

Memorandum 1: Draft Regulations

The memorandum explains the significance of the various regulations as they relate to the Administrative Adjudication of Road Traffic Offences Act, 1998 as amended. The explanation includes amendments made to the AARTO Act in 2019 to place the regulation amendments in context. The purpose of the various provisions is therefore not explained on a clause by clause basis, but with relevance to the relevant section of the Act.

Please note that the last amendment of the AARTO Act, 1998 was signed by the President in August 2019, but has not been proclaimed yet. The draft Regulations in the Schedule pertain to the AARTO Act as it will be amended by the 2019 Amendment Act.

For purposes of allowing for comments and ease of reference, a copy of the *AARTO Amendment Act with the 2019 amendments* as approved by Parliament is available on the website of the RTIA at www.rtia.co.za.

Please note that the regulations provide for details on matters that must be *prescribed* in terms of the Act. The provisions must therefore be read with the relevant sections of the Act to ensure that the significance of the provisions are understood.

A list of sections of the Act (as it will be amended by the 2019 amendment) with the draft regulation or regulations that relate to the section is provided:

Section of AARTO Act as amended	Draft Regulation
1. Definitions	1. Definitions
17. Infringement Notice	2. Infringement Notice The draft regulation provides for the detail requirements that must be contained in an infringement notice, details of the infringer, time periods for service and other matters relating to the notice. The option to elect to appear in court has been moved later in the AARTO process. Persons who wish to make representations must submit an AARTO 08 form. The option to elect to appear in court

	<p>may be exercised if the representation is rejected and the appeal to the Tribunal was not successful. The option to present a matter to court has therefore not been removed from the AARTO process but streamlined to ensure that only matters that could not be finalised in the representations process and the appeal tribunal process are eligible for court procedures. This principle is in line with section 2(c) of the Act that states that one of the objects of the act is to alleviate the burden on the courts.</p>
19. Courtesy letter	<p>3. Courtesy Letter</p> <p>The regulation provides for the administrative details for courtesy letters and has not changed substantially. The option to elect to appear in court was deleted. See the explanation for regulation 17.</p>
20. Enforcement Order	<p>4. Enforcement Order</p> <p>The regulation provides for the administrative details for enforcement orders. No substantial amendments from the previous regulation have been made.</p>

17(5). Infringement Notice	<p>5. Nominating the Driver or Person in control</p> <p>The provisions of section 17(5) of the Act were amended to change the failure of the owner of a motor vehicle to collect the information on the driver of the vehicle, from an offence to a liability on the owner. If an owner fails to nominate the driver, such owner remains liable for the penalty and demerit points. See draft regulation 18 for further information on allocation of demerit points.</p> <p>An owner must also ascertain the email and business address of the driver. This is in line with the definition of <i>electronic service</i> in section 1 of the act as well as the Electronic Communications and Transactions Act, 2002 that allows for electronic service instead of physical service.</p> <p>Owners are not required to pay penalties for drivers where such drivers are nominated for the infringements. The aim of this provision is to ensure that the driver that is responsible for the commission of an infringement is nominated by the owner. This will ensure accountability of the driver for the offence or infringement. In the case where drivers are not nominated the owner will retain liability.</p>
	Nomination of drivers is free.
18. Representations	<p>6. Representations</p> <p>The normal representation process has not been amended from the previous regulation. Provision is made for the re-issue of infringement notices in terms of section 18(1)(b) of the Act where an alleged infringer receives such notice after the 40-day service period. See regulation 33 for more detail.</p>
18. Representations	7. Notification of Result of Representations No changes were made to this regulation.
29A. Establishment and constitution of Tribunal	<p>8. Appointment of Members</p> <p>Sections 29A to I were introduced in the 2019 Amendment Act. The regulations provide for the details to be prescribed in terms of the act.</p>

