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**IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CIRCUIT LOCAL DIVISION, THEMBALETHU**

**Case No: 993/2023; (994/2023);
(894/2023); (18128/2023); (896/2023);
(929/2023);(18126/2023);
(18125/2023); (126/2024);
(18090/2023); (991/2023);
(895/2023); (18089/2023); (104/2024);
(992/2023); (105/2024)
REPORTABLE: YES
OF INTEREST TO OTHER JUDGES: NO**

In the matter between:

**HENRICO JOVIHANO MAARMAN
(993/2023)**

PLAINTIFF

**JAKOBUS GEORGE
(994/2023)**

PLAINTIFF

JOSLIN CINDY PETERSEN **PLAINTIFF**
(894/2023)

JOHANNA FRANS **PLAINTIFF**
(18128/2023)

JOHANNES NOMBANDE **PLAINTIFF**
(896/2023)

BILLY ANNE BERDINE LAMONT **PLAINTIFF**
(929/2023)

GLANWILL CEDERIC PICKAAN **PLAINTIFF**
(18126/2023)

AMBROZE REGAN KEFFERS **PLAINTIFF**
(18125/2023)

RENTIA VELENCIA SEFOOR **PLAINTIFF**
(126/2024)

JACKY KANNEMEYER obo **PLAINTIFF**
J[...] D[...] K[...] (18090/2023)

JACKY KANNEMEYR obo **PLAINTIFF**
T[...] L[...] L[...] K[...] (991/2023)

SYDNEY TITUS **PLAINTIFF**
(895/2023)

JACKY KANNEMEYR **PLAINTIFF**

(18089/2023)

THULANE JACKY MSIMANGA

PLAINTIFF

(104/2024)

ESTRALITA CAROLINE PHILLIPS obo

PLAINTIFF

V[...] T[...] P[...] (105/2024)

DAVID CARELSE

PLAINTIFF

(992/2023)

and

ROAD ACCIDENT FUND

DEFENDANT

Coram: Kholong AJ

Heard: 28 January 2025

Delivered: 12 March 2025

JUDGMENT

KHOLONG AJ

Introduction

1. This Court has been called upon to hear a special plea raised by the Road Accident Fund (herein-after “RAF”) in defense to 16 different actions instituted against it before this Court. Whilst the plaintiffs are different and instituted proceedings independently, legal representation for plaintiffs and defendant is the same.

Accordingly, the Parties have agreed that the special plea raised in each of these matters be heard first and consolidated together before merits in each separate case are considered. The special plea is dealt with below.

2. The Plaintiffs in these cases are Henrico Jovihano Maarman; Jakobus George; Joslin Cindy Petersen; Johanna Frans; Johannes Nombande; Billy Anne Berdine Lamont; Glanwill Cederic Pickaan; Ambroze Regan Keffers; Rentia Velencia Sefoor; Jacky Kannemeyer on behalf of J[...] D[...] K[]; Jacky Kannemeyr on behalf of T[...] L[...] L[...] K[]; Sydney Titus; Jacky Kannemeyr; Thulane Jacky Msimanga; Estralita Caroline Philips on behalf of V[...] T[...] P[] and David Carelse.

3. The defendant in all these actions is the RAF, which is an entity established by the **Road Accident Fund Act, 56 of 1996** (“the Act”) to compensate victims involved in accidents arising from the driving of motor vehicles. The incidents, which according to the record, allegedly involved either motor vehicle collision with driver and passengers in some instances and in another pedestrian claiming to have been hit by a motor vehicle driven negligently. It is common cause that all these alleged incidents occurred within this Court’s area of jurisdiction.

Background/Special Plea

4. The parties agreed on a stated case in terms of rule 33. In summary, the questions of law in dispute that the parties want this Court to determine are the following:

5.1. Did the lodged documents satisfy the requirements in law to be regarded that the claim submitted by the plaintiff substantially complied with the procedural requirements for a validly lodged claim in terms of Section 24 of the Road Accident Fund Act, Act 56 of 1996.

5.2 Whether the lodged documents listed, furnish defendant with sufficient information to enable defendant to investigate and consider the plaintiff's claim?

5.3 Whether the defendant is entitled to refuse to accept claims which do not comply with the terms and conditions set out in Board notice 271 read with the new RAF 1 form?

5.4 Does the decision to refuse to accept claims constitute an administrative decision?

5.5 Are the requirements for valid lodgment in terms of Board Notice 271 peremptory and can it be interpreted to make provision for partial compliance to the Board notice in respect of the lodgment of claims?

5.6 Did the proposed lodgment documents listed satisfy the requirements of Board Notice 271 and can it be regarded that the claim submitted by plaintiff complied with the procedural requirements for a validly lodged claim in terms of published stipulated terms and conditions in Board Notice 271 of 2022 read with Section 24 of the Act, which stipulate which documents must accompany the claim documentation when submitting a claim for compensation.

5.7 Consequently whether the special plea should be upheld or Dismissed.

Facts

5. Essentially in all of these cases RAF in paragraph 1 of the rejection letters stated the following:

“To administer claims effectively and efficiently the Road Accident Fund (RAF) pursuant to section 4(1)(a) of the Road Accident Fund Act, 1996 (the Act) published the stipulated terms and conditions upon which claims for

compensation shall be administered (the terms and conditions) in Board Notice 271 of 2022 which was published in Government Gazette No. 46322 on 6 May 2022. The terms and Conditions, read with section 24 of the Act, stipulate what documents must accompany the claim documentation when submitting a claim for compensation”.

6. In each instance RAF proceeded to object to the validity of the claims submitted in accordance with paragraph 24(5) of the Act and stated that they “*do not accept the documentation presented/posted/emailed...as a valid claim for the purposes of lodgment in terms of the Act and accordingly return the documents..*” .

7. Plaintiffs had on various dates submitted claims against RAF for compensation. RAF repudiated all these claims. For example, in the case of Maarman, this Plaintiff had on 18 September 2023 following RAF’s rejection letter issued summons in pursuance of its claim in the amount of R1 550 000. The RAF raised a special plea in this case as it did in each of the other aforementioned actions. RAF’s plea which followed a similar thread in other rejection letters went as follows:

“To administer claims effectively and efficiently the Road Accident Fund (RAF) pursuant to Section 4(1)(a) of the Road Accident Fund Act, 1996 (the Act) published the stipulated Terms and Conditions upon which claims for compensation shall be administered (the terms and conditions) in Board Notice 271 of 2022 which was published in Government Gazette No 46322 on 6 May 2022. The terms and conditions, read with section 24 of the Act, stipulate what documents must accompany the claim documentation when submitting a claim for compensation.

On 11 May 2023 the plaintiff posted his claim with the defendant for the following products General damages, loss of earning, medical expenses.

In the claim posted on 11 May 2023 the plaintiff is obliged to comply with Section 24(5) of the Act as amended.

In the letter dated 01 July 2023, within the time period for the defendant to object, the defendant in writing, objected to the plaintiff's claim presented on the grounds that there was non-compliance with section 24(5) of the Act as amended.

In the circumstances the plaintiff's claim is invalid in Law”.

