



# Road Traffic Management Corporation

## NATIONAL ROAD TRAFFIC LAW ENFORCEMENT CODE (NRTLEC)

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## **FOREWORD BY SHAREHOLDERS COMMITTEE**

**These national standards and targets have been prepared as a basis for road traffic law enforcement service providers (authorities) to implement government's policies relating to road traffic management and road traffic law enforcement. They apply subject to all legislation in force and, in particular, the Road Traffic Management Corporation Act 1999, (Act No. 20 of 1999), and the National Road Traffic Act 1999, (Act No. 21 of 1999).**

**The standards described in this Code represent the collective input of stakeholders at national, provincial and local spheres of government and must be adopted by all road traffic law enforcement service providers.**

**The standards are a basis through which authorities can ensure satisfactory delivery of services. This Code also aims to provide strategic direction in addressing issues relating to road traffic law enforcement management and service provision.**

**The standards are issued as a controlled document which will be updated as new information becomes available. Users should ensure that they are operating with the latest version**

## **PREAMBLE**

**The Shareholders Committee of the Road Traffic Management Corporation:**

**ACKNOWLEDGE that road traffic law enforcement is an essential community service, the effectiveness of which impacts on the quality of life of all South African citizens;**

**FURTHER ACKNOWLEDGE that multiple service providers across national, provincial and local spheres of government currently undertake road traffic law enforcement in terms of the Constitution, national and provincial legislation and municipal by-laws;**

**AND FURTHER ACKNOWLEDGE that wide disparities exist in the management, administrative and operational guidelines applied by such road traffic law enforcement authorities in the execution of their law enforcement mandates;**

**WHEREAS the Road Traffic Management Corporation Act 1999, (Act No. 20 of 1999) mandates the development of a national road traffic law enforcement code to set minimum goals, objectives, standards and uniform procedures for the provision of road traffic law enforcement services;**

**WHEREAS the Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999) aims to enhance the voluntary compliance with its provisions by meaningfully involving road traffic law enforcement officers in its development;**

**SINCE there is a need for establishment of goals, objectives, standards and uniform procedures for road traffic law enforcement authorities will significantly improve safety on public roads and enhance the quality of life of all South African citizens;**

**AND SINCE there is a commitment to promote road traffic law enforcement as an essential community service and not primarily as a generator of revenue;**

**AND SINCE there is a commitment to adopt a holistic approach to road traffic management that focuses on authorities, administration, information, financial, human resources and operational matters;**

**AND SINCE there is a commitment to promote effective, efficient and streamlined administrative systems that adequately support the activities of all road traffic management personnel;**

**AND SINCE there is a commitment to institute reliable information systems to ensure the accurate collection, preservation and retrieval of information needed to support road traffic law enforcement activities;**

**AND SINCE there is a commitment to introduce transparent financial management systems that ensure accountability and the reinvestment of traffic revenue into enforcement efforts;**

**AND SINCE there is a commitment to promote fair human resources practices that enable road traffic management personnel to know what is expected of them and in particular, to maximize career opportunities and empower the previously disadvantaged;**

**AND SINCE there is a commitment to develop a professional fraternity of road traffic law enforcers who take professional pride in their work, conform to high ethical standards, are adequately trained, and competitively recruited and compensated;**

**AND SINCE there is a commitment to professionalise road traffic law enforcement and ensure management that is competent, adequately qualified and experienced with the necessary skills and knowledge to provide guidance and leadership;**

**AND SINCE there is a commitment to establish streamlined and effective operational procedures that incorporate the utilisation of state-of-the-art technology;**

**AND SINCE there is a commitment to maximise road traffic law enforcement's potential impact on overall crime reduction through the rendering of ancillary support to general policing initiatives;**

**AND SINCE there is a commitment to pro-actively shape road user perceptions and behaviour through improved awareness, communication and an open-door policy regarding public concerns;**

**B**E IT THEREFORE APPROVED by the Shareholders Committee, as follows:-

## TERMINOLOGY

“**Act**” means the Road Traffic Management Corporation Act, 1999, (Act 20 of 1999);

“**Appointment date**” means the date of appointment of an employee by a traffic law enforcement authority;

“**Chief of Traffic**” means the person appointed by the Corporation as the chief of traffic.

“**Civilian**” means an employee who is not appointed as a traffic officer or peace officer in terms of any Act, whether part- or full-time;

“**Discretion**” means power of free decision, or latitude of choice within certain legal bounds;

“**Enforcement action**” means a road traffic law enforcement action against any person alleged to have violated any road traffic legislation;

“**Evidence custodian**” means an employee designated by a traffic law enforcement authority to administer the evidence found and recovered, including the evidence storage facilities, and to monitor and provide functional supervision over the evidence programme;

“**Head of Traffic**” means the person appointed by a Provincial Traffic Authority or Local Traffic Authority, and Head of Traffic has a similar meaning.

“**Joint operations**” means a written request for assistance for law enforcement services;

“**Lawful instruction**” means any direction, guidance, assistance or command that is not unlawful, given by a senior officer to a subordinate, whether given verbally or in writing;

“**NRCS**” means the National Road Accident Statistics;

“**Operational plan**” means a plan developed and implemented by a traffic law enforcement authority in support of tactical plans by first line supervisors and operational staff and focuses mainly on specific output and activities over a short period of time, usually less than one month.

**“Pacing”** means the positioning of a law enforcement vehicle at a stable, fixed distance behind a speeding vehicle at a constant speed to monitor its speed and the driver’s conduct;

**“Policy”** means a broad statement of departmental principles;

**“Points”** means the weight allocated to different law enforcement activities, based on the nature of the duty, time spent, resources required, special skills and risks involved.

**“Procedure”** means a guideline for carrying out road traffic law enforcement services and standard operating procedure has a similar meaning;

**“Pursuit”** means the operation or use of a patrol vehicle in an emergency mode to pursue a violator who wilfully or knowingly uses illegal or evasive driving tactics to avoid detection, apprehension or arrest;

**“Road traffic safety management”** means a collective or a group of road traffic safety divisions, sections or units such as: –

- Road Traffic Licensing and Administration;
- Road Traffic Safety Law Enforcement;
- Road Traffic Safety Engineering;
- Road Traffic Safety Training;
- Road Traffic Safety Information;
- Road Traffic Safety Accident Investigation;
- Road Traffic Safety Incident Response; or
- Road Traffic Safety Research and Development.

**“Road traffic safety practitioners”** means: –

- Road traffic law enforcement officers,
- Road traffic safety educators,
- Road traffic safety engineers;
- Road traffic accident investigators;
- Examiners of vehicles;
- Examiners for driving licences;

**“Road traffic safety fraternity”** means all structures, institutions (private or public), disciplines, elements and variables found in the different environments both formal and informal that have relevance to the profession or study of road traffic safety.

**“Road traffic law enforcement fraternity”** means all traffic officers and traffic wardens appointed to execute or enforce traffic legislation;

**“Roadside check point” (RCP)** means any method, restriction or obstruction utilised or intended to prevent free passage of motor vehicles on a roadway in order to detect any offence committed in terms of national road traffic legislation, to prosecute or to apprehend any person who has committed an offence in terms of national road traffic legislation, or to execute an arrest in terms of the powers conferred on a traffic law enforcement officer in terms of the Criminal Procedure Act 1977, (Act No. 51 of 1977) as amended).

**“SABS”** means the South African Bureau of Standards;

**“Shareholders Committee”** means the Shareholders Committee established in terms of Section 6 of the Road Traffic Management Corporation Act, 1999.

**“Standard operating procedure” (SOP)** means a set of instructions clearly setting out the requisite steps that must be followed by traffic law enforcement authorities and practitioners to minimise miscommunication and achieve efficacy and efficiency in the manner in which they execute their official duties, and “procedures” has a similar meaning;

**“Strategic plan”** means a three to five-year plan developed at a senior management level for a traffic law enforcement authority, contains the authority’s direction, vision, mission and long-term goals as well as expected outcomes and sets a framework for lower-level planning and the allocation of resources

**“Supervisor”** means any employee assigned to a position having a day-to-day responsibility for the management and oversight of subordinates.

**“Targets”** mean a desired state of affairs or specific outcomes to be achieved within a predetermined timeframe by a traffic law enforcement agency.

**“Tactical plan”** means a one-year plan that is developed in support of a traffic law enforcement authority’s strategic plan by providing specific objectives and concomitant

activities for each division and describes the responsibilities and functions of sections and units.

**“Traffic law enforcement authority”** means an institution, department or law enforcement component established in terms of the Road Traffic Act, 1996 (Act 93 of 1996), the Road Traffic Management Corporation Act, 1999, (Act 20 of 1999) or any other applicable legislation, for the purpose of controlling traffic and traffic law enforcement “agency” has a similar meaning.

**“Traffic officer”** means an officer appointed in terms of section 3A of the National Road Traffic Act, 1996 (Act No. 93 of 1996) and any member of a municipal police service, both as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995).

# INTRODUCTION TO THE CODE

## 1.1 Introduction

This Code is intended to achieve a greater level of uniformity in the way traffic law enforcement authorities and traffic safety practitioners operate. The decentralised (fragmented) structure of traffic law enforcement in South Africa necessitates the development of standardised directives, uniformity and to ensure consistency and professionalism in traffic policing. The Code is applicable to and mandatory for all traffic law enforcement authorities. Failure to comply with the Code may precipitate an intervention to remedy such non-compliance by a traffic law enforcement authority.

