

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, JOHANNESBURG**

***Maphosa v Road Accident Fund***

**Case NO: 2022/1093**

**Date of Judgment: 7 March 2023**

**JUDGMENT SUMMARY**

On Thursday, 7 March 2024, Pienaar AJ handed down judgment in an action for damages brought by Mr Franko Maphosa (Plaintiff), against the Road Accident Fund (the Fund) for injuries sustained in a motor vehicle accident on 11 December 2020. The central issues for determination were whether the Plaintiff's status, as an "illegal" foreign national disqualifies him from seeking compensation under the provisions of the Road Accident Fund Act 56 of 1996 (the Act); the liability of the Fund; and the quantum of damages to be awarded.

The plaintiff, a Zimbabwean citizen, was injured on 11 December 2020 when he was struck by a motor vehicle in Cosmo City, Randburg. At the time, the plaintiff's asylum seeker temporary permit had expired, rendering him an "illegal foreigner" under the Immigration Act 13 of 2002. The Fund contended that illegal foreigners are ineligible to claim under the Act.

The court, in holding that a foreign national, regardless of their legal status in the Republic, qualifies as "any person" entitled to claim compensation from the Fund, interpreted the ordinary grammatical meaning of "any person" in section 17 of the Act purposively and contextually, finding no justification to exclude certain victims based on their immigration status. Interpreting the Act to preclude certain victims based on immigration status would contradict the Act's compensatory purpose and violate constitutional principles of equality before the law.

The court dismissed the Fund's special plea of prescription, finding that the Fund failed to prove a valid objection to the Plaintiff's claim as required by section 24(5) of the Act, and further found the Fund 100% liable for the plaintiff's damages, awarding R960 000.00 for future loss of earnings and earning capacity, an undertaking for future medical and related expenses, and postponed the determination of general damages *sine die* to be referred to the Health Professions Council of South Africa. Costs were awarded to the Plaintiff.