29G. Sittings of Tribunal	8. Appointment of Members The regulations provide for the details to be prescribed in terms of the act.
29I. Appeals and Reviews	10. Lodging of Appeals and Reviews If an alleged infringer has made a representation and the representation was unsuccessful, the infringer may lodge an appeal to the Tribunal. The administrative details are regulated by the regulation.
29B. Functions of Tribunal	11. Procedure The administrative details are regulated by the regulation.
29B. Functions of Tribunal	12. Condonation The administrative details are regulated by the regulation.
29B. Functions of Tribunal	13. Record of Proceedings and Decisions The administrative details are regulated by the regulation.
29. Categorization of offences, infringements	14. Penalties payable in terms of Infringements See comments on Schedule 3 below.

and demerit points	
29. Categorization of offences, infringements and demerit points	15. Discount See comments on Schedule 3 below.
34. Regulations	16. Fees This links up with Schedule 2 of the Regulations where the various fees, levies and other relevant costs are described in full.

34. Regulations	17. Penalties payable by Issuing Authorities and the Authority
24. Points demerit system	<p data-bbox="435 300 687 331">18. Demerit Points</p> <p data-bbox="435 349 1265 380">The allocation of demerit points is addressed by this provision.</p> <ul data-bbox="480 409 1353 725" style="list-style-type: none"> <li data-bbox="480 409 1353 495">• One demerit point is equal to a three-month period for purposes of disqualification, suspension or reduction of points. <li data-bbox="480 539 1353 725">• If the maximum points are exceeded, a driving licence, operator card or vehicle licence will be disqualified/suspended for a period of three months for every point exceeding the maximum points. <p data-bbox="435 768 1359 848">The section of the Act provides for three different types of entities to be allocated demerit points –</p> <ul data-bbox="480 878 1353 1375" style="list-style-type: none"> <li data-bbox="480 878 1353 1223">• Natural persons are owners of private vehicles that are licensed in the name of a person and not a legal entity – a natural person will be allocated demerit points against the driving licence or ID document of the person – a maximum of 15 points are allowed; a learner driver is allowed a maximum of 6 points. Private owners will not receive any demerit points against a vehicle, the points are allocated to the driver record. <li data-bbox="480 1267 1353 1375">• Operators are owners of taxis, buses, breakdown vehicles and goods vehicles with a GVM above 3 500 kg (see reg 265 of the NRT Regulations) – maximum points for a vehicle of an

	<p>operator is 15 points. The proxy nominated by the operator will receive the notices. If demerit points are allocated, it will be allocated against the operator card of the vehicle and not against the proxy's driver record. The company receives the demerit points, not the person. Operators are punished not vehicles.</p> <ul style="list-style-type: none"> • Juristic persons who are not operators (owner of a vehicle that is licensed in the name of a company, close corporation, trust that is not an operator) – typically pool vehicles, company bakkies, representative vehicles, etc.) – the maximum points for the licence disc of a juristic person who is not an operator is 15 points. The proxy nominated by the juristic person will receive the notices. If demerit points are allocated, it will be allocated against the vehicle licence and not against the proxy's driver record. The company receives the demerit points, not the person. Juristic persons are punished not vehicles. <p>The reduction of demerit points is addressed by regulation 18(7) – One demerit point will be subtracted for every three months that a person does not accrue any further demerit points.</p> <p>The regulation also provides for rehabilitation programmes. If a person completes a rehabilitation programme, four demerit points will be deducted from the driver record. This will allow a person to reclaim his/her driving licence and allow him/her to drive again. This is only available to a driver once every 12 months.</p> <p>Drivers with foreign driving licences will not receive demerit points but will not be allowed a discount.</p>
33. Access to information	<p>19. Access to Demerit Point Information</p> <p>Employers may access the demerit point information of the drivers in their employ. See Schedule 2 for the costs for the access to information.</p> <p>See form AARTO 27 and 27a for the permission from drivers to allow employers to access the demerit points of such driver.</p>