## 1.2 Purpose of the Code

The purpose of the NRTLEC is to provide a national framework which sets out the following in respect to Road Traffic Law Enforcement:

- (a) *minimum requirements for training and appointment of road traffic law enforcement officers;*
- (b) *strategic direction and goals to be achieved;*
- (c) *management practices and human resource practices to be followed;*
- (d) *operating principles to be applied;*
- (e) *performance levels to be achieved;*
- (f) *supporting management information systems to be implemented; and*
- (g) *actions which constitute a failure to comply with the code as contemplated in section 33.*

## 1.3 Application of the Code

The Code, once approved by the Shareholders Committee, becomes binding on the following institutions as prescribed in Section 32(5) (a) and (b) of the Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999): -

- a) Provincial authorities and local government bodies, irrespective of whether they perform road traffic services under a contract (service level agreement) or not;
- b) Statutory transport institutions vested with powers to execute road traffic law enforcement functions;
- c) Every police officer employed by the South African Police Service who executes traffic law enforcement functions, upon the approval and subject to the conditions and limitations prescribed or approved by the Minister of Police;

- d) Every traffic officer employed by the Road Traffic Management Corporation (RTMC) to execute road traffic law enforcement functions;
- e) The Road Traffic Management Corporation shall establish the capacity to monitor and evaluate the implementation of the Code by all traffic law enforcement authorities that are in terms of the Code, compelled to do so, and
- f) The capacity established as contemplated in (e) above may consist of traffic law enforcement practitioners from any traffic law enforcement authority, members from the broader road traffic safety fraternity as well as competent stakeholders from the private sector.

A traffic law enforcement authority must submit information as the Corporation may reasonably require to monitor compliance with the Code and the Corporation shall maintain the requisite management information systems to monitor and evaluate the performance of traffic law enforcement authorities nationally. Traffic law enforcement authorities shall be subjected to periodic evaluation as determined by the Corporation.

#### **1.4 Status of the Code**

- a) The provisions of this Code apply to the extent that they are not in conflict with the Constitution or any provision of national legislation. In the event of a conflict with the Constitution or any provisions of national legislation, the latter will prevail;
- b) The national standards in this Code are mandatory and must be complied with;
- c) The performance targets in this Code are mandatory, and
- d) This Code is published in terms of Sections 32 and 33 of the Road Traffic Management Corporation Act, 1999 (Act 20 of 1999) that prescribes as follows:

##### **1.4.1 National Road Traffic Law Enforcement Code**

- a) The Chief Executive Officer, in consultation with the National Commissioner of the South African Police Service and the national organisation recognised in terms of section 2(a) of the Organized Local Government Act, 1997. (Act No. 52 of 1997) shall develop a National Road Traffic Law Enforcement Code.

- b) The Code must, considering local developmental needs, capacity and available resources, provide a national framework that sets out the following in respect of road traffic law enforcement: –
- i. Minimum requirements for training institutions, a training curriculum and the requirements for the appointment of road traffic law enforcement officers;
  - ii. Minimum requirements for the establishment and registration of road traffic law enforcement authorities, irrespective of whether they perform road traffic services under a contract or not;
  - iii. National strategic direction and goals to be achieved;
  - iv. Management and human resources practices to be followed;
  - v. Operating principles to be applied;
  - vi. Defined performance standards to be achieved;
  - vii. Supporting management information systems (MIS) to be implemented; and
  - viii. Actions which constitute a failure to comply with the Code, as contemplated in Section 33 of the Act.
- c) A Draft Code must be published by notice in the National Gazette and the notices must specify the time available to interested parties to comment, as prescribed in Section 32(7) of the Act.
- d) The Chief Executive Officer, the National Commissioner of the South African Police Service and the national organisation recognised in terms of Section 2(a) of the Organised Local Government Act, 1997. (Act 52 of 1997) must consider all comments before completing the Code and submitting it to the Shareholders Committee for approval.
- e) The Code, once approved by the Shareholders Committee, becomes binding on: –
- i. Provincial authorities and local government bodies, irrespective of whether they perform road traffic law enforcement services under a contract or not, provided that the Chief Executive Officer may not force a local government body that does not provide road traffic services, to provide those services;
  - ii. Any statutory transport institution vested with powers to execute road traffic law enforcement functions for the duration of a contract concluded with a Corporation to provide road traffic law enforcement services: provided that the Code may only bind the South African Police Service and a municipal police

- service established in terms of section 64A of the South African Police Service Act, 1995 (Act No. 68 of 1995) upon approval thereof by the Minister of Police;
- iii. No private institution or private person will be allowed to establish, conduct, coordinate and or be involved in any road traffic law enforcement activities in the country without the relevant authority's approval;
  - iv. Road traffic safety practitioners may participate in any law enforcement conference, workshop, summit, etc. organised or endorsed by the Corporation and/or other road safety stakeholders with the aim of protecting the profession, the image of the profession and of promoting road safety nationally and internationally;
    - f) Every three years the code must, on recommendation of the Shareholders Committee, be revised, and
    - g) Any revision of the code must be published in the Gazette and every Provincial Gazette for interested parties to comment on.

# **PART 1: STRATEGIC DIRECTION AND GOALS**

## **CHAPTER 1: STRATEGIC, TACTICAL AND OPERATIONAL PLANS**

The objectives of the RTMC Act, (Act. No, 20 Of 1999) are:

- a) Effecting the pooling of road traffic powers of the Minister and every MEC, and the resources of national and provincial spheres of government responsible for road traffic management, in support of enhanced cooperative and coordinated road traffic strategic planning, regulation, facilitation and law enforcement.
- b) Strengthening national and provincial governments collective capacity to govern road traffic through partnerships with local government bodies and the private sector, and
- c) Focusing government of effective strategic planning, regulation, and facilitation and monitoring.

Each traffic law enforcement authority must develop the capacity to execute traffic law enforcement functions in an evidence-based manner. The development of the plans specified hereunder allows authorities to focus extensively on the main accident causative factors and to adopt an intelligence-led approach to traffic policing practices.

### **1.1 Strategic plan**

- a) The head of a traffic law enforcement authority shall be responsible for the development of a three-year strategic plan;
- b) The strategic plan shall be revised annually to provide for new developments; etc.
- c) The Corporation shall provide all traffic law enforcement authorities with a planning process cycle to ensure coordination and compliance with national, provincial and local priorities:

- d) The strategic plan shall be signed off by the head of department and Member of the Executive Council (MEC) or the Municipal Manager and applicable Member of the Mayoral Committee and must be submitted to the Corporation three months before the start of the authority's financial year (e.g. provincial traffic law enforcement authorities submit in January and metropolitan and municipal traffic law enforcement authorities submit in April of each year), and
- e) The format of the strategic and annual tactical plans shall be as prescribed periodically by the Corporation.

## **1.2 Tactical plan**

- a) A tactical plan must be developed annually by the head of traffic of a traffic law enforcement authority and must include appropriate prioritised interventions that focus on identified road accident risk factors;
- b) The plan must be submitted to the Corporation three months before the start of the authority's financial year (e.g. provinces submit in January and metropolitan and municipal traffic law enforcement authorities submit in April), and
- c) The format of the operational plan shall be as determined periodically by the Corporation.

## **1.3 Operational plans based on road safety interventions and priorities**

**1.3.1** A traffic law enforcement authority must utilise, but not be limited to the following information in planning law enforcement activities:

- a) Accident data to determine high frequency accident locations – (historic data);
- b) Offence rate data and trends – data obtained from periodic traffic surveys – (current data);
- c) Enforcement data such as the number and type of prosecutions instituted;
- d) Roadside vehicle check reports and notices issued;
- e) Staff deployment data such as hours worked,
- f) Time spent on patrol various patrol activities;
- g) Kilometres travelled;
- h) Other information such as public complaints, traffic incidents, road infrastructure reports, and
- i) Staff performance and resources available.

### 1.3.2 Analysis and planning

- a) Each traffic law enforcement authority must use the information in 1.3.1 above as evidence to identify and prioritise the need for appropriate law enforcement interventions at the highest frequency accident locations; the days and times when most accidents occur as well as the main accident causative offences;
- b) The deployment practices of each traffic law enforcement authority must be consistent with such an evidence-based approach to minimise accident risks and to optimise the utilisation of scarce law enforcement resources;
- c) The scheduling of activities must be aligned to national and provincial programme that may be introduced from time to time;
- d) Traffic law enforcement authorities must, as far as possible align their tactical and operational plans to the stated national goals and objectives of the following:
  - 2011 – 2020 United Nations Decade of Action Plan
  - The National Road Safety Strategy
  - National Road Traffic Law Enforcement Strategy and Deployment Model
  - The National 365 Road Safety Framework
  - The National Road Traffic Law Enforcement 24/7 Shift Policy
- e) Analysis and planning shall be performed in terms of the processes as prescribed from time to time by the Corporation;
- f) The Chief of Traffic shall coordinate strategic planning sessions and must develop, approve and circulate process flows with clear timelines;
- g) The Chief of Traffic shall lead the setting of national targets in consultation with provincial traffic law enforcement authorities;
- h) National customised targets must be part of the Annual Performance Plans (APP's) of all traffic law enforcement authorities;
- i) Additional national targets can be set for provinces outside this planning process as and when required to achieve an ad-hoc objective;
- j) The Corporation must provide statistical accident data to each traffic law enforcement authority to enable the authority to plan its activities based on evidence as contemplated in 1.3.1 herein above, and

- k) The Corporation shall assist where appropriate, those traffic law enforcement authorities that request or lack the capacity to plan and develop operational plans.

### **1.3.3 Joint structure approach**

- a) A National Joint Operations Structure will be established to maximise the impact of intervention units and the planning of enforcement activities and selected events.
- b) The Chief of Traffic shall establish the national steering committee (NRSSC) to oversee and assist provincial coordinating structures. (PRSCS)

### **1.3.4 Submission of plans to the Corporation**

- a) Each province shall submit to the Chief of Traffic:
  - i. Integrated strategic and tactical plans signed off by the Head of Department or designated official in the format as prescribed from time to time;
  - ii. Consolidated provincial monthly and quarterly operational plans signed off by the Head of Department or designated official in the format approved before the commencement date of the plan to facilitate the collation of information on the identified interventions;
  - iii. Consolidate monthly list of activities and specific enforcement interventions;
  - iv. Integrated projects signed off by the Head of Department or designated official as specified; and
  - v. Progress reports signed off by the Head of Department or designated official as prescribed from time to time.
- b) The traffic law enforcement authority shall maintain records of all its operational plans and the results derived from the enforcement activities emanating from the implementation of these operational plans.

### **1.3.5 Progress reports**

- a) The Corporation may periodically request road traffic law enforcement authorities to submit reports in a manner determined, which reflects the progress made with the implementation of the authority's strategic, tactical and operational plans.
- b) Transversal indicators are road traffic law enforcement activities that must be performed by all authorities to determine uniformity in the implementation of identified law enforcement activities. Transversal indicator reports shall be submitted quarterly by provinces to monitor compliance and impact thereof.

