###### National Assembly

Question Number: 3895

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

1. Whether the traffic authorities are authorized to issue warrants for arrest in terms of the Administrative Adjudication of Road Traffic Offences (AARTO), Act 46 of 1998; if yes, according to which clause and/or regulation this authorization is executed.
2. Whether the Road Traffic Infringement Agency (RTIA) may retract irregular AARTO fines, if not, what is the position in this regard; if yes, according to which clause and/or regulation does the RTIA rely to withdraw such fines;
3. Whether the RTIA may withdraw irregular AARTO enforcement notices; if not, what is the position in this regard; if yes, on which clause and/or regulation does the RTIA rely in order to retract such enforcement notices?

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**Reply:**

1. No, in terms of the Administrative Adjudication of Road Traffic Offences (AARTO), Act 46 of 1998, traffic authorities are not authorized to issue warrants of arrest for an AARTO infringement.
2. In terms of the AARTO Act the issuing and serving of infringement notices is the responsibility of the issuing authorities. Therefore the Road Traffic Infringement Agency (RTIA) does not have the power to retract irregular notices. However, should the RTIA become aware of irregular infringement notices being issued, it may recommend to an issuing authority in writing to retract such notices and provide reasons for the recommendation.
3. All Enforcement Orders issued and served by the RTIA are done so in terms of the conditions as prescribed by the AARTO Act. These conditions are followed in order to ensure that no irregular Enforcement Orders are issued. However, should an infringer apply for the revocation of an Enforcement Order and submit substantive reasons that are to the satisfaction of the Registrar, an Enforcement Order may be revoked.