8. It was on this basis that defendant prayed for its special plea to be upheld and for plaintiff's claim to be dismissed with costs. Save for change in dates on which the claims were posted in these various actions and variation in reasons, as shall be dealt with below, the 16 rejection letters are premised on largely the same principles, non-compliance with Section 24.

Rejection Letters

Jacky Kannemeyr

9. In the case of Jacky Kannemeyr, in the letter dated 7 May 2024 RAF stated that their pre-assessment reveals that the claim will prescribe on 7 September 2030 and RAF will take a special plea should summons be issued. They proceeded to state that their pre-assessment having regard to compliance with section 24 and the terms and conditions, reveals that the documents submitted do not meet the requirements for a substantially compliant and valid claim, the reasons being:

- “1. Court order or masters letter of appointment (If curator submitting on behalf of minor-LOS (if applicable)).*
- 2. Unabridged birth certificate (if natural guardian is claiming on behalf of minor).*
- 3. Copies of all hospital and medical accounts.*
- 4. official documentation confirming any disability grant.*

5. *An itemized tax invoice from a registered medical provider/or hospital for past medical expenses.*

6. *Proof of payment of medical expenses”.*

10. This rejection or objection letter followed on an earlier objection letter of 23 June 2023. That objection letter had in the main raised similar objections, that is: *“Academic registration/school report; all statements and documents as outlined in terms of section 19(f)(i); Medical reports or documentation establishing or substantiating claimant’s temporary/permanent disability and loss of earnings claimed; SMR is not completed by first doctor”.*

Thulane Jacky Msimanga

11. In the case of Thulane Jacky Msimanga, in the letter dated 2 October 2023 RAF objected to the validity of the claim submitted in accordance with paragraph 24(5) of the Act and stated that RAF will take a special plea should summons be issued. The basis thereof was that their pre-assessment having regard to compliance requirements with section 24 and the terms and conditions, reveals that the documents submitted do not meet the requirements for a substantially compliant and valid claim because:

“2.1. Copies of all medical and hospital records, including photographs of the injuries.

2.2. Pay slips pre and post-accident.

2.3. Employer’s certificate of injured service showing nature of employment, the period of service, remuneration, prospect of advancement and compensation and retirement age.

2.4. Proof of any other income, if applicable.

2.5. Official confirmation of remuneration/ compensation received from other sources (if applicable).

2.6. Claimant’s tax records if not available, communication from SARS

that claimant is not registered for tax), in which case a bank statement for three years preceding accident must be submitted (if applicable).

2.7. Medical reports or documentation establishing or substituting claimant's temporary/permanent disability and the loss of earnings claimed.

2.8. Official confirmation of the compensation fund's award if claimant was injured during the course and scope of employment.

2.9. Official documentation confirming any disability grant.

2.10. Proof of payment of medical expenses.

2.11. An itemized tax invoice from a registered medical provider/or hospital for the past medical expenses.”

12. This rejection, followed on an earlier rejection of 2 May 2024 where RAF sought copies of all hospital and medical accounts; official documentation confirming any disability grant; An itemized tax invoice from a registered medical provider/or hospital for past medical expenses as well as proof of payment of medical expenses.

EC Phillips obo VT

13. In the case of EC Phillips acting on behalf of another, in the letter dated 11 July 2023, RAF objected to the validity of the claim submitted in accordance with paragraph 24(5) of the Act and stated that RAF will take a special plea should summons be issued. The basis thereof was that their pre-assessment having regard to compliance requirements with section 24 and the terms and conditions, revealed that the documents submitted do not meet the requirements for a substantially compliant and valid claim, thus do not accept the documentation. The reasons given were the following:

“1. Copies of all hospital and medical accounts

2. Medical reports or documentation establishing or substantiating claimant's temporary/permanent disability and the loss of earnings claimed.

3. Official documentation confirming any disability grant.

4. *Copies of all medical and hospital records, including photographs of the injuries.*
3. *An itemized tax invoice from a registered medical provider/or hospital for past medical expenses.*
4. *Proof of payment of medical expenses”.*

David Carelse

14. In the case of David Carelse, in the letter dated 7 May 2024 they objected to the validity of the claim submitted in accordance with paragraph 24(5) of the Act and stated that RAF will take a special plea should summons be issued. The basis thereof was that their pre-assessment having regard to compliance requirements with section 24 and the terms and conditions in Board notice 271 of 2022, reveals that the documents submitted do not meet the requirements for a substantially compliant and valid claim, thus do not accept the documentation. The reasons were the following:

- “1. *Certified copy of claimants ID (Eligible).*
2. *Copies of all hospital and medical records in terms of section 19(e)(i) and 19(e)(ii).*
3. *Copies of all hospital and medical records, including photographs of injuries or scarring.*
4. *Proof of any other income, if applicable.*
5. *Photographs of injuries or scarring.*
6. *Copies of all hospital and medical accounts.*
7. *Official documentation confirming any disability grant.*
8. *An itemized tax invoice from a registered medical provider/or hospital for past medical expenses.*
9. *Proof of payment of medical expenses”.*

Rentia Velentia Sefoor

15. In the case of Rentia Velentia Sefoor, in the letter dated 8 August 2023 they objected to the validity of the claim submitted in accordance with paragraph 24(5) of the Act and stated that RAF will take a special plea should summons be issued. The basis thereof was that their pre-assessment having regard to compliance requirements with section 24 and the terms and conditions in Board notice 271 of 2022, they advised that the documents submitted do not meet the requirements for a substantially compliant and valid claim, thus do not accept the documentation because:

- “1. Statutory Medical Report (must be completed by the first treating Doctor/must be completed using a disclaimer that it was completed with available hospital records).
2. Copies of all hospital and medical records in terms of section 19(e)(i) and 19(e)(ii).
3. Copies of all hospital and medical records, including photographs of Injuries.
4. Pay-slips pre and post-accident.
5. Employer’s certificate of injured’ service showing nature of employment, the period of service, remuneration, prospects of advancement and compensation and retirement age.
6. Proof of any other income, if applicable.
7. Photographs of injuries or scarring.
8. Copies of all hospital and medical accounts.
9. Medical reports or documentation establishing or substantiating claimant’s temporary/permanent disability and the loss of earnings claimed.
10. Official documentation confirming any disability grant.
11. An itemized tax invoice from a registered medical provider/or hospital for past medical expenses.
12. Proof of payment of medical expenses”.

16. This letter was followed by a letter of 7 May 2024 where many of the objections reduced but for Employer’s certificate of injured service showing nature of employment, the period of service, remuneration, prospects of advancement and compensation and

retirement age; copies of all hospital and medical accounts; official documentation confirming any disability grant; an itemized tax invoice from a registered medical provider/or hospital for past medical expenses; and proof of payment of medical expenses. This letter stated the standard paragraphs as in the previous letter of objection with indication that claim will prescribe on 11 October 2023.

