

# New driving laws declared unconstitutional and invalid

The Pretoria High Court has today, 13 January, declared the Aarto Amendment Act unconstitutional and invalid. Aarto was the planned the demerit system for traffic offences.



Source: [Home Safely Home by Western Cape Government on Facebook](#)

The ruling comes after Organisation Undoing Tax Abuse (Outa) approached the court in October 2021 to declare Aarto unconstitutional.

Judge Annali Basson found in favour of Outa and agreed with the group's position that the legislation unlawfully intrudes upon the exclusive executive and legislative competence of the local and provincial governments envisaged in the constitution.

Outa's Wayne Duvenhage said: "For several years now we've tried to engage with the authorities and making sure that the various amendments and changes are constitutional, practical and workable but true to form they have ignored our input and not participated meaningfully with civil society, which left us no alternative but to go to court and have it stopped in its tracks.

"We're very pleased with the judge's ruling. It now sends government back to the drawing board on what has become quite a mess."

Aarto system was to become fully operational in July 2022, which would include the official introduction of the new traffic demerit system. Aarto has been rolled out nationally in phases since June 2021, with Phase 3 of the rollout scheduled to begin in January 2022.

The Pretoria High Court has also ordered the Minister of Transport and the Road Traffic Infringement Agency to pay Outa's costs.

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