



29 March 2019

Via e-mail: CVanVuuren@justice.gov.za

Ms C van Vuuren
State Law Adviser
Directorate: Legislative Development
Department of Justice and Constitutional Development

Dear Ms van Vuuren

COMMENTS: REGULATION 10 PRESCRIBED IN TERMS OF SECTION 103 OF THE ADMINISTRATION OF ESTATES ACT, 1965

The Law Society of South Africa (LSSA) has during April 2016 made comments in which we suggested that the tariff as provided for in the Transport Handbook on Tariffs not be used, but that the amount of R3,50 be appropriately increased.

We have proposed that the amount be increased to R5,00, alternatively that the amount of R3,50 be increased by the Consumer Price Index from the date on which the R3,00 became applicable. This recommendation was not accepted and the LSSA was, upon further query, invited to provide a motivation to the Chief Directorate Legislative Development, which will then be submitted to the Costing Unit in the Department of Justice and Constitutional Development to investigate the matter and inform the Chief Directorate of the outcome of their investigation.

We hereby provide the following motivation:

The Transport Handbook on Tariffs makes, amongst other, provision for a variety of rates to be used by individuals making use of their own motor vehicle transport in no less than eight petrol engine categories and seven diesel engine categories. The tariffs for the petrol engine categories range from R263.5 for the smallest engine (i.e. up to 1250 cc) category to R724.9 for the largest engine category (i.e. greater than 3500 cc). These are significant variances within the context of the fluctuating price of petrol.

The Minister of Justice and Correctional Services has regulated that the tariff for an engine capacity of between 1551 – 1751cc be used pursuant to regulation 10.

The Law Society of South Africa brings together the Black Lawyers Association, the National Association of Democratic Lawyers and provincial attorneys' associations, in representing the attorneys' profession in South Africa.

The LSSA has previously indicated that this is a new concept, which is cumbersome and impractical. Some appraisals must be done on farm property where only a 4x4 vehicle can drive. Regulation 10 offers no meaningful solution to such a scenario.

The existence, in the Transport Handbook on Tariffs, of different rates for the various engine categories confirm the realities of the impact of the fuel price (and fluctuation thereof) on different engine categories. The difference in fuel consumption within different engine categories, have clearly not been taken into account. Various factors may influence fuel consumption, for example, stop-start technology has been introduced in modern vehicles to reduce fuel consumption.

Tariffs for eight recognised petrol engine categories have, in the context of fluctuating and steep petrol prices, effectively been relegated to one limited category. This is at the expense of the appraisers who use (or may be forced to use) a vehicle in a higher engine category.

It is respectfully submitted that Regulation 10 be amended by the substitution in paragraph (a) of sub-regulation (1) for the expression [the tariffs as provided for in the Transport Handbook on Tariffs for the use of a vehicle with an engine capacity of between 1551 – 1750cc issued by the Department of Transport] of the expression “the tariffs as provided for in the Transport Handbook on Tariffs issued by the Department of Transport”.

In the alternative it is respectfully submitted that Regulation 10 be amended by the substitution in paragraph (a) of sub-regulation (1) for the expression of [1551 – 1750cc] of the expression of “2151 – 2500cc”.

Yours faithfully



Lizette Burger
Senior Professional Affairs Manager

Tel: +27 (0)12 366 8800

Fax: +27 (0) 86 674 6533

E-mail: lizette@lssa.org.za