

Love Speeding? This Is What You Need To Know!

The High Court recently delivered a clear reminder to magistrates on the mandatory nature of licence suspension inquiries in roadtraffic convictions.

In *S v Pelsler (Special Review)* [2025] ZAGPJHC 1301, the High Court corrected a speeding conviction after the magistrate failed to conduct the mandatory Section 35 of the *National Road Traffic Act 93 of 1996*, licencesuspension inquiry.

In short, the accused had been caught driving 124 km/h in an 80 km/h zone and was fined R1 000, but the magistrate only realised after the conviction that she had not informed the accused of the automatic licence suspension provisions or given the accused an opportunity to present evidence as required by law.

Because the omission meant the proceedings were not in accordance with the law, the case was referred to a special review in terms of section 304(4) of the Criminal Procedure Act. During the review, the High Court emphasised that courts must rigorously apply Section 35 to support national roadsafety efforts and help reduce the burden of the Road Accident Fund claims flowing from traffic violations.

While this judgment speaks directly to courtroom procedure, it also carries a clear message for road users. Adhering to posted speed limits is not only a matter of safety it also protects drivers from the very real legal consequences that accompany speeding.

Exceeding the speed limit can result in a speeding fine, the suspension of your driver's licence, and ultimately a criminal conviction. Staying within the law helps keep all road users safe and ensures that your driving record remains intact.

This case further reinforces the need of drivers to be alert to procedural compliance in trafficrelated matters and to ensure that courts discharge their statutory duties fully.

