

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

Case Number: 2026-166564

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
AUTHORITY**

Fifth Respondent

THE MINISTER OF FINANCE

Sixth Respondent

**THE DIRECTOR – GENERAL:
NATIONAL TREASURY**

Seventh Respondent

**THE SOUTH AFRICAN LOCAL
GOVERNMENT ASSOCIATION**

Eight Respondent

FILING NOTICE

TAKE NOTICE THAT the Fifth Respondent hereby files the following:

DOCUMENT: ANSWERING AFFIDAVIT

HEARING DATE: 04 August 2026

FILED BY:

DIALE MOGASHOA ATTORNEYS INC

THUS SIGNED AND DATED AT PRETORIA ON THE 27TH DAY OF JULY 2026.



DIALE MOGASHOA ATTORNEYS

Fifth Respondent's Attorneys

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**TO: THE REGISTRAR OF THE ABOVE
HONOURABLE COURT- PRETORIA**

AND TO: JENNINGS INCORPORATED

Applicant's Attorneys

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AND TO: PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

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AND TO: THE MINISTER OF TRANSPORT

The Second Respondent
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c/o THE STATE ATTORNEY OF PRETORIA
SALU Building
316 Thabo Sehume Street
Pretoria

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

The Third Respondent
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AND TO: THE ROAD TRAFFIC INFRINGEMENT AUTHORITY

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AND TO: MINISTER OF FINANCE

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AND TO: THE DIRECTOR GENERAL: NATIONAL TREASURY

Seventh Respondent
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AND TO: THE SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION

The Eight Respondent
Menlyn Corporate Park
Block B, 178 Corobay Avenue
Waterkloof Glen Ext 11
Pretoria

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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

FIFTH RESPONDENT'S ANSWERING AFFIDAVIT

I, the undersigned,

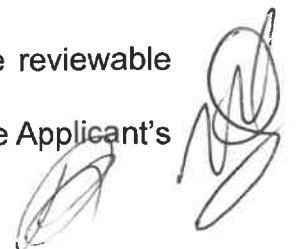
MORNE GERBER

do hereby make oath and state as follows:



Introduction, Authority and Scope

1. I am an adult male, employed as Head of Legal Services of the Fifth Respondent, the Road Traffic Management Corporation (**RTMC**), with its principal place of business at Centurion Gate Business Park, Block A to D, 146 Akkerboom Street, Zwartkop, Centurion.
2. I am duly authorised to depose to this affidavit on behalf of the RTMC.
3. The facts contained in this affidavit are, unless the context indicates otherwise, within my personal knowledge or appear from records under the control of the RTMC and are both true and correct. Where I make legal submissions, I do so on the advice of the RTMC's legal representatives, which advice I accept as correct.
4. This affidavit is delivered in answer to the Applicant's urgent application for interim interdictory relief pending the institution and determination of a contemplated review application.
5. The Applicant seeks, amongst other relief, an order interdicting the First to Fifth Respondents from implementing, operationalising, enforcing or giving effect to the commencement and implementation of Phase 2 of the Administrative Adjudication of Road Traffic Offences Act 46 of 1998, as amended (**AARTO Act**), the 2026 AARTO Regulations, and the two proclamations published in June 2026.
6. The RTMC opposes the relief sought against it. The opposition is directed principally at the breadth of the relief, the absence of any discrete reviewable RTMC decision, the absence of RTMC-specific unlawfulness, and the Applicant's

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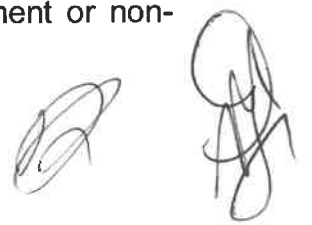
failure to establish the requirements for urgent interim interdictory relief against the RTMC.

7. The RTMC does not, in this affidavit, purport to answer for the President, the Minister of Transport, the Director-General: Department of Transport, the Road Traffic Infringement Authority, National Treasury or SALGA. Those respondents are best placed to answer the allegations directed at their own statutory powers, functions and decisions.
8. In particular, and without limitation, the RTMC does not make the impugned regulations, does not issue presidential proclamations, does not appoint members of the Appeals Tribunal, and does not exercise the statutory functions alleged by the Applicant to have been unlawfully exercised by the President or the Minister.
9. The Applicant's own founding affidavit identifies the President as the functionary who issued the impugned proclamations and who, according to the Applicant, bears the statutory duty in relation to appointment of the Appeals Tribunal. It identifies the Minister as the functionary responsible for recommending members of the Tribunal and making regulations under the AARTO Act.
10. The relief against the RTMC is accordingly overbroad and impermissibly conflates institutional participation in road-traffic management and implementation support with responsibility for the legality of executive and regulatory decisions taken by other functionaries.