27. Cancellation	20. Disqualification and Cancellation of documents
of driving licence, professional driving permit and operator card	The regulation provides for the procedure to be followed when documents are cancelled, or a person is disqualified from driving.
4. Objects and functions of Authority	21. Rehabilitation Programme Rehabilitation programmes allow an infringer to complete a programme to allow for a reduction of 4 demerit points. This opportunity is only available once in a 12-month period.
19B. Payments	22. Payment in response to an infringement notice These regulations address the payment procedures.
19B. Payments	23. Payment in instalments
19B. Payments	24. Late payment of a penalty, fee or instalment
19B. Payments	25. Refunds
19B. Payments	26. Dishonoured payments
34. Regulations	27. Information to be recorded
34. Regulations	28. National Road Traffic Offences Register The name of the register was amended from a contravention register to an offence register. All offences and infringements relating to road traffic and transport will be recorded on the system.
30. Service of documents	29. Personal service The regulation makes provision for all the options of personal service. Companies and state departments may be served at the reception of the company or department. Provision is also made for service where the infringer is not found.
30. Service of documents	30. Service by postage The service by registered mail is still provided for.

30. Service of documents	<p>31. Electronic service</p> <p>The Electronic Communications Act, 2005 and the Electronic Communications and Transactions Act, 2002 already catered for electronic service since 2002. The Acts provide for electronic communication to be used and is copied here for ease of reference. The Act applies to all acts that still require older methods of service. The AARTO Act was specifically updated to accommodate modern technology. Communication by electronic message is also available to the infringers who wish to communicate with the RTIA and issuing</p>
	<p>authorities. See regulation 34.</p> <p><i>“electronic communications” means the emission, transmission or reception of information, including without limitation, voice, sound, data, text, video, animation, visual images, moving images and pictures, signals or a combination thereof by means of magnetism, radio or other electromagnetic waves, optical, electromagnetic systems or any agency of a like nature, whether with or without the aid of tangible conduct, but does not include content service;</i></p> <p>Electronic Communications and Transactions Act, 2002</p> <p>19. Other requirements.—(1) A requirement in a law for multiple copies of a document to be submitted to a single addressee at the same time, is satisfied by the submission of a single data message that is capable of being reproduced by that addressee.</p> <p>(2) An expression in a law, whether used as a noun or verb, including the terms “document”, “record”, “file”, “submit”, “lodge”, “deliver”, “issue”, “publish”, “write in”, “print” or words or expressions of similar effect, must be interpreted so as to include or permit such form, format or action in relation to a data message unless otherwise provided for in this Act.</p> <p>(3) Where a seal is required by law to be affixed to a document and such law does not prescribe the method or form by which such document may be sealed by electronic means, that requirement is met if the document indicates that it is required to be under seal and it includes the advanced electronic signature of the person by whom it is required to be sealed.</p> <p>(4) Where any law requires or permits a person to send a document or information by registered or certified post or similar service, that requirement is met if an electronic copy of the document or information is sent to the South African Post Office Limited, is registered by the said Post Office and sent by that Post Office to the electronic address provided by the sender.</p>

18(1)(b). Representations	32. Re-service of documents. Provision is made for the re-issue of infringement notices in terms of section 18(1)(b) of the Act where an alleged infringer receives such notice after the 40-day service period.
34. Regulations	33. Manner of application, appeal, notification, submission, or enquiry This provision allows for various options of communication. This improves on the original legislation where all communication had to be submitted by registered mail.
34. Regulations	34. Suspect Infringement Notices, Inconclusive Postal Addresses, Returned mail and Cancellation of Notices and Submissions