GC PICKAAN

17. In the case of GC Pickaan, in the letter dated 12 September 2023 RAF objected to the validity of the claim submitted in accordance with paragraph 24(5) of the Act and stated that RAF will take a special plea should summons be issued. The basis thereof was that their pre-assessment having regard to compliance requirements with section 24 and the terms and conditions in Board notice 271 of 2022, revealed that the documents submitted do not meet the requirements for a substantially compliant and valid claim, thus do not accept the documentation because:

- “1. Copies of all hospital and medical records, including photographs of the injuries.
2. Payslips pre and post-accident.
3. Employer’s certificate of injured’ service showing nature of employment, the period of service, remuneration, prospects of advancement and compensation and retirement age
4. Proof of any other income, if applicable
5. Copies of all hospital and medical accounts.
6. Medical reports or documentation establishing or substantiating claimant’s temporary/permanent disability and the loss of earnings claimed
7. Official documentation confirming any disability grant.
8. An itemized tax invoice from a registered medical provider/or hospital for past medical expenses.
9. Proof of payment of medical expenses”.

18. This letter was followed by a letter of 21 May 2024 where many of the objections reduced but for copies of medical records. This letter stated the standard paragraphs as in the previous letter which included the question of prescription which RAF stated will only be interrupted once a valid claim is lodged.

J George

19. In the case of J George, in the letter dated 4 July 2023 they objected to the validity of the claim submitted in accordance with paragraph 24(5) of the Act and stated that RAF will take a special plea should summons be issued. The basis thereof was that their pre-assessment having regard to compliance requirements with section 24 and the terms and conditions in Board notice 271 of 2022, revealed that the documents submitted do not meet the requirements for a substantially compliant and valid claim, thus do not accept the documentation because:

- “1. Copies of all hospital and medical records, including photographs of the injuries.
- .2. Copies of all hospital and medical accounts.
3. Medical reports or documentation establishing or substantiating claimant’s temporary/permanent disability and the loss of earnings claimed
4. Official confirmation of remuneration/compensation received from other sources (if applicable)
5. An itemized tax invoice from a registered medical provider/or hospital for past medical expenses.
6. Official documentation confirming any disability grant.
7. “SMR – NOT DULLY COMPLETED AND NOT FIRST TREATING DOCTOR”.

20. This letter was followed by a letter of 21 May 2024 where many of the objections were restated and added query on proof of any other income if applicable. This letter stated the standard paragraphs as in the previous letter including the question of prescription which RAF stated will only be interrupted once a valid claim is lodged.

Ambrose Regan Keffers

21. In the case of Ambrose Regan Keffers, in the letter dated 12 September 2023 they objected to the validity of the claim submitted in accordance with paragraph 24(5) of the Act and stated that RAF will take a special plea should summons be issued. The basis thereof was that their pre-assessment having regard to compliance requirements with section 24 and the terms and conditions in Board notice 271 of 2022, revealed that the documents submitted do not meet the requirements for a substantially compliant and valid claim, thus do not accept the documentation because:

“1. Pay-slips pre and post-accident.

2. Employer’s certificate of injured’ service showing nature of employment, the period of service, remuneration, prospects of advancement and compensation and retirement age

3. claimant’s tax records (if not available, communication from SARS that claimant is not registered for tax), in which case a bank statement for three years preceding accident must be submitted (if applicable).

4. An itemized tax invoice from a registered medical provider/or hospital for past medical expenses.

5. Proof of payment of medical expenses.

6. Copies of all hospital and medical accounts.

7. Copies of all hospital and medical records, including photographs of the injuries.

8. Medical reports or documentation establishing or substantiating claimant’s temporary/permanent disability and the loss of earnings claimed.

9. Official documentation confirming any disability grant”.

22. This letter was followed by a letter of 22 May 2024 where some of the objections reduced. Added proof of any other income; payslips pre and post accident. This letter stated the standard paragraphs as in the previous letter which included the question of

prescription on 29 April 2024 which RAF stated will only be interrupted once a valid claim is lodged.

Johanna Frans

23. In the case of Johanna Frans, in the letter dated 19 September 2023 they objected to the validity of the claim submitted in accordance with paragraph 24(5) of the Act and stated that RAF will take a special plea should summons be issued. The basis thereof was that their pre-assessment having regard to compliance requirements with section 24 and the terms and conditions in Board notice 271 of 2022, revealed that the documents submitted do not meet the requirements for a substantially compliant and valid claim, thus do not accept the documentation because:

- “1. SMR not duly completed
2. Certified copy of marriage certificate.
3. Deceased’s tax records (if not available, communication from SARS that claimant is not registered for tax, in which case a bank statement for three years preceding death must be submitted)
- 4.Claimant’s tax records (if not available, communication from SARS that claimant is not registered for tax, in which case a bank statement for three years preceding death must be submitted.
5. Copy of liquidation and distribution account, if applicable.
6. The sassa grant official documents, if applicable.
7. The actuarial report.
8. If applicable, confirmation of all payments in terms of compensation commissioner, rand Mutual, Poilce, Defence Force etc.
9. Official confirmation of remuneration/compensation received from other sources, if applicable’.

24. This letter was followed by a letter of 22 May 2024 where some of the objections reduced and others added. RAF stated the following as its reasons:

- “1. Statutory Medical Report (SMR) as per section 24 substantial compliance.
2. Certified copy of marriage certificate/certificate proving customary marriage/unabridged birth certificate (if children).
3. If not married, an affidavit setting out the legal basis of claimant’s dependency on deceased.
4. Employer’s certificate of deceased’s services showing nature of employment, the period of service, remuneration prospects of advancement and compensation and retirement age.
5. Deceased’s payslips.
6. Copy of maintenance order. (if divorced).
7. Claimant’s tax records (if not available, communication from SARS that claimant is not registered for tax), in which case a bank statement for three years preceding death must be submitted.
8. Deceased’s tax records (if not available, communication from SARS that claimant is not registered for tax, in which case a bank statement for three years preceding death must be submitted)
9. Copy of liquidation and distribution account.
10. The Child support grant documentation.
11. Employer’s certificate of spouse indicating period of employment, remuneration, prospects of advancement.
12. Proof of guardianship (if claimant not biological parent).
13. The actuarial report.
14. All payments in terms of compensation commissioner, rand Mutual, Poilce, Defense Force etc.
15. Specified voucher for medical costs, if claimed.
16. Any other proof of income of the deceased, letter from employer, affidavit from employer/ or any person that can confirm that deceased had income to support dependents.
17. Official confirmation of remuneration/compensation received from other sources/proof of additional income.

Sydney Titus

25. In the case of Sydney Titus, in the letter dated 16 May 2024 they objected to the validity of the claim submitted in accordance with paragraph 24(5) of the Act and stated that RAF will take a special plea should summons be issued. The basis thereof was that their pre-assessment having regard to compliance requirements with section 24 and the terms and conditions, revealed that the documents submitted do not meet the requirements for a substantially compliant and valid claim because:

“2.1. Certified copy of claimants ID.

2.2. Payslips pre and post-accident.

2.3. Employer’s certificate of injured service showing nature of employment, the period of service, remuneration, prospect of advancement and compensation and retirement age.

2.4. Proof of any other income, if applicable.

2.5. Official documentation confirming any disability grant.

2.16. Proof of payment of medical expenses”.

26. This letter was preceded by a letter of 28 February 2023 requiring a number of documents to be submitted.

Johannes Nombande.