The RTMC's Role



11. The RTMC is established under the Road Traffic Management Corporation Act 20 of 1999. Its broad statutory purpose is to support cooperative and coordinated road-traffic management across the national, provincial and local spheres of government.
12. The RTMC's functions include matters such as road-traffic management coordination, support, systems, operational readiness, training support, and road-safety related activities.
13. The Applicant describes the RTMC as a critical institutional actor in implementing AARTO Phase 2 and as the lead road-safety agency tasked with coordinating, regulating and enforcing road traffic safety across spheres of government, including systems support, coordination, traffic management and related operational readiness.
14. That description, even if accepted for purposes of this application, does not make the RTMC the author of the impugned proclamations or the maker of the 2026 Regulations. It also does not confer on the RTMC any power to appoint the Appeals Tribunal.
15. The RTMC's role is operational and supportive. It is not the legal source of the commencement of the impugned statutory provisions. It does not decide whether the AARTO Amendment Act comes into force in a municipality, nor does it decide the content or validity of regulations made by the Minister.
16. The Applicant's case rests centrally on alleged unlawfulness and irrationality in the President's commencement decisions, alleged non-establishment or non-



functionality of the Appeals Tribunal, and alleged failure by the Minister to undertake public participation before publishing the 2026 Regulations.

17. Those allegations, even if they were ultimately established in review proceedings, do not establish that the RTMC has itself acted unlawfully or irrationally. Nor do they justify a blanket interdict restraining the RTMC from performing lawful road-safety, coordination, training, support and readiness functions.
18. The distinction is important. A court considering interim relief must identify the conduct to be restrained and the respondent whose conduct is said to be unlawful. The Applicant has not identified a discrete RTMC decision or act that is reviewable, unlawful, irrational or constitutionally invalid.
19. For this reason alone, the relief sought against the RTMC should be refused, alternatively substantially narrowed.

Preliminary Points

Non-joinder of the Affected Municipalities

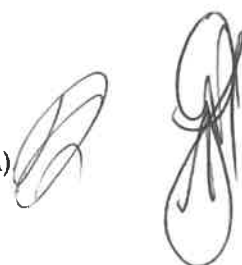
20. The Applicant seeks relief that would suspend or restrain the implementation, operationalisation, enforcement or giving effect to AARTO Phase 2 in the affected municipal areas.
21. On the Applicant's own papers, the municipalities in those areas are not peripheral actors. The founding affidavit alleges that municipalities are among the affected issuing authorities in the proclaimed Phase 2 areas and that municipal readiness for implementation is itself in issue.



22. The Applicant has joined SALGA on the basis that it has an institutional interest. That does not necessarily cure the absence of the individual affected municipalities, whose legal and operational positions may differ materially from one another.
23. The proper inquiry in matters of joinder is whether the absent party has a direct and substantial interest in the subject matter of the litigation, that is, a legal interest that may be prejudicially affected by the Court's order. In *Gordon v Department of Health, KwaZulu-Natal*,¹ the Supreme Court of Appeal emphasised that the question turns not merely on the formal subject matter of the litigation, but on the manner in which, and the extent to which, the Court's order may affect the interests of third parties.
24. Here, the order sought is aimed at halting or restraining the operation of the Phase 2 scheme in identified municipal areas. In substance, that relief bears directly on the administration, implementation posture, readiness, and functioning of the affected municipalities as issuing authorities.
25. In *City of Johannesburg v Changing Tides 74 (Pty) Ltd and Others*,² the Supreme Court of Appeal reaffirmed that joinder is required whenever a party has a direct and substantial interest in the outcome of litigation. The same principle applies here. Where the Applicant's own case places municipal readiness, implementation, and prejudice in issue, the Court should be slow to grant broad relief in the absence of the municipalities most directly affected.

¹ *Gordon v Department of Health, KwaZulu-Natal* 2008 (6) SA 522 (SCA).

