

QUICKLAW

ANSWERS YOUR QUESTIONS

ROAD ACCIDENT FUND

If I have been injured in a car accident, what must I do immediately after the accident?

Record the following details of all drivers, passengers, witnesses, police, traffic, ambulance officials and tow truck personnel:-

- Full names,
- ID numbers,
- Addresses (work and home),
- Telephone numbers (work and home),
- Vehicle registration numbers,
- Descriptions of vehicles and drivers,
- You must also record the date, time and address of the collision,
- Try to get statements from witnesses as soon as possible. This is important in the event of a dispute about who caused the accident,
- Take photographs of the accident scene if you have a camera on you as the scene may change,
- Take photographs of the damage to the vehicles and the injuries,
- Draw a sketch plan of the scene and make sure that it contains a fixed point so that it can easily be traced,
- Report the accident to the closest police station within 48 hours,
- If you have been injured, consult a doctor immediately even if you think that the injury is not serious,
- Make sure that the doctor records the visit and gives a detailed account including treatment,
- If you want to lodge a claim with the Road Accident Fund the doctor must complete an MMF 1 form.

Obtain the following documents after the accident:

- SAPS collision report from the police station where the accident was reported. This will cost approximately R50,00.
- Witness statements taken by SAPS or your own witness statements.
- Hospital and medical records.
- Details of the clinic or hospital and particulars of the doctor that examined you.
- All hospital and medical accounts.

REPORTING THE ACCIDENT TO THE ROAD ACCIDENT FUND

What is the Road Accident Fund (R.A.F.)?

It is a government body set up to pay compensation to:-

- People injured in road accidents or
- Dependents of people killed in road accidents arising from the negligent driving of motor vehicles in South Africa.

Where does the R.A.F. receive its money from?

The R.A.F. receives its money from a fuel levy included in the price of petrol and diesel that is paid by drivers of motor vehicles every time they fill up with petrol.

Do I need an attorney to help me claim from the R.A.F.?

- The R.A.F. employs Information Officers at all the branches of the R.A.F. to assist people who want to lodge a claim free of charge.
- An attorney will also be able to assist you to lodge your claim.
- If you or a family member are seriously injured, we recommend that you use an attorney to claim damages from the R.A.F. on your behalf as these types of claims are usually more complicated.

How soon after the accident do I need to lodge a claim with the R.A.F.?

- If you know the identity of the driver who caused the accident or the owner of the vehicle, the claim must be lodged within 3 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 21 years old. Once you turn 21 years old you have a 3 year period within which to lodge the claim.
- If you don't know the identity of the driver or owner of the vehicle, the claim must be lodged within 2 years from the date of the accident.

Who is entitled to make a claim?

- A person who was personally injured (except a driver who was the sole cause of the accident),
- A dependant of a deceased victim,
- A close relative of the deceased victim if the person paid the funeral expenses.

Note: A claimant who is under the age of 21 years must be assisted by a parent or legal guardian.

What can I claim for?

- Medical expenses (past and future),
- Funeral expenses of a family member,

- Loss of earnings or income if the person is disabled (past and future),
- Loss of support for a dependant of a deceased victim,
- General damages for pain, suffering and disfigurement in the case of bodily injury.

What happens if I am involved in an accident, land up in hospital and somebody approaches me in hospital and asks me to sign a document - what should I do?

- Do not sign the document.
- Phone LegalWise or ask a family member to phone. We will arrange an attorney for you or provide you with a list of attorneys to choose from.

What should I do if I am a third party in an accident?

- Any other person involved in the accident must fill in the prescribed R.A.F. form.
- They must send this form to the R.A.F. within 14 days if they are able to do so.
- The third party must give full details of what occurred at the accident scene.
- The R.A.F. insures the third party against claims for personal injury so the form should be completed accurately.

What else should I consider?

1. Damage to your car cannot be claimed from the R.A.F. Damages should be claimed from the other driver or if you are insured it should be reported to your insurance who will then claim damages from the driver who caused the accident.
2. The R.A.F. may require a person to undergo medical examinations.
3. The R.A.F. may refuse to pay a claim if a claimant unreasonably refuses or fails to co-operate with the R.A.F. during an investigation.
4. There are certain categories of claims that the Road Accident Fund Act excludes and compensation may be limited in certain situations.
5. If you were partially to blame for the accident the R.A.F. will apportion blame in percentage terms. For example, if you were partially to blame for the accident, the R.A.F. might apportion 10% of the blame to you and apportion 90% of the blame to the other driver who was involved in the accident.

KEY:

1. COLLISION - Accident
2. DISPUTE - To argue about; debate
3. WITNESS - A person who sees or hears something