

Reportable:	YES / NO
Circulate to Judges:	YES / NO
Circulate to Magistrates:	YES / NO
Circulate to Regional Magistrates:	YES / NO

IN THE HIGH COURT OF SOUTH AFRICA

(Northern Cape Division)

Date delivered: **15/02/2008** Case number: **96/07; 97/07; 98/07**

In the matter between:

THE STATE

and

**OLIFANT, EDGAR
DE BRUIN, LAWRENCE
VAALTYN, BENNET**

*Coram: **Lacock J et Williams J***

JUDGMENT on REVIEW

LACOCK J:

- 1] All three accused in these matters were convicted of driving a motor vehicle on a public road without a valid licence in contravention of sec.12 (a) of the National Road Traffic Act, no. 93 of 1996, and were sentenced to payment of a fine of R500.00 or 5 months imprisonment which sentences were suspended for 3 years “*on condition accused is not convicted of driving a motor vehicle without*

a drivers licence committed during the period of suspension". In the matter of Vaaltyn, the words "*without a drivers licence*" were inadvertently omitted.

- 2] The magistrate now requests this Court to rectify on special review the condition of suspension of the sentences to include therein a reference to sec. 12 (a) of Act 93 of 1996. This is a proper request.
- 3] Since the convictions are in order, as well as the gist of the sentences imposed, the sentences in all three matters are set aside and substituted for the following:

"R500.00 or 5 (five) months imprisonment wholly suspended for a period of 3 (three) years on condition that the accused is not convicted of driving a motor vehicle on a public road in contravention of sec. 12 (a) of the National Road Traffic Act, no. 93 of 1996 committed during the period of suspension."

The sentences are ante dated to 19 July 2007.

Hj Lacock
JUDGE

I concur.

CC Williams
JUDGE