

Sanral is breaking the law - Justice Project

Motorists are obliged to pay their e-tolls whether or not they receive an invoice from Sanral, claims agency spokesman Vusi Mona.



Vusi Mona says tolls must be paid, regardless of tariff errors or a lack of invoices. Image: [Look Local](#)

He was responding to the fact that the Government Gazette listed one set of e-toll charges in the Afrikaans version of its published tariffs and different, more expensive price for the tolls published in the English edition of the same Government Gazette.

Justice Project SA picked up the mistake and said it could mean that Sanral was obliged to temporarily halt e-tolling until a new and correct version is published.

Said Mona: "The obligation to pay a tolls does not arise from an invoice. The signposts on the roads tell inform motorists of the charges for using the tolled section of road. Even if we don't send an invoice, motorists still need to pay because you must respond to the road sign," Mona claimed.

"It [the issuing of an invoice] is not a legal obligation. We have an obligation to collect the money," he said.

Tolls must be paid, with or without invoices

Mona said Sanral had sent a number of invoices to motorists who have not registered for e-tolling and had not paid within the prescribed seven days. He did not elaborate.

"Not paying e-tolls is a criminal offence. It is not a traffic offence," he said.

E-tolling went live in Gauteng on 3 December despite fierce resistance from civil society, church leaders, Cosatu and the DA.

The Department of Transport dismissed the contradictory notices in the Government Gazette: "The noted mistake in question won't affect the validity of the legislation. The Department of Transport and Sanral are currently correcting the mistake. A revised version will soon be published."

But Justice Project SA chairman Howard Dembovsky said the error could make the regulations unlawful and it would be up to a high court to rule on the validity of the charges.

"The issue is that they made errors. You are not allowed to have errors in the Government Gazette. The Department of Transport and Sanral are not judges. A court must decide whether the law remains valid. In the past, when the courts have found errors they have repealed the [notice in the] gazette. But they do not want to repeal the gazette because it is going to cost them money," said Dembovsky.

Sanral said 920,310 users had registered for e-tolls and the number of motorists buying e-tags had risen 10,000 a day.

Opposition to Urban Tolling chairman Wayne Duwenage rejected the Sanral figures.

"We simply cannot accept their numbers and call on the organisation to provide an independent audit of these figures to verify their numbers and the ratio of tagged movements to untagged ones," he said.

Source: The Times via I-Net Bridge

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