

INFORMATION NOTICE TO SAVRALA MEMBERS

The information below was e-mailed to one of our members and is being shared with you. Until we resolve our legal issues related to Traffic Fines and the arresting of car rental companies proxies, please can you notify your staff and proxies of this information supplied below:-

ROADSIDE ARREST ON OUTSTANDING FINES

The LAW SOCIETY OF SA has currently appointed a group of attorneys to deal with this flagrant transgression of the law; for further info on which attorney are taking on cases like these, please call Hester Bezuidenhout 012 338 5872 who will assist.

Know your rights

The traffic/metro police are doing random roadblock checks. They will also feed your registration into a computer that will show up if you have any outstanding fines. Know your rights.

If you get stopped for outstanding traffic fines - really important for all drivers: Make sure that everybody gets this message.

The Jhb Metro Police, Cape Town Metro Police and other traffic cops have recently developed the nasty habit of locking people up for unpaid fines. These road blocks are typically only happening in and around more affluent areas where their "hit rate" will be higher on traceable entities, with more "fixed" abodes when, as we all know, primary daily offenders in their mini busses literally get away with murder because the cops are too scared to root them out of the townships, or the justice system has no means of putting them over a barrel like the majority of "soft" citizens.

They can only arrest you if:

1. They have the **original warrant for your arrest** there with them. A copy isn't good enough, saying it's at the station isn't good enough either. They have to show it to you there and then (if they have it, check plan "b").
2. They have to prove that you **received the summons in person**. It either had to be delivered to you in person or you had to collect a registered letter from the post office (if they cannot prove you personally received the relevant summons, the warrant of arrest is not legal either).
3. If you do get stopped and they want to arrest you, demand **to see the warrant and proof you received the summons** (i.e. your own signature on the document when delivered to you).
4. If they don't have it, **the arrest is illegal. Refuse to go**. If they still arrest you **inform them there and then you will press charges against them for illegal arrest** (record everything that is said to you, as well as the chronological procedure of events in detail). These details may well stand you in good stead for a strong case.
5. Technically, if your arrest is illegal, the taking possession of your car by the police and its driving thereof while you are in custody **may also constitute theft**.
6. When you are released, **go to the SAPS immediately and lay a charge against the arresting law body and relevant official**.

***** MAKE SURE YOU CARRY YOUR DRIVER'S LICENCE WITH YOU!! *****

Copied and supplied to SAVRALA MEMBERS by Wayne Duvenage, General Manager (SAVRALA) Cell: 0836766203