## **CHAPTER 2: CONSULTATIVE NETWORKS**

Traffic safety is not confined to the jurisdictions of traffic law enforcement authorities. Many drivers cross the boundaries of these authorities and it is therefore imperative that role players establish protocols that govern the responses when traffic law enforcement practitioners face cross-border challenges. Traffic law enforcement authorities may also periodically face challenges to cope with specific road safety issues and will require bordering agencies to render assistance when called upon to do so.

Protocols should be established to ensure mutual aid and assistance can be secured at meso, macro and micro levels of government. The Corporation shall endeavour to standardise traffic officer training and law enforcement practices within Southern Africa Development Community (SADC) in terms of the relevant SADC Protocols.

### **2.1 Mutual aid**

Road traffic law enforcement authorities may function in an area or areas as contemplated in Section 3A (2) of the National Road Traffic Act, 1996 (Act No. 93 of 1996) and: -

- a) Road traffic law enforcement authorities may, subject to applicable legislation and their capacity, provide mutual assistance to each another;

- b) A request for mutual aid by a traffic law enforcement authority must be made by the Head of Traffic of the requesting traffic law enforcement authority or his or her authorised designee;
- c) Upon receipt of a request for mutual aid, a designated supervisor must immediately determine whether the traffic law enforcement authority has the available personnel and equipment necessary to accede to the request;
- d) The Head of Traffic should authorise the release of personnel and equipment to the requesting traffic law enforcement authority if the necessary required resources are available;
- e) Approval of mutual aid request must be made by the Chief of Traffic, his or her designee;
- f) Approval for mutual aid requests must be in writing; and
- g) The designated supervisor shall co-ordinate any approved mutual aid activities with the requesting traffic law enforcement authority.

## **2.2 Mutual aid with the Security Cluster**

Road Traffic Safety Management will provide assistance to and be assisted by all relevant members of the Security Cluster.

- a) Traffic law enforcement authorities are members of the Security Cluster and shall participate in all inter-government structures that deal with safety and security at their respective levels of government;
- b) No Authority shall participate as a sole representative of the fraternity at a level higher than its own;
- c) Monthly reports, attendance registers and task registers of all security cluster meetings must be recorded and stored in a safe place;
- d) All significant national and provincial operations planned through these structures must as soon as possible be coordinated by the Chief of Traffic or his/her designated supervisor; and
- e) All members assigned to the security cluster structures' names must be submitted to the Chief of Traffic for security clearance and accreditation.

## 2.3 Consultation

- a) The Chief of Traffic or his/her designee should consult, with relevant stakeholders and may develop and maintain liaison or stakeholder consultative networks;
- b) The Head of Traffic must maintain a record of all stakeholder consultative networks, minutes of their meetings and any correspondence entered into between them;
- c) The information mentioned in (b) above must be retained by the traffic law enforcement authority;
- d) Matters that may form the subject of discussions at such forums may include, but are not limited to:
  - i. Cost sharing;
  - ii. Joint planning and preparation;
  - iii. Sharing of responsibilities;
  - iv. Conclusion of written documents for co-operation; and
  - v. Sharing of information.
- e) A traffic law enforcement authority must maintain a close working relationship with those authorities that share responsibility for coping with extreme road and weather conditions affecting traffic safety;
- f) A traffic law enforcement authority may conclude an inter-jurisdictional vehicle pursuit agreement with other authorities wherein they agree on the procedures to be followed during an inter-jurisdictional vehicle pursuit;
- g) The Chief of Traffic must assist authorities mentioned in (e) above in developing and carrying out mutual assistance policies, procedures and programmes to serve the public as effectively as possible when such adverse conditions exist;
- h) Upon discovering an adverse road or weather condition, traffic law enforcement authority personnel must notify the appropriate authorities and persons to deal adequately with such condition; and
- i) Traffic law enforcement authorities shall not take instructions contrary to the Constitution, this Code or any relevant legislation, or embark upon any law enforcement activity which is biased to any party in a conflict situation or be deployed to intervene in violent riots or the removal of settlements except when addressing road safety related matters and or empowered by the court order, applicable legislation and regulations.

## **PART 2: MINIMUM REQUIREMENTS FOR TRAINING AND APPOINTMENT OF ROAD TRAFFIC LAW ENFORCEMENT OFFICERS:**

### **CHAPTER 1: APPOINTMENT AND TRAINING REQUIREMENTS**

The value and purpose of training within the law enforcement fraternity is paramount for the appointment of road traffic law enforcement officers. The Code prescribes minimum and recommended training requirements. The prerequisites for appointment and training of road traffic law enforcement officers are specified in detail. The prescribed minimum requirements will promote professionalism within a law enforcement authority. It will also promote training and research to encourage the continuous professional development of road traffic law enforcement officers.

#### **1.1 Appointment and training requirements**

Within the larger context of training of authorised traffic personnel, this section aims to provide specific gate-keeping processes to prevent those who do not meet requirements from entering the traffic profession.

#### **1.2 Basic Traffic Officer's entry requirements**

The following entry requirements must apply before a person will be allowed to enrol for the basic traffic officer's course:

- a) National Senior Certificate;
- b) Code B driving licence (manual transmission);
- c) The applicant must be employed by a Provincial Authority, Local Authority or the National Department of Transport; or any applicant eligible for this training in terms of the National Road Traffic Act.
- d) No criminal record (s);
- e) Completed prescribed Medical Form by a registered medical practitioner as proof that a person may do strenuous exercise; and
- f) The applicant must be under the age of 35 years on the day of **application for the post or nomination by the relevant employer.**

NOTE: In respect of (a) the following shall be applicable:

- A minimum of 50% pass mark in English at Senior Certificate level
- A minimum of 50% pass mark in FIVE other additional subjects at Senior Certificate level.

The following table indicates the levels of performance required for entry to specific levels of study. A Matric Certificate on minimum level 4 is necessary to enrol for the Traffic Officer's course:

Rating Code		Rating Marks
7	Outstanding achievement	80-100
6	Meritorious achievement	70-79
5	Degree substantial achievement	60-69
<b>4</b>	<b>Diploma adequate achievement</b>	<b>50-59</b>
3	Foundation moderate achievement	40-49
2	Elementary achievement	30-39
1	Not achieved	0-29

**1.2.1 The minimum training requirements for appointment as a law enforcement officer shall be as follows: -**

- I. During recruitment and training applicants and Traffic Trainees should meet the following fitness standard:**
  - Strength (include body carry and drag)
  - Flexibility (include landing on the other side of the wall)
  - Cardiorespiratory (include completing a work related obstacle course)
  - Speed (include completion of task related to course as fast as possible)
  - Power (include jump over a 1 meter obstacle)
  - Agility (include moving as fast as possible between obstacles)
  - Fears (include high or narrow obstacles)
  
- II. The SAQA registered occupational certificate: Traffic Officer, registered at NQF Level 6 or as directed by the Corporation.**

**III. This qualification shall comprise of at least of the following modules:**

Knowledge modules:

- I. General orientation;
- II. Applied English communication;
- III. Professionalism and practice;
- IV. National Road Traffic Act;
- V. Additional Road Traffic Law Enforcement Legislation;
- VI. Administrative Adjudication of Road Traffic Offences Act;
- VII. Other relevant legislation;
- VIII. Criminal law;
- IX. Criminal Procedure Act;
- X. Introduction to traffic criminology;
- XI. Road safety education and road safety systems;
- XII. Basic accident investigation;
- XIII. Firearm Control Act;
- XIV. Use a firearm in a law enforcement environment; and
- XV. Anti-corruption and other related legislation.
- XVI. Crime prevention

Practical skills modules:

- I. Ensure road safety on public roads;
- II. Apply tactical survival techniques;
- III. Maintain discipline;
- IV. Tactical use of a firearm in appropriate situations;
- V. Physical fitness;
- VI. Examine vehicles for fitness; and
- VII. Examine applicants for learners and driving licenses.

Work experience modules:

- I. Control and regulate traffic on public roads;
- II. Respond to and manage incidents;
- III. Systematic inspection of vehicles; and

- IV. Set-up of roadside checkpoints in the prescribed manner
- Additional requirements should include training in at least one specialised field such as: –
- I. Motorcycle patrol;
  - II. Investigator;
  - III. Evidence custodian;
  - IV. Advanced accident investigator;
  - V. Breath alcohol operator;
  - VI. Data analyst;
  - VII. Road engineering aspects; and
  - VIII. Training instructor.

**1.2.2 The Modules Crime Prevention and Physical Fitness will be imported from the non-commissioned SAPS Basic Police Qualification in terms of the service level agreement between the RTMC and SAPS.**

**1.2.3 Future training requirements (Continuous Professional Development - CPD)**

LEVEL OF EMPLOYMENT	REQUIREMENTS
Senior management	Advanced public relations Public management Business studies Evidence-based traffic policing practice Minimum ten years in middle management Traffic Diploma
Middle management	Strategic management Financial management People management Project management Knowledge management Intelligence-led traffic policing practice Minimum eight years at supervisory level Traffic Diploma
Supervisory	People management Leadership

LEVEL OF EMPLOYMENT	REQUIREMENTS
	<ul style="list-style-type: none"> <li>Project implementation</li> <li>Public relations</li> <li>Offence Rate Monitoring</li> <li>IT skills – Excel</li> <li>Traffic Diploma</li> <li>Minimum five years at lower supervisory or functional level</li> </ul>
Supervisory/Functional	<ul style="list-style-type: none"> <li>Leadership skills</li> <li>Road Traffic Act and regulations</li> <li>Criminal Procedure Act</li> <li>Public Service Act</li> <li>Policies and standard operating procedures (SOP's)</li> <li>Basic research techniques</li> <li>Communication</li> <li>Investigation techniques</li> <li>Negotiating skills</li> <li>Power Point Presentation and MS Word</li> <li>Decision making competencies</li> <li>Traffic Diploma</li> <li>Minimum five years in a road traffic law enforcement unit.</li> </ul>
Functional	<ul style="list-style-type: none"> <li>Examiner of motor vehicles</li> <li>Examiner of drivers' licences</li> <li>Computer literacy</li> <li>Training on the applicable traffic computer system used by the authority (if applicable)</li> <li>Basic ambulance assistance course</li> <li>Hazardous chemicals course</li> </ul>
Trainee/recruit	<ul style="list-style-type: none"> <li>Traffic officer qualification as prescribed</li> <li>Driving license (minimum 2 years old)</li> <li>Good health record</li> <li>Clean criminal record</li> <li>Advanced driving skills</li> <li>South African citizen</li> </ul>

LEVEL OF EMPLOYMENT	REQUIREMENTS
	Employed by a registered traffic law enforcement authority

#### 1.2.4 Compulsory refresher courses

The following refresher courses apply from functional to superintendent level of employment, and should be attended at least every two years by:

- I. Legislative amendments to the National Road Traffic Act and Regulations as well as other applicable legislation
- II. Changes to relevant traffic systems;
- III. First aid courses;
- IV. Firearm refresher courses;
- V. Velocity meters; and
- VI. Breathalysers.

