

**CONSUMER RIGHTS**

## 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.