27. In the case of Johannes Nombande, in the letter dated 21 May 2024 they objected to the validity of the claim submitted in accordance with paragraph 24(5) of the Act and stated that RAF will take a special plea should summons be issued. The basis thereof was that their pre-assessment having regard to compliance requirements with section 24 and the terms and conditions, revealed that the documents submitted do not meet the requirements for a substantially compliant and valid claim because:

- “2.1. Statutory Medical Report (SMR) as per section 24 substantial compliance.
- 2.2. Employer’s certificate of injured service showing nature of employment, the period of service, remuneration, prospect of advancement and compensation and retirement age.
- 2.3. Payslips pre and post-accident.
- 2.4. An itemized tax invoice from a registered medical provider/or hospital for past medical expenses.
- 2.5. Proof of payment of medical expenses”.

28. This letter was preceded by a letter of 2 May 2024 and raising similar queries but one and letter of 11 June 2023 and 28 February 2023 requiring a number of such similar documents to be submitted.

Billy Anne Berdine Hendriks (Lamont)

29. In the case of Billy Anne Berdine Hendriks (Lamont), in the letter dated 22 May 2024 they objected to the validity of the claim submitted in accordance with paragraph 24(5) of the Act and stated that RAF will take a special plea should summons be issued. The basis thereof was that their pre-assessment having regard to compliance requirements with section 24 and the terms and conditions, revealed that the documents submitted do not meet the requirements for a substantially compliant and valid claim because:

- “2.1. Statutory Medical Report (SMR) as per section 24 substantial compliance.
- 2.2. Employer’s certificate of injured service showing nature of employment, the period of service, remuneration, prospect of advancement and compensation and retirement age.
- 2.3. Proof of any other income, if applicable.
- 2.4. Payslips pre and post-accident.
- 2.5. Photographs of injuries or scarring.

2.6. Medical reports or documentation establishing or substantiating claimant's temporary/permanent disability and the loss of earnings claimed (medico-legal reports)

2.7. Official documentation confirming any disability grant.

2.8. An itemized tax invoice from a registered medical provider/or hospital for past medical expenses.

2.9. Proof of payment of medical expenses.

30. This letter was preceded by a letter of 22 May 2023 where such similar queries were raised bar certain variations.

Joslyn Cindy Petersen.

31. In the case of Joslyn Cindy Petersen, in the letter dated 15 May 2024 they objected to the validity of the claim submitted in accordance with paragraph 24(5) of the Act and stated that RAF will take a special plea should summons be issued. The basis thereof was that their pre-assessment having regard to compliance requirements with section 24 and the terms and conditions, revealed that the documents submitted do not meet the requirements for a substantially compliant and valid claim, thus do not accept the documentation because:

“1. Statutory medical report (must be completed by the first treating doctor/ must be completed using a disclaimer that that it was completed with available hospital records).

2. Power of attorney.

3. Copies of all medical and hospital records in terms of section 19.

4. Copies of all medical and hospital records, including photographs of the injuries or scarring.

5. Photographs of injuries or scarring.

6. Official documentation confirming any disability grant.

7. An itemized tax invoice from a registered medical provider/or hospital for the past medical expenses
8. proof of payment of medical expenses.”

32. In this letter of 2024 they advise that the ‘claim will prescribe on Tuesday 2 August 2022”. This letter had been preceded by letters of the 16th and 17th May 2023.

Henrico Jovihano Maarman

33. In the case of Henrico Jovihano Maarman, in the letter dated 7 May 2024 they objected to the validity of the claim submitted in accordance with paragraph 24(5) of the Act and stated that RAF will take a special plea should summons be issued. The basis thereof was that their pre-assessment having regard to compliance requirements with section 24 and the terms and conditions, revealed that the documents submitted do not meet the requirements for a substantially compliant and valid claim because:

- “2.1. Statutory Medical Report (SMR) as per section 24 substantial compliance.
- 2.2. Copies of all hospital and medical records, including photographs of injuries or scarring.
- 2.3. Employer’s certificate of injured service showing nature of employment, the period of service, remuneration, prospect of advancement and compensation and retirement age.
- 2.4. Proof of any other income, if applicable.
- 2.5. Payslips pre and post-accident.
- 2.6. Photographs of injuries or scarring.
- 2.7. Copies of all hospital and medical accounts.
- 2.8. Official documentation confirming any disability grant.
- 2.9. An itemized tax invoice from a registered medical provider/or hospital for past medical expenses.
- 2.10. Proof of payment of medical expenses.

34. This letter was preceded by a letter of 1 July 2023 where such similar queries with variation were raised.

Sydney Titus

35. In the case of Sydney Titus, in the letter dated 15 May 2024 they objected to the validity of the claim submitted in accordance with paragraph 24(5) of the Act and stated that RAF will take a special plea should summons be issued. The basis thereof was that their pre-assessment having regard to compliance requirements with section 24 and the terms and conditions, revealed that the documents submitted do not meet the requirements for a substantially compliant and valid claim because:

“2.1. Certified copy of Claimants ID.

2.2. Employer’s certificate of injured service showing nature of employment, the period of service, remuneration, prospect of advancement and compensation and retirement age.

2.3. Proof of any other income, if applicable.

2.4. Pay-slips pre and post-accident.

2.5. Copies of all hospital and medical accounts.

2.6. Official documentation confirming any disability grant.

2.7. Proof of payment of medical expenses”.

36. This letter was preceded by a letter of 28 February 2023 which such similar queries in that letter including items removed as per the items afore-shadowed.

Defendant’s contentions

37. State Attorney, Mr. Goosen on behalf of the RAF, essentially contends that defendant, RAF, objects to all these claims delivered on the different dates referenced above in respect of each claimant as the claims do not meet requirements for a substantially valid and compliant claim. That Plaintiff “requires an answer” whether the

listed and attached documents to the stated case satisfy the requirements in law to be regarded as substantially compliant with the procedural requirements for a validly lodged claim in terms of Section 24 of the **Road Accident Fund Act**¹. Whether the listed and submitted documents furnish defendant with sufficient information to enable defendant to investigate and consider the claim.

38. State Attorney then proceeds to argue that the decision to reject the lodgment documents amounts to administrative action. That it consequently remains valid and binding unless set aside in terms of administrative review proceedings. That plaintiff has chosen a wrong procedure for the relief it seeks, and thus the application falls to be dismissed.

39. RAF posits that Section 24 sets out the procedure for lodging claims in terms of the Act. That Section 24(1) requires “a claim for compensation and accompanying medical report to be set out in the prescribed form, which “shall be completed in all its particulars”. Further that Section 24(4)(a) provides that “..any form referred to which is not completed in all its particulars shall not be acceptable as a claim under this Act”.

40. The form in question is the RAF1 form, provided for in terms of Regulation 7(1) of the RAF Regulations, 2008. Defendant reminds this Court that regulation 7(1) reads:

“A claim for compensation and accompanying medical report referred to in section 24(1)(a) of the Act, shall be in the form RAF1 attached as annexure A to these Regulations, or such amendment or substitution thereof as the Fund may from time to time give notice in the Gazette”.

41. Mr. Goosen in argument explains that RAF is a juristic person established in terms of Section 2(1) and thus in terms of Section 4(1) its powers and functions include “the stipulation of the terms and conditions upon which claims for the compensation contemplated in section 3 shall be administered”.

