

## Traffic Violations, Traffic Law Enforcement and Infringement Notices (Fines) in South Africa

In the previous article we looked at the differences between AARTO fines and CPA fines.

With both CPA and AARTO fines you get a “NAG” or No Admission of Guilt fines. These are, in fact, not a fine, but a summons to appear in court. If you were stopped by a traffic officer, who caught you committing the offence, you would have been arrested!

NAG fines are issued when you travel faster than 30kph above the speed limit in a 60 zone or 80 zone, or faster than 40kph above the speed limit in a 100 zone or 120 zone.

Should you go to court in terms of the summons served, if the summons is based on the CPA, and you are found guilty, you will have a criminal record.

The process with regards to NAG summons issued:

You need to contact the prosecutor of the traffic authority where you were “caught” violating the traffic act to arrange and set a new court date.

You then must appear in court to state your case. If found guilty, you will get a criminal record.

Allow me to sketch a picture. Jon Smith lives in Johannesburg and travels to Cape Town for his annual holiday.

Driving through Colesberg, in the dead of night, he misses the speed limit road sign, indicating a limit of 60kph. Although Jon is not travelling at 120kph anymore, he is travelling at 91kph. Two months later Jon receives an infringement notice in the post, indicating the infringement, and a court date which is the very day he received the notice!

Jon is a very worried man. He missed a court date, what is going to happen? Jon decides to call the traffic department but does not get an answer.

Jon sends a letter doing representation in mitigation of the infringement, in a hope to get the fine reduced, or cancelled. Jon does not receive a response. NAG summonses cannot be paid or reduced until a court appearance took place.

No other options seem to be available to Jon. He must drive to Colesberg and go and talk to the prosecutor to set a new court date. Think about the cost and time involved in this.

Jon then has to go back to Colesberg to appear in court, state his case and explain why he travelled at a speed way above the speed limit and take his chances. The magistrate may be lenient and let Jon go scot-free, but he may also find Jon guilty. Suddenly Jon, who is in general a law-abiding citizen, has a criminal record.

It does not end here though. Jon is employed in the security industry. Because Jon has a criminal record he has no alternative but to resign from his position, as his contract clearly states that he cannot, will not, may not have a criminal record to be in the position he was appointed to.

All because of a speeding violation.

An alternative is available to Jon, and to you, the reader. Contact [fines@trafficfinemanager.co.za](mailto:fines@trafficfinemanager.co.za) to resolve a NAG fine issued to you.