NEVER NEED US…

What is the Road Accident Fund?

The Road Accident Fund ("Fund") is a statutory body that, in terms of the provisions of the Road Accident Fund Act, 1996 (Act 56 of 1996), exists to provide cover to all persons within the borders of South Africa for loss or damage resulting from death or bodily injury caused by the negligent driving of motor vehicles within borders of the country.

Where does the Fund get its money from?

The Road Accident Fund is mainly funded by a levy on Fuel (petrol and diesel sold).

Who is entitled to make a claim?

An injured person (except where the injured person is 100% to blame for the accident).

A dependent of a deceased person (except where the deceased person is 100% to blame for the accident).

A close relative of the deceased in respect of funeral expenses.

A parent or legal guardian of a minor child.

A foster parent in respect of past medical expenses incurred by him/her.

An executor of the deceased's estate.

A curator ad litem.

What can you claim for from the Fund?

Past and future hospital and medical expenses.

Past and future loss of income or earnings.

Past and future loss of support for a dependent of a deceased victim.

General damages for pain, suffering and disfigurement in the case of bodily injury. (This is determined after examining the extent and severity of the injury). In respect of claims arising on or after 1 August 2008 general damages are only paid for serious injury.

Necessary funeral expenses.

How can you claim from the Fund?

A claim must be made on a prescribed form which is available from offices of the Road Accident Fund.

Every applicable paragraph must be fully completed.

The doctor that treated the injured or deceased person immediately after the accident must complete the medical report. Alternatively the superintendent of the hospital (or his or her representative) where the injured or deceased person was treated for such bodily injuries must complete the medical report.

The claim form must be signed by the claimant or the claimant's authorised legal representative.

The Claim Form

The prescribed claim form and the accompanying documents must be hand delivered or sent by registered mail to the Fund at the addresses appearing under Branch Contact Details.

It is your responsibility to ensure that the claim form reaches the Fund. The Fund cannot be held responsible for claim forms that are sent by post or via a third party that do not reach the Fund.

What documents need to be submitted with the claim form? In case of injury and/or death

1. A certified copy of the identity document of the claimant and/or injured person or full birth certificate in case of a minor.
2. An affidavit by the claimant.
3. Officers Accident Report (OAR), witness statement, police sketch plan and key to plan.
4. Documents to prove loss of earnings e.g. salary advice slip.
5. Documentation to prove medical expenses.
6. Copies of hospital records.
7. Where the accident occurred on or after 1 August 2008, a Serious Injury Assessment Report, to prove serious injury in respect of a claim for general damages. If the accident victim is deceased the following additional documents are required.
8. Identity document of deceased.
9. Death certificate or post mortem report.
10. Proof of marriage (if claim by spouse).
11. Birth certificate of minor children reflecting names of parents.
12. Proof of earnings of all parties involved.

Do you always need a lawyer to claim?

A claimant may decide to employ a lawyer who will be entitled to charge a fee for professional services rendered.
However the claimant may lodge a direct claim with the Fund and take sole responsibility for his/her claim.

What is a direct claim?

A direct claim is a claim lodged personally by the claimant directly with the Fund without using the services of a lawyer. The Fund employs information officers at all branch offices of the Fund to assist claimants free of charge.

The claim procedure:

The claim is lodged on a prescribed statutory claim form which provides basic information on the claimant, the vehicles and parties involved in the collision, the date and place of accident and the amounts claimed. It also contains a medical report that must be completed by the first treating doctor. This claim form must be accompanied by an affidavit setting out the full particulars of the accident, statements of witnesses, police reports, hospital and medical records, as well as vouchers and documents in support of the amounts claimed.
The drivers of the vehicles involved in the collision must furnish details of the accident to the Fund on a statutory accident report form together with information of witnesses.
Once a claim is submitted, the Fund registers it on its claim system and commences with its investigations. The Fund determines whether the claim is valid (i.e. was there a road accident, does it comply with statutory provisions, was it submitted on time, etc.) and what the merits of the case are (i.e. the degree of fault, blame or negligence to be ascribed to the drivers of the vehicles and the claimant respectively). The quantum is also determined (i.e. the amount of the damages or losses suffered). If a claim is incomplete, the Fund may call for additional information and supporting documentation to enable it to better assess the matter.

TIME PERIOD TO LODGE A CLAIM?

Identified driver:

If the identify of the negligent driver or owner is known, the claim must be lodged within three years from the date on which the claim arose. This does not apply to a claim of a person under the age of 18 (minor) or a person who is detained in a mental health institution (mentally ill person) or a person under curatorship.

Unidentified driver (Hit and Run):

If the identity of the owner and driver is unknown, the claim must be lodged with the Fund within two years from the date on which the claim arose, irrespective of the claimant's age or whether the claimant is detained in a mental health institution (mentally ill person) or is under curatorship.

"In relation to the claimants"

. Property damage cannot be claimed from the Fund. It may be claimed from the offending driver.

. An accident must be reported to the police and the Fund by the driver/owner.

. Compensation will be reduced in relation to claimant's own negligence.