¹ Act 56 of 1996.

42. He contends that the Fund has exercised its statutory authority in terms of the above section by issuing **Board Notice (BN) 271 of 2022**², which sets out as part of the terms and conditions, a comprehensive list of documents which must be included and form part of the claim's supporting documents when lodging a claim to the fund. He argues that the new RAF1 form was duly promulgated in GN2335 on 4 July 2022. That these regulatory amendments have not been challenged in these proceedings and thus remain in force.

43. Mr. Goosen then concludes his argument with the contention that the cumulative effect of these regulatory changes is that the fund is entitled to refuse to accept claims which do not comply with the terms and conditions set out in BN271/2022 read with new RAF1 form. That in any event this decision constitutes administrative action. In this regard State Attorney draws this Court's attention to the decision in **Road Accident Fund v Duma and Others**³ where the Court noted that whether or not RAF4 form correctly assessed claimant's injury as serious constitutes administrative action as contemplated by the **Promotion of Administrative Justice Act**⁴("PAJA"). That the position is thus governed by the provisions of PAJA. He proceeded to contend that it was found in that case that the Court's control over these decisions is by means of the review proceedings under PAJA.

44. Further that applying the **Oudekraal**⁵ principle, to the extent that such decision constitutes administrative action until that decision is set aside by a Court on review or overturned in an internal appeal, it remained valid and binding. That consequently whether the RAF decision were right or wrong is of no consequence. As per authority in Oudekraal, he argues, those decisions exist as a fact until set aside or reviewed or overturned in an internal appeal.

²Published in GG46322 (6 May 2022).

³ 2013 (6) SA 9 (SCA).

⁴ Act 3 Of 2000.

⁵ Oudekraal Estates (Pty) Ltd v City of Cape Town 2004 (6) SA 222(SCA).

45. State Attorney further referred this Court to the authority in ***Makupane v Road Accident Fund***⁶ where the Court held that:

“The RAF is an organ of state as defined in section 239 of the Constitution and it is performing a public function in considering RAF4 reports submitted to it. Where the RAF is vested with discretion and powers to consider and determine the acceptance of an assessment of plaintiff’s injuries as serious or not, it has concomitant duty to exercise that power. The exercise of that power, i.e. the making of a decision to accept or reject the assessment contained in the RAF4 report, amounts to administrative action, which is reviewable in terms of the Promotion of Administrative Justice Act⁷.”

46. RAF thus contends that in deciding to reject the lodgment documents as non-compliant for the reasons it stated in the different rejection letters, the RAF as an organ of state was performing a public function in determining whether the lodgment documents complied with the requirements of a valid claim as set out in regulation 7(1) of the RAF Regulations 2008. That this decision constitutes administrative action which remains valid and binding until reviewed by a court following PAJA review application. He concludes his argument with contention that plaintiff has chosen a wrong procedure, and must as a matter of law, have its action dismissed.

Plaintiff’s Contentions

47. Plaintiff summarizes defendant’s special defense essentially as the plea that plaintiff’s claim is invalid in law as plaintiff failed to provide defendant with the documents it required in the rejection letters outlined above. That it is common cause between the parties that the documents outstanding are not documents prescribed by Section 24 of the Act but only documents required in terms of RAF Board Notice 271 of 6 May 2022 (herein-after “the board notice”).

⁶ (9077/2022)[2023] ZAGPPHC 15 (19 January 2023).

⁷ Ibid at paragraph 9.

48. Plaintiffs argue that the noting of the objections by the defendant in the letters of objection does not preclude the plaintiff to issue summons. That the objections would only have legal effect if they are valid and the noting of an objection by RAF does not prohibit applicants from proceeding with the issuance of summons to enforce their claims. That as determined in Radebe⁸ the validity of the objection falls to the Courts to decide, once it is pleaded as a defense.

49. That RAF bears the onus to prove that plaintiff's claims are invalid in law as plaintiffs failed to provide specific documents to RAF and that by so failing, failed to comply with the provisions of Section 24 of the Act, read with the board notice. For this submission applicants rely on the case of **Scott v Road Accident Fund**⁹. Relying on the authority of **Touyz v Greater Johannesburg Transitional Metropolitan Council**¹⁰ plaintiffs note that:

"...it was for the defendant to prove that the plaintiff had forfeited her right to be compensated by reason of her non-compliance with those provisions and... not for the plaintiff to prove that she had not forfeited her right".

50. That consequently, if the Court is not convinced by defendant on a balance of probabilities that the documents provided by plaintiffs do not comply with the provisions of section 24 the defendant's special plea must fail.

51. Counsel for the plaintiffs argues that contrary to the agreement between the parties that the disputes raised by the special plea should be adjudicated by the Court, the defendant now elects to raise a completely new dispute by alleging that the plaintiff's should have approached the Court for a review of the decision of the employees of RAF who objected to and refused to receive the documents and claims submitted. That RAF received these RAF 1 forms twice but elected to return them.

⁸ Radebe v Road Accident Fund (053998/2023;074803/2023) [2024]

⁹ (13/33469) [2015] ZAGPJHC 120 (11 June 2015). At para 21, 29 and 30.

¹⁰ 1996 (1) SA 950(A) at 96

52. In respect of the Board notice 271 applicants argued that a full bench of the Gauteng Provincial Division reviewed and set aside the Board notice 271 of 2022. That application for leave to appeal that judgement is still pending. They argue that plaintiffs do not attack the validity of the Board notice in these proceedings and accepts their validity. That instead the parties specifically request this Court to consider the documents that were submitted by the plaintiffs and make a ruling on whether by providing those documents, that constitutes substantial compliance.

53. Counsel for Plaintiffs argues that the documents supplied by the plaintiffs to the defendant substantially complies with the requirements of Section 24 of the Act. It is also their case that the documents listed in terms of Board notice 271 are not the documents that defendant needs in order to be in a position to consider the claim of the plaintiff and to decide whether or not to oppose the plaintiff's claim.

54. Plaintiffs contend that the board notice, being an internal board notice, can never trump the provisions of an Act of parliament. That Section 4(1)(a) empowers RAF to issue directives dealing with the internal administration of RAF and the manner in which claims shall be administered. Relying on ***Mudawo and Others v Minister of Transport and Another***¹¹ they argue that these directives do not acquire the force of law and cannot impermissibly conflict with the provisions of the Act. That the same applies to the provisions of the RAF 1 form. That the RAF 1 form which is a form prescribed in the Regulations under the Act, directs a claimant as follows:

"In an affidavit to be attached to this claim form, please describe how the accident occurred". That to the extent that this appear on part 5 of the form, this direction seems to require that the affidavit must accompany the claim form. Relying on ***Scott v Road Accident Fund***¹² they submit that this requirement by

¹¹ (011795/2022)[2024] ZAGPPHC 258 (26 March 2024) at para 44.

¹² (13/33469)[2015] ZAGP JHC 120 (11 June 2015) at para 25.

RAF cannot alter the provisions of the Act which permit the subsequent filing of a section 19(f)(i) affidavit.

55. Counsel for plaintiffs proceeds to submit that the special plea needs to be considered with reference to Section 24 of the Act.