² *City of Johannesburg v Changing Tides 74 (Pty) Ltd and Others* 2012 (6) SA 294 (SCA)

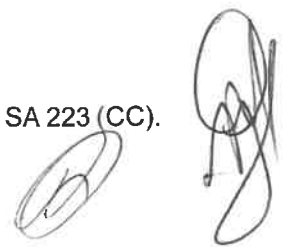


26. The non-joinder point is particularly material to the balance of convenience. In the absence of the affected municipalities, the Court does not have a full evidential picture of the operational consequences of the relief sought, the extent of municipal prejudice, or the practical feasibility of any interim arrangement.
27. For that reason, the application is, at minimum, incomplete and premature insofar as it seeks broad implementation-stopping relief affecting the listed municipal areas without joining the municipalities most directly affected.

Absence of a Transitional Alternative if Broad Relief Is Granted

28. The Applicant's case is that the impugned proclamations and regulations have created a remedial vacuum because, so it alleges, the previous court-election route has fallen away while the Tribunal is not functioning.
29. Yet the interim relief sought does not identify, preserve, or put in place any workable transitional mechanism that will regulate the position pending review if the impugned implementation is interdicted.
30. The absence of such a transitional alternative is a material consideration in the assessment of interim relief. It raises the prospect that a broad interdict may not reduce uncertainty but may instead deepen legal and administrative uncertainty in relation to implementation, processing, enforcement, and coordination within the affected areas.
31. In *National Treasury and Others v Opposition to Urban Tolling Alliance and Others*,³ the Constitutional Court cautioned that a court must assess carefully

³ *National Treasury and Others v Opposition to Urban Tolling Alliance and Others* 2012 (6) SA 223 (CC).

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how and to what extent an interim interdict will disrupt statutory and executive functions, and whether it is constitutionally appropriate to grant such relief before the impugned power has been finally set aside.

32. The Constitutional Court further emphasised that there may be a misalignment between the decision impugned and the source of the harm feared. That reasoning is apposite here. The Applicant fears uncertainty, unfairness and practical prejudice in implementation, but the broad relief it seeks does not explain what legal and operational regime is to govern during the period of suspension.
33. In those circumstances, the Applicant's burden on balance of convenience is heavier, not lighter. A party seeking to halt the operation of a statutory and administrative scheme on an interim basis must identify with sufficient clarity how the position will be regulated pending review, or at least show that the proposed restraint will not generate deeper uncertainty and greater public-administration prejudice than that of which it complains.
34. The absence of a defined transitional alternative therefore strongly supports the RTMC's case that no broad interim relief should be granted and that, if the Court is minded to grant any relief, it should be narrowly tailored so as to avoid creating a deeper implementation vacuum than the Applicant alleges already exists.

No Reviewable RTMC Decision

35. The Applicant has not identified any decision by the RTMC which it seeks to review and set aside in the contemplated review proceedings.



36. The contemplated review, as foreshadowed in the founding affidavit, is directed at:

36.1 Proclamation Notice 322 of 2026;

36.2 Proclamation Notice 323 of 2026; and

36.3 the Administrative Adjudication of Road Traffic Offences Regulations, 2026.

37. None of these instruments was issued, made or promulgated by the RTMC.

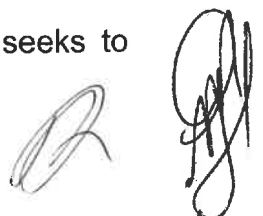
38. The Applicant has therefore failed to establish a *prima facie* right to interim relief against the RTMC. The alleged right, if it exists, is a right to challenge decisions of other functionaries. It is not a right to interdict the RTMC from performing lawful statutory functions falling outside the impugned decisions.

Overbroad Relief

39. The order sought would restrain the RTMC from “implementing, operationalising, enforcing or giving effect to” an extensive statutory and regulatory scheme.

40. That formulation is impermissibly broad. It is not confined to any specific act by the RTMC alleged to cause imminent harm. It risks restraining ordinary road-safety coordination, readiness, systems support, training and lawful administrative preparation even where such work has no adverse effect on any road user.

41. The breadth of the order is particularly problematic because the Applicant does not seek final review relief against any RTMC decision. It instead seeks to



immobilise the RTMC as part of a generalised attack on decisions made elsewhere in government.