. A claim for compensation for a passenger in the offending vehicle is limited to R25 000 where the accident took place prior to 1 August 2008. On 17 February 2011 the Constitutional Court declared the limit to be unconstitutional and directed that Parliament must consider remedying the defect within an 18 month period from the date of the order, failing which the suspension of the order of invalidity would come into effect.

. This was remedied by the enactment of the Transitional Provisions Act.

. The Road Accident Fund (Transitional Provisions Act) no 15 of 2012 have come into operation on 13 February 2013. This Act gave claimants a time period of one year to make an election whether they prefer their claims to be governed in terms of the old Act or new Act.

. The election period has now passed on the 12th February 2014 in that all claims which happened before 1 August 2008 and were limited and not yet finalized either by judgement or agreement and the Claimants have not yet made an election, their claims will automatically be dealt with in terms of the new Act. This means they will still be entitled to claim general damages up R25 000 but to get more than that they have to submit a serious injury report, that is RAF4 form within 2 years from 13 February 2013.

. All claims for loss of income or earnings arising from accidents occurring on or after 1 August 2008 are limited to a statutory limit of R160 000.This limit is adjusted quarterly to allow for inflation.

. All claims for loss of support arising from accidents occurring on or after 1 August 2008 are limited to a statutory limit of R160 000 per deceased breadwinner, which limit is adjusted quarterly to allow for inflation.

. All claims for medical expenses arising from accidents occurring on or after 1 August 2008 are limited in terms of one of two tariffs. However, on 25 November 2010 the Constitutional Court ruled that the non-emergency tariff was unconstitutional and directed the Minister of Transport to implement a new tariff.

. Accordingly until such time that the Minister prescribes a new tariff, non emergency treatment will be assessed and paid in the same manner as in the case of claims arising prior to 1 August 2008, that is, the reasonable necessary cost will be compensated.

. All claims for general damages arising from accidents occurring on or after 1 August 2008 are limited to serious injury only.

The Road Accident Fund is a public entity that serves to pay compensation to persons who sustain bodily injuries as a result of negligent driving of motor vehicles in South Africa

WHAT TO DO AT ACCIDENT SCENE?

Record the following details:

. Full names, ID numbers, addresses (work and home), telephone numbers (work and home) and vehicle registration numbers of all drivers, passengers and witnesses.

. Descriptions of vehicles and drivers.

. Details of police, traffic and ambulance officials.

. Details of tow truck personnel.

. Attempt to indicate vehicle's static positions with road markings (chalk, spray-paint, etc.).

Steps to take subsequent to accident:

1. Report accident to SAPS immediately (driver or owner).
2. Report accident to RAF (driver and owner).
3. If matter is not being investigated by SAPS, attempt to obtain statements from witnesses ASAP (claimant).
4. Attempt to take photographs of accident scene as scene may change (claimant).
5. Attempt to take photographs of the damage to the vehicles and of injuries e.g. abrasions, severe bruising, cosmetic disfigurement (claimant).
6. Draw sketch plan of scene and make sure that it contains a fixed point so that it can easily be traced (claimant).
7. Make sure that the treating doctor records the visit or gives a detailed account including treatment - especially where treatment is not given by the insured's normal doctor (claimant).

Documents to retain or obtain subsequent to accident:

. SAPS collision report (SAP 352) or Officer's Accident Report (OAR).
. Witness statements taken by SAPS.
. Hospital, medical and/or clinical records.
. Details of medical institutions and medical practitioners.
. All hospital and medical accounts.

Fraud and the Road Accident Fund:

The Fund loses a lot of money from fraud and corruption that could otherwise have been used to compensate road accident victims.
Certain criminal elements have targeted the Fund for their nefarious purposes and treat the Fund as a "cash cow". The methods used have all the trademarks of a fraud syndicate. These syndicates defraud YOU the taxpayer of vast sums of money, bringing the legal profession into disrepute while the criminals are unjustly enriched.
Due to the adverse effect that fraud has had on the Fund's ability to deliver on its mandate of compensating accident victims, where the Fund is losing money to undeserving fraudsters at the expenses of road accident victims, who are in need of the compensation to cover for medical expenses and loss of income resulting from injuries and death resulting from road accidents, the Fund has moved towards stringent measures of tracking down these fraudsters and bringing them to justice.

THE FUND IS SENDING A STRONG AND URGENT MESSAGE TO FRAUDSTERS

You will be arrested if you do the following:

. Fabricate a motor vehicle accident.
. Fake injuries as if you were in a motor vehicle accident.
. Make a false statement under oath (affidavit) that you were involved or injured in a motor vehicle accident.
. Lodge a false third party claim with the Fund.
. Assist someone to commit any of the above offences.

The Fund has a close working relationship with the National Prosecutions Authority (NPA), South African Police Services (SAPS) and Special Commercial Crimes Unit.
Be a responsible citizen, report fraud by or against the Road Accident Fund.

Call the Tip-Offs Anonymous at
Toll free 0800 005 919
Free fax 0800 002 796
Hotmail fraud@kpmg.co.za
Freepost KPMG Hotspot,
BNT 371, PO Box 14671,
SINOVILLE, 0129
RAF – there for you in an unfortunate event of road