#### 1.2.5 Recommended refresher courses

The following generic recommended refresher courses apply across all levels of employment:

- I. Customer service;
- II. Report writing skills
- III. Examiner of vehicles;
- IV. Examiner of driving licences;
- V. Stress management workshops;
- VI. Trauma management;
- VII. Radio procedures and protocol;
- VIII. Special Weapons and Tactics (SWAT)
- IX. Procedure for escorting hazardous goods;
- X. Court etiquette, testimony;
- XI. Occupational Health and Safety; and
- XII. Report writing skills

### **1.2.6 Recommended refresher courses for managers**

The following courses are recommended for all senior and executive managers:

- I. Legislative amendments and new legislation;
- II. Changes to relevant traffic systems;
- III. Communication;
- IV. Advanced report writing skills;
- V. Presentation skills;
- VI. Financial management and budgeting;
- VII. Project management;
- VIII. Strategic planning and execution;
- IX. Labour law; and
- X. Management and leadership.

# **PART 3: MANAGEMENT PRACTICES AND HUMAN RESOURCE PRACTICES**

## **CHAPTER 1: RECRUITMENT, SELECTION AND APPOINTMENT**

Traffic policing is a profession that requires highly skilled practitioners. It is thus imperative that minimum entry requirements are established that will ensure that only high calibre persons are recruited, selected and appointed. The training of recruits is specified at two levels i.e. basic training requirements as well as secondary training levels for advancement within the traffic law enforcement fraternity.

Professionalism also dictates that traffic law enforcement practitioners are up-skilled by means of refresher programmes to meet the many challenges that they face during the execution of their duties, both at operational and management level. This Code prescribes the minimum standards of training and education for traffic law enforcement practitioners.

### **1.1 Recruitment, selection and appointment procedures**

- a) Recruitment, hiring, retaining, evaluation, promotion, transfers and dismissal of employees, termination of employment, and disciplinary actions must be fair and in accordance with applicable legislation and policies;
- b) Recruitment may not overrule the provisions specifying the minimum qualifications and experience as set out in Part 2; and
- c) Each traffic law enforcement authority must implement fair and transparent processes for the appointment and/or promotion of its staff as provided for in the Labour Relations Act, 1995 (Act No. 66 of 1995).

### **1.2 Rationale and Significance of the Rank Insignia**

- a) All law enforcement agencies since their inception have hierarchal command structures exemplified in different kinds of rank insignia and uniform as well as differently branded patrol vehicles. The rank insignia critically aligns the command

structure and further promotes discipline as well as respect within the said structures;

- b)** In this hierarchical structure, the ranking insignia denotes seniority between superiors and subordinates. This distinction between levels is critical because it facilitates the issuing of orders and instruction between superiors and subordinates without any hesitation at all material times. The ranking insignia therefore embeds the culture of compliance to all lower levels within the command formation and ensures prompt service delivery without glitches;
- c)** The rank insignia denotes the office position of an individual in terms of command and control. In terms of road traffic law enforcement, the Chief of Traffic whose rank insignia is denoted by the most number of leaves as compared to that of his/her subordinates is the custodian of overall command of the traffic law enforcement operations;
- d)** By virtue of his / her position, the Chief exercises command and control over the entire traffic law enforcement operations within the Province. This is extended to the subordinates under his / her command and control, to exercise the powers and authority assigned to them by virtue of their ranks. To illustrate the point, the Principal Provincial Inspector exercises supervisory functions over subordinates in the execution of their daily traffic law enforcement operations; and
- e)** A proper chain of command ensures that traffic law enforcement officers understand their responsibilities and that it be supervised appropriately. Only registered traffic officers / officers from other relevant law enforcement backgrounds are eligible for appointment either as a Chief Traffic Officer, Head of Traffic, Deputy Chief Traffic Officer, Deputy Head subject to the minimum requirements.

1.3 The table below illustrates the recommended national rank structure.

Recommended - National Rank Structure			
Recommended National Rank Structure - Title	Description NTP	Description SAPS	SAPS
Spear and knobkierie with four stars			<b>General (Gen.)</b> Crossed Sword and four castles
<b>Chief of Traffic</b> Spear and knobkierie with stars			<b>Lieutenant General (Lt.Gen.)</b> Crossed Sword and three castles
<b>Deputy Chief of Traffic</b> Spear and knobkierie with two stars			<b>Major General (Maj.Gen)</b> Crossed Sword and two castles
<b>Director</b> Emblem and three stars			<b>Brigadier</b> Castle and three stars
<b>Senior Superintendent</b> Emblem and two stars			<b>Colonel</b> Castle and two stars
<b>Superintendent</b> Emblem and one star			<b>Lieutenant Colonel (Lt.Col.)</b> Castle and one star
<b>Assistant Superintendent</b> Emblem			<b>Major</b> Castle

Recommended - National Rank Structure			
Recommended National Rank Structure – Title	Description NTP	Description SAPS	SAPS
<b>Principle Inspector</b> Three Stars			<b>Captain</b> Three Stars
<b>Senior Inspector</b> Shoulder Flash Coat of arms			<b>Warrant officer (Warrant)</b> Shoulder Flash Coat of arms
<b>Inspector</b> Shoulder Flash One Star			<b>Sergeant (Sgt.)</b> Shoulder Flash Castle and three stripes
<b>Traffic Officer Grade 1,2,3</b> Shoulder Flash Officer			<b>Constable</b> Shoulder Flash Constable
<b>Traffic Trainee</b>	Shoulder Flash Stripes on shoulder	Shoulder Flash Stripes on shoulder	<b>Student Constable</b>

## **1.4 Chain of command and span of control**

- a) The chain of command and span of management/control refer to: -
- i. Role and functions of a supervisor;
  - ii. Communication of orders;
  - iii. Unlawful orders;
  - iv. Conflicting orders;
  - v. By-passing the chain of command;
  - vi. Lateral communication;
  - vii. Number of subordinates that supervisors could effectively supervise; and
  - viii. Saluting.

### **1.4.1 Chain of command and span of control**

- a) As a link in the chain of command, a senior officer with line authority has the right to direct the work of his/her immediate subordinates and to make certain decisions without consulting others;
- b) In the chain of command, every senior officer is also subject to the direction of his/her immediate superior;
- c) The purpose of the span of control principle in a traffic law enforcement authority is to allocate a certain number of traffic officers reporting directly to one senior officer, based on various organisational and management principles;
- d) The intrinsic value of an optimum chain of command and span of control shall be pursued to optimise service delivery and to ensure that professional traffic policing practices are implemented;
- e) These principles must be applied correctly to balance accountability, responsibility and the decision-making load across all levels of the authority; and
- f) Chain of command and span of control bring clarity to the list of issues.

## **CHAPTER 2: DIRECTIVES FOR SUPERVISORY PERSONNEL**

Supervision is a critical aspect within traffic law enforcement authorities. The Code provides a framework that delineates the basic parameters for good governance within these authorities. This includes formal procedures that shall be introduced to establish uniformity in communication. Formal directives create stability and certainty for all road traffic law enforcement officers and ensure that orders are clearly communicated and executed.

### **2.1 Supervisors**

- a) Only registered traffic officers who comply with the minimum appointment requirements as reflected in Part 2 above may be appointed in a supervisory position;
- b) Supervisors must provide guidance and assistance to their subordinates;
- c) Supervisory personnel are responsible for subordinates' adherence to the traffic law enforcement authority's policies, rules, regulations, instructions, and standard operating procedures and must take reasonable action to ensure compliance;
- d) Supervisors are responsible for the maintenance of discipline and must provide leadership, supervision and at all times set an example to ensure professionalism; efficacy and efficiency within the traffic law enforcement authority;
- e) Supervisors must monitor the job performance of their subordinates in terms of the traffic law enforcement authority's policies and the prescribed directives contained in this Code; and
- f) Supervisory personnel are responsible for all job-related failures on the part of their subordinates when the supervisor was aware or should reasonably have been aware of the failure, or the potential for failure, and failed to take appropriate action to correct the deficiency.

### **2.2 Written directives**

- a) The authority to authorise, issue, retract or to modify written directives issued in terms of this Code, is vested in the Chief of Traffic;
- b) The Chief of Traffic may delegate his or her authority for issuing any written directives to the Deputy Chief of Traffic Services or the head of a division;

- c) Directives must not conflict with an established policy or procedures, unless the directive constitutes a revision or replacement of an existing policy or procedure; and
- d) A replacement directive shall indicate which directive/s it replaces.

## **2.3 Types of written directives**

### **2.3.1 General order**

- a) General orders are permanent orders concerned with policy, rules and procedures and usually affect more than one division.
- b) General orders are issued and signed by the Chief of Traffic.

### **2.3.2 Standard operating procedure (SOP's)**

- a) Standard operating procedure is a standardised, step-by-step procedure that provides written instructions to employees.
- b) A standard operating procedure is issued and signed by the Chief of Traffic.

### **2.3.3 Special order**

- a) A special order is an order affecting only a specific division or a procedure regarding a specific circumstance or event that is of a changing or temporary nature;
- b) Special orders are issued and signed by the Chief of Traffic or head of a division; and
- c) Special orders are self-cancelling after no more than 90 days, unless otherwise specified.