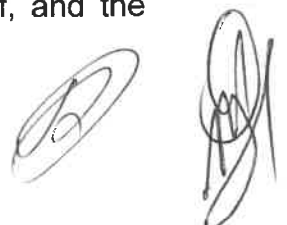
42. If the Court is minded to grant any interim relief, which is denied, the order should be carefully tailored to restrain only conduct that is shown on evidence to cause imminent prejudice and that falls within the RTMC's own powers.

Non-joinder and Misalignment of Responsibility

43. The Applicant's pleaded complaint concerning the Appeals Tribunal is directed at the alleged non-appointment or non-functionality of the Tribunal. The RTMC is not responsible for appointing members of the Tribunal.
44. The Applicant's pleaded complaint concerning public participation is directed at the making of the 2026 Regulations. The RTMC is not the Minister and does not make regulations under section 34 of the AARTO Act.
45. The Applicant's pleaded complaint concerning commencement is directed at the President's proclamations. The RTMC does not issue presidential proclamations.
46. The Applicant's case accordingly misaligns alleged responsibility and requested restraint. It seeks relief against the RTMC without establishing that the RTMC is the source of the alleged unlawfulness.

Applicable Legal Principles

47. The Applicant seeks interim interdictory relief. The ordinary requirements are a *prima facie* right, a reasonable apprehension of irreparable harm if the relief is not granted, a balance of convenience favouring the grant of relief, and the absence of an adequate alternative remedy.



48. The Constitutional Court in *National Treasury and Others v Opposition to Urban Tolling Alliance and Others*⁴ stated the test as follows at paragraph 41:

“The test requires that an applicant that claims an interim interdict must establish (a) a prima facie right even if it is open to some doubt; (b) a reasonable apprehension of irreparable and imminent harm to the right if an interdict is not granted; (c) the balance of convenience must favour the grant of the interdict; and (d) the applicant must have no other remedy.”

49. Where an interim interdict restrains the exercise of statutory or executive power, the Court must exercise particular caution. In *Gool v Minister of Justice and Another*,⁵ the Court held:

“The present is however not an ordinary application for an interdict. In the first place, we are in the present case concerned with an application for an interdict restraining the exercise of statutory powers. In the absence of any allegation of mala fides, the Court does not readily grant such an interdict...”

50. The same Court continued at 689B-C:

“The various considerations which I have mentioned lead, in my opinion, irresistibly to the conclusion that the Court should only grant an interdict such as that sought by the applicant in the present instance upon a strong case being made out for that relief. I have already held that the Court has jurisdiction to entertain an application such as the present, but in my judgment that jurisdiction will, for the reasons I have indicated, only be exercised in exceptional circumstances and when a strong case is made out for relief.”

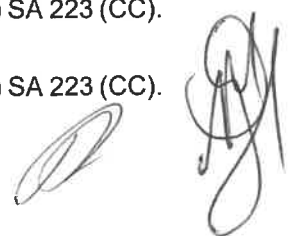
51. The Constitutional Court endorsed that caution in *National Treasury and Others v Opposition to Urban Tolling Alliance and Others*,⁶ at paragraphs 43 to 44, where it quoted *Gool* and held:

“The common-law annotation to the Setlogelo test is that courts grant temporary restraining orders against the exercise of statutory power only in exceptional cases and when a strong case for that relief has been made

⁴ *National Treasury and Others v Opposition to Urban Tolling Alliance and Others* 2012 (6) SA 223 (CC).

⁵ *Gool v Minister of Justice and Another* 1955 (2) SA 682 (C) at 688F.

⁶ *National Treasury and Others v Opposition to Urban Tolling Alliance and Others* 2012 (6) SA 223 (CC).



out. Beyond the common law, separation of powers is an even more vital tenet of our constitutional democracy.”

52. The Court further held at paragraph 47:

“The balance of convenience enquiry must now carefully probe whether and to which extent the restraining order will probably intrude into the exclusive terrain of another branch of government. The enquiry must, alongside other relevant harm, have proper regard to what may be called separation of powers harm. A court must keep in mind that a temporary restraint against the exercise of statutory power well ahead of the final adjudication of a claimant's case may be granted only in the clearest of cases and after a careful consideration of separation of powers harm.”