	<p>This provision allows for errors to be corrected and notices to be cancelled in the case where there are conflicting data on the notice and the eNaTIS system.</p> <p>An example of such a scenario is where a person was charged for driving a goods vehicle without a fire extinguisher in terms of regulation 260 of the Regulations, but regulation 260 only requires buses and minibuses used for reward to carry a fire extinguisher.</p> <p>The notice may then be cancelled by the Registrar.</p>
13(1)(dA)	<p>35. Infringement Penalty Levy</p> <p>This levy was approved as part of the 2019 Amendment Act. The principle is that infringers will pay for the administration of the system. If an infringer makes a successful representation, the levy would not be payable.</p>
1. Definition of issuing authority	<p>36. South African Police Service</p> <p>See Schedule 4 for the detailed provisions.</p>
34. Regulations	37. Obtaining of AARTO Forms
	38. Repeal of regulations
	39. Transitional provisions
	40. Short title and commencement
34. Regulations	Schedule 1 - Forms
34. Regulations	Schedule 2 – Cost and Fees

<p>29. Categorization of offences, infringements and demerit points</p>	<p>Schedule 3 1.</p> <p>The amended version of Schedule 3 contains 12 columns.</p> <p>The Rand value of a Penalty Unit has been changed to R 100-00 from R 50-00. There has not been any increases in the AARTO penalties since 2008.</p> <p>The current maximum admission of guilt amount in the Criminal Procedure system is R 5 000 – 00 with no provision for discounts.</p> <p>The new proposed AARTO penalties will have a maximum penalty amount of R 3 750-00 with a 50% built-in discount for early payment which results in a maximum penalty of R 1 875-00</p>
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Column 7 is an amendment to the original schedule and provides for demerit points for operators and juristic persons who are not operators if they fail to nominate a driver for camera related infringements and parking infringements.

Columns 10 and 11 set out the operator charges and column 12 indicates the alternative charges to the main charges.

The charges for speeding infringements and offences have been redrafted to cater for smaller increments between charges. This results in a fairer system.

Overload charges have been subdivided for small vehicles up to 3 500 kg GVM and heavy vehicles with a GVM exceeding 3 500 kg to allow for differentiated charging.

The allocation of demerit points will be introduced in three phases to ensure road users are gradually introduced to the implications of the points demerit system. This will avoid a situation where huge volumes of vehicles are suspended, and numerous drivers are disqualified shortly after implementation of the system. Such could have a negative impact on the economy as well as the social wellbeing of road users.

At the same time, it is necessary to change the behaviour of drivers and create a safer road environment. The phased approach seeks to create this balance.

Phase 1 will implement demerit points for speeding, dangerous overtaking, and other hazardous driving behaviour such as failing to stop at traffic lights and stop signs, other road sign infringements, as well as roadworthy offences and infringements for faulty brakes, lamps, etc. It will also include offences and infringements for failing to drive with a valid driving licence or professional driving permit, as well as failure to have a roadworthy certificate for a vehicle.

Phase 2 will be introduced once the effect of the

allocation of demerit points have been evaluated by the Agency/Authority. Demerit points will be allocated to offences and infringements of economic significance and includes the protection of roads and bridges through overload control, cross border road transport permits and operating licences in terms of the national land transport legislation. Demerit points will also be allocated to overloaded vehicles because of tyre and manufacturer specification transgressions, and offences and infringements relating to the transportation of dangerous goods.

Vehicles that do not comply with the requirements for maximum dimensions and projections will also be allocated demerit points in phase 2.

Failure to pay licence fees will also be added to the list of offences and infringements that carry demerit points.

Phase 3 will add offences and infringements relevant to the failure to update address, proxy and other relevant information of owners, operators, drivers, cross-border road transport permit holders and operating licence holders and any other offences and infringements identified during phases 1 and 2 that the Minister through the Authority determine warrant the allocation of demerit points.

