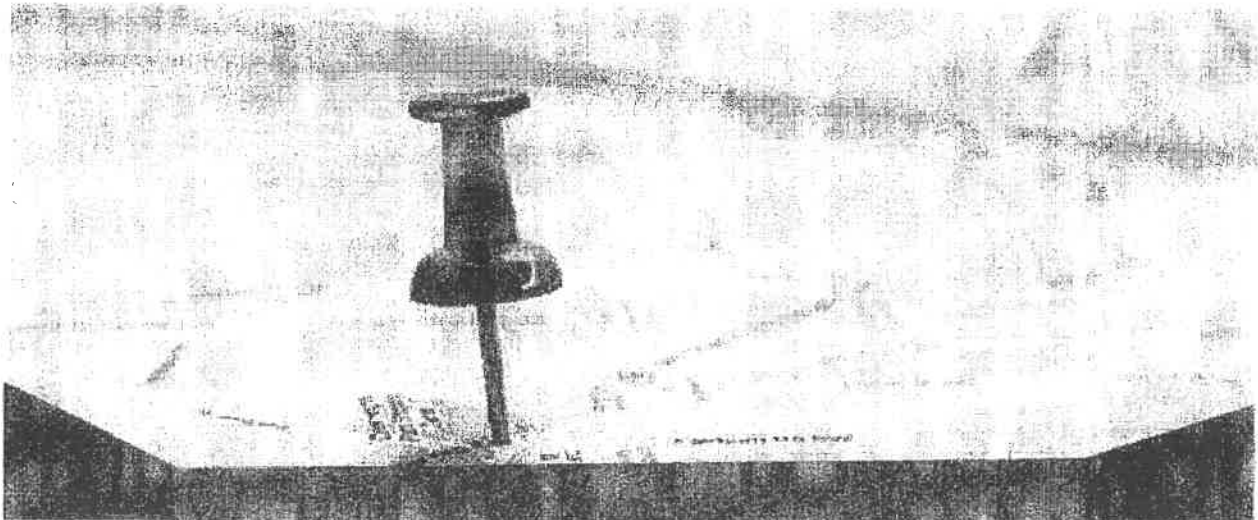
Province	Outlet Name	Outlet Operator	Responsible Manager	Contacts
Limpopo	Polokwane	Mr Tebogo Kgopa Mr Joel Mokobotedi	Ms Grace Mogashoa	060 586 0875 Tebogo.Kgopa@rtia.co.za Joel.Mokobotedi@rtia.co.za Grace.Mogashoa@rtia.co.za
KZN	eThekweni	Mr Siphesihle Maphumulo	Adv. Hopewell Themba Mbatha	076 600 0962/071 6642107 Siphesihle.Maphumulo@rtia.co.za Hopewell.Mbatha@rtia.co.za
EC	Port Elizabeth	Ms Bomkazi Tyhili	Mr Johnny Jacobs	073 184 6783 Bomkazi.Tyhili@rtia.co.za Johnny.Jacobs@rtia.co.za
FS	Bloemfontein	Ms Mpho Rakgalakane	Mr Siyabonga Qwabe	083 407 0425 Mpho.Rakgalakane@rtia.co.za Siyabonga.Qwabe@rtia.co.za
NC	Kimberley	Mr Prince Ndou	Mrs Aloma Lucas	071 343 8541 Prince.Ndou@rtia.co.za Aloma.Lucas@rtia.co.za
WC	Paarl	Mr Ofentse Masemola	Ms Venda Mamabolo	060 586 0876 Ofentse.Masemola@rtia.co.za Venda.Mamabolo@rtia.co.za
MP	Mbombela Nelspruit	Mrs Zanele Thusi	Ms Beauty Mudau	083 784 3616 Zanele.Thusi@rtia.co.za Beauty.Mudau@rtia.co.za
GP	TMPD/JMPD/EMPD	All Operators in Gauteng	Mr Zixolisile Zonke	083 294 6815 Zixolisile.Zonke@rtia.co.za
NW	Mahikeng	Ms Kgomotso Kwenamore	Adv. Reuben Mannafela	073 908 6837 Kgomotso.Kwenamore@rtia.co.za Reuben.Mannafela@rtia.co.za



this way »



RTIA Newsletter |



MUNICIPAL ISSUING AUTHORITY AARTO READINESS 19/20.

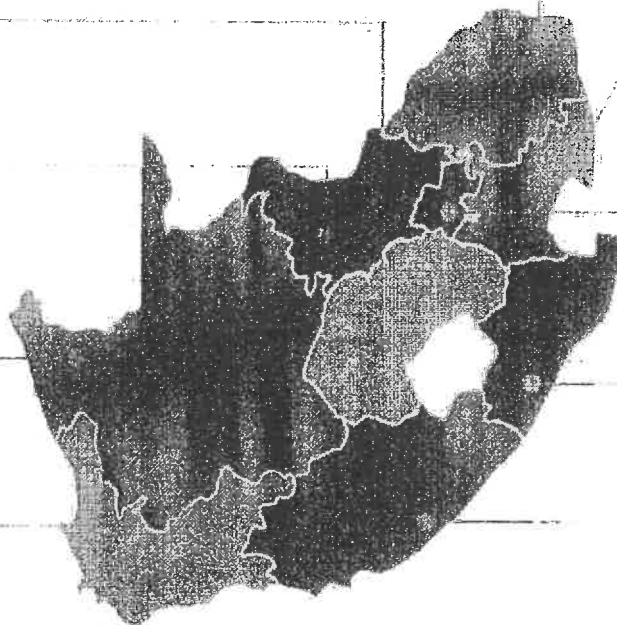
The Operations Unit is tasked with the important task of facilitation AARTO readiness among the facilitators of AARTO across South Africa. Readiness verification was hampered in the 2020/21 financial year by the COVID-19 global pandemic. As such the Operations Unit recently presented the following 2019/20 readiness stats at a town hall session.