53. The Constitutional Court also cautioned, at paragraph 71:

“Before granting interdictory relief pending a review a court must, in the absence of mala fides, fraud or corruption, examine carefully whether its order will trespass upon the terrain of another arm of government in a manner inconsistent with the doctrine of separation of powers. That would ordinarily be so, if, as in the present case, a state functionary is restrained from exercising statutory or constitutionally authorised power. In that event, a court should caution itself not to stall the exercise unless a compelling case has been made out for a temporary interdict. Even so, it should be done only in the clearest of cases.”

54. The RTMC accepts that the principle of legality applies to all exercises of public power. But legality review must be directed at the decision-maker and the decision impugned. It does not follow that every organ of state with an operational interest in a statutory scheme may be interdicted broadly absent proof of unlawful conduct by that organ of state.

55. In motion proceedings, material disputes of fact are generally determined on the respondent's version unless that version is so far-fetched or untenable that it may be rejected on the papers. In *Plascon-Evans Paints Ltd v Van Riebeeck Paints (Pty) Ltd*,⁷ the Appellate Division stated:

⁷ *Plascon-Evans Paints Ltd v Van Riebeeck Paints (Pty) Ltd* 1984 (3) SA 623 (A) at 634E-635C.

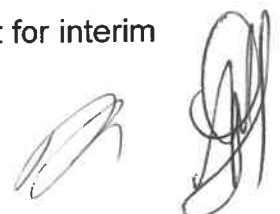
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"It is correct that, where in proceedings on notice of motion disputes of fact have arisen on the affidavits, a final order, whether it be an interdict or some other form of relief, may be granted if those facts averred in the applicant's affidavits which have been admitted by the respondent, together with the facts alleged by the respondent, justify such an order... Moreover, there may be exceptions to this general rule, as, for example, where the allegations or denials of the respondent are so far-fetched or clearly untenable that the Court is justified in rejecting them merely on the papers."

56. These principles require the Applicant to show, on admissible evidence, why interim relief is justified specifically against the RTMC. It has not done so.

No *Prima Facie* Right Against the RTMC

57. The Applicant's asserted *prima facie* right is framed at a high level as a right to lawful public administration, equality, access to courts, and lawful implementation of AARTO.
58. The RTMC does not dispute that public power must be exercised lawfully and rationally. The difficulty for the Applicant is that it has not pleaded facts establishing that the RTMC exercised the impugned public power unlawfully.
59. The Applicant's case is not that the RTMC promulgated the 2026 Regulations. It is not that the RTMC issued the June 2026 proclamations. It is not that the RTMC had the power to appoint the Appeals Tribunal and failed to do so.
60. The Applicant's *prima facie* case, if any, lies against the functionaries who exercised those powers. The Applicant cannot convert that case into a *prima facie* right to interdict the RTMC merely because RTMC performs a supporting or coordinating role in the broader road-traffic management framework.
61. The Applicant's papers therefore fail to establish the first requirement for interim interdictory relief against the RTMC.



No Reasonable Apprehension of Irreparable Harm Caused by the RTMC

62. The harm alleged by the Applicant is that road users may be exposed to a remedial vacuum because the Appeals Tribunal is allegedly not functional, and that the amended AARTO process may proceed without an effective substitute remedy.
63. That alleged harm is not shown to be caused by any independent unlawful conduct of the RTMC. It flows, on the Applicant's own case, from the alleged non-appointment of the Appeals Tribunal, the content and commencement of legislation, and the promulgation of regulations.
64. The Applicant does not identify any particular RTMC act that will imminently and irreparably harm a road user before the review is determined.
65. Operational preparation, intergovernmental coordination, systems support, training support and readiness work do not of themselves impose penalties, deprive road users of remedies, or finally determine any person's rights.
66. To the extent that the Applicant relies on potential future infringement notices, representations, enforcement orders, demerit consequences or appeals, those processes involve a range of statutory actors and statutory steps. The Applicant has not shown that the RTMC's own conduct is the legally operative cause of the feared harm.
67. The apprehension of harm relied on by the Applicant is accordingly either speculative, misdirected, or insufficiently linked to the RTMC.



