

**12.  
NON COLLECTABLE TRAFFIC FINES**

5/17/2

R Fraser

11 August 2021

Chief : Traffic & Licences

(028) 313 8165

**1. Executive Summary**

The purpose of this report is to inform Council of impaired traffic fines, which have since become non-collectable traffic fines as cases have been withdrawn.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Protection & Security Services  
Traffic, Law Enforcement & Task Team

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance  
Provision and maintenance of municipal services  
Creation and maintenance of a safe and healthy environment

**4. Delegated Authority**

None

**5. Legal Requirements**

Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)  
Supply Chain Management Regulations (2003)  
Overstrand Supply Chain Management Policy, as amended  
Overstrand Municipality Contract Management Policy  
National Road Traffic Act, Act 93/1996  
National Land & Transport Act 5/2009

**6. Background/Discussion/Evaluation/Conclusion**

**Background**

During 2016 a contract was awarded to TMT Services & Supplies (PTY) (LTD) (Total = 36 months with an additional 18 month dry run period). This contract expired on 31 May 2021 (SC1579/2015). This contract was for capturing of 341 speed and 56 fines for Overstrand Municipality.

The data of TMT iForce system could not be transferred to our current service provider because the system is only designed around specification. The format and detail of the data was part of details on the system and data requirements.

**Discussion**

Tender SC1579/2015 was awarded to TMT Services & Supplies (Pty) Ltd, starting from March 2016 for speed measuring, fixed cameras for speed violations, red light violations and back office for fine capturing and payment collections.

All images and data were captured at the back office on the TMT iForce system. This data and images escalate to a final outcome in the form of a 341 image document to send to the offender. This contract ended 30 November 2019, with a dry run period of 18 months until 31 May 2021.

The dry run period ended 31 May 2021. The cases that were on the TMT system could not be transferred or recovered because the system was only designed to capture data on iForce. The iForce system belongs to TMT and not the Overstrand Municipality. Cases were withdrawn from this system due to the ending of the contract and "housekeeping".

**Evaluation**

After the run dry period there were still cases on the system which belonged to Overstrand. This could not be transferred or recovered because the system is designed around a specification. Due to "housekeeping" of the back office these cases were withdrawn and resulted in impairment.

See Annexure B relating to the explanation received from the Senior State Advocate of the office of the Director of Public Prosecutions.

**Conclusion**

The resultant recommended write-off of non-collectable traffic fines are as follows:

Recommended for write-off of non-collectable traffic fines

Write-off	R5,328,650-00	(Gross debtor)
Write-back	R 769,720-87	(Accumulated impairment)

**7. Financial Implications**

Write-off	R5,328,650-00	(Gross debtor)
Write-back	R 769,720-87	(Accumulated impairment)

**8. Staff Implications**

None

**9. Annexures**

Annexure A: Debtor report

Annexure B: Email from Director of Public Prosecutions

**RECOMMENDATION TO THE COUNCIL:**

1. that it be noted that, according to the Director of Public Prosecutions, if a summons cannot be served on the registered owner or driver of the vehicle within 18 months, the case cannot be prosecuted;
2. that it be noted that, according to the Director of Public Prosecutions, warrants must also be carried out within 2 years after the date of authorisation or it must be returned to the magistrate for cancellation;
3. that it be noted that due to "housekeeping" of the back office the cases in 1 and 2 above were withdrawn as the fines are non-collectable;
4. that an amount of R769,720-87, relating to the impairment of these traffic fines, be written back; and
5. that the amount of R5,528,650-00, relating to non-collectable traffic fines, be written off as irrecoverable debt.

**RESPONSIBLE OFFICIAL :****N MICHAELS  
R FRASER****TARGET DATE FOR IMPLEMENTATION :****31 AUGUST 2021**



Provision for Impairment to be disclosed before write-off	(8 614 201,84)	(3 131 699,96)	(11 417 220,00)	(7 540 869,42)	(13 755 773,00)	(6 947 512,53)	(30 341 676,59)	(9 103 986,55)	(61 595 527,14)
Provision for Impairment to be disclosed before write-off - Change in estimate	-	(63 915,95)	8 334 265,68	8 270 349,73	-	-	(63 915,95)	8 334 265,68	8 270 349,73
<b>Total Write-off</b>	-	-	-	-	-	-	-	-	-
Debtor	-	-	(5 328 650,00)	(5 328 650,00)	(11 447 590,00)	(14 118 965,00)	-	(5 328 650,00)	(30 895 205,00)
Provision for impairment	-	-	769 720,87	769 720,87	7 540 869,42	6 947 512,53	-	769 720,87	15 258 102,82
Debtor to be disclosed after write-off	9 643 353,14	3 264 365,33	(19 670 862,38)	(6 763 143,91)	-	15 069 251,14	30 990 583,37	14 012 512,38	46 150 347,99
Provision for Impairment to be disclosed after write-off	(8 614 201,84)	(3 195 615,91)	9 103 986,55	(2 377 149,40)	(13 755 773,00)	-	(30 341 676,59)	(8 334 265,66)	(38 067 074,59)
			45 941 702,10						

AS AT 30 JUNE 2021									
0/balance	52 913 491,90								
Fines issued 2020/21 (Nett)	363 356,09								
Payments received 2021	(1 817 850,00)								
Payments in pre 2016	(208 645,89)								
Write-off	(5 328 650,00)								
Gross debtor per DB4	45 941 702,10			(208 645,89)					
0/balance	(35 689 925,19)								
Impairment per schedule/DB4	(3 146 870,27)								
Write-off	769 720,87								
Fines debtor at 30 June 2021	(38 067 074,59)								
	7 874 627,50								
<12 months	1 070 265,00								
>1 year	6 804 342,51								

Annexure B  
1/2**Rudi Fraser - RE: BOETES**

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**From:** Christhenus Van Der Vijver <cvandervijver@npa.gov.za>  
**To:** Rudi Fraser <rfraser@overstrand.gov.za>  
**Date:** 2017/08/18 01:42 PM  
**Subject:** RE: BOETES

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Hello Rudi,

Indien 'n dagvaarding nie binne 18 maande op die geregistreerde eienaar of bestuurder van die voertuig gedien kan word nie, is dit die einde van die saak. Jy kan slegs herdagvaar mits dit nog steeds binne die 18 maande tydperk is.

Lasbrief moet ook binne 2 jaar na datum van magtiging uitgevoer word anders moet dit teruggaan na die landdros vir kansellasië. Die 18maande tydperk is 'n vereiste van die vervolgingsgesag en die 2 jaar is 'n besluit van die landdroste.

Groete

Adv Christhenus van der Vijver  
Senior State Advocate  
Director of Public Prosecutions  
CAPE TOWN  
Tel: 021 4877045  
Cell: 0824429350

**From:** Rudi Fraser [[rfraser@overstrand.gov.za](mailto:rfraser@overstrand.gov.za)]  
**Sent:** 18 August 2017 10:57 AM  
**To:** christhenus@gmail.com; Christhenus Van Der Vijver  
**Subject:** BOETES

Goeie môre Advokaat

Graag word verneem of u dalk uitklaring kan gee rondom :

- \* boetes op stelsel na 18 maande droogloop wat geen waarde het
- \* 2 jaar lasbrief situasie

Groete

2017/08/24

2/2

R.J. Fraser

Chief: Traffic, Law Enforcement & Task Team

Directorate: Protection Services

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Vision Statement: "To be a centre of excellence for the community"



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**The National Prosecuting Authority of South Africa**

2017/08/24

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