



PRESENTED  
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# NON COMPLIANCE WITH THE TRAFFIC LAWS - BACKGROUND

- Traffic Accidents continue to be a major challenge in our country and Durban as a city is not immune to this .
- The fatalities associated with traffic accidents causes the economical strain as some of the people that die in these accidents are bread winners with families to support.
- What is worth noting is the fact that most of these accidents happen due to human factors.

# HISTORIC BACKGROUND

In a speech delivered by the Minister of Transport on the 12<sup>th</sup> January 2016 when she released the stats for the Festive season , she reiterated that :

- “Human factors contributed the most to the crashes with many collisions occurring as a result of jay-walking, speed that was too high for circumstances, overtaking in the face of oncoming traffic, hit and run and driving under the influence of alcohol.”
- This statement by the Minister itself emphasises the need for us to pay more attention on Road Safety issues.

# ROLE OF METRO POLICE ON ROAD SAFETY

Road safety is made up of 4 pillars , these being:

- Enforcement
- Engineering
- Education
- Evaluation

Of these four pillars Durban Metro Police is involved in Enforcement and Education.

Enforcement is regarded as one of the most important tool in Road Safety as it serves as a deterrent in curbing the road offenders .

# ENABLING LEGISLATION IN ENFORCEMENT

- **National Road Traffic Act and Regulations** – for all Traffic offences . All traffic offences in the National Road Traffic Act and Regulations are enforced as per the determination of the courts within the municipality jurisdiction from time to time
- **National Land Transport Act** – for all Public Transport offences .The National Land Transport Act is also enforced regarding the routes together with the Municipality Bylaws that deal with the Taxi Ranks and Bus Ranks.
- **Criminal Procedure Act** - Allows for Procedures in dealing with offenders

Although the legislation is there to be enforced , enforcement alone can never achieve the desired results if the other 4 pillars of road safety are not in place .

# PROCEDURE FOR PROSECUTION OF OFFENDERS

- Section 341 or Section 56 Notice is issued to the offender
- Offender opts to pay the fine at the Municipality offices or goes to court to challenge the notice issued
- Offender goes to court and depending on the outcome of the court case either pay the fine or acquitted.
- Offender does not appear in court on the set date , magistrate will issue a warrant of arrest for the offender .

# NON COMPLIANCE WITH THE TRAFFIC LAWS

None compliance happens when people chose to ignore the law or due to ignorance of the law.

Unlicensed drivers :

- Contribute to accidents because they are not licenced by law to drive and therefore are more likely to disobey the rules of the road e.g. using incorrect methods of overtaking, making a U-turn and parking which leads to reckless driving
- Another example is failure to use seatbelts which could help in saving lives. It has been argued that passengers that do not wear seat belts are the ones that get injured the most when accidents occur.

# NONE COMPLIANCE WITH TRAFFIC LAWS

In the same speech delivered by the Minister of Transport, she alluded to the fact that :

“ In the past five years we have seen a steady growth in the vehicle population at an average of 3.3% as well as the number of people who acquired driver’s licences at an average of 4.7% per annum respectively, thus opening opportunities and possibilities for participation in the economic mainstream.”

We are of the view that the more registered cars we have on our territories without an upgraded infrastructure , the higher the probability of more accidents occurring .

# NON COMPLIANCE WITH TRAFFIC LAWS

1. One might argue that the fines issued to the offenders should be increased in monetary value , but there is no evidence to prove that it will lead to compliance and reduction of fatalities .
2. Road conditions , road designs and engineering , vehicle engineering also have an impact on road fatalities
3. A serious challenge faced by developing countries is the shortage of resources which makes it difficult for law enforcement agencies to afford technology and equipment that is required to make enforcement efficient.

# RESOURCES

The geographical needs of the area as well as the risk profile of the area determines the deployment of resources are used during enforcement.

1. Motorcycles
2. Normal four wheel vehicles
3. Bakkies ( specifications vary according to function )
4. Midi Trucks
5. Mini Busses – Transportation and carrying of equipment )
6. Busses
7. Tow Trucks
8. Speed measuring equipment
9. Breathysers for measuring alcohol

# CHALLENGES

- **Mass measuring of heavy vehicles is of great importance in Durban especially because Durban has a harbour where transportation of goods is exchanged from water transportation to road transportation .**
- **Non availability of facilities to conduct the Mass Measuring on Heavy vehicles poses a great challenge to the infrastructure , as such vehicle have the potential to damage the road infrastructure due to mass overloading**

**END**

**THANK YOU**