Balance of Convenience

68. The balance of convenience does not favour a blanket interdict against the RTMC.
69. The RTMC performs road-safety and traffic-management functions in the public interest. Its work is not limited to the discrete legal instruments attacked by the Applicant. A broad restraint may disrupt lawful activities aimed at coordination, readiness, training, systems support and road safety.
70. The Applicant's formulation of the order does not distinguish between allegedly prejudicial enforcement action and lawful preparatory or supportive work. The Court should not grant relief that is wider than necessary to address the harm alleged.
71. A temporary restraint against the RTMC may also have consequences for other organs of state and the public, including provincial and local traffic authorities that depend on systems, support, training and coordination.
72. Applicant asserts that the State will suffer little prejudice because AARTO has existed for many years and implementation has been phased. That assertion does not answer the RTMC's position. Phased implementation requires preparation and coordination. Disrupting that work may itself undermine lawful administration and road safety.
73. The balance of convenience therefore weighs against the grant of relief against the RTMC, alternatively in favour of any order being narrowly tailored.



Adequate Alternative Remedy

74. The Applicant has an adequate alternative remedy: the contemplated review proceedings against the instruments and decision-makers it identifies.
75. If the review succeeds, the Court will be able to grant just and equitable relief directed at the impugned proclamations and regulations. Such relief can be fashioned to protect affected persons without imposing unnecessary and overbroad restraints on the RTMC.
76. The Applicant may also seek urgent case management, an expedited review timetable, or narrowly tailored interim relief against specific conduct if supported by evidence.
77. What the Applicant may not do is obtain broad interim relief against the RTMC in circumstances where it has not established RTMC-specific unlawfulness or RTMC-caused irreparable harm.

Urgency

78. The RTMC does not accept that urgency has been established against it.
79. The Applicant's urgency is premised on the commencement or intended commencement of Phase 2 on 1 July 2026. But the Applicant has not identified any immediate RTMC act requiring urgent restraint before the contemplated review is heard.
80. The application was launched after the publication of the proclamations and regulations. The Applicant's complaints concern legal instruments that can be reviewed in ordinary or expedited review proceedings.



81. To the extent that the Applicant contends that interim relief is necessary to prevent alleged ongoing harm, the proper question remains whether urgent restraint is necessary against the RTMC specifically. The Applicant has not made that showing.
82. The application should accordingly be struck from the roll for want of urgency as against the RTMC, alternatively dismissed as against the RTMC, alternatively any relief should be confined to a narrow and evidence-based order.

Separation of Powers and Institutional Restraint

83. The Applicant seeks interim relief with significant consequences for the implementation of a national statutory road-traffic framework.
84. The RTMC accepts that courts have the power and duty to declare unlawful public conduct invalid where appropriate. But interim relief that restrains the implementation of legislation, regulations or executive decisions must be approached with due regard to institutional competence and the separation of powers.
85. The Court should be especially slow to grant sweeping interim relief against an organ of state that did not take the impugned decisions, has no power to cure the alleged defects, and performs statutory public-interest functions.
86. The Applicant's proposed order risks trenching beyond what is necessary to preserve the subject matter of the review. If there is a live legality dispute concerning the President's proclamations or the Minister's regulations, that dispute can be determined in the review. It does not justify a general restraint on the RTMC's ordinary functions.



Answer to the Founding Affidavit

87. In this section I answer the founding affidavit by reference to the paragraph numbering used in that affidavit. Where an allegation is not expressly admitted, it must be taken to be denied insofar as it is adverse to the RTMC. To the extent that a paragraph contains legal submissions, conclusions of law, argument, hearsay or allegations falling outside the RTMC's knowledge, such matter is not admitted and is left to the Court or to the respondent with direct knowledge to determine.

Ad paragraphs 1 to 7:

88. These paragraphs concern the identity of the deponent, authority, introductory matters and the general purpose of the application. The RTMC notes these allegations. The RTMC does not admit any legal conclusion contained in them. The RTMC denies that these paragraphs establish any basis for interim relief against the RTMC.

Ad paragraphs 8.1 to 8.10:

89. The RTMC admits its citation as the Fifth Respondent and admits that it is established under the Road Traffic Management Corporation Act 20 of 1999. The RTMC admits that its principal place of business is at Centurion Gate Business Park, Block A to D, 146 Akkerboom Street, Zwartkop, Centurion. The RTMC does not admit allegations concerning the statutory powers, duties or internal arrangements of the other respondents, which are matters for those respondents to answer.



Ad paragraph 8.7 specifically:

90. The RTMC admits that it performs functions relevant to road-traffic management, coordination, systems support, road safety, training support and operational readiness. The RTMC denies, however, that those functions make it responsible for the legality of the impugned proclamations, the making of the 2026 Regulations, or the appointment of the Appeals Tribunal.

