

Constitutional Court rules against Outa, says Aarto is legal

 By [Lindsey Schutters](#)

12 Jul 2023

Prominent South African political advocate group Organisation Undoing Tax Abuse (Outa) was dealt a major setback in its quest to stop the implementation of the Administrative Adjudication of Road Traffic Offences Amendment Act 4 of 2019 (Aarto). The amendment will, among other changes, legalise traffic fines that are distributed by mail and lay the foundation for a demerit system for road traffic offenses.



Outa was given a favourable ruling by Justice Basson in the Gauteng High Court and [applied to the Constitutional Court](#) for an order confirming that judgement. Then minister of transport, Fikile Mbalula, and the Road Traffic Infringement Agency (RTIA) opposed the application, and the case was heard on 15 November 2022.

“In a unanimous judgment written by me, the Constitutional Court has upheld the contentions advanced by the minister of transport, the Road Traffic Infringement Agency [RTIA] and the Road Traffic Management Corporation [RTMC] that the subject matter of the Aarto Act falls within the functional area described as 'road traffic regulation' ... which is within the concurrent legislative competence of parliament and the provincial legislatures,” wrote Chief Justice Zondo.

“This court has concluded in this judgment that parliament had the competence to pass the Aarto Act.”

The ruling dismisses Outa's legal challenge and does not allow for appeal.



2023 trends that could affect car insurance

Irvine Partners 3 Mar 2023



"We are disappointed with the Concourt's decision but abide by the apex court's ruling. Outa believes that measures to improve road safety and reduce fatalities are urgently needed. However, we don't believe that the Aarto Acts will achieve this, it's just not practically possible. South Africa needs effective processes enabled by fair adjudication that comply with the Constitution," said advocate Stefanie Fick, Outa executive director, in the [organisation's statement](#).

The organisation believes that poor enforcement and a lack of administrative discipline in traffic infringement management make the planned procedures difficult to enforce and that the Act does not improve road safety.

Minister Sindisiwe Chikunga [welcomed the Aarto judgement](#).

"This judgement provides clarity on Schedule 4 matters of concurrent function between the national and provincial sphere as well as Schedule 5 which is exclusive provincial competence. Our assertion that Aarto is part of road regulation and thus concurrent competence has been confirmed by the highest court in the land," said the minister in a media statement.

"The Act is an important cog in our road traffic law enforcement interventions aimed at arresting the carnage on our roads and altering driver behaviour. This will reinforce other interventions such as classifying traffic policing as a 24-hour, seven-day job alongside the regulation of driving schools and introduction of an NQF level 6 training for traffic law enforcement officers."

ABOUT LINDSEY SCHUTTERS

Lindsey is the editor for ICT, Construction&Engineering and Energy&Mining at Bizcommunity

- WeBuyCars debuts on JSE - 11 Apr 2024
- EVs could be the heart of SA's smart grid dreams - 14 Feb 2024
- Tesla recall was a marketing failure, but a technology win - 4 Jan 2024
- Fuel prices drop as crude oil plunges, gas gets more expensive - 2 Jan 2024
- Review: Volvo XC40 Twin Motor Recharge - 14 Aug 2023

[View my profile and articles...](#)

For more, visit: <https://www.bizcommunity.com>