All offences and infringements prosecuted by means of cameras and parking related offences and infringements that are charged in terms of the provisions of section 73 of the National Road Traffic Act, 1996 (*owner presumption - due to the driver being unknown at the time of offence or infringement*), will carry demerit points for the vehicle of the corporate owner, where such owner fails to nominate the driver in terms of section 17(5) and regulation 5 of the AARTO Act and

	<p>Regulations. This will encourage the owners of corporate vehicles to nominate the drivers who commit offences and infringements instead of paying the notices in the corporate body's name and failing to identify the driver who committed the offence or infringement.</p> <p>Driving without a driving licence and operating a motor vehicle without it being registered and licenced are classified as offences. This principle also applies to failure to have an operator card, cross-border road transport permit or operating licence. These documents are extremely important and in terms of section 25 of the AARTO Act are suspended when the maximum of 15 demerit points is exceeded.</p> <p>Road traffic sign infringements where different user types such as <i>heavy motor vehicle drivers, light motor vehicle drivers, pedal cyclists and pedestrians</i> can transgress a road sign, different penalties, and demerit points, if applicable, are set for each user type.</p> <p>Schedule 3 is linked with the National Road Traffic legislation (NRTA) and will in future also be linked to the National Land Transport legislation (NLTA) and the Cross-border Road Transport legislation (CBRTA). Any future amendments to the NRTA, NLTA or CBRTA or the regulations made in terms of these three acts must be changed in Schedule 3 of AARTO and published simultaneously with the amendments. If the amendments are published, and Schedule 3 is not updated, the legislation would be unenforceable until Schedule 3 is updated.</p>
1. Definition of issuing authority	Schedule 4 – SAPS

Memorandum 2

Explanatory Memorandum on Schedule 3 Demerit points and penalties

The AARTO draft Regulations, including Schedule 3, are published for comment. The draft regulations were published for comment in October 2019, but the publication did not include Schedule 3 of the Regulations, which deals with the demerit points and penalty units. Many comments were received on various aspects of the legislation and numerous publications by stakeholders were issued in the course of the last few months.

Unfortunately, many of the articles contained conflicting and sometimes incorrect information. To provide the public with the best information and to allow for a proper understanding of the system the following explanation is provided on the AARTO system and the demerit points.

1. THE AARTO SYSTEM – IMPLEMENTATION AND GENERAL INFORMATION

The Administrative Adjudication of Road Traffic Offences Act, 1998 (AARTO) was accepted by Parliament in 1998. Amendment Acts were approved in 1999, 2000, 2002 and 2019.

The Act was implemented on 1 July 2008 in Tshwane and 1 November 2008 in Johannesburg.

The legislation is currently in force in the Tshwane and Johannesburg Metro area.

The Act is due for a national roll-out on 1 July 2021.

The allocation of demerit points will be introduced in three phases to ensure road users are gradually introduced to the implications of the demerit point system. This will avoid a situation where many vehicles are suspended, and numerous drivers are disqualified shortly after implementation of the system. This will have a huge impact on the economy as well as the social wellbeing of road users.

At the same time, it is necessary to change the behaviour of drivers and create a safer road environment. The phased approach seeks to create this balance.

Phase One will allow for demerit points for speeding, dangerous overtaking, and other hazardous driving behaviour such as failing to stop at traffic lights and stop signs, other road sign infringements, as well as roadworthy offences and infringements for faulty brakes, lamps, etc.

It will also include offences and infringements for failing to drive with a valid driving licence or professional driving permit and failure to have a roadworthy certificate for a vehicle.

Phase Two will be introduced once the effect of the allocation of demerit points have been evaluated by the Road Traffic Infringement Agency.

Demerit points will be allocated to offences and infringements of economic significance and includes the protection of roads and bridges through overload control, cross border road transport permits and operating licences in terms of the national land transport legislation. Demerit points will also be allocated to overloaded vehicles because of tyre and manufacturer specification transgressions, and offences and infringements relating to the transportation of dangerous goods.

Vehicles that do not comply with the requirements for maximum dimensions and projections will also be allocated demerit points in phase two. Failure to pay licence fees will also be added to the list of offences and infringements that carry demerit points.

Phase Three will add offences and infringements relevant to the failure to update address, proxy and other relevant information of owners, operators, drivers, cross-border road transport permit holders and operating licence holders and any other offences and infringements identified during phases one and two that the Minister through the Agency determine warrant the allocation of demerit points.