Ad paragraphs 9.1 to 9.9:

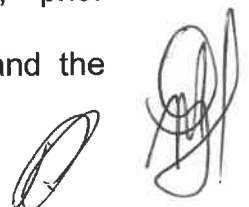
91. These paragraphs contain the Applicant's introduction and summary of its case. The RTMC notes the allegations but denies that they establish a cause of action against the RTMC. The RTMC specifically denies that its operational or supportive role justifies an order interdicting it from performing lawful statutory functions.

Ad paragraphs 10 to 11.11:

92. These paragraphs appear to set out the structure of the founding affidavit and the grounds on which the Applicant intends to seek relief. The RTMC notes these paragraphs. To the extent that they allege unlawfulness, irrationality, constitutional invalidity, want of public participation, urgency, irreparable harm, balance of convenience or absence of alternative remedy, those allegations are denied insofar as they are relied upon against the RTMC.

Ad paragraphs 12 to 15.13:

93. These paragraphs appear to describe the AARTO framework, prior implementation attempts, the proclamations, the 2026 Regulations and the

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alleged practical effect of the impugned instruments. The RTMC notes these allegations. The RTMC denies that it issued the impugned proclamations, made the 2026 Regulations, determined the commencement areas or dates, or took any reviewable decision impugned in the contemplated review.

Ad paragraphs 16 to 18.11:

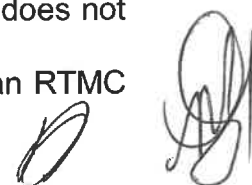
94. These paragraphs appear to concern the Appeals Tribunal and the Applicant's contention that the Tribunal is indispensable to the amended scheme. The RTMC notes these allegations. The RTMC has no power to appoint members of the Appeals Tribunal. To the extent that the Applicant alleges that the Appeals Tribunal has not been appointed or is not functional, that allegation and the legal consequences said to flow from it must be answered by the respondents who bear the relevant statutory functions.

Ad paragraphs 19 to 20.8.4:

95. These paragraphs appear to allege unlawfulness, irrationality and equality concerns arising from the President's decision to issue the June 2026 proclamations. The RTMC notes these allegations but does not admit them. The RTMC did not issue the proclamations and does not determine the commencement of the AARTO Amendment Act or the commencement of AARTO provisions in particular municipal areas.

Ad paragraphs 21 to 21.18:

96. These paragraphs appear to concern the alleged lack of public participation in making the 2026 Regulations. The RTMC notes these allegations but does not admit them. The making of regulations under the AARTO Act is not an RTMC



function. The RTMC cannot be interdicted on the basis of a process it did not control.

Ad paragraphs 22 to 22.8:

97. These paragraphs appear to allege that access to courts or access to effective adjudication is being hampered. The RTMC notes these allegations but denies that any such alleged impairment is caused by a discrete RTMC decision or act. The allegation concerns the design, commencement and operation of the statutory remedial process, not any reviewable decision by the RTMC.

Ad paragraphs 23 to 23.12:

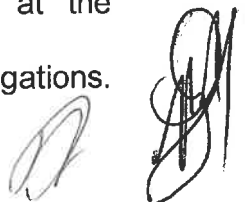
98. These paragraphs concern the requirements for interim interdictory relief. The RTMC denies that the Applicant has established a prima facie right to the relief sought against the RTMC, a reasonable apprehension of irreparable harm caused by the RTMC, a balance of convenience favouring a broad interdict against the RTMC, or the absence of an adequate alternative remedy against the proper decision-makers and impugned instruments.

Ad paragraphs 24 to 24.4:

99. These paragraphs concern urgency. The RTMC denies that urgency has been established against it. The Applicant has not identified any immediate RTMC act requiring urgent restraint before the contemplated review is heard.

Ad paragraphs 25 to 25.6:

100. These paragraphs concern the anticipated review relief directed at the proclamations and the 2026 Regulations. The RTMC notes these allegations.

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The RTMC repeats that the contemplated review is not directed at any RTMC decision. The RTMC denies that the anticipated review relief justifies a blanket interdict against the RTMC.