no of IAs - 15
no of accessed IAs - 15
IT equipment assessed - 53%
NaTIS connectivity - 53%
LCMS - 13%

no of IAs - 14
no of accessed IAs - 13
IT equipment assessed - 62%
NaTIS connectivity - 64%
LCMS - 46%

no of IAs - 18
no of accessed IAs - 18
IT equipment assessed - 94%
NaTIS connectivity - 89%
LCMS - 22%

no of IAs - 25
no of accessed IAs - 25
IT equipment assessed - 92%
NaTIS connectivity - 92%
LCMS - 84%



no of IAs - 22
no of accessed IAs - 22
IT equipment assessed - 64%
NaTIS connectivity - 77%
LCMS - 59%

no of IAs - 17
no of accessed IAs - 17
IT equipment assessed - 71%
NaTIS connectivity - 31%
LCMS - 59%

no of IAs - 7
no of accessed IAs - 5
IT equipment assessed - 100%
NaTIS connectivity - 100%
LCMS - 80%

no of IAs - 38
no of accessed IAs - 38
IT equipment assessed - 82%
NaTIS connectivity - 71%
LCMS - 67%

no of IAs - 32
no of accessed IAs - 31
IT equipment assessed - 94%
NaTIS connectivity - 87%
LCMS - 57%



RTIA
Road Traffic Infringement Agency

national corporation



Introduction of a Demerit Points system

Demerit Points: What? What? What? Where? Why? How?

The 4 phased AARTO national rollout plan will see the points demerit system implemented between 01 July 2022 and 30 June 2023 as part of phase 4. Described by the Minister of Transport at the press briefing to launch the phased rollout as: 'an objective and fair system of identifying reckless drivers and law-breakers so we can remove them from the driving fold.'

Demerit points can be allocated to any persons with an RSA driving licences, learners licence or no licence as the points are recorded against a person's ID number. The Act does not provide for non-allocation of points meaning even if your licence has been cancelled points can still be added on your record.

This is how the points demerit system will work:

CALCULATION:

- Points are incurred (start at zero)
- Points are based on level of traffic violations (as per schedule 3)
- Points are added to record of person
- Points diminish over time at one point every three months
- Point also diminish upon successful completion of the Rehabilitation Programme

INCURRING POINTS:

- All infringements/Offences as per schedule 3
- Only when paid, acceptance of instalment arrangement, issue of enforcement order, guilty in court
- Added on **actual date** of payment, acceptance of instalment arrangement, date found guilty, authorisation of enforcement order, etc. Not back dated.
- In the case of 2 or more infringements in the same case, points will only be allocated for the infringement with the highest point value
- If court decision has been appealed, keep points in suspense pending finalisation of appeal. New status required: "Appeal"



this way



RTIA Newsletter |



B M

Introduction of a

Demerit Points system

Demerit Points

When? Why? How?

REDUCTION OF POINTS:

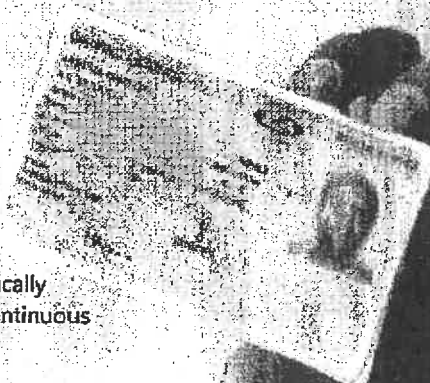
- One point every three months (Section 28)
- Points diminish over time without suspension of diminishing process (amendment of Section 28 in Act 72 of 2002)
- After cancellation of licence no change to diminishing process (Section 28 does not provide for alteration in diminishing process)
- If person voluntarily surrender licence after suspension - no change to diminishing process
- If court/MEC cancels licence - no change to diminishing process
- Point also reduced upon successful completion of the Rehabilitation Programme (4 points)

DISQUALIFICATION PERIOD

- Three months for every point above 15, e.g. $(17 - 15) \times 3 = 6$ months (definitions and section 25(2)(a))
- Start 32 days after date on which points have been incurred above 15 points (Section 25(1))
- End when points are at 15 or lower. Effectively 32 days less than the 6 months example above (Section 25(5))
- Infringer must be notified on AARTO 21 (Section 26(1))
- If EO is revoked, all relevant actions are reversed

CANCELLATION:

- If disqualified three times, all licences are cancelled on the 32nd day after the date on which 15 points have been exceeded for the third time
- Section 27(1) requires person to hand in licences upon which it is cancelled?? I.e. not cancelled automatically
- If licence is cancelled, disqualification period is three continuous months for every point above 15 (as above)
- Person keep points against his/her record
- If EO is revoked, all relevant actions are reversed



this way

RTIA Newsletter |

Introduction of a

Demerit Points system

Continued



Demerit Points: When? Where? What? Why? How?



It is important to note:

- If you have been disqualified and are caught driving: Offence, court process & demerit points are added.
- Payment of fines on behalf of drivers must be with their consent.
- Driver's permission must be sought to access their demerit status.
- All business owners and vehicle owners should keep accurate record.

this way



RTIA Newsletter |

Handwritten signature or initials.

the AMIP town hall

WHO ARE THE ROLES PLAYERS AND WHAT IS THEIR ROLE?