### **2.3.4 Memorandum**

- a) A memorandum is a formal document that may or may not convey an instruction;
- b) A memorandum is generally used to clarify, inform or enquire;
- c) A memorandum for directing compliance or conveying an instruction, must be issued by the officer who has authority to do so; and
- d) Memoranda must be prepared in the format prescribed by the Chief of Traffic.

### **2.3.5 Review of directives**

- a) Proposed policies, procedures, rules or changes to written directives must be coordinated and distributed by the Chief of Traffic or the head of a division;
- b) All proposals must be reviewed to assess the directive's impact on existing policies or procedures;
- c) The directives should be reviewed by command as well as affected staff;
- d) The Chief of Traffic or head of a division may revoke a directive after a review thereof;
- e) Revocation is affected by stamping or writing in red ink the word "**REVOKED**", the letters of which shall be 5 cm high;
- f) The revoked instruction must be disseminated in the same manner as the initial directive to inform employees of such revocation;
- g) The directive number must not be re-used after revocation;
- h) All proposals creating new policies, procedures or rules, or the changing of existing policies, procedures or rules, shall be directed to the Chief Executive Officer of the Corporation for purposes of a review of this Code; and
- i) All policies, procedures and rules shall be aligned to the objectives of this Code.

### **2.3.6 Record of directives**

- a) The head of traffic or other designated senior officer shall maintain an independent set of master files of all directives and revocations.
- b) The files must contain the original signed copy of the directive, copies of previous directives replaced by the current directive and materials relevant to the development of the directive.

### **2.3.7 Dissemination of directives**

- a) The Chief of Traffic or a head of traffic shall ensure that directives are disseminated to all employees directly or indirectly affected by such directive;
- b) Supervisors must ensure that all employees receiving directives, acknowledge receipt and comprehension thereof in the manner and form prescribed; and
- c) Supervisors are responsible for explaining and clarifying the special and general orders when they are issued.

## **CHAPTER 3: STANDING ORDERS**

Standing orders form an inherent part of the traffic law enforcement authority's regime of mechanisms to ensure that the conduct of officers, and civilian staff conform to a minimum standard as prescribed. Standing orders ensure that officers operate in a predictable manner that conforms to institutional objectives. Collectively they promote professionalism and provide citizens assurance that officers cannot act in a manner that infringe on their constitutional rights. The standards contained in this Code are minimum prescripts that must be introduced by each traffic law enforcement authority.

### **3.1 Insubordination**

- a) A lawful order is any order of a superior officer requiring performance of a specified duty by a subordinate officer, provided it is not prohibited by law or contravenes the policies or rules and regulations of the traffic law enforcement authority;
- b) An officer's failure or refusal to obey a lawful order issued by a superior officer is strictly prohibited;
- c) Insubordination means: -
  - I. Defiance of authority by word, act or demeanour; or
  - II. Without lawful excuse, refuse, disobey, omit or neglect to carry out any lawful order.
- d) When an officer receives a conflicting order from a superior, the officer must inform the superior officer of the conflict or potential conflict;
- e) The superior officer must clarify the order made in line with (d) above;
- f) Officers must not obey any order which they know or should know, would require them to commit any illegal act;
- g) An officer who is in doubt about the legality of an order must request the issuing officer to clarify the order or confer with a higher authority; and
- h) An officer alleged to have been insubordinate, may be summarily suspended and subject to disciplinary action by the traffic law enforcement authority.

### **3.2 Abandonment of duty or assignment**

- a) Employees must not abandon their assigned duties or leave their area of patrol unless properly relieved or dismissed by a superior officer.

### **3.3 Giving names and other information**

- a) Employees must politely give their name and other pertinent identifying information to traffic law violators or any other person who may legally request it.

### **3.4 Leaving jurisdictional boundaries**

- a) Officers may not exit the jurisdictional boundaries of the traffic law enforcement authority whilst on duty, unless this is required in the execution of their duties or upon the direct order or permission of a supervisor. Officers may go beyond jurisdictional boundaries only in the case of authorised operations, in pursuit of an offender and in the case of an emergency.

### **3.5 Altering records**

- a) Stealing, altering, forging or tampering with any law enforcement record, report or notice, is a criminal offence;
- b) The removal of any record, card, report, letter, document, or other official file from the traffic law enforcement authority, except by process of law or as directed by the chief traffic officer, is a criminal offence; and
- c) Unless properly authorised, the obtaining or duplicating or attempting to obtain or duplicate information from any official file, sources or reports, is a criminal offence.

### **3.6 False reports**

- a) Employees shall not make false reports, either oral or written.
- b) Employees shall not wilfully or knowingly depart from the truth in any manner, including giving testimony about official duties.

### **3.7 Unauthorised persons in vehicles**

- a) No person other than an officer or authorised member of staff, a detainee, or persons on authorised official business, are permitted to ride in traffic law enforcement authority vehicles.

### **3.8 Absence from work**

- a) Absence from work without permission is prohibited.

### **3.9 Reporting sick leave**

- a) Whenever an officer becomes ill, and cannot report for duty, he/she shall notify his/her employer in terms of the applicable conditions of service.
- b) The use of sick leave without just cause, or the furnishing of any false information regarding an officer's physical condition, is prohibited.

### **3.10 Public criticism**

- a) Complaints by employees regarding a traffic law enforcement authority's activity, must be resolved through internal grievance procedures;
- b) No employee shall publicly criticise a traffic law enforcement authority's policies, operations, or staff in a defamatory, obscene, unlawful, or untruthful manner; and
- c) Criticism that tends to prejudice the operations of a traffic law enforcement authority by reducing organisational efficiency and discipline, is strictly prohibited.

### **3.11 Abuse of official position**

- a) Employees shall not use their official position for political purposes, nor engage in political activities whilst on duty or in uniform;
- b) When expressing views, an officer shall not associate his/her position as an employee of the traffic law enforcement authority or represent views as those of the traffic law enforcement authority; and
- c) The above does not prohibit employees from exercising their constitutional rights as citizens to vote, express opinions privately, being a delegate or member of a political caucus, or taking part in political polls.

### **3.12 Political involvement**

- a) An employee who is not on duty and who is not in uniform may engage in political activities other than: -
  - I. Soliciting or receiving funds;
  - II. Political activity that places or is likely to place the officer in a position of conflict of interest; or
  - III. Utilisation of official resources for political purposes is prohibited.

- b) Prior to becoming a candidate for political office, an employee shall request leave of absence without pay from the traffic law enforcement authority;
- c) During his or her campaign, an employee shall not represent himself/herself as a member of the traffic law enforcement authority; and
- d) An employee who is elected to a political office must resign as an employee before serving in the office to which he/she was elected.

### **3.13 On- and off-duty; ethics**

- a) Engaging in conduct, on or off duty that tend to bring the traffic law enforcement authority into disrepute or prejudice the operation or efficiency of the authority, is prohibited.

### **3.14 Possession or use of alcohol**

- Employees shall not be in possession of/or use alcoholic beverages whilst on duty;
- When called, an off-duty officer that has consumed alcoholic beverages, must inform the superior officer who called him/her, of such consumption;
- When an officer is suspected of having consumed alcoholic beverages whilst off duty, he/she must be given a sobriety test, and only allowed to assume his/ her official duties after passing the test; and
- The sobriety test must be recorded on the "Alcohol Test Record Form" as prescribed.

### **3.15 Possession or use of controlled substances**

- a) The possession or use of controlled substances by an employee whilst on or off duty is prohibited;
- b) Officers may possess and ingest prescribed controlled medications under the guidance of a licensed medical practitioner and with the knowledge of their immediate supervisor;
- c) Whilst on duty, an employee shall not use or be under the influence of any medication that may impair or compromise his/her ability to perform official duties;
- d) If an officer uses any medication that may impair or compromise the ability to perform assigned duties and responsibilities, the officer may be assigned, at the supervisor's discretion, to a light duty assignment;

- e) If reasonable suspicion exists for believing an employee is in violation of this rule, he or she should be ordered to submit to blood or urine testing; and
- f) Failure of an employee to submit to a blood or urine test may result in disciplinary action being taken for insubordination.

### **3.16 Gifts and gratuities**

- a) Employees shall not solicit or accept any gifts or gratuities;
- b) Employees must immediately report to the chief traffic officer or a supervisor, any solicitation or acceptance of gifts, gratuities, or bribes by other employees of the traffic law enforcement authority; and
- c) An officer shall recuse himself/herself from any official action or decision-making process which may result in improper personal gain, and this must be properly declared by the employee.

### **3.17 Solicitation of favourable acts**

- a) Employees shall not solicit anyone to intercede with their colleagues regarding law enforcement promotions, assignments or disciplinary proceedings.

### **3.18 Payment of debts**

- a) Employees are expected to meet their civil financial obligations.
- b) Employees shall not establish any financial relationships that poses conflict of interest or compromise the image of the traffic law enforcement authority.

### **3.19 Prohibited association**

- a) Officers in uniform are prohibited from visiting places that may compromise the traffic law enforcement authority's image, except as required in the performance of their duties;
- b) Officers must not associate with persons or organisations which would be detrimental to the image of the traffic law enforcement authority, including persons who are under criminal investigation or indictment, or who have an open and notorious reputation in the community for criminal activity. ; and

- c) Employees must refrain from joining or affiliating with any organisation, association, or group which would prevent the full performance of their law enforcement duties.

### **3.20 Residential address and contact details**

- a) Any officer performing a standby service must always be reachable by radio, telephone, cell phone or any other means of communication;
- b) The traffic law enforcement authority must maintain a listing of each employee's address and contact details; and
- c) Each officer must notify the traffic law enforcement authority of any change in address or contact details.

## **CHAPTER 4: GENERAL COMPLAINTS**

The Code prescribes the minimum standard for complaint investigation i.e. to ensure consistency and uniformity and to deal effectively with the issues that may impact negatively on the efficacy, efficiency and image of the traffic law enforcement authority. Discipline within a traffic law enforcement authority is critical to the performance of the fraternity. Traffic law enforcement authorities must always adhere to the highest degree of professionalism and ensure that officers comply with the highest levels of ethical conduct to ensure that they inculcate respect amongst their clientele.

