MOTOR VEHICLE MATTERS

Road Accident Fund Claims

The RAF is a fund that assists with compensating victims of a motor vehicle accident ("accident") for certain damages suffered within the Republic of South Africa. Learn more about the Road Accident Fund.

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For all your Road Accident Fund answers, simply follow our guide below:

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1. What is the Road Accident Fund ("RAF")?

- The RAF is a fund that assists with compensating victims of a motor vehicle accident ("accident") for certain damages suffered within the Republic of South Africa.
- The RAF is governed by the Road Accident Fund Act ("Act"), as read with the Road Accident Fund (Transitional Provisions) Act.
- A percentage of the petrol and diesel a consumer purchases is used to finance the RAF.

2. What can be claimed from the RAF?

- A person has a right to claim compensation for damages from the RAF if s/he is a victim of an accident caused by the wrongful driving of another person (“negligent driver”).
- The RAF compensates a victim of an accident for bodily injury, and in the event of death, it compensates the dependants of that victim for their loss.

3. What should a person do if s/he was involved in an accident?

- Record the following:
    - date, time and place of the accident;
    - registration numbers of the motor vehicles involved in the accident;
    - full names and contact details of the negligent driver of the motor vehicle; and
    - full names and contact details of any witnesses.
- Consult a doctor or go to the local hospital for a medical examination and report.
- Obtain a copy of the police report/s.
- Obtain a copy of the charge sheet from which it can clearly be determined that the victim was injured or killed as a result of the accident.
- Keep proof of expenses.

4. How does a person claim from the RAF?

- If a person (“claimant”) wants to claim from the RAF, s/he must lodge a claim on a prescribed claim form. The claim form provides basic information of the claimant; the vehicles and parties involved in the accident; the date and place of the accident; the amounts claimed; and a medical report.
- This claim form is accompanied by an affidavit setting out the following:
- full details of the accident;
- statements of any witnesses;
- police reports;
- hospital and medical records; and
- documents in support of amounts claimed.
- The driver/s of the motor vehicle/s involved in the accident must provide details of the accident to the RAF on a prescribed accident report form.

- Once a claim is lodged, the RAF registers it on its claims system and starts with its investigations.
- The RAF determines:
- whether the claim is valid, for example, was there a road accident, does it comply with the law and was it lodged in time;
- what the merits of the case are, for example, the extent of fault, blame or negligence of the driver/s of the motor vehicle/s and the claimant respectively; and
- the claim amount the claimant is entitled to.
- If a claim is incomplete, the RAF will request additional information and supporting documentation from the claimant to help assess the matter better.
- If the claim arose after the 31 July 2008 and general damages are claimed, a Serious Injury Assessment Report must be submitted to the RAF, confirming that the injury sustained is serious in terms of the Act.

5. What type of damages can be claimed?

- A person that suffers bodily injury or death may claim damages for:
    - past and future income and earning capacity;
    - past and future traveling expenses to get medical treatment;
    - medical and hospital costs;
    - the cost of employing an assistant and/or a nurse as a result of an injury; and
    - general damages, for example, an amount for pain, suffering, inconvenience, disfigurement and loss of amenities of life.
- Examples of damage that can be claimed as a result of death are:
    - loss of earnings and support; and
    - funeral costs.

6. How soon after the accident does a person need to lodge a claim with the RAF?

- A claim must be lodged by the claimant within three years from the date of the accident or from the date on which the claim arose.

- This does not apply to a claim by a child under the age of 18 years old. Once a child turns 18 years old, s/he has three years to lodge a claim with the RAF.
- In a hit and run accident, a claim must be lodged by the claimant within two years from the date of the accident.

7. What happens with claims that arose on or after 1 August 2008?

- On 1 August 2008, the Act was amended and some of the consequences include:
    - A claim for general damages is limited to compensation for a serious injury only, which is defined as 30% bodily impairment, serious long-term impairment, permanent disfigurement or long term mental disorder.
    - If there is a serious injury, the claimant must be assessed by a medical practitioner.
    - Any claim for loss of income or support is limited to a maximum amount that is determined from time to time.
    - A person may not sue the negligent driver for the portion of damages that the RAF does not compensate.

8. How can LegalWise assist you?

Should you require an explanation of your rights on this topic, please contact your nearest LegalWise Branch , call, e-mail or WhatsApp us. For more information about our membership options visit our legal services page or visit our join now page.

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