Taking us behind the scenes of the intricate AARTO value chain and the roles of the critical stakeholders, Ms Venda Mamabolo started off her presentation with the role of Issuing Authorities, Driving Licence Testing Centres, Registering Authorities and Collecting Agents. 'The roles of these stakeholders include entering into an SLA's with Post Office, Issuing AARTO notices, transfers of penalties and fees collected on behalf of other Issuing Authorities (IA) into the national AARTO account, processing of elective options, capture and upload AARTO notices as prescribed in the law.' Said Ms Mamabolo. Another critical stakeholder to the AARTO value chain is the South African Police Service (SAPS). The role SAPS plays in the AARTO process has been colourful to say the least however the role has been distilled in Schedule 4 and will see SAPS linked to their nearest provincial or municipal issuing authority. This means that the IAs will issue SAPS AARTO books linked to them (IAs) and they will also capture and process notices issued by the SAPS officers.

If you have heard anything about the national implementation of the Administrative Adjudication of Road Traffic Offences (AARTO) you will know that the challenges are a lot. The risks they pose, the advantages they offer, the disconnect they may spell for Agency employees and their employers. One of the key challenges required for a successful AARTO implementation is the business of Issuing Authorities. The Operations Unit is currently holding an IA Business Town Hall.



The Government Printing Works (GPW) has been identified to print AARTO books and all IAs will order AARTO books from GPW. 'The fact that GPW will supply the AARTO stationery to IAs and IAs will be expected to order their own stationery does not mean that we will stand idly by as the RTIA. We have created a system that ensures we keep track of orders and that we unlock any blockages that IAs may face from the GPW.' Said Ms Mamabolo.

Although the AARTO Act seeks to resolve traffic infringements in an administrative process no person in South Africa can be denied their right to take their case or grievance to the court of law. Currently the 'tried in court' elective option is open to motorists until such time that the Appeals Tribunal has been established and comes into effect. This means that the RTIA currently has a relationship with the courts and the National Prosecuting Authority (NPA). Describing the role of the courts in the AARTO process, Mr Joel Mokobotedi said: 'The responsibilities of the courts include recording matters on the court roll, prosecutors must record their reasons for declining to prosecute matters on the National Contraventions Register (NCR) and court clerks must inform appropriate Issuing Authorities of the outcome of traffic matters.'

The relationship between the RTIA and the South African Post Office (SAPO) is stepped in time as the primary postal agent for various AARTO documents. 'The RTIA has entered into an SLA with SAPO to mail the documents such as courtesy letters, enforcement orders and outcomes of applications for revocations and representations,' explained Mr Mokobotedi.

ISSUING AUTHORITY READINESS

The COVID-19 pandemic has affected all business units adversely and the Operations Unit was not different. Explaining the impact of the pandemic to the operations of the business unit Mr Mankga Mamabolo noted that the readiness verifications has stalled during the 2020 calendar year. 'Our presentation will show the readiness of IAs based on the 2019/20 year which is not ideal but it is the only indication we have of where we are in terms of readiness.'

this way»



RTIA Newsletter |

[Handwritten signature]

the AMIP town hall

Equipment rollout update

RTMC is currently busy with rolling out equipment in provinces. A progress report will be available mid-July.

Training rollout update

Back Office Training – The RTMC has trained trainers from 5 provinces (NW, EC, LP, MP and KZN). The RTMC will provide training manuals to the provincial trainers and tutorials will address system updates to update users.

The training rollout has been put on hold due to the COVID-19 restrictions to curb the virus infection rate during the 3rd wave.

Law enforcement training – The RTIA is expected to provide the RTMC with a letter giving them the go ahead to resume training to law enforcement officers. The letter will be signed and sent in the next few days.



this way»



RTIA Newsletter |

12

B M



Justice in Adjudication

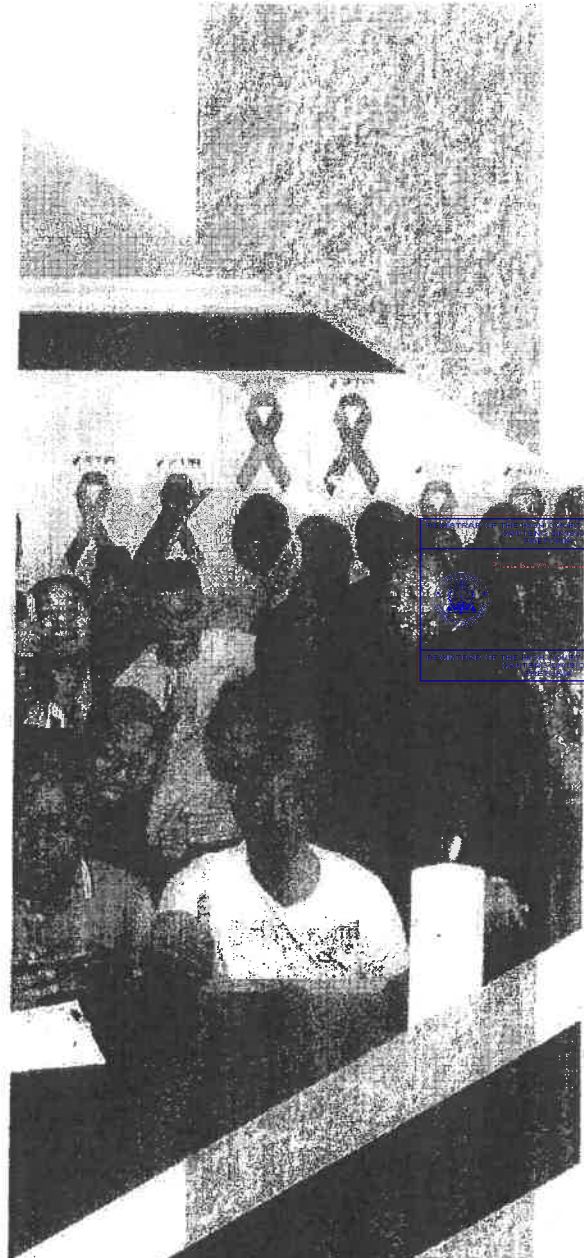
ROAD TRAFFIC INFRINGEMENT AGENCY

Contact Details
Tel No: 087 285 0500

Call Centre
Tel No: 0861 227 861

Physical Address
Waterfall Edge B,
253 Howick Close,
Waterfall Office Park,
Bekker Road, Midrand

