**THE NATIONAL ASSEMBLY**

 **QUESTION FOR WRITTEN REPLY**

**453. Adv A. de W Alberts (FF Plus) to ask the Minister of Trade and Industry:**

(1) Whether the SA National Standards (SANS) 1795: Road Traffic Law Enforcement Systems, Part 5: Data Capturing Equipment and Capturing Equipment for Road Traffic Law Enforcement or any other SANS has, in terms of the Legal Metrology Act, Act 9 of 2014, and its preceding Act, been declared a legal metrology regulation that is valid and applicable to the Gauteng e-tolling instruments; if not, why not; if so, (a) when, (b) what is the legal position of such SANS declaration(s) and (c) what are the further relevant particulars;

(2) Whether the SA Bureau of Standards or any other standards organisation has declared SANS 1795, Part 5, or any other SANS to be valid for and applicable to the Gauteng e-tolling instruments; if not, why not; if so, (a) when, (b) what is the legal position of such SANS declaration(s) and (c) what are the further relevant particulars?

**Responses:**

1. No SANS for e-tolling has been declared a legal metrology regulation. SANS1795-5 specifies mechanical, electrical and operational requirements for data capturing and recording equipment that is intended for road traffic law enforcement and prosecution purposes. The scope of SANS1795-5 does not include legal metrology requirements. In addition, SANS1795-5 is required to be read in conjunction with SANS1795-0. The scope of SANS1795-0 also refers to mechanical, electrical and operational requirements for speed measuring equipment and associated speed measuring systems that are intended for traffic law enforcement and prosecution purposes. Therefore in the opinion of **the dti** neither SANS 1795 5 or 0 is not valid and applicable to the Gauteng e-tolling instruments.

Legally, the declaration of the SANS is guided by the requirements set in Section 22 (2) c of the Legal Metrology Act until such time regulations are developed.

1. SANS 1795-5 has not been declared applicable for e-tolling instruments. SANS is referenced in the Road Traffic Safety Act which the National Department of Transport (NDoT) is the custodian of. Therefore the regulatory authority responsible for legally declaring SANS 1795-5 mandatory or compulsory including its enforcement would be NDoT.