Section 24 of the Act provides:

Procedure

(1) *A claim for compensation and accompanying medical report under section 17(1) shall-*

(a) *Be set out in the prescribed form, which shall be completed in all its particulars;*

(b) *Be sent by registered post or delivered by hand to the Fund at its principal branch or regional office, or to the agent who in terms of section 8 must handle the claim, at the agent's registered office or local branch office, and the fund or such agent shall at the time of delivery by hand acknowledge receipt thereof and the date of such receipt in writing.*

(2)(a) *The medical report shall be completed on the prescribed form by the medical practitioner who treated the deceased or injured person for the bodily injuries sustained in the accident from which the claim arises, or by the superintendent (or his representative) of the hospital where the deceased or injured person was treated for such bodily injuries: provided that, if the medical practitioner or superintendent (or his or her representative) concerned fails to complete the medical report on request within a reasonable time and it appears that as a result of the passage of time the claim concerned may become prescribed, the medical report may be completed by another medical practitioner who has fully satisfied himself or herself regarding the cause of the death or the nature and treatment of the bodily injuries in respect of which the claim is made*

(b) *Where a person is killed outright in a motor vehicle accident the completion of the medical report shall not be a requirement, but in such a case the form referred to in subsection (1)(a) shall be accompanied by documentary proof,*

such as a copy of the relevant inquest record or, in the case of a prosecution of the person who allegedly caused the deceased's death, a copy of the relevant charge sheet from which it can clearly be determined that such person's death resulted from the accident to which the claim relates.

(3) A claim by a supplier for the payment of expenses in terms of section 17(5) shall be in the prescribed form, and the provisions of this section shall apply mutates mutandis in respect of the completion of such form.

(4) (a) Any form referred to in this section which is not completed in all its particulars shall not be acceptable as a claim under this Act.

(b) A clear reply shall be given to each question contained in the form referred to in subsection (1), and if a question is not applicable, the words 'not applicable' shall be inserted.

(c) A form on which ticks, dashes, deletions and alterations have been made that are not confirmed by a signature shall not be regarded as properly completed.

(d) Precise details shall be given in respect of each item under the heading "compensation claimed" and shall, where applicable, be accompanied by supporting vouchers.

(5) If the Fund or the agent does not, within 60 days from the date on which a claim was sent by registered post or delivered by hand to the Fund or such agent as contemplated in subsection (1), object to the validity thereof, the claim shall be deemed to be valid in law in all respects.

(6) No claim shall be enforceable by legal proceedings commenced by a summons served on the Fund or an agent-

(a) before the expiry of a period of 120 days from the date on which the claim was sent or delivered by hand to the fund or the Agent as contemplated in subsection (1); and

(b) before all requirements contemplated in section 19(f) have been complied with:

Provided that if the fund or the agent repudiates in writing liability for the claim before the expiry of the said period, the third party may at any time after such repudiation serve summons on the Fund or the agent, as the case may be..."

The Law

56. The Supreme Court of Appeal in **Pithey v Road Accident Fund**¹³ noted that it has been held in a long line of cases that the requirement relating to the submission of the claim form is peremptory and that the prescribed requirements concerning the completeness of the form are directory, meaning that substantial compliance with such requirements suffices. That the test for substantial compliance is an objective test.

57. In **Multilateral Motor Vehicle Accident Fund v Radebe**¹⁴ the Court noted the following:

“It is true that the object of the Act is to give the widest possible protection to third parties. On the other hand the benefit which the claim form is designed to give the fund must be borne in mind and given effect to. The information contained in the claim form allows for an assessment of its liability, including the possible early investigation of the case. In addition, it also promotes the saving of the costs of litigation...These various advantages are important and should not be whittled away. The resources, both in respect of money and manpower..are obviously not unlimited. They are not to be expected to investigate claims which are inadequately advanced. There is no warrant for casting on them the additional burden of doing what the regulations require should be done by the claimant”.

58. The Court in Pithey concurred with these remarks in Radebe as to the purpose of the claim forms. In distinguishing Geldenhuys which was considering whether regulation 2(3) made under section 26 was valid. The Court conceded that there was a distinction on the facts of that case under section 17(1)(a) and a claim under section 17(1)(b) but that this cannot mean that even when the fund, within the prescribed two year period, is

¹³ 2014 (4) SA 112 (SCA).

¹⁴ 1996 (2) SA 145 (A).

in possession of information which a claimant is statutorily obliged to supply and which, when read in tandem with the claim form as intended by claimant, reveals that the claim really relates to an unidentified vehicle, the fund is entitled to repudiate the claim on the basis that no valid claim had been made. Nor ought the fund to benefit from its own failure to clarify, with minimal time, effort and expense, whatever confusion the claim form and attached documentation revealed. The Court in Pithey went on to observe on the facts of that case that this was not a case where no information was supplied to the Fund in relation to the claim. That there was no suggestion of fraudulent or made-up claim.

59. The Court observed that to uphold the Fund's contentions in the circumstances of that case would be to:

“(a) elevate form above substance; (b) be rigidly technical against a just result; and (c) subvert the objects of the Act...”¹⁵ The Supreme Court of Appeal conceded that it is not laying a general rule but deciding that case on its own specific merits.

60. In *Ndlumbini Mlamli v Road Accident Fund*¹⁶ the Court concurred with the obiter in *Mautla and Others v Road Accident Fund*¹⁷ which observed the following:

“The date of delivery of the claim is the essential first step for the enforcement of any rights in terms of the Act. This first step is crucial for claimants because it determines whether or not their claim in the first instance has been submitted timeously. There is no provision in the Act which permits the RAF to refuse to accept the delivery of a claim or to refuse to acknowledge receipt of that claim. Had the legislature contemplated such a situation, it would have provided for it specifically”.

¹⁵ Pithey . RAF, Op sit at 123.

¹⁶ 955/2024 EC at paragraph 29

¹⁷ (29459/2021)[2023] ZAGPPHC 1843 at para 64.

61. In **Road Accident Fund v Busuku**¹⁸ it was observed as follows:

“...the primary concern of the Act is to give the greatest possible protection to persons who have suffered loss through negligence or through unlawful acts on the part of the driver of a motor vehicle. For this reason, the provisions of the Act must be interpreted as extensively as possible in favour of third parties to afford them the widest possible protection”.

Analysis of the Facts

62. It follows from the cases referenced above that in circumstances where there is no fraud or misrepresentation the objects of the Fund as contemplated in section 3 thereof must be given effect in circumstances where there is loss or damage wrongfully caused by the driving of motor vehicles.

63. This Court holds that the purpose of Section 24 of the Act is to place defendant in a position where it can evaluate the merits of the claim to be instituted against it and to establish whether the claim is valid or open to opposition. This is so as respondent as a creature of statute must give effect, within permissible limits, to the object of the Act. There is therefore no basis to reject a claim or refuse to accept a claim for purposes of proper investigation purely because information relevant to quantum of damages is considered by the RAF to be incomplete. Especially in circumstances where claimants as in some of these cases face the real prospect of their claims facing prescription. Nor does RAF administrative arrangements on processing or investigation of claims justify dilatory tactics to otherwise valid claims.