Postal Address
P O Box 6341,
Halfway House,
1685



EDITOR

Fakazi Malindzisa

CONTRIBUTORS

Mankga Mamabolo
Peter Baloyi
Verda Mamabolo
Joel Mokoboteli
Gugulethu Blose
Mandie Olivier

**STAY
SAFE**

PROTECT SOUTH AFRICA

TOGETHER WE CAN BEAT THE CORONAVIRUS

B M

FA4

STAATSKOERANT, 1 AUGUSTUS 2025

No. 63099 51

PROCLAMATION NOTICES • PROKLAMASIE KENNISGEWINGS

PROCLAMATION 272 OF 2025



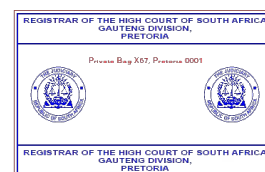
By the President of the Republic of South Africa

COMMENCEMENT OF THE ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES AMENDMENT ACT, 2019 (ACT NO. 4 OF 2019)

In terms of section 23 of the Administrative Adjudication of Road Traffic Offences Amendment Act, 2019 (Act No. 4 of 2019), I hereby determine

- (a) 1 December 2025 as the date on which the said Act, except for sections 2(g), shall come into operation in the areas of the Municipalities, established in terms of section 12 of the Municipal Structures Act, 1998 (Act No. 117 of 1998), read with section 2(2) of the Cross-boundary Municipalities Laws Repeal and Related Matters Act, 2005 (Act No. 23 of 2005), as shown in Annexure A of the Schedule; and
- (b) 1 April 2026 as the date on which the said Act, except for sections 2(g), shall come into operation in the areas of the Municipalities, established in terms of section 12 of the Municipal Structures Act, 1998 (Act No. 117 of 1998), read with section 2(2)

This gazette is also available free online at www.gpwonline.co.za



B

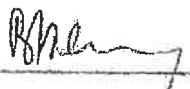
of the Cross-boundary Municipalities Laws Repeal and Related Matters Act, 2005 (Act No. 23 of 2005), as shown in Annexure B of the Schedule, and

- (c) 1 September 2026 as the date on which the sections 2(g), shall come into operation.

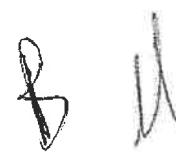
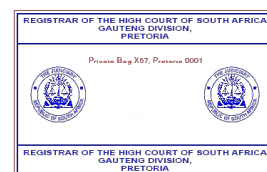
Given under my Hand and the Seal of the Republic of South Africa, at Pretoria, on this 30 day of June Two Thousand and Twenty- Five.



By Order of the President-in-Cabinet



Minister of Cabinet



FA5



Media Statement



DATE: Monday, 11 November 2026
TO: All Media
ATTENTION: News Editors / Transport Reporters / All Reporters
For immediate use

AARTO DEFERRED TO 1 JULY 2026

PRETORIA: The Minister of Transport, Ms Barbara Creecy and the Deputy Minister, Mr Mkhuleko Hlengwa have taken a decision to defer the implementation of the Administrative Adjudication of Road Traffic Offences (AARTO) to 1st of July 2026.

The implementation was due to commence on the 1st of December 2025.

The postponement comes amid an assessment by the Department of the state of readiness in some of the municipalities that were to form part of the first implementation phase. Some of the issues identified during the assessment, in the main, include

- The finalization of training of both law enforcement and back office personnel,
- The harmonisation of current law enforcement system used by various Municipalities, and funding thereof.

The Department will soon publish the new proclamation with new staggered implementation dates, the 1st of July 2026 being the official implementation date.

The phased approach of implementation will still be maintained as initially envisaged.

ISSUED BY: National Department of Transport

Media Contact
Collen Msibi
National Spokesperson
066 476 9015



[Handwritten signatures]

FA6

STAATSKOERANT, 28 NOVEMBER 2025

No. 53744 3

PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE 299 OF 2025

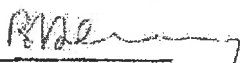
*By the President of the Republic of South Africa**Withdrawal of Proclamation 272 of 2025*

I Cyril Ramaphosa, the President of the Republic of South Africa, hereby withdraw the Proclamation 272, published on 1 August 2025 in Government Gazette 53099.

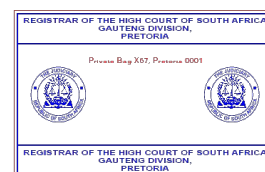
Given under my Hand and the Seal of the Republic of South Africa, at Pretoria, on this 28 day of November, Two Thousand and Twenty-Five.



