

8 October 2020

To: The Registrar: Mr Japh Chuwe
Road Traffic Infringement Agency
Waterfall Edge B
Howick Close
Waterfall Office Park
Bekker Street
Midrand

Per email: info@rtia.co.za;
mncedisi.bilikwana@rtia.co.za;
ayanda.ntamane@rtia.co.za

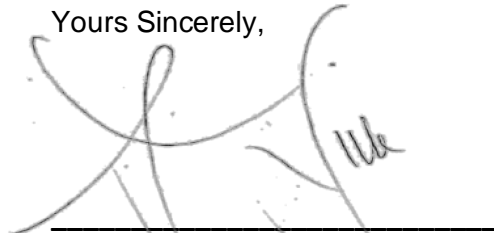
Dear Sir/Madam,

ISSUING OF ENFORCEMENT ORDERS IN TERMS OF SECTION 20 OF THE ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES ACT, 1998

1. We refer to the above.
2. The Organisation Undoing Tax Abuse (“OUTA”) is a proudly South African non-profit civil action organisation, comprising of and supported by people who are passionate about improving the prosperity of our nation. OUTA is further geared towards the harmonious cooperation with government on various levels and seeks to assist government wherever necessary in carrying out its mandate in the interests of the citizens of South Africa.
3. OUTA has recently been made aware that infringement notices of some members of the public have been converted to enforcement orders despite the fact that the procedures set out in the Administrative Adjudication of Road Traffic Offences Act, 1998 (“AARTO Act”) were not followed.
4. OUTA submits that section 20 of the AARTO Act is not discretionary in that it does not confer upon the Registrar an option as to when an enforcement order may be issued. In fact, no enforcement order may be issued, unless the Registrar is satisfied that the jurisdictional requirements contemplated in section 20(2) have been met. Such jurisdictional requirements include the issuance of both an infringement notice and a courtesy letter in instances where the infringer did not respond within the allowed time periods. OUTA submits that these requirements are not mutually exclusive, rendering the issuing of an enforcement in the absence of either, invalid.

5. As you may be well aware, WRC Prinsloo J in *Fines4u (Pty) Ltd and Another v Deputy Registrar, Road Traffic Infringement Agency and Others (30586/2014) [2017] ZAGPPHC 57; [2017] 2 All SA 571 (GP); 2017 (2) SACR 35 (GP)* reviewed and set aside a number of decisions made by the Registrar due to lack of due process.
6. OUTA submits that the provisions set out in Chapter 3 of the AARTO Act, read together with the judgment as referred to in paragraph 6 above, require no sophisticated interpretation. In this regard, OUTA trusts that the issuing of enforcement orders in the absence of due process is attributed to technical oversight as opposed to malicious collection practices.
7. However, we humbly request that the RTIA cease and desist with the unlawful conversion of infringement notices into enforcement orders and request RTIA to comply with the requirements as set out in section 20(2), failure of which OUTA reserves its rights to approach the court for declaratory relief.
8. OUTA advocates for road safety and believes that motorists should abide by road traffic laws. However, we submit that enforcement orders issued under the abovementioned circumstances, are rendered unlawfully on the basis of legality.
9. We trust that you find the above in order and await your confirmation on or before the 16th of October 2020 that the unlawful process described above will not continue.

Yours Sincerely,



Stefanie Fick
Executive Director of the Accountability Division
OUTA – Organisation Undoing Tax Abuse
Email: stefanie.fick@outa.co.za