64. As an example in the case of Maarman, the evidence is that the RAF 1 form was submitted accompanied by copies of medical report from the Mosselbay hospital with clinical notes. The clinical notes indicate the injuries on the right leg and other parts of the body and the Doctor notes that plaintiff is a MVA passenger. The RAF 1 form clearly

¹⁸ Road Accident Fund v Busuku 2023 (4) SA 507 (SCA) at para 6.

outlines the vehicles involved and the accident report number. On the face of it this is a legitimate claim that warrants investigation. From the RAF 1 form it is evident that Plaintiff is unemployed as references to employment have been scratched out as not applicable.

65. This Court finds that objectively Maarman substantially complies with requirements of Section 24 of the Act having submitted the RAF 1 form and accompanying medical report with clinical notes for RAF to assess and properly investigate the merits of the Plaintiffs claim. To require proof of any other income “if applicable”; Payslips pre and post accident; medical accounts; confirmation of disability grant; itemized tax invoice and proof of payment of medical expenses is not in this Court’s view a valid reason to refuse even the first step of the claim, assessment of the merits.

Sydney Titus

66. Similarly in the case of Sydney Titus the evidence is that the RAF 1 form accompanied by the medical records with clinical notes and the accident report were submitted. This Court thus finds that there is substantial compliance with Section 24 for RAF to assess this Plaintiff’s claim. To reject it and refuse to receive what is otherwise a legitimate claim warranting investigation and proper assessment by RAF purely because Titus has not submitted payslips; proof of other income; disability grant; proof of payment of medical expenses; proof of employer’s certificate which are not relevant to determination of whether RAF is liable or not for the claim as a matter of law would not be just and equitable. It would be contrary to the express objects of the Act which is to compensate victims who suffered damages arising from motor vehicle accidents. In the result this Court finds that Sydney Titus’ claim substantially complies with section 24 and must be admitted for assessment.

Jacky Kannemeyr

67. In the case of Jacky Kannemeyr the evidence is that the RAF 1 document accompanied by a medical report with clinical notes by a Doctor treating the patient noting “a male parent driver of bakkie involved in MVA - chest pains”, looked together with an accident report makes the submission by Plaintiffs substantially compliant with Section 24 to enable RAF to assess the merits of the claim. To reject the claim because of

“Court order or masters letter of appointment”; Unabridged birth certificate; medical accounts and expenses; itemized tax invoice effectively subverts the object of the Act. This Court on the facts of this case finds that the claim of Jacky Kannemeyr substantially complies with the requirements of the Act and the merits of the claim ought to be assessed by RAF.

J[...] D[...] K[...]

68. Similarly, this Court finds that in the matter where Jacky Kannemeyer is acting on behalf of J[...] D[...] K[...] considering that a RAF 1 form accompanied inter alia by a medical report from Mosselbay Hospital with clinical notes. These notes indicate that the child who is plaintiff was presented to the hospital after “being in a MVA”. If these reports are looked together with the Kwanonqaba SAPS accident report, this Court cannot escape the view that there is substantial compliance with the Act for purposes of Section 24 for RAF to consider the merits of the claim. It is this Court’s view that the claim cannot be rejected simply because proof of medical expenses; itemized tax invoice from medical provider; nor official documentation confirming disability grant nor masters letter cannot be said to merit an outright rejection of the assessment of the merits of the claim.

T[...] L[...]

69. This Court finds that in the matter where Jacky Kannemeyer is acting on behalf of T[...] L[...] considering that a RAF 1 form accompanied inter alia by a medical report from Mossel Bay Hospital with clinical notes. These notes indicate that plaintiff was presented to the hospital after “being in a MVA” with lacerations on back of the head

and chest pain. If these reports are looked together with the Kwanonqaba SAPS accident report, this Court cannot escape the view that there is substantial compliance with the Act for purposes of RAF considering the merits of the claim. It is this Court's view that the claim cannot be rejected simply because of the absence proof of medical expenses; itemized tax invoice from medical provider; nor official documentation confirming disability grant nor masters letter. These cannot be said to merit an outright rejection of the claim.

Thulane Jacky Msimanga

70. This Court finds that in the matter where Thulane Jacky Msimanga is plaintiff, this Court considers that a RAF 1 form submitted was accompanied inter alia by a medical report from Mosselbay Hospital with clinical notes. These notes indicate that the plaintiff was presented to the hospital after "being in a MVA". If these reports are looked together with the Grootbrakrivier SAPS accident report, this Court cannot escape the view that there is substantial compliance with Section 24 of the Act for purposes of RAF considering the merits of the claim. It is this Court's view that the claim's acceptance by RAF for investigation and assessment cannot be rejected simply because of failure to submit proof of medical expenses; itemized tax invoice from medical provider; nor official documentation confirming disability grant; payslips; employer's certificates of injured service; nor proof of other income. These queries are more relevant to quantum in the main and cannot be said to merit an outright rejection of the claim. This Court finds substantial compliance.

EC Phillips obo V[...] T[...] P[...]

71. In the case of EC Phillips on behalf of V[...] P[...] this Court considers that a RAF 1 form accompanied inter alia by a medical report from George Regional Hospital with clinical notes was submitted. These notes indicate that plaintiff was presented to the hospital after "being in a MVA". If these reports are looked together with the Conville SAPS accident report, this Court cannot escape the view that there is substantial

compliance with the Act for purposes of RAF considering the merits of the claim. It is this Court's view that the claim cannot be rejected simply because of failure according to RAF officials to submit proof of medical accounts and expenses; itemized tax invoice from a medical provider; nor official documentation confirming disability grant. Nor can it be said that proof of medical accounts can be said to merit an outright rejection of the claim. This Court finds substantial compliance to Section 24 of the Act which merit consideration of the claim.

David Carelse

72. In the case of David Carelse considering that a RAF 1 form accompanied inter alia by a medical report from Mossel Bay Hospital with clinical notes. These notes indicate that plaintiff was presented to the hospital after being in a MVA. If these reports are looked together with the Kwanonqaba SAPS accident report, this Court cannot escape the view that there is substantial compliance with the Act for purposes of RAF considering the merits of the claim. It is this Court's view that the claim cannot be rejected simply because of failure by plaintiff, according to RAF, to submit itemized tax invoice from a medical provider; copies of all hospital and medical records; proof of any other income, if applicable; copies of all hospital and medical accounts. Nor can it be said reasonably that proof of any other income can be said to merit an outright rejection of the claim. This Court finds substantial compliance to Section 24 of the Act which merit consideration of the claim.

Rentia Velentia Sefoor

73. In the case of Rentia Velentia Sefoor considering that a RAF 1 form accompanied inter alia by a medical report from Mossel Bay Hospital with clinical notes was submitted. That these notes indicate that plaintiff was presented to the hospital after being in a MVA- "right shoulder and back pain". If these reports are looked together with the Dagamaskop SAPS accident report and case docket, this Court cannot escape the view that there is substantial compliance with the Act for purposes of

RAF considering the merits of the claim. It is this Court's view that the claim cannot be rejected simply because of itemized tax invoice from a medical provider; copies of all hospital and medical accounts; proof of any other income, if applicable; proof of payment of medical expenses nor can it be said that confirmation of disability grant can be construed to merit an outright rejection of the claim. This Court finds substantial compliance with section 24 to the Act which merit consideration of the claim.