### **4.1 General complaint process**

- a) Each traffic law enforcement authority shall ensure that it has the requisite capability and capacity to investigate both internal and external complaints;
- b) Traffic law enforcement authorities that do not have the capacity or capability to investigate very serious complaints, may contract with the Corporation to render such a service on their behalf;
- c) Internal i.e. members of staff and external i.e. members of the public, may submit complaints against the personnel of a traffic law enforcement authority, to the Corporation;
- d) The Chief of Traffic may also instruct the Corporation's relevant Unit to conduct cases of a very serious nature in any traffic law enforcement authority.
- e) In the event that the Chief of Traffic orders an investigation contemplated in (b) above, he/she shall inform the head of traffic of the relevant law enforcement authority of the pending investigation;
- f) If a very serious complaint has been submitted against the head of traffic or other senior officer of a traffic law enforcement authority, the Chief of Traffic of the Corporation shall inform the Head of the Municipality;
- g) Complaints shall be submitted in the prescribed format.
- h) Written complaints must be directed to a supervisor or a special investigator appointed for this purpose;
- i) The supervisor or special investigator must conduct a preliminary investigation.

- j) Upon completion of the preliminary investigation, the supervisor or special investigator must forward the complaint and any information obtained to the accused employee's head of division through the chain of command;
- k) The head of division must review the information and determine whether further investigation is necessary;
- l) The head of division must forward all information to the traffic law enforcement authority's internal affairs unit for record purposes, i.e. if no further investigation is deemed necessary;
- m) The head of division must forward the information to the accused employee's immediate supervisor or internal affairs unit, depending on the seriousness of the allegations, if further investigation is necessary; and
- n) Records of sexual harassment complaints must be maintained, kept in strict confidence; and secured and kept separate from general administrative files.

#### **4.2 Complaint investigation procedure**

- a) Very serious policy violations must be accepted and recorded as prescribed;
- b) Less serious complaints must be accepted and recorded as prescribed;
- c) Policy violations related to the employee's performance and conduct must be accepted and recorded as prescribed;
- d) Complaints may be investigated by an employee's immediate supervisor or an investigator appointed specifically for this purpose;
- e) Repeated complaints must be investigated and treated as serious policy violations;
- f) An investigation file must be opened and all information pertaining to the investigation must be filed therein and kept by the human resources division;
- g) The employee's employment history must be obtained and considered in the investigation;
- h) The employee must be accorded an opportunity to respond to allegations in writing;
- i) After completion of the investigation and obtaining all the necessary information the supervisor or the investigator must send the complete information through the accused employee's chain of command;

- j) A supervisor or a designated person must produce a report substantiating his/her findings and recommending disciplinary action, if applicable, to the head of traffic, , or any other designated officer. Disciplinary action shall be instituted and conducted in accordance with the traffic law enforcement prescribed policies;
- k) The Chief of Traffic may approve or disapprove of any recommendation put forward to him/her;
- l) The complainant must be notified of the results of the investigation in writing upon completion of the investigation; and
- m) A copy of the final decision and notification to a complainant shall be placed on the record of an employee.

## **PART 4: OPERATING PRINCIPLES**

### **CHAPTER 1: INFRASTRUCTURE AND LAW ENFORCEMENT FUNCTIONS**

Traffic law enforcement authorities must have adequate resources to effectively and efficiently render services to their respective communities. This includes infrastructure such as physical premises, vehicles, equipment and other resources that will enable the authority to perform proficient traffic policing functions. Traffic law enforcement authorities also have a duty to adequately monitor, maintain and use these resources to promote road safety, maintain law and order and serve road users. The main objectives of the operating principles are to achieve but not limited to the following:

- to reduce accidents, fatalities and serious injuries,
- to create a heightened awareness of road traffic safety issues,
- to inculcate good road user behaviour and encourage voluntary compliance.
- to increase detection and prosecution of critical road traffic offences.
- to reduce offence rates on all key safety indices.
- to harmonize and co-ordinate common operations in all three tiers of service delivery.
- to maximize communications and publicity exposure on enforcement issues.
- to contribute towards the reduction of crime in general.
- to change the perception of “I will not get caught” to “I will be caught and be punished”.

The afore-mentioned will be realised with the existence of the traffic law enforcement functions such as:

- Communication Systems Unit
- Drunken Driving Operations Unit
- Speed Monitoring Unit
- Public Transport Unit
- Loads Management Unit
- Accident Investigation Unit

Specialised equipment that is subject to calibration must be maintained and used according to specification. Equipment and uniforms could be used illegally by persons with criminal intent and it is therefore imperative that the strictest possible measures be introduced to prevent losses that could precipitate such abuse.

### **1.1 Infrastructure requirements**

- a) A traffic law enforcement authority must possess and maintain infrastructure large enough to: –
  - I. Adequately accommodate all its employees in a suitable manner;
  - II. Safely house its specialised law enforcement equipment;
  - III. Enable it to execute its functions; and
  - IV. Store seized property including vehicles that have been impounded.

### **1.2 Communication Systems Unit**

- a) Communication is essential to ensure that traffic law enforcement officers have access to assistance, information, miscellaneous issues and to report matters that require attention.
- b) Effective communication is dependent on systems and equipment that are continuously available to traffic law enforcement officers.
- c) Communication also includes the interaction between call centre and the general public.

#### **1.2.1 Telecommunication**

- a) All officers engaged in operational assignments must have continuous, uninterrupted access to two-way radio communication;
- b) There must be adequate radio coverage, including the ability to always reach officers always when on duty;
- c) The radio operations must conform to the Telecommunication Act, 1952 (Act No. 3 of 1952) and employees must be made aware of the requirements of this Act insofar as it affects their radio services;
- d) All telecommunication operations must be in accordance with the telecommunication “ten code” for security purposes and standardisation amongst other traffic law enforcement authorities;

- e) Each traffic law enforcement authority must have a functional radio control room or centre;
- f) The radio control centre must be operational 24 hours a day;
- g) A provincial radio control centre must be able to communicate with all authorities within that province; and
- h) The traffic law enforcement authority must provide 24-hour (toll free) telephone access for emergency calls and requests for service.

### **1.2.2 Telephone services**

- a) Each traffic law enforcement authority must maintain a switchboard which has access to all the telephone extensions of the authority;
- b) Employees must have access to extensions and the switchboard operator must have an internal directory with the names and extension numbers of all personnel;
- c) Employees must exercise courtesy and patience during telephone calls and must always identify the authority and themselves at the start of the communication;
- d) Employees must keep private calls, whether made or received, to a minimum and as short as possible; and
- e) A telephone register must be kept for all out-going and in-coming calls.

### **1.2.3 Tele- type and automated data**

- a) Each traffic law enforcement authority must provide fax or e-mail addresses to employees who require these services for the effective and efficient execution of their services and these addresses must be communicated to the public who may want to utilise these services to interact with the authority or its personnel;
- b) Each traffic law enforcement authority must designate a person(s) to manage this communication and to appropriately disseminate information to the relevant divisions or persons;
- c) Significant information must be recorded and filed for future reference; and
- d) The National Road Traffic Law Enforcement Joint Operating Centre shall coordinate all law enforcement operations in the country and linked to Provincial and major authorities.

#### **1.2.4 Access by communications centre personnel**

- a) Communications centre personnel must have access to at least the following departmental resources: –
  - I. Officer in charge;
  - II. Duty roster of all personnel;
  - III. Contact details of every employee;
  - IV. Visual maps detailing the traffic law enforcement authority's service area;
  - V. Written procedures and telephone numbers for procuring medical and other emergency services as well as a range of essential external services.
- b) Communication personnel must forward messages to a supervisor of a traffic division upon receipt of messages in respect of road traffic operations.
- c) Security measures for the communications centre shall include recording call system.

#### **1.2.5 Media relations**

- a) A traffic law enforcement authority may designate a traffic officer as media liaison officer to deal with specific road traffic safety law enforcement matters, excluding corporate media issues;
- b) A chief traffic officer or the head of traffic may determine the parameters within which the media liaison officer shall operate and release information to the media;
- c) The designated traffic media liaison officer should be the only person to communicate with the media regarding traffic matters. ;
- d) The traffic media liaison officer must maintain on-going liaison with the media and be available for on-call responses to the news media whenever reasonable;
- e) In the absence of the traffic media liaison officer, the chief traffic officer or head of traffic or a person designated for this purpose should liaise with the media;

- f) The traffic media liaison officer or a person designated in terms of (d) above must collect and coordinate information and after approval by the chief traffic officer or head of traffic, or if it falls within the ambit of a general approval, release information pertaining to: -
  - I. On-going road traffic accident investigations;
  - II. Outcome of operations; and
  - III. Traffic reports.
- g) When other road traffic law enforcement authorities are involved in mutual activities, the traffic media liaison officer must release information only after clearance and approval by the chief traffic officer or head of traffic of the other traffic law enforcement authority;
- h) When releasing information, cognisance must be taken of the right to privacy and the public interest;
- i) The traffic media liaison officer or the officer in charge of an incident, may assist the media in covering news stories at the scene of the incident; and
- j) Officers must not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondent for a newspaper or periodical, release or divulge information, or any other matters of the traffic law enforcement authority whilst holding themselves as representing the traffic law enforcement authority in such matters, without the chief traffic officer or head of traffic's approval.

### **1.3 Drunken Driving Operations Unit**

- a) The National Road Traffic Act, 1996 (Act No. 93 of 1996) prohibits driving while under the influence of intoxicating liquor or drugs having narcotic effect, or with excessive alcohol in the blood or breath. Traffic officers as enforcers of road traffic law are empowered to ensure that road users do not contravene the law;
- b) Intoxicated driving is a recognised major risk factor in accident causation and requires dedicated attention from traffic law enforcement authorities;
- c) Drunken driving operations shall be conducted in line with the relevant legislation, policies and SOPs; and
- d) Drunken driving operations should be planned based on the intelligence led data relating to the prevalence of the offences, accidents and socio-economic factors.

