###### National Assembly

###### Question Number: 1750

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

(1) With reference to paragraph 3 of her answer to question 1145 on 25 April 2016, how the accused to whom no notices had been mailed despite the fact that notices were indeed generated in the system and remained there, will ever be in a position to make representation regarding the cancellation of such notices that were never received;

(2) whether the system does not of its own accord cancel the notices in the system after 40 days;

(3) whether it militates against the principle of legitimacy to keep the irregular notices in the system and then to issue them later when the situation arises;

(4) why must accused persons react to such irregular notices if it is the issuing authority and/or the Road Traffic Infringement Agency that is at fault? NW2057E

**REPLY**

1. Yes I am informed that a notice that has been captured on the System remains until such notice is cancelled by the relevant Issuing Authority or by a Representations Officer upon receiving a representation. It should be noted that despite the alleged infringer not having received the notice, such an infringer has an option of checking his or her record on the System through the website.
2. The System does not cancel the notices on its own accord after 40 days. The system is designed to mark notices as unenforceable if such notices are captured on the system after the prescribed time frames since the contravention was committed. The notices are kept in the System for record purposes in order to track the statistics of law enforcement, the performance of individual officers as well as for intelligence purposes.
3. The System will not issue a notice after the 40 day period since the contravention has already lapsed, as indicated on response (2) above, such information serves as intelligence as well as for management purposes.

(4) Noting that there is a possibility that due processes were not followed, the honourable member should not infer that the alleged infringer did not contravene the law. The MP as a public representative should advise the alleged infringer to choose to react and challenge the lapse of due process through a representation.