By Order of the President-in-Cabinet



Minister of Cabinet



This gazette is also available from online at www.gpwonline.co.za



FA7

STAATSKOERANT, 29 JUNIE 2026

No. 54917 3

PROCLAMATIONS • PROKLAMASIES

DEPARTMENT OF TRANSPORT

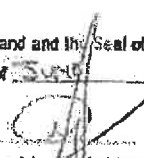
PROCLAMATION NOTICE 322 OF 2026

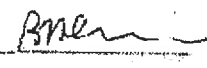
*By the President of the Republic of South Africa***COMMENCEMENT OF THE ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES ACT, 1998 (ACT NO. 46 OF 1998)**

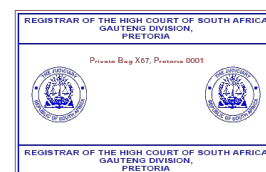
In terms of section 36 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998), I hereby determine –

1 July 2026 as the date on which sections 17, 18, 19, 19A, 19B, 20, 23, 25, 30, 31, 32, 33, 34, and 35 of the said Act shall come into operation in the areas of the Municipalities, established in terms of section 12 of the Municipal Structures Act, 1998 (Act No. 117 of 1998), read with section 2(2) of the Cross-boundary Municipalities Laws Repeal and Related Matters Act, 2005 (Act No. 23 of 2005), as shown in Annexure A of the Schedule.

Given under my Hand and the Seal of the Republic of South Africa, at CAPE TOWN this 24 day of JUNE Two Thousand and Twenty-Six.

By Order of the President  Cabinet


Minister of Cabinet



This gazette is also available free online at www.gpwonline.co.za

B M

FA8

STAATSKOERANT, 29 JUNIE 2026

No. 54918 9

PROCLAMATIONS • PROKLAMASIES

DEPARTMENT OF TRANSPORT

PROCLAMATION NOTICE 323 OF 2026

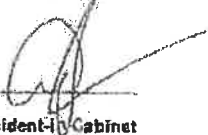
By the President of the Republic of South Africa

COMMENCEMENT OF THE ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES AMENDMENT ACT, 2019 (ACT NO. 4 OF 2019)

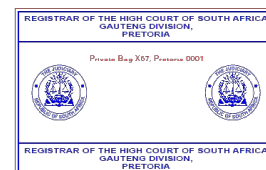
In terms of section 23 of the Administrative Adjudication of Road Traffic Offences Amendment Act, 2019 (Act No. 4 of 2019), I hereby determine

1 July 2026 as the date on which the said Act, except for sections 2(g), shall come into operation in the areas of the Municipalities, established in terms of section 12 of the Municipal Structures Act, 1998 (Act No. 117 of 1998), read with section 2(2) of the Cross-boundary Municipalities Laws Repeal and Related Matters Act, 2005 (Act No. 23 of 2005), as shown in Annexure A of the Schedule; and

Given under my Hand and the Seal of the Republic of South Africa, at CAPE TOWN on this 24 day of JUNE, Two Thousand and Twenty- Six.


By Order of the President in Cabinet


Minister of Cabinet



This gazette is also available free online at www.gpwonline.co.za



FA9

STAATSKOERANT, 30 JUNIE 2026

No. 64922 3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRANSPORT

NO. R. 7646

30 June 2026

ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES ACT, 1998

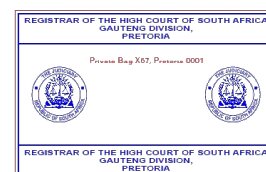
ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES REGULATIONS, 2026

I, BARBARA DALLAS CREECY, the Minister of Transport has, —

- (a) In terms of section 34 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998), made regulations 1(1) to 15, 17 to 19, 21 to 41(1) and Schedule 1 and paragraphs 3 to 9 of Schedule 2, in the Schedule hereto; and
- (b) In terms of section 29 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998), acting with the concurrence of the Minister of Justice and Correctional Services and the Members of an Executive Council of each province appointed in terms of section 132 of the Constitution of the Republic of South Africa and who is responsible for road traffic matters of each province, made regulations 1(2), (3), (4), 16, 20, 41 (2), paragraphs 1 and 2 of Schedule 2, and Schedule 3 in the Schedule hereto.



BARBARA DALLAS CREECY, (MP)
MINISTER OF TRANSPORT



This gazette is also available free online at www.gpwonline.co.za



GOVERNMENT NOTICES • GOEWERMENSKENNISGEWINGS

DEPARTMENT OF TRANSPORT

FA10

NO. 37

22 JANUARY 2021

**INVITATION FOR NOMINATIONS OF PERSONS TO SERVE AS MEMBERS OF THE
AARTO APPEALS TRIBUNAL (AAT)**

The Appeals Tribunal is a juristic person established for the purposes of, amongst others, adjudicating on matters brought to it by infringer(s) aggrieved by decisions taken by the representations officer in terms of the Administrative Adjudication of Road Traffic Offences Amendment Act, 2019 (Act NO. 4 OF 2019) ("the Act"); to hear appeals or review against any decision of the representation officer that may in terms of the Act be referred to it and to make any ruling or order necessary or incidental to the performance of its functions in terms of the Act.

Section 29A (3) of the Act provides that the Appeals Tribunal consists of a Chairperson and eight other persons appointed by the President, on a part-time basis, and on the recommendation of the Minister, from among those persons nominated by the Minister in response to a public call for nominations.

Members of the Appeals Tribunal hold office for a period of five (5) years and, on expiration of such member's term of office, is eligible for reappointment by the President for one (1) additional term only. The Act empowers the Minister to determine other conditions of appointment.