#### **1.4 Speed Monitoring Unit**

- a) Speed is a major risk factor in accident causation;
- b) Speed monitoring must be based on a careful analysis of accident and other traffic data to select the most appropriate locations for enforcement;
- c) All outsourcing and contracting of law enforcement activities must be in line with the “National Framework on the Outsourcing and Contracting of Public Entities to perform law enforcement activities and/or for the supply and delivery of law enforcement equipment” ;
- d) No authority shall deviate and or amend any provision of the framework manual without following the prescribed procedures within the document;
- e) No service providers shall be permitted to attend or participate in any way in any road traffic safety task team, working group, and committees; and
- f) Service providers will only be part of the stakeholders’ interaction sessions as invited members, and no special presentation of any products will be tabled at local, provincial and national law enforcement structures unless it is done through the supply chain management process.

#### **1.5 Public Transport Unit**

- a) The provisions of the National Land Transport Act, (Act. No. 5 of 2009) and NRTA, (Act. No 93 of 1996) empower traffic officers to ensure that public transport operators do not contravene the specified Acts above;
- b) Public transport is key in that it ferries multiple passengers at any given time and as such, when it is involved in accidents, it results in multiple injuries and fatalities;
- c) Preliminary investigations indicate that most of the crashes involving public passenger and freight transport vehicles, depicts human factor as a prominent contributor;
- d) A dedicated Unit that specialises in the enforcement and monitoring of public transport becomes of utmost importance;
- e) Law enforcement is always applied to the public transport operators and vehicles by monitoring and ensuring compliance to the operating licence conditions. This enforcement is performed by the traffic officers, municipal and provincial, in some cases by public transport law enforcement inspectors.

- f) The traffic law enforcement authority must have a declared pound facility to keep public transport vehicles that would have been impounded in terms of the NLTA; and
- g) Public Transport Officers must perform their duties with due recognition of the rights of passengers as enshrined in the Constitution of the Republic of South Africa.

## **1.6 Loads Management Unit**

- a) Section 3I of the National Road Traffic Act, 1996 (Act No. 93 of 1996), amongst other things, empowers traffic officers to ascertain the dimensions of, the load on, or the mass, axle mass load or axle unit mass load of, any vehicle, or the mass of any combination of vehicles, loaded and unloaded, and if necessary for the purpose of ascertaining such mass, require any vehicle or combination of vehicles to proceed to a mass meter or mass-measuring device;
- b) Overloading control plays a major role in protecting the road infrastructure from damage caused by vehicles that do not comply with the mass restrictions prescribed in legislation;
- c) The equipment used for weighing vehicles must be calibrated and checked as prescribed;
- d) Impoundment of overloaded vehicles has major financial implications for operators and must be conducted within the prescribed parameters; and
- e) Traffic Officers should deal with vehicles transporting dangerous goods in terms of the relevant legislation applicable SANS Codes.

### **1.6.1 Overloading measuring devices: Mass measuring equipment**

- a) The load-mass-measuring equipment that must be used is: -
  - I. Weigh-in-motion screening mass-measuring device (WIM); and
  - II. Static evidentiary scale.
- b) The static legal scale must be utilised for the final accurate weighing of a vehicle; and
- c) The result of the static legal scale is the result that is acceptable in court and must be retained as proof of load mass for prosecution purposes.

### **1.6.2 Screening**

- a) Dynamic scale (WIM) screening mass-measuring equipment may be used to screen vehicles.

### **1.7. Accident Investigation Unit**

- a) Traffic law enforcement authorities shall participate and conform to the nationally approved standards, policies and processes adopted and prescribed for traffic incident management purposes. (Road Incident Management System (RIMS));
- b) Traffic accidents have a profound effect on road safety, traffic flow and congestion. The response to road accidents requires a thorough knowledge of incident management and accident investigation techniques;
- c) The safety of persons involved in an accident and that of other road users is paramount and therefore requires an expeditious, professional and safe response from traffic law enforcement practitioners;
- d) Traffic accident recording, investigation and reconstruction require specialised training. It is imperative that officers understand the principles of accident investigation and reporting; and
- e) Accurate reporting forms the basis of intelligence-led (evidence-based) policing and must be conducted in a professional manner.

### **1.8 Markings on patrol vehicles**

- a) Patrol vehicles, with the exception of command vehicles, motor cycles and unmarked patrol vehicles intended specifically for the identification of moving violations, shall be white and marked conspicuously in the manner and dimensions determined by the Corporation as traffic law enforcement authority vehicles, i.e. to provide a highly visible, easily recognisable and standardised presence nationally;
- b) The Chief of Traffic may prescribe the period within which all patrol vehicles that are not of the colour and marked as prescribed, on the date that this Code becomes effective, must be converted to the prescribed colour and standardised vehicle markings;
- c) A traffic law enforcement authority may, in the manner prescribed by the Corporation, request that the date determined in (b) above be further extended and such a request shall be fully motivated;
- d) Markings on vehicles must be of distinct national colours and must include: -

- i. The logo and law enforcement authority's name in reflective, highly visible letters on both front doors;
- ii. Emergency telephone number;
- iii. The unit's number on the sides, rear and on the roof;
- iv. Highly visible reflective striping on each side; and
- v. Number where corruption can be reported.

## **PART 5: PERFORMANCE LEVELS**

### **CHAPTER 1: SETTING ENFORCEMENT TARGETS**

South Africa has an unacceptable road accident record, and it is therefore of critical importance that the country establishes national targets that must be pursued by all role players. It is acknowledged that traffic law enforcement is currently fragmented and decentralised. The Road Traffic Management Corporation has the mandate to set national targets and to ensure that every stakeholder in the road safety sphere pursue these targets and to align their strategies, tactical and operational plans towards these goals.

The tactical and operational activities of traffic law enforcement authorities shall as far as possible be aligned to the stated national priorities. Targets refer to outcomes and not enforcement outputs i.e. the number of traffic prosecutions per issuing officer and must therefore not be equated to traffic ticket quotas. Performance management and measurement (police productivity issues) are dealt with separately in this Code.

The setting of targets by each traffic law enforcement authority is critical to ensure that these agencies pursue objectives that collectively contribute to minimising accident risks and to establish and maintain law and order on the country's road network.

Objectives must be synchronised with national imperatives set by the Corporation. Targets must be reasonable, achievable and aligned to national enforcement imperatives. The focus of targets must be to develop measurable output and outcomes for road safety.

#### **1.1 Principles for setting targets**

- a) Targets must be set in a manner that they are perceived as being fair and in the interest of creating safer conditions on the country's roads;
- b) The targets must be reasonable to traffic officers, i.e. in terms of the variety of law enforcement activities and with due regard to identified risk factors;
- c) Emphasis must be placed on: specific high-risk factors such as: -
  - i. Impaired Driving which includes alcohol abuse, drug abuse, distracted driving and fatigue;
  - ii. Dangerous Driving which includes excessive speed, dangerous overtaking and all moving violations;

- iii. Occupants Safety which includes front and rear seatbelts, child restraints;
  - iv. Public Transport and Loads Management;
  - v. Vulnerable road users which includes visibility, drinking and walking, jay walking, distracted walking and crossing on freeways; and
  - vi. Vehicle and driver fitness which include roadworthiness and documentation.
- d) Each traffic law enforcement authority shall keep an accurate record of the actual inspections, activities and prosecutions instituted by an officer, by using an inspection report/template prescribed for this purpose;
- e) The targets should be linked to performance management system and must be designed for simplicity of administration; and
- f) Officers who perform exceptionally well may in relation to their peers, be recognised and incentivised as per National Annual Road Traffic Management Incentive Framework.

## **CHAPTER 2: PERFORMANCE MANAGEMENT AND EVALUATION**

To facilitate the achievements of strategic, tactical and operational plans aligned to national imperatives and its goals and objectives. It is envisaged that this will be realised through effective and efficient management of national goals and objectives of the following:

- 2011 – 2020 United Nations Decade of Action Plan
- The National Road Safety Strategy
- National Road Traffic Law Enforcement Strategy and Deployment Model
- The National 365 Road Safety Framework
- The National Road Traffic Law Enforcement 24/7 Shift Policy.

### **2.1 Performance management**

#### **2.1.1 Areas to be considered but not limited to:**

- a) Most reduced road accidents in an authority
- b) Best performing authority on top six most lethal offences
- c) Best managed authority relating to supervision, monitoring and record keeping
- d) Authority compliant with submission of signed off Quarterly Intelligent driven plans and
- e) verified reports
- f) Authority with best Road Safety Programmes
- g) Authority with most sustained diverse Communication platform
- h) Authority compliant with attendance of national committees
- i) Authority with compliant with submission of daily, monthly and quarterly reports
- j) deployment and to the NATRAFJOC
- k) Authority with most effective best practices
- l) Authority compliant with National Standard Operating Procedures
- m) Authority compliant with refresher training policy requirements

### **2.2 Evaluation of performance of an authority**

- a) The Corporation is responsible for evaluating the performance of all traffic law enforcement authorities;

- b) Performance evaluation must be conducted on monthly basis through collation of all traffic law enforcement authorities; and
- c) The traffic law enforcement authority must evaluate its own performance on a quarterly basis by collating all officer performance reports.

#### **2.4 Evaluation of issues influencing performance**

- a) Each traffic law enforcement authority must evaluate all issues that influenced the performance of the authority for the preceding quarter and include such issues in the performance report to be submitted to the Chief of Traffic;
- b) Issues that negatively influenced performance should be “interrogated” thoroughly and solutions to these issues must be developed and included in the report; and
- c) Issues that positively influenced performance must be summarised and included in the report as best practice.

#### **2.5 Preparation of performance report**

- a) Each traffic law enforcement authority must include all performance data and issues that influenced performance as well as all other information as specified in a performance report.
- b) The traffic law enforcement authority must submit the report to the Municipal Manager or Provincial Head of Department when completed.

#### **2.4 Content and format of performance report**

- a) The performance report must be in a similar format to that of the prescribed forms used for recording data;
- b) The data must be included in the performance report;
- c) A report must be created in a similar format to the individual performance data forms, indicating the average performance of an officer at the authority; and
- d) All the performance data as well as issues influencing performance, along with other data required, must be included in the report.

## **2.5 Submission of reports to the Chief of Traffic**

- a) The performance reports must be submitted to the Chief of Traffic for evaluation of authority, provincial and national performance.

