

**Notice Title** ROAD ACCIDENT FUND ACT (56/1996): ACCIDENT  
FUND AMENDMENT REGULATIONS, 2013

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GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 347

15 May 2013

ROAD ACCIDENT FUND ACT, 1996 (ACT NO. 56 of 1996)

ROAD ACCIDENT FUND AMENDMENT REGULATIONS, 2013

I Ben Dikobe Martins, Minister of Transport hereby, in terms of section 26 of the Road Accident Fund Act, 1996 (Act No.56 of 1996), makes the following Regulations as set out in the attached Schedule.

(Signed)

Mr D. B. MARTINS, MP  
MINISTER OF TRANSPORT  
DATE:

SCHEDULE

Definitions

Amendment of regulation 1 of the Regulations

1. In these Regulations "the Regulations" mean the regulations published by Government Notice No. R.769 and R. 770 in Government Gazette No.31249 on 21 July 2008.

2. Regulation 1 of the Regulations is hereby amended by the insertion after the definition of "AMA Guides" of the following definition:

'"complications" means any medical complication and, or, functional impairment relating to the third party, which in the opinion of the medical practitioner, could result in the injury being assessed as serious in terms of sub regulation 3(1)(b)(ii) and/or 3(1)(b)(iii):'.

Amendment of regulation 3 of the Regulations

3. Regulation 3 of the Regulations is hereby amended -

(a) the substitution in sub regulation (1)(b) for paragraph (i) of the following paragraph: -

"(i) Any one, or any combination, of the following injuries, are for purposes of section 17 of the Act, not to be regarded as a serious injury and no injury shall be assessed as serious if the injury meets the following description -

(aa) any whiplash type or soft tissue injury to the neck or back;

(bb) any strain, tear, crush or damage to any muscle or soft tissue;

(cc) any mild sprain, strain, tear or damage to any ligament of any joint unless there is continuing instability of the joint;

(dd) any lacerations, abrasion, cut, tear, or damage to skin or soft tissue, provided there is no resulting permanent serious disfigurement;

(ee) any complete or partial amputation of the little finger of either hand, or both the right and left hand;

(ff) fracture of any finger of either hand, or both the right and left hand;

(gg) any complete or partial amputation of any one toe of either foot or both the right and left foot unless there is partial or complete amputation of the big toe;

(hh) fracture of any toe of either foot, or both the right and left foot;

(ii) any damage to or loss of a tooth or any number of teeth;

(jj) superficial burns to any part of the body;

(kk) superficial injury to one or both eyes;

(ll) fracture of the nasal bone or damage to the nasal cartilage;

(mm) any scar or scars caused by any injury listed in items (aa) to (ll). provided there is no resulting permanent serious disfigurement;

(nn) any bruising or bleeding into the soft tissue as a result of any injury listed in items (aa) to (mm);

(oo) any sequelae in the form of pain or discomfort as a result of any injury listed in items (aa) to (nn); and

(pp) any mild or moderate form of depression, anxiety, chronic headaches or post-traumatic stress disorder;

Provided that, if any complication arises from any one, or any combination of the injuries listed in items (aa) to (pp), the third party shall be entitled to be assessed in terms of sub regulations 3(1)(b)(ii) and (3)(1)(b)(iii)."

(b) by the substitution in sub regulation 2 for paragraph (a) of the following paragraph:

"(a) Unless otherwise provided in these Regulations -

(i) the costs of an assessment shall not exceed R 2 650.00 (excluding VAT), or such adjusted tariff of fees determined by the Minister from time to time by notice in the Gazette;

(ii) no amount in excess of that determined in paragraph (i) shall be recoverable from the Fund or an agent: provided that the amount determined in paragraph (i) excludes the additional cost of information, records or reports required by the medical practitioner to perform the assessment, the cost of which shall be in addition to the aforementioned amount; and

(iii) the costs of an assessment shall be borne by the Fund or an agent only if the third party's injury is found to be serious and the Fund or the agent attracts overall liability in terms of the Act."

(c) by the insertion in paragraph (b) of sub regulation (2) of the word "written" before the word "request";

(d) by the insertion after subregulation (2) of the following subregulation:

"(2A) (a) The Fund or an agent must determine a request by a third party in terms of sub regulation (2) within 60 days from the date on which the written request was sent by registered post or delivered by hand to the Fund or an agent.

(b) A request by a third party in terms of sub regulation (2) shall not interrupt prescription."

(e) by the insertion in sub regulation (3) after paragraph (d) of the following paragraph:

"(dA) The Fund or an agent must, within 90 days from the date on which the serious injury assessment report was sent by registered post or delivered by hand to the Fund or to the agent who in terms of section 8 must handle the claim, accept or reject the serious injury assessment report or direct that the third party submit himself or herself to a further assessment."; and

(f) by the substitution in sub regulation (8) for paragraph (a) of the following paragraph:

"(a) The Registrar shall within 60 days after receiving notification from the other party, or after the expiry of the 60 day period referred to in sub regulation (7), refer the dispute for consideration by an appeal tribunal paid for by the Fund."

Amendment of regulation 6 of the Regulations

4. Regulation 6 of the Regulations is hereby amended by the addition of the following subregulations: -

"(3) The Fund or an agent may at its cost, at the written request of the third party, pay directly to the medical practitioner or hospital concerned the reasonable necessary costs associated with the completion of the medical report contemplated in section 24(2) (a) of the Act, if the Fund decides that the third party lacks sufficient funds to obtain the medical report and the Fund foresees a reasonable prospect that the third party could succeed with the merits of the claim.

(4) The Fund or an agent must determine a request by a third party in terms of sub regulation (3) within 60 days from the date on which the written request was sent by registered post or delivered by hand to the Fund.

(5) A request by a third party in terms of sub regulation (3) shall not interrupt prescription."

Short Title and Commencement

5. These Regulations are called the Road Accident Fund Amendment Regulations, 2013 and will come into operation on the date of their publication in the Gazette.