###### National Assembly

###### Question Number: 1643

**Adv. A de W Alberts (FF Plus) to ask the Minister of Transport:**

On what legal grounds is the SA National Roads Agency Ltd (SANRAL) of the opinion that all metrology instruments of the Gauteng e-tolling system comply fully with the requirements of the Legal Metrology Act, Act 9 of 2014 and the Trade Metrology Act, Act 77 of 1973, despite the fact that the Chief Executive Officer of the National Regulator for Compulsory Specifications has indicated that SANRAL is not in compliance? NW1813E

**Reply**

As the honourable member is aware, the GFIP e-toll system basically uses camera images and dedicated short range communications equipment. In the case of the camera equipment installed on the GFIP system, this equipment complies with the technical requirements of SANS 1795, Part 5 on data capturing and recording devices for road traffic law enforcement.

With regard to the legislation referred to, there are currently no technical regulations published under the Legal Metrology Act which e-tolling must comply with. In the absence of specific technical regulations, this matter is being handled by the National Regulator for Compulsory Specifications (NRCS) in terms of Section 22(2)(c) of the Legal Metrology Act, 9 of 2014.

The CEO of the NRCS is required to set requirements and conditions for use of the equipment in terms of Section 22(2) (c) of the Legal Metrology Act. The NRCS and SANRAL are addressing these requirements which will apply as an interim measure until technical regulations are published under the legislation. The Legal Metrology Act allows for interim measures to be used.

**Additional information for the Minister:**

The CEO of the NRCS also clarified this position in a letter to the Freedom Front Plus and this letter was made available to the public sometime last year. Unfortunately the contents of the letter are being mis-interpreted to cause confusion. The Legal Metrology Act allows for interim measures to be used.

In its letter of 4 March 2016 to the Freedom Front Plus, the NRCS clarifies the above and states the following:

" *As there are currently no technical regulations which set out the specific requirements that the measuring instruments are to meet,* ***compliance or non-compliance could not be established by the NATIONAL Regulator and hence there is no criminal prosecution taken against SANRAL at this stage****. However, should non-compliance issues arise or be detected once interim measures are in place, enforcement measures will be applied as [provided for in the Legal Metrology Act*."