## **PART 6: MANAGEMENT INFORMATION SYSTEMS**

### **National Traffic Information System**

The National Traffic Information System shall be used as the sole traffic law informant system by all authorities throughout the three spheres of government. The system will host all traffic law informant modules such as Road Traffic Offence, Deployment module, Law Enforcement operations activities, and law enforcement reports and produce the necessary reports as required.

The system will also provide analytics to generate profiles and predictions for the country, provinces, authorities, districts, municipal areas, cities, towns, sections and routes to be used for planning purposes. NaTIS shall also be the main hosting system in all national, provincial, and local control centres.

## **CHAPTER 1: RESPONSIBILITIES**

The development of a national reporting system to measure the output of traffic law enforcement traffic officers is dependent on the accurate recording of the activities and performance of individual officers. Data collected from this source allows for the development of information and intelligence to focus on the major risk factors that contribute to accidents. A standardised format is thus important for the collation of input and related issues.

Traffic law enforcement authorities must develop and implement appropriate processes and mechanisms to collect, collate and report on the performance of officers, as prescribed in Chapter 1 of Part 7 of this Code. The minimum standards prescribed in this Code shall be utilised as the basis for the development of a reporting mechanism as contemplated. The performance of the traffic law enforcement authorities shall be reported accurately and timeously. The report shall contain the prescribed information.

### **1.1 General aims and objectives: Traffic Officer's responsibilities.**

- a) A range of information must be collected from officers regarding their daily activities as well as time spent on those activities;
- b) The data and information collected will be used to evaluate the performance of the traffic law enforcement authority; and

- c) Officers will periodically submit all the data and information in the prescribed format using the Traffic Officer Pocket Computer (TOPC).

**1.2 General aims and objectives: Authority's responsibilities.**

- a) Each traffic law enforcement authority will collate all reports for data submitted by its officers to determine the performance of the traffic law enforcement authority;
- b) A traffic law enforcement authority shall accurately maintain the records of the performance of its officers for the prescribed period;
- c) The records of data and information collected and collated, shall be made available to the Corporation as required from time to time;
- d) The traffic law enforcement authority shall periodically verify the accuracy of its records and shall report the status thereof in its annual reports to the Corporation;
- e) The Corporation may periodically conduct surveys and audits at traffic law enforcement authorities to verify the data and information contemplated in terms of this Code;
- f) Reports must be submitted to the Chief of Traffic of the Corporation, and
- g) Each traffic law enforcement authority shall report its performance to the Chief of Traffic on monthly and quarterly basis detailing all results required to motivate performance, including factors that may influence performance, constraints and reasons for poor performance.

## **CHAPTER 2: COLLECTION, COLLATION AND EVALUATION OF REPORTS**

The Corporation must develop a national performance report system and the specifications for reporting must be finalised in consultation with the National Department of Transport and all other relevant stakeholders. Reports submitted by traffic law enforcement authorities shall be forwarded to the Corporation as prescribed.

### **2.1 Collecting and collation of reports**

- a) The Corporation must collect and collate performance reports on a quarterly basis from all traffic law enforcement authorities, regardless of whether the traffic law enforcement authority operates in terms of a service level agreement or not.

### **2.2 Collection of additional information**

- a) Additional information regarding road accidents and other enforcement data must be collected from the relevant sources as required.
- b) Additional information must be included and considered in all performance evaluations or in a separate report, subject to the requirements prescribed by the Corporation.

### **2.3 Evaluation of individual, local, provincial and national performance**

- a) The performance of traffic law enforcement authorities must be evaluated based on the data collected from the following: –
  - I. Average individual officer performance from every traffic law enforcement authority;
  - II. Performance by an authority compared to expected performance within a province; and
  - III. Performance comparison between provinces.
- b) Issues of non-performance must be communicated to the individual authorities and the necessary interventions or sanctions imposed.

## **2.4 Preparation of a national performance report**

- a) A national performance report must be prepared by the Corporation by collating all reports submitted by traffic law enforcement authorities.
- b) The national report must be published annually.

## **2.5 Content and format of national performance report**

- a) The format of performance data in the national report must be in the same format as that requested from traffic law enforcement authorities.
- b) Comparisons between the data submitted in the different quarters must be made to determine the improvement or decline in performance.

## **PART 7: NON-COMPLIANCE WITH THE NATIONAL ROAD TRAFFIC LAW ENFORCEMENT CODE**

### **RESPONSIBILITIES OF THE CORPORATION**

#### **SANCTIONS**

- a) In instances of non-compliance to the code and the service level agreement the Corporation will impose disciplinary sanctions against the authority;
- b) The sanctions can include removal of any rewards in terms of the service level agreement or in extreme cases the replacement of traffic law enforcement services by services employed by the Corporations;
- c) The sanctions may include the transfer of one or more officers from a Unit, division, station, project, department and or province to assist the authority to comply with the service agreement;
- d) Counselling and assistance will be provided to authorities before any disciplinary sanctions are imposed; and
- e) Sanctions will be imposed in compliance with Section 33 of the RTMC Act, regardless of whether the traffic law enforcement authority is performing its duties under a Service Level Agreement or not as follow:
  1. The Shareholders Committee may, where it reasonably suspects that any provincial authority or local government body has failed to comply with the national road traffic law enforcement code—
    - a) request and obtain information and documents pertaining to the execution of road traffic law enforcement under the control of the provincial authority or local government body in question; and
    - b) authorise a person to enter any building or premises under the control of the provincial authority or local government body in question for the purpose of obtaining the information and documents referred to in paragraph (a), and is entitled to all reasonable assistance by any member or employee of the provincial authority or local government body in question.

2. For the purposes of subsection (1), where the Shareholders Committee establishes that—
  - a) a provincial authority or local government body, the SAPS or another statutory institution vested with the powers to perform road traffic law enforcement, with which the Corporation has contracted to provide road traffic law enforcement, has failed to comply with the national road traffic law enforcement code, the Shareholders Committee may terminate the contract and appoint an alternative service provider which may include the Corporation; and
  - b) a provincial authority or local government body, which has not been contracted by the Corporation to provide road traffic law enforcement, has failed to comply with the national road traffic law enforcement code, the Shareholders Committee must—
    - (i) in the case of a provincial authority, notify the Minister; and
    - (ii) in the case of a local government body, notify the Minister and the MEC concerned.
3. If the Minister pursuant to a notification in terms of subsection (2)(b)(i), is satisfied that a provincial authority has failed to comply with the national road traffic law enforcement code as contemplated in subsection (2)(b)(i), he or she must notify the provincial authority of such failure in writing and request compliance with that code within a period specified in the notice.
4. The Minister may, on the request of the provincial authority extend the period contemplated in subsection (3).
5. The Minister may, where a provincial authority fails to comply with the national road traffic law enforcement code within the period specified in the notice or the extended period contemplated in subsection (4), and after consultation with the Minister for Provincial Affairs and Constitutional Development—
6. A person appointed in terms of subsection (5)(a) may, subject to section 100(2) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), exercise all the powers and must perform all the duties of the executive head of the provincial authority concerned.

- a) appoint a person to administer and supervise the provision of road traffic law enforcement by the provincial authority in question and charge such person with the responsibility to ensure that the provision of road traffic law enforcement by such provincial authority complies with the national road traffic law enforcement code; and
  - b) take such other steps as he or she considers necessary to ensure compliance with the national road traffic law enforcement code.
7. If the Minister is satisfied that a provincial authority complies with the national road traffic law enforcement code, he or she may terminate the appointment of the person referred to in subsection (5)(a).
8. Upon receipt of a notification contemplated in subsection (2)(b)(ii), the Minister may request the MEC concerned to intervene after a decision by the provincial executive as contemplated in section 139 of the Constitution of the Republic of South Africa, 1996, and must provide the MEC with a copy of the notification.
9. (a) If the MEC fails to intervene as requested, the Minister after a decision by the provincial executive may intervene as contemplated in section 100 of the Constitution of the Republic of South Africa, 1996, in which case subsections (12) to (16) apply with the necessary changes.
- (b) For the purpose of this subsection, any reference in subsections (12) to (16) to—
- (i) the MEC, shall be deemed to be a reference to the Minister;
  - (ii) the MEC responsible for local government, shall be deemed to be a reference to the Minister for Provincial Affairs and Constitutional Development;
  - (iii) the Premier, shall be deemed to be a reference to the President;
  - (iv) section 139(2) of the Constitution of the Republic of South Africa, 1996, shall be deemed to be a reference to section 100(2) of the Constitution.
10. If the MEC is satisfied that a local government body has failed to comply with the national road traffic law enforcement code, he or she must notify the local government body of such failure in writing and if the Shareholders Committee does not decide to exempt the local government body from compliance with the code, request compliance with that code within a period specified in the notice.
11. The MEC may, on the request of the provincial authority, extend the period

contemplated in subsection (10).

12. The MEC may, where a local government body fails to comply with the national road traffic law enforcement code within the period specified in the notice or the extended period contemplated in subsection (11), and after consultation with—
  - (a) the MEC responsible for local government in the province concerned, or where no such MEC has been appointed, the Premier or the MEC to whom the responsibilities have been assigned by the Premier; and
  - (b) the MEC for Safety and Security in the case where road traffic law enforcement is provided by a municipal police service—
    - (i) appoint a person to administer the provision of road traffic law enforcement by the local government body in question and charge such person with the responsibility to ensure that the provision of road traffic law enforcement services by such local government body complies with the national road traffic law enforcement code; and
    - (ii) take such other steps as he or she considers necessary to ensure compliance with the national road traffic law enforcement code.
13. Where an administrator is appointed in terms of section 64N(4)(a) of the South African Police Service Act, 1995 (Act No. 68 of 1995), that administrator must perform the functions contemplated in subsection (12)(b)(i).
14. A person appointed in terms of subsection (12)(b)(i) may, subject to section 139(2) of the Constitution of the Republic of South Africa, 1996, exercise all the powers and must perform all the duties of the executive head of the local government body concerned.
15. If the MEC is satisfied that a local government body complies with the national road traffic law enforcement code, he or she may terminate the appointment of the person referred to in subsection (13)(b)(i).
16. All expenditure incurred by or in connection with the intervention of the MEC, in the provision of road traffic law enforcement as contemplated in this section, must be in accordance with the contract between the Corporation and the local government body in question.

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