No.094 - 2022: Fourth Session, Sixth Legislature

**GAUTENG PROVINCIAL LEGISLATURE**

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**ANNOUNCEMENTS,**

**TABLINGS AND**

**COMMITTEE REPORTS**

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Monday, 21 March 2022

# **ANNOUNCEMENTS**

none

# **TABLINGS**

none

**COMMITTEE REPORTS**

**1. The Chairperson of the Committee for the Scrutiny of Subordinate Legislation (CSSL), Hon. D K Adams, tabled the Committee’s Report on the Gauteng Provincial Road Traffic Amendment Regulations, 2022 i.t.o. of Section 4 (9) (b) of the Gauteng Scrutiny of Subordinate Legislation Act No 5 of 2008 as amended, as attached:**



COMMITTEE ON THE SCRUTINY OF SUB-ORDINATE LEGISLATION (CSSL)

 Report on the Gauteng Provincial Road Traffic Amendment Regulations, 2022

11 March 2022

The Chairperson of the Committee on the Scrutiny of Subordinate Legislation (“the CSSL”), Honourable D.K. Adams hereby tables the Committee Report on the Gauteng Provincial Road Traffic Amendment Regulations, 2022 as follows:

1. **INTRODUCTION**

## The Member of the Executive Council, responsible for Roads and Transport in the Gauteng Province (“the Province”), Hon. **Phalama Jacob Mamabolo** (“the MEC”), has in terms of Section 25 of the Gauteng Provincial Road Traffic Act, 1997 (Act No 10 of 1997) made the Regulations as set out in the Schedule.

The Committee noted and appreciated that the Gauteng Department of Roads and Transport (“the Department”) tabled the Gauteng Provincial Road Traffic Amendment Regulations, 2022 as required by Section 140 (4) of the Constitution of the Republic of South Africa, 1996 (“the Constitution”), Gauteng Scrutiny of Subordinate Legislation Act 5 of 2008 as amended and Rule 238(1) of the Standing Rules of the Gauteng Provincial Legislature (“the Rules”).

1. **PROCESS FOLLOWED**

The Speaker, Hon. L H Mekgwe (“the Speaker”) referred the Regulationsin terms of Rule238(2)(1) of the Standing Rules to the Committee on the Scrutiny of Subordinate Legislation on the 25th of February 2022.

## On Friday, the 11th of March 2022, the Department made a presentation on the purpose of the Regulations. The Committee further received a legal opinion and socio-economic analysis on the Regulations and after satisfying itself on the legality and the socio-economic ramifications, the Committee adopted the Report on the Gauteng Provincial Road Traffic Amendment Regulations, 2022.

## THE PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to the Regulations are in relation to Schedule 2 of the Gauteng Provincial Road Traffic Amendment Regulations, 2022 for the motor vehicle registration and licence fees.

## SOCIO-ECONOMIC IMPACT: COST AND BENEFITS

The law requires that every motor vehicle that is operated on South African roads must be licensed unless such vehicle is exempted from licensing. Every year motorists receive renewal notices reminding them about licensing of their vehicles, it is the owner’s responsibility to ensure that at all times the motor vehicle is properly licensed.

The Gauteng Road Traffic Regulations annual adjustments are crucial in order raise the fiscus of the Gauteng Provincial Government (GPG). This will allow the GPG to deliver quality services to the citizens of Gauteng. Annually, the Department of Roads and Transport is required in terms of the Roads and Transport Act of 1997 to make amendments on the fees payable. The Gauteng Scrutiny of Subordinate Legislation Act of 2008 as amended requires that such proposed amendments to the regulations must be tabled to the Legislature for effective scrutiny and approval by the Committee on the Scrutiny of Subordinate Legislation (CSSL). This brief will provide a socio-economic analysis of the amendment to theGauteng Road Traffic Regulations, 2022.

The Department tabled a formal request for approval to implement amendments to the Gauteng Provincial Road Traffic Regulations, 2021 on the 01st of April 2022 due to amongst others, the impact of COVID-19 pandemic on the citizens of the Province. This was prompted by the public comments that were received and considered. Such a request was approved by the CSSL after careful deliberations. The CSSL further recommended that the Department must draft new Regulations for the 2022 FY and follow the process as entailed in the Gauteng Scrutiny of Subordinate Legislation Act of 2008 as amended.

The Committee noted that the Department is only adjusting Schedule 2 of the Regulations which pertains to vehicle registration and licensing. After careful assessment it is concluded that the proposed Regulations are increased by an average of 7% which was reasonable and consistent with previous financial years’ adjustments. There were no increases and amendments in fees that were identified and warranted flagging for attention of the Committee on the proposed Regulations. Although the Committee has approved and appreciated, the Department’s decision not to increase fees in the previous financial year due to amongst others economic hardships caused by the Covid 19 pandemic, estimates of the losses to the fiscus due to that decision need to be provided.

Moreover, the Department should outline the public participation processes that were undertaken and outline whether comments from the public were taken into account when finalising the draft regulations. Although these proposed amendments won’t severely affect the public, full justification for a slightly higher than inflation increase should be provided to the Committee.

After careful consideration, the Committee is advised to welcome the Regulations as proposed.

1. LEGAL OPINION

The NCOP and Legal Unit advised the Committee on the Scrutiny of Subordinate Legislation on the Constitutional and legal implications of the draft Gauteng Provincial Road Traffic Amendment Regulations, 2022 in terms of Section 25 (1) (g) and (h) of the Gauteng Provincial Road Traffic Act 10 of 1997.

The Committee noted that the draft Gauteng Provincial Road Traffic Amendment Regulations, 2022 have no substantial matters that had been introduced in the proposed Regulations, save for the adjustment of the current fees and tariff structure. The proposed increased was an average of 7%. It was further noted that there were no potential violations of the Constitution and enabling legislation in respect of the proposed amendment Regulations found.

The considered view was that the Regulations pass constitutional muster and are further in compliance with all relevant legislative prescripts.

**6. COMMITTEE POSITION**

The Committee approved the Gauteng Provincial Road Traffic Amendment Regulations, 2022 in terms of Section 140 (4) of the Constitution and Section 4 (9) (b) of the Gauteng Scrutiny of Subordinate Legislation Act 5 of 2008 as amended.

**7. ACKNOWLEDGEMENT**

Special thanks are due to the following Honourable Members: MH Cirota; MS Shackleton; KC Mazwi; TE Magagula; DP Malema; AA Ndlovana and SM Mogale-Letsie.

The Committee would further like to thank the following support staff for their dedication: Group Committee Coordinator, M Vaas; Senior Committee Coordinator, N Dlamini; Committee Coordinator, C Senoko; Committee Administrator, L Lamola; Manager Proceedings, R Chiloane; Principal Table Assistant, K Kgosithebe; Manager NCOP/Legal, S Ncube; Legal Advisor, Adv Laizer Mudau; Committee Researcher, S Buthelezi; Senior Information Officer, N Ntlebi; Communications Officer, T Mashifane; Hansard Recorder, M Makwela and Service Officer, P Ximba.

**8. ADOPTION OF THE REPORT**

After due consideration the Committee on the Scrutiny of Subordinate Legislation (CSSL) adopted the Report on the Gauteng Provincial Road Traffic Amendment Regulations, 2022.

In terms of Section 4 (9) (b) of the Gauteng Scrutiny of Subordinate Legislation Act No 5 of 2008 as amended, the CSSL recommends the approval and tabling of the Gauteng Provincial Road Traffic Amendment Regulations, 2022.