GC Pickaan

74. In the case of GC Pickaan this Court considers that a RAF 1 form accompanied inter alia by a medical report from George Provincial Hospital with clinical notes was submitted. These notes indicate that plaintiff was presented to the hospital after being in a MVA- "allegedly hit by a taxi..". If these reports are looked together with the Conville SAPS accident report, this Court cannot escape the view that there is substantial compliance with Section 24 of the Act for purposes of RAF considering the merits of the claim. It is this Court's view that the claim cannot be rejected simply because of what RAF terms itemized tax invoice from a medical provider; copies of all hospital and medical accounts; proof of any other income, if applicable; proof of payment of medical expenses nor confirmation of disability grant can be said to merit an outright rejection of the claim. This Court finds substantial compliance with Section 24 to the Act which merit consideration of the claim.

J George

75. In the case of J George considering that a RAF 1 form accompanied inter alia by a medical report from George Provincial Hospital with clinical notes was submitted. These notes indicate that plaintiff was presented to the hospital after being in a MVA. If these reports are looked together with the Kwanonqaba SAPS accident report, this Court cannot escape the view that there is substantial compliance with the Act for purposes of RAF considering the merits of the claim. It is this Court's view that the claim cannot be rejected simply because of what RAF terms itemized tax invoice from a

medical provider; copies of all hospital and medical accounts; Official confirmation of remuneration; medical accounts and confirmation of disability grant. These cannot be said to merit an outright rejection of the claim. This Court finds substantial compliance with Section 24 to the Act which merit consideration of the claim.

Ambrose Regan Keffers

76. In the case of Ambrose Regan Keffers this Court considers that a RAF 1 form accompanied inter alia by a medical report from George Provincial Hospital with clinical notes was submitted. These notes indicate that plaintiff was presented to the hospital after being in a MVA. The note on the report states- "It was reported that he was hit by a car..". Consequently, If these reports are looked together with the Conville SAPS accident report, this Court cannot escape the view that there is substantial compliance with Section 24 of the Act for purposes of RAF considering the merits of the claim. It is this Court's view that the claim cannot be rejected simply because of what RAF terms itemized tax invoice from a medical provider; copies of all hospital and medical accounts; proof of payment of medical expenses; payslips pre and post accident; medical accounts and confirmation of disability grant. These cannot be said to merit an outright rejection of the claim for purposes of assessing the merits. This Court finds substantial compliance with section 24 to the Act which merit consideration of the claim.

Johanna Frans

77. In the case of Johanna Frans this Court considers that a RAF 1 form accompanied inter alia by a medical report from Mossel Bay Hospital with clinical notes was submitted. These notes indicate that plaintiff was presented to the hospital after being in a MVA. The report notes "MVA Came in with lacerations to the head..". If these reports are looked together with the Kwanonqaba SAPS accident report, this Court cannot escape the view that there is substantial compliance with Section 24 of the Act for purposes of RAF considering the merits of the claim. It is this Court's view that the claim cannot be rejected simply because of what RAF terms certified copy of medical

certificate; deceased's tax records; claimant's tax records; copy of liquidation and distribution account; actuarial report; confirmation of all payments in terms of compensation commissioner. These cannot be said to merit an outright rejection of the claim. This Court finds substantial compliance to Section 24 of the Act which merit consideration of the claim.

Sydney Titus

78. In the case of Sydney Titus considering that a RAF 1 form accompanied inter alia by a medical report from Medi Clinic with clinical notes was submitted. These notes indicate that plaintiff was presented to the hospital after being in a MVA. If these reports are looked together with the Pacaltsdorp SAPS accident report, this Court cannot escape the view that there is substantial compliance with the Act for purposes of RAF considering the merits of the claim. It is this Court's view that the claim cannot be rejected simply because of what RAF terms payslips pre and post accident; Employer's certificate of injured service showing nature of employment; proof of other income and confirmation of disability grant. These cannot be said to merit an outright rejection of the claim. This Court finds substantial compliance with Section 24 of the Act which merit consideration of the claim.

Johannes Nombande

79. In the case of Johannes Nombande this Court considers that a RAF 1 form accompanied inter alia by a medical report from George Provincial Hospital with clinical notes was submitted. These notes indicate that plaintiff was presented to the hospital after being in a MVA. The report notes "...struck by a taxi..". If these reports are looked together with the George SAPS accident report, this Court cannot escape the view that there is substantial compliance with Section 24 of the Act for purposes of RAF considering the merits of the claim. It is this Court's view that the claim cannot be rejected simply because of what RAF terms itemized tax invoice from a medical provider; proof of payment of medical expenses; payslips pre and post accident;

employer's certificate of injured service showing nature of employment. These cannot be said to merit an outright rejection of the claim. This Court finds substantial compliance with Section 24 of the Act which merit consideration of the claim.

Billy Anne Berdine Hendriks

80. In the case of Billy Anne Berdine Hendriks considering that a RAF 1 form accompanied inter alia by a medical report from Mosselbay Hospital with clinical notes. These notes indicate that plaintiff was presented to the hospital after being in a MVA. If these reports are looked together with the Dagamaskop SAPS accident report and docket, this Court cannot escape the view that there is substantial compliance with the Act for purposes of RAF considering the merits of the claim. It is this Court's view that the claim cannot be rejected simply because of what RAF terms itemized tax invoice from a medical provider; proof of payment of medical expenses; payslips pre and post accident; proof of any other income; official documents confirming any disability grant; employer's certificate of injured service showing nature of employment. These cannot be said to merit an outright rejection of the claim. This Court finds substantial compliance with Section 24 of the Act which merit consideration of the claim.

Joslyn Cindy Petersen

81. In the case of Joslyn Cindy Petersen this Court considers that a RAF 1 form accompanied inter alia by a medical report from Mosselbay Hospital with clinical notes was submitted. These notes indicate that plaintiff was presented to the hospital after being in a MVA. If these reports are looked together with the Kwanonqaba SAPS accident report, this Court cannot escape the view that there is substantial compliance with the Act for purposes of RAF considering the merits of the claim. It is this Court's view that the claim cannot be rejected simply because of what RAF terms itemized tax invoice from a medical provider; proof of payment of medical expenses; official documents confirming any disability grant. These cannot be said to merit an outright

rejection of the claim. This Court finds substantial compliance with Section 24 of the Act which merit consideration of the claim.

Conclusion

82. In the result this Court finds that all these claims listed above substantially comply with Section 24 of the Act and thus substantially comply with the procedural requirements for a validly lodged claim in terms of section 24 of the Road Accident Fund Act.

83. This Court holds that the lodged documents for these plaintiffs listed in this matter furnish defendant with sufficient information to enable defendant to investigate and consider the plaintiffs' claims.

84. This Court finds that defendant is entitled to refuse to accept claims which do not comply with section 24. This Court also finds that defendant is not entitled to reject claims which substantially comply with section 24 given peculiar circumstances of each case if the facts of the matter looked upon as a whole objectively leads to a finding of substantial compliance with section 24. Consequently, any ancillary directives or regulation cannot as a matter of law trump application of that provision.

85. This Court accepts that