###### National Assembly

###### Question Number: 3058

**3058. Adv A de W Alberts (FF Plus) to ask the Minister of Transport:†**

(1) Whether, with reference to fines being issued in terms of the National Road Traffic Act, Act 93 of 1996, and the Criminal Procedure Act, Act 51 of 1977, the specified fines and/or summonses are issued against the identity number of the alleged offender; if so, what legal grounds support this authorisation;

(2) whether, in the case of business concerns, the fines and/or summonses are issued against the (a) identity number of the alleged offender or (b) registration number of the business concern; if so, what legal grounds support this authorisation;

(3) whether, in the case of business concerns, the fines and/or summonses are sent to the address of the (a) invividual offender or (b) business concern; if so, what legal grounds support this authorisation;

(4) whether, in the case of individuals and business concerns that have appointed a representative to receive and handle fines and/or summonses on their behalf, the fines and/or summonses are issued against the identity number of the representative; if not, what is the position in this regard; if so, what legal grounds support this authorisation;

(5) whether, in the case of individuals and business concerns that have appointed a representative to receive and handle fines and/or summonses on their behalf, the fines and/or summonses are sent to the address of the (a) individual offender, (b) business concern or (c) representative; if not, what is the position in this regard; if so, what legal grounds support this authorisation? NW3374E

**REPLY**

1. **In terms of Section 73 National Road Traffic Act 93 of 1996**

The Act presumes that the owner drove or parked a vehicle, where in any prosecution in terms of the common law relating to the driving of a vehicle on a public road or in terms of this Act, it is necessary to prove who was the driver of such vehicle it shall be presumed, in the absence of evidence to the contrary that such vehicle was driven by the owner thereof.

**In terms of the Criminal Procedure Act 51 of 1977, Section 56 (1)**

If an accused is alleged to have committed an offence and a peace officer on reasonable grounds believes that a Magistrate's Court, on convicting such accused of that offence, will not impose a fine exceeding the amount determined by the Minister from time to time by notice in the Gazette, such peace officer may, whether or not the accused is in custody, hand to the accused a written notice which shall- (a) specify the name, the residential address and the occupation or status of the accused; (b) call upon the accused to appear at a place and on a date and at a time specified in the written notice to answer a charge of having committed the offence in question; (c) contain an endorsement in terms of Section 57 that the accused may admit his guilt in respect of the offence in question and that he may pay a stipulated fine in respect thereof without appearing in court; and (d) contain a certificate under the hand of the peace officer that he has handed the original of such written notice to the accused and that he has explained to the accused the import thereof.

1. The business concern appoints a proxy who is deemed to be the registered owner of the vehicle. Therefore, if a fine is issued irrespective of who the driver is the fine is issued against such proxy.
2. (4) (5) Response provided in Question 2 above is also applicable to Question 3, 4 and 5.