Further ad paragraphs 12 to 15.13, 23 to 23.12, and the prayers for relief:

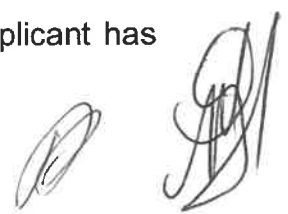
101. Insofar as the Applicant seeks implementation-stopping relief affecting the listed municipal areas, the RTMC states that the affected municipalities have a direct and substantial interest in that relief. On the Applicant's own case, those municipalities are among the affected issuing authorities and municipal readiness is itself in issue. The Court should therefore be slow to grant broad relief affecting implementation in those areas without the participation of the municipalities most directly affected.

Further ad paragraphs 22 to 25.6 and the prayers for relief:

102. The RTMC states that the interim relief sought does not identify, preserve or establish any workable transitional mechanism that will govern the position pending review if the impugned implementation is interdicted. The absence of such a transitional alternative is material to the balance of convenience and practical prejudice. A broad interim restraint, without a defined interim position, risks deepening legal and administrative uncertainty rather than reducing it.

Ad the remaining paragraphs of the founding affidavit, including any prayers for relief and costs:

103. The RTMC denies that the Applicant is entitled to an order interdicting the RTMC from performing its lawful functions. The RTMC denies that the Applicant has



established any RTMC-specific unlawful conduct or any proper basis for costs against the RTMC.

104. The RTMC further states that, if any concern exists about specific enforcement consequences before the review is determined, such concern can be addressed by a narrowly crafted order against the appropriate decision-makers and statutory actors, provided the jurisdictional facts for such an order are established. The Applicant has not justified the broad relief sought against the RTMC.

105. For the reasons already set out above, the application falls to be dismissed as against the RTMC, alternatively struck from the roll for want of urgency as against the RTMC, alternatively any relief against the RTMC should be substantially narrowed.

106. The RTMC persists in the relief sought in the conclusion to this affidavit.

Costs

107. The Applicant seeks that costs be reserved pending the final determination of the contemplated review.

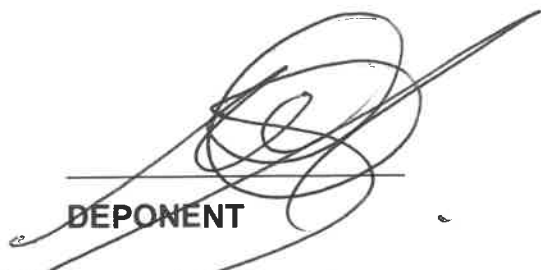
108. The RTMC submits that, if the application is dismissed or struck as against it, the Applicant should pay the RTMC's costs, including the costs of counsel.

109. Alternatively, and at minimum, no adverse costs order should be made against the RTMC. The RTMC was cited by reason of its operational interest in the broader AARTO implementation framework, not because it made the impugned proclamations, promulgated the regulations or appointed the Tribunal.



Conclusion

110. The Applicant has failed to establish the requirements for urgent interim interdictory relief against the RTMC.
111. The Applicant has not identified a reviewable RTMC decision, has not established RTMC-specific unlawfulness, and has not shown that any alleged irreparable harm is caused by the RTMC.
112. The relief sought against the RTMC is overbroad and would impermissibly restrain lawful statutory functions in the public interest.
113. The application should accordingly be dismissed as against the RTMC, alternatively struck from the roll for want of urgency as against the RTMC, alternatively any relief should be substantially narrowed in the manner set out above.
114. I accordingly pray that the application be dismissed as against the Fifth Respondent, with costs including the costs of two counsel where so employed, alternatively that no order be granted against the Fifth Respondent and that costs be reserved.


DEPONENT

I certify that the deponent has acknowledged that he/she knows and understands the contents of this affidavit, has no objection to taking the prescribed oath, and considers the oath binding on his/her conscience. This affidavit was signed and sworn before me at Centurion on this 27 day of July 2026, the regulations contained in Government Notice R1258 of 21 July 1972, as amended, and Government Notice R1648 of 19 August 1977, as amended, having been complied with.

DANIELLE FRENCH
COMMISSIONER OF OATH
PRACTISING ATTORNEY R.S.A.

3 Grit Avenue
Zwartkop, Centurion


COMMISSIONER OF OATHS

Full names: _____
Designation: _____
Address: _____
Area: _____

DANIELLE FRENCH
COMMISSIONER OF OATH
PRACTISING ATTORNEY R.S.A.

3 Grit Avenue
Zwartkop, Centurion

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