All offences and infringements prosecuted by means of cameras and parking related offences and infringements that are charged in terms of the provisions of section 73 of the National Road Traffic Act, 1996 (*owner presumption - due to the driver being unknown at the time of offence or infringement*), will carry demerit points for the vehicle of the corporate owner, where such owner fails to nominate the driver in terms of section 17(5) and regulation 5 of the AARTO Act and Regulations. This

will encourage the owners of corporate vehicles to nominate the drivers who commit offences and infringements instead of paying the notices in the corporate body's name and failing to identify the driver who committed the offence or infringement.

Driving without a driving licence and operating a motor vehicle without it being registered and licences are classified as offences. This principle also applies to failure to have an operator card, cross-border road transport permit or operating licence. These documents are extremely important and in terms of section 25 of the AARTO Act are suspended when the maximum of 15 demerit points is exceeded.

Road traffic sign infringements where different user types such as *heavy motor vehicle drivers, light motor vehicle drivers, pedal cyclists and pedestrians* can transgress a road sign, different penalties, and demerit points, if applicable, are set for each user type.

Schedule 3 is linked with the National Road Traffic legislation (NRTA) and will in future also be linked to the National Land Transport legislation (NLTA) and the Cross-border Road Transport legislation (CBRTA). Any future amendments to the NRTA, NLTA or CBRTA or the regulations made in terms of these three acts must be changed in Schedule 3 of AARTO and published simultaneously with the amendments.

2. THE ADMINISTRATIVE SYSTEM

The AARTO system is used for traffic offences where an alleged offender has the option of paying a fine.

In the AARTO system, an offender is referred to as an infringer and a fine is referred to as a penalty.

Section 341-notices and section 56-notices in terms of the Criminal Procedure Act (CPA) are replaced by the AARTO 01, 02, 03 and 03a infringement notices, as well as an AARTO 31 for parking infringements. No section 341-or 56-notice may be issued where AARTO is in force. See section 35 of the Act.

The Road Traffic Infringement Authority (RTIA) has been established to administer the system. The sole purpose of the Authority is to finalise traffic cases and promote

road safety. The Authority employs representation officers who are responsible for all representations for infringements. The 2019-amendment act changes the reference from the Road Traffic Infringement Agency to the Road Traffic Infringement Authority.

The 2019-amendment changes the process and removes the initial option to *elect to appear in court*. A person may submit a representation to request a matter to be withdrawn and provide the reasons for the request. If the representation is rejected by the RTIA, a person may appeal the decision to the Appeals Tribunal. If the appeal is unsuccessful, the person may take the matter to a municipal court to be adjudicated. The process therefore does not remove the option to appear in court, but the option is the last process allowed to ensure that one of the objectives of the act, namely, to alleviate the burden on the courts, is adhered to. Matters such as incorrect service and nomination of drivers are then addressed outside the court system.

Public prosecutors do not attend to representations and reductions of penalties in the AARTO system. A prosecutor only handles matters classified as road traffic offences in Schedule 3 of the AARTO Regulations.

The legislation provides for various administrative processes to finalise a specific case.

The process **prescribed** in the legislation is:

- An infringement notice – AARTO 01, 02 or 03, is issued with a penalty and demerit points.
- A levy payable to the RTIA is also included in the notice.
- If a person pays his/her penalty within the first 32 days after he has received it, he will be entitled to a discount of 50% of the penalty.
- If a person ignores the notice, he/she will receive a courtesy letter – AARTO 12 that again allows him/her to pay the penalty, no discount is allowed at this stage and an administrative fee is added to the amount.
- If a person ignores the courtesy letter, an enforcement order – AARTO 13 is issued. Administrative fees will again be added to the amount to be paid. An

enforcement order does not prescribe and will remain on the National Road Traffic Offences Register until it is addressed by the infringer.

- An eNaTIS block is generated against the infringer. The outstanding penalties are linked to the motor vehicle licence, operator card and the person's driving licence card will be refused until he/she pays the penalty or successfully requests a revocation of the enforcement order.