When viewed collectively members of the Appeals Tribunal must:

- (i) Represent a broad cross-section of the population of the Republic;
- (ii) Must comprise of persons with legal qualifications and knowledge or experience in road traffic and road transport related matters
- (iii) Each member of the Appeals Tribunal must
 - a. Be a citizen of South Africa, who is ordinarily resident in the Republic;
 - b. Have suitable qualifications and experience in a field related to road traffic and transport legislation or any special skills, qualifications, expertise or experience in matters concerning legal, financial and economic matters; and
 - c. Be committed to the purpose of the Act.

Nominations must contain the full name and address of the interested parties making the nominations, a motivation (why is the candidate the best for the position) accompanied by a signed acceptance of the nomination by the nominee, ID copy and Curriculum Vitae of the nominee providing, amongst others, the candidate's:

- Full name and gender
- Contact address, telephone and fax numbers and e-mail address
- Previous experience and relevant expertise, quoting dates and organisations concerned
- Academic qualifications.

The nomination must be forwarded to: Mr. Alec Moemi, The Director-General, Department of Transport, Private Bag X193, Pretoria, 0001 For attention: Adv. Maputla Makgatho, (012) 309 3280 or Adv. Ngwako Thoka, 012 309 3764 E-mail: MakgathoJ@dot.gov.za or ThokaN@dot.gov.za

Nominations must be submitted within four (4) weeks from the date of publication of this Notice in the Government Gazette. Nominations received after the closing date will not be considered



transport

Department:
Transport
REPUBLIC OF SOUTH AFRICA

This gazette is also available free online at www.gpwonline.co.za

[Handwritten signature]

STAATSKOERANT, 28 MAART 2024

No. 50391 153

DEPARTMENT OF TRANSPORT

NO. 4566

FA11
28 March 2024INVITATION FOR NOMINATIONS OF PERSONS TO SERVE AS MEMBERS OF THE
AARTO APPEALS TRIBUNAL (AAT)

The Appeals Tribunal is a juristic person established in terms of section 16 of the Administrative Adjudication of Road Traffic Offences Amendment Act, 2019 (Act No. 4 of 2019) ("the Act") for the purposes of adjudicating on matters brought to it by infringer(s) aggrieved by a decision taken by the representations officer in terms of the Act; to hear appeals or reviews against any decision of the representation officer that may in terms of the Act be referred to it and to make any ruling or order necessary or incidental to the performance of its functions in terms of the Act.

Section 16 of the Act provides that the Appeals Tribunal consists of a Chairperson and eight other persons appointed by the President, on a part-time basis, and on the recommendation of the Minister, from among those persons nominated by the Minister in response to a public call for nominations.

Members of the Appeals Tribunal hold office for a period of five (5) years and on expiry of such term, members may be eligible for reappointment by the President for one additional term only. The Act empowers the Minister to determine other conditions of appointment.

When viewed collectively members of the Appeals Tribunal must-

- (i) represent a broad cross-section of the population of the Republic; and
- (ii) comprise sufficient persons with legal qualifications and knowledge or experience in road traffic and road transport related matters.

Each member of the Appeals Tribunal must-

- a. be a citizen of South Africa, who is ordinarily resident in the Republic;
- b. have suitable qualifications and experience in a field related to road traffic and transport legislation or any special skills, qualifications, expertise or experience in matters concerning legal, financial and economic matters; and
- c. be committed to the purpose of the Act.

Nominations must contain the full name and address of the interested parties making the nominations, a motivation accompanied by a signed acceptance of the nomination by the nominee, ID copy and Curriculum Vitae of the nominee providing, amongst others, the candidate's:

- ☐ Full name and gender
- ☐ Contact address, telephone and fax numbers and e-mail address
- ☐ Previous experience and relevant expertise, quoting dates and organisations concerned
- ☐ Academic qualifications.

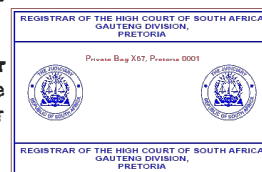
The nomination must be forwarded to: Adv James Mlawu, The Director-General, Department of Transport, Private Bag X193, Pretoria, 0001 For attention: Adv. N.A Thoka, (012) 309 3764 or Mr John Motsatsing, 012 309 3574/3114. E-mail: Motsatsj@dot.gov.za or ThokaN@dot.gov.za

The nominations must reach the Department within 14 days after the publication of this notice in the Government Gazette. Nominations received after closing date will not be considered and persons who applied before need not re-submit their applications.



transport

Department:
Transport
REPUBLIC OF SOUTH AFRICA



B M

FA12

JULY 5, 2026 Sunday Times

Q&A



Phase two of the ambitious Administrative Adjudication of Road Traffic Offences (AARTO) Act is belatedly being rolled out in 62 municipalities. Chris Barni asked Monde Mkhadzi of the Road Traffic Infringement Agency ...

Is the appeals (tribunal) in place?

The process of appointing people for this is under way.

So it's not up and running yet?

Some members have been appointed, so it is up and running.

What about the points demerit system?

Its rollout date will be determined by the minister of transport in due course.

What about the points demerit system?

Its rollout date will be determined by the minister of transport in due course.

As Aarto's chief selling point, shouldn't there have been more urgency about its rollout?

It should come in nationally at the same time because it's the core of the Aarto process.

How dependent is Aarto on functional municipalities?

We are working with municipalities. It is due to the co-operation we have had from municipalities ...

Why are they saying they're not ready to deliver Aarto?

Those coming aboard in July have indicated they are ready.

Why did the South African Local Government Association approach the high court to stop phase 2 because it says they're not ready?

All 62 municipalities coming in now are ready, hence the court matter was dismissed.

What about the 151 municipalities supposed to be coming in in phase 3?

We are engaging with them, so they should be ready to come on board and implement the system as well.

How can they implement the system when they're dysfunctional?

