

## **Annexure C**

### **TECHNICAL COMMITTEE FOR STANDARDS AND PROCEDURES FOR TRAFFIC CONTROL AND TRAFFIC CONTROL EQUIPMENT (TCSP)**

### **POLICY FOR PRIVATE SECTOR INVOLVEMENT IN PROVIDING ADMINISTRATIVE AND LOGISTICAL SUPPORT TO TRAFFIC AUTHORITIES**

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**Prepared by:  
The TCSP**

**Contact persons:      Adv T Dicker  
                                 Ms A Swanepoel**

## **POLICY FOR PRIVATE SECTOR INVOLVEMENT IN PROVIDING ADMINISTRATIVE AND LOGISTICAL SUPPORT TO TRAFFIC AUTHORITIES**

### **1. INTRODUCTION**

This Guideline is applicable to all moving and non-moving violations in terms of road traffic and road transport legislation.

- 1.1 Private sector organizations may not undertake traffic law enforcement activities in general, and specifically may not:
  - 1.1.1 Operate a mobile or manually operated speed measuring system [SMS]
  - 1.1.2 Adjudicate potential offences and initiate prosecution by issuing a notice accordance with section 341 of the Criminal Procedure Act, 51 of 1977
  - 1.1.3 Direct or take responsibility for traffic law enforcement operations on behalf of a municipality or in any way prescribe specific activities such as hours of operation.
- 1.2 The traffic authority is at all times responsible for all traffic law enforcement processes. Traffic enforcement activities may not be outsourced to private sector entities.
- 1.3 In the event that the traffic authority contravenes these requirements and those set out below, all prosecutions shall be terminated for offences involving contraventions of these guidelines, subject to the discretion of the DPP.

### **2. TRAFFIC LAW ENFORCEMENT ACTIVITIES THAT SHALL BE UNDERTAKEN ONLY BY QUALIFIED OFFICIALS**

- 2.1 Only qualified and duly appointed traffic authority officials shall undertake the tasks identified in 2.2 below and the traffic authority shall not allow private sector personnel to undertake these functions.
- 2.2 Private organizations may not directly contribute to the salary of a traffic officer or reserve traffic officer for the services of such officer and reserve traffic officers may not be appointed for the purpose of providing a service to a private sector company who is providing logistical or administrative support to traffic departments.
- 2.3 The following traffic law enforcement activities are undertaken exclusively by traffic officers as defined in the Road Traffic Acts, 1989 and 1996:
  - 2.3.1 Operate mobile or manually operated speed enforcement cameras or any mobile traffic enforcement systems. These traffic enforcement systems shall only be operated by a qualified and duly appointed traffic officer.
  - 2.3.2 Initiate prosecutions by issuing a notice in accordance with section 341 of the Criminal Procedure Act, 51 of 1977, or any other notices under the Act. All offences must be adjudicated by traffic officer employed by the traffic authority, prior to issuing the Notice appointed in terms of the Road Traffic Acts, 93 of 1996 and 29 of 1989 and the Criminal Procedure Act, 51 of 1977.

### **3. ACTIVITIES THAT ARE PERMISSIBLE BY PRIVATE SECTOR ORGANISATIONS**

- 3.1 Provision of traffic enforcement equipment.
- 3.2 Training of traffic officials in the use of various traffic enforcement systems.
- 3.3 Logistical support for traffic enforcement equipment, including maintenance, calibration services, repairs [as per the manufacturer's guidelines].
- 3.4 Logistical support for all back-office administrative functions, including data capture, printing, posting, and the administrative support involved in posting or serving of any notices required in terms of the Criminal Procedures Act, but specifically excluding the adjudication of potential traffic offences prior to issuing the notice in accordance with section 341 of the Criminal Procedure Act, 1977.
- 3.5 Logistical support for the serving of Section 54 of the Criminal Procedure Act, 1977 notices [through agents authorized to serve Section 54 notices in terms of the Magistrates Court Act].

#### **4. PAYMENT FOR EQUIPMENT SUPPLIED OR SERVICES RENDERED BY PRIVATE SECTOR ORGANISATIONS TO TRAFFIC AUTHORITIES**

- 4.1 Traffic fines, or part thereof, may not be paid to a private sector organization as direct remuneration for any services as referred to in paragraph 3.3, 3.4, and 3.5, equipment, or logistical support provided.
- 4.2 No commission based payments are allowed.
- 4.3 No percentage payments are allowed.
- 4.4 All payments for services as referred to in paragraph 3.3, 3.4, and 3.5, relating to traffic enforcement process administration rendered to traffic authorities by private sector organizations shall be paid from the principal operating account of the Municipality, in compliance with the Municipal Finance Management Act.
- 4.5 Traffic enforcement equipment and associated training may be purchased or rented from suppliers and paid for directly by the Municipality at an agreed rate or amount.
- 4.6 Logistical support for traffic enforcement equipment, including maintenance, calibration services, repairs, etc. shall be paid directly by the Municipality at an agreed amount per task undertaken.
- 4.7 Logistical support for all back-office administrative functions [not relating to actual recording of offences at the road-side] and logistical support for the serving of Section 54 notices [through agents authorized to serve Section 54 notices in terms of the Magistrates Court and the Criminal Procedures Act, 1977 shall be paid for by the Municipality either at an agreed rate or set amount, but not commission or percentage based. This shall be a commercial contract between the traffic authority and an administrative support supplier and the administrative support services provided shall not form part of any enforcement activities.
- 4.8 Existing service contracts, with conflicting terms to these guidelines shall be phased out within one year from the date of acceptance of these guidelines. All new service contracts, after the date of effect of this guideline, shall comply with these guidelines.