Offences are adjudicated by the courts in the criminal justice system. The offences are among others, drunken driving, reckless driving, severe overloading, severe speeding and driving while disqualified due to the number of demerit points.

The owner is compelled to keep information on persons driving his/her vehicles.

Section 17(5) of the AARTO Act makes the owner liable if such owner does not obtain the following particulars of any person who drives or is in charge of his vehicle (the vehicle is parked – person who drove the vehicle to that point):

Full names

Residential address

Postal address

A copy of the person's acceptable identification (ID or driving licence card).

Business address

Email address

The owner is also presumed to have driven the vehicle if the driver is not known to the authorities – section 73 of the National Road Traffic Act, 1996 applies.

The original AARTO Act allows for service by registered mail. The 2019 Amendment Act also allows for service by electronic mail.

The presumption in section 30 of the Act states that 10 days after posting a notice by registered mail it is presumed a person has received it. This means that a person must provide evidence by means of an affidavit that he/she has not received a notice by way of an affidavit.

Section 18 of the Act is amended in the 2019-amendment to allow the issuing authorities to re-issue a notice that was not served in the 40 days required if a

representation is made in this regard. The notice may be served up to 180 days after the infringement was committed.

Drivers must complete AARTO 27 forms to allow their employers to access to their demerit points. The form is valid for a 12-month period.

Companies must nominate the drivers who are responsible for infringements on an AARTO 07 form. The issuing authority must then withdraw the notice against the company and charge the driver for the infringement. If the nomination is not successful, the notice will be re-issued to the company. A driver who is nominated may not re-nominate and the initial nomination must contain the correct driver information.

Representations are made on AARTO 08 and may not include a request for a reduction of the penalty.

Once AARTO is implemented in the entire country the penalties for infringements will be the same everywhere.

AARTO is aimed at changing driver behaviour to ensure safer roads. It also places a duty on owners of vehicles to control the use of their vehicles.

3. THE POINTS DEMERIT SYSTEM

The AARTO Act provides for a system whereby a person, operator or juristic person who is not an operator, pays the penalty and incur points when a traffic infringement is committed.

The demerit points are allocated to the operators and owners of motor vehicles. If a vehicle is suspended it may not be sold or used on a public road. If an operator or juristic person does sell a vehicle or scrap or export such vehicle, the demerit points will remain against the record of the operator/juristic person and be allocated to the next vehicle the company purchases. Vehicles are not punished by the system, the operator/juristic person is held responsible for the use of its vehicle.

Provisions for a *juristic person who is not an operator* was added in 2019. The term refers to companies, close corporations, trusts, etc. that have motor vehicles that are licensed in the juristic person's name, but do not require operator cards. Typically pool vehicles, delivery vehicles, vehicles of representatives, etc. fall within

this category. The licence disc of these vehicles will be suspended if the vehicle accrues more than 15 demerit points.

The offender/infringer receives a penalty, and in addition to the penalty, he/she also receives the demerit points allocated in Schedule 3 to the specific infringement or offence. If the demerit points exceed the maximum points (15 points), a person, operator or juristic person who is not an operator will be disqualified from driving or using the vehicle for a period of time (3 months for every point exceeding 15 points).

- The points for the offences and infringements range between 6 and 1.
- The maximum points for a person or operator card or a licence disc for a juristic person who is not an operator are 15 Points.
- The maximum points for a learner driver are 6 points.
- The time value of each point is three months for disqualification or reduction purposes.

If demerit points are allocated to a person or vehicle record and no further demerit points are accrued in three months after receiving the previous demerit point, a reduction of 1 point on the total number of demerit points will be recorded on the system.

A person's driving licence card and the operator card of a motor vehicle must be handed in for the disqualification period.

Upon a third disqualification, the licences will be cancelled. A person must apply for a new learner's licence and driving licence once the disqualification period is over.