Aarto is a national road safety intervention. We should really keep our eyes on that. The system will make sure that road users who commit infringements in those jurisdictions or municipalities will be held accountable one way or another.



Process Book X67, Process 0001

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Handwritten signature and initials.

Judging by the auditor-general's reports, it will be a long time before municipalities are ready to play their role in this, won't it?

What is urgent now from our point of view is the high number of road fatalities. Hence, we are bringing in ~~the~~ as an intervention so that whoever violates traffic laws in any municipality is held accountable.

To what extent does the system depend on a functional South African Post Office?

We have identified challenges with regard to registered mail and hence are bringing in electronic services to assist to ensure that the Post Office is effective in terms of serving ~~the~~ documents.

Its ability to serve infringement notices is critical to Aarto's success, isn't it?

That is correct, yes, because by law we are obliged to work with the Post Office.

Is it a problem for you that the Post Office is in business rescue?

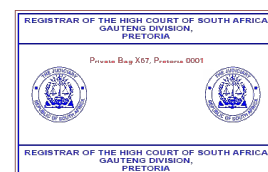
The Post Office has presented a very workable plan to us to make sure ~~that~~ is going to be able to serve documents within the stipulated timelines of the ~~Act~~ Act. Otherwise, such documents might be open to challenges and disputes and having road users submitting representations.

Would it be fair to say you've ignored the warnings of civil society groups that ~~that~~ is going to be an administrative disaster?

We have identified all challenges and are convinced it is going to be a big success.

They're saying that ~~that~~ is reliant on institutions that don't have the capacity to deliver.

In terms of the preparations, we have come up with an approach that looks at all the significant elements.



\$ M

FA13

STAATSKOERANT, 16 JULIE 2008

No. 31242 3

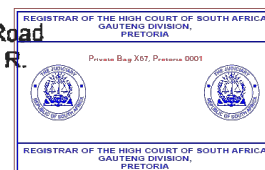
GOVERNMENT NOTICE**DEPARTMENT OF TRANSPORT**

No. R. 753

16 July 2008

DEPARTMENT OF TRANSPORT**ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES ACT, 1998 (Act No. 46 of 1998) AS AMENDED****ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES REGULATIONS, 2008**

The Minister of Transport acting under section 34 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) hereby revokes Government Notice No. R. 701 as published in *Government Gazette* No. 31183 of 1 July 2008 with the following schedule.



J. Radebe
Jeffrey Thamsanqa Radebe
 Minister of Transport

Schedule*Arrangement of regulations***CHAPTER 1***Interpretation of regulations**Regulations*

1. Definitions

CHAPTER 2*Administrative functions*

2. Execution of administrative functions of the Agency by the Corporation

CHAPTER 3*Adjudication procedure*

3. Infringement notice
4. Representations
5. Notification of result of representations
6. Courtesy letter
7. Enforcement order
8. Warrant
9. Trial

FA14

STAATSKOERANT, 15 APRIL 2011

No. 34208 3

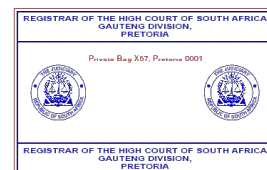
**ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES (AARTO)
ACT, 1998 (Act No. 46 of 1998) – DRAFT REPLACEMENT OF AARTO
REGULATIONS**

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:

Adv A Masombuka

Department of Transport

Private Bag X 193

PRETORIA

0001

E-mailed to MasombuA@dot.gov.za

Tel: (012) 309 3289

Fax: (012) 309 3134

[Handwritten signature]

FA15

4 No. 39482

GOVERNMENT GAZETTE, 7 DECEMBER 2015

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRANSPORT

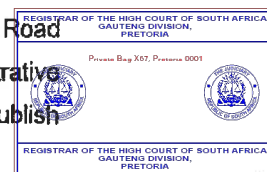
NO. 1204

07 DECEMBER 2015

ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES ACT, 1998

ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES AMENDMENT
REGULATIONS, 2008

The Minister of Transport intends to amend the Administrative Adjudication of Road Traffic Offences Regulations, 2008, in terms of section 34 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998), herewith publish amendment regulations in the Schedule for public comments.



All interested person are invited to submit written comments on these draft amendment regulations within thirty (30) days from the date of publication of this Notice, for attention of:

Mr Sello Mokubyaane
Department of Transport
Private Bag X193
PRETORIA
0001

Tel : (012) 309 3540
Fax : (012) 309 3044
E-mail : MokubyaS@dot.gov.za

Adv N. Thoka
Department of Transport
Private Bag X193
PRETORIA
0001

Tel : (012) 309 3764
Fax : (012) 309 3962
E-mail : Thokan@dot.gov.za

This gazette is also available free online at www.gpwonline.co.za

FA16

4 No. 42785

GOVERNMENT GAZETTE, 11 OCTOBER 2019

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

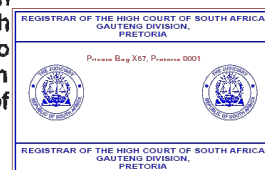
DEPARTMENT OF TRANSPORT

NO. 1319

11 OCTOBER 2019

ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES ACT, 1998
(Act No. 46 of 1998) AS AMENDEDAMENDMENT OF ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC
OFFENCES REGULATIONS, 2008

The Minister of Transport intends to amend the Administrative Adjudication of Road Traffic Offences Regulations, 2008 by revoking the Regulations published in Government Notice No. R. 753 of 16 July of 2008, with the exception of Schedule 3 with the following Schedule hereby published for public comments. All interested parties who have any objections, inputs or comments to the proposed amendments are called upon to lodge their objections, inputs or comments within thirty (30) days from the date of publication of this Notice to:



ADV. QACHA MOLETSANE
ROAD TRAFFIC INFRINGEMENT AGENCY
PO BOX 6341
HALFWAY HOUSE
1685

ADV. NGWAKO THOKA
DEPARTMENT OF TRANSPORT
PRIVATE BAG X193
PRETORIA
0001

TEL: 087 287 7978
Email: gacha.moletsane@rtia.co.za

Tel: 012 309 3764
Email: thokan@dot.gov.za

Mr Fikile April Mbalula
Minister of Transport

This gazette is also available free online at www.gpwonline.co.za

FA17

38 No. 43758

GOVERNMENT GAZETTE, 2 OCTOBER 2020

DEPARTMENT OF TRANSPORT

NO. 1049

02 OCTOBER 2020

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

**AMENDMENT OF ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC
OFFENCES REGULATIONS, 2008**

The Minister of Transport acting in terms of section 34 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) intends to revoke the Regulations published in Government Notice No. R. 753 of 16 July of 2008 with the following Schedule.

NB: Included herein are Explanatory Memorandums (which have no legal effect but are meant to assist the members of the public in understanding the draft AARTO regulations and Schedule 3 on the demerit point and penalties and are for information purposes only: *Memorandum 1- Draft AARTO Regulations and Memorandum 2 – Draft Schedule 3 - Demerit points and Penalties* .

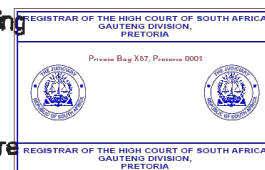
All interested parties who have any objections, inputs or comments to the proposed amendments are called upon to lodge their objections, inputs or comments within a period of sixty (60) days from the date of publication of this Gazette to:

ADV QACHA MOLETSANE
ROAD TRAFFIC INFRINGEMENT AGENCY
PO BOX 6341
HALFWAY HOUSE
1685

OR ADV. NGWAKO THOKA
DEPARTMENT OF TRANSPORT
PRIVATE BAG X193
PRETORIA
0001

TEL: 087 287 7978
Email: AARTO.Comments@rtia.co.za

TEL: 012 309 3764
Email: AARTO.Comments@dot.gov.za



This gazette is also available free online at www.gpwonline.co.za

FA18

STAATSKOERANT, 31 OKTOBER 2025

No. 53605 43

DEPARTMENT OF TRANSPORT

NO. 6782

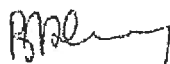
31 October 2025

ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES ACT, 1998

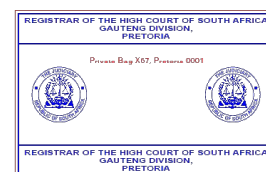
ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES REGULATIONS, 2025

I, BARBARA DALLAS CREECY, the Minister of Transport has, —

- (a) in terms of section 34 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998), made regulations 1(1) to 15, 17 to 19, 21 to 41(1) and Schedule 1 and paragraphs 3 to 9 of Schedule 2, in the Schedule hereto; and
- (b) in terms of section 29 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998), acting with the concurrence of the Minister of Justice and Correctional Services and the Members of an Executive Council of each province appointed in terms of section 132 of the Constitution of the Republic of South Africa and who is responsible for road traffic matters of each province, made regulations 1(2), 1(3), 1(4), 16, 20, 41 (2), paragraphs 1 and 2 of Schedule 2, and Schedule 3 in the Schedule hereto.



BARBARA DALLAS CREECY, (MP)
MINISTER OF TRANSPORT




Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998

STAATSKOERANT, 28 NOVEMBER 2025

No. 53743 3

FA19

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRANSPORT

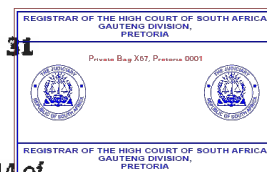
NO. R. 6890

28 November 2025

ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES ACT, 1998

**ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES REGULATIONS,
2025**

**WITHDRAWAL OF NOTICE NO 6782 UNDER GOVERNMENT GAZETTE NO 53605 OF 31
OCTOBER 2025**



I, **BARBARA DALLAS CREECY**, the Minister of Transport acting in terms of section 34 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) hereby withdraw Notice No 6782 under Government Gazette No 53605 of 31 October 2025.

B. D CREECY

MINISTER OF TRANSPORT

This gazette is also available free online at www.gpwonline.co.za

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

FA20

DEPARTMENT OF TRANSPORT

NO. R. 7646

30 June 2026

ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES ACT, 1998

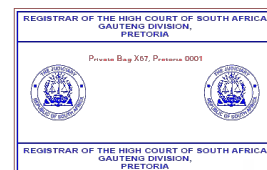
ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES REGULATIONS, 2026

I, BARBARA DALLAS CREECY, the Minister of Transport has, —

- (a) in terms of section 34 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998), made regulations 1(1) to 15, 17 to 19, 21 to 41(1) and Schedule 1 and paragraphs 3 to 9 of Schedule 2, in the Schedule hereto; and
- (b) in terms of section 29 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998), acting with the concurrence of the Minister of Justice and Correctional Services and the Members of an Executive Council of each province appointed in terms of section 132 of the Constitution of the Republic of South Africa and who is responsible for road traffic matters of each province, made regulations 1(2), (3), (4), 16, 20, 41 (2), paragraphs 1 and 2 of Schedule 2, and Schedule 3 in the Schedule hereto.



BARBARA DALLAS CREECY, (MP)
MINISTER OF TRANSPORT



This gazette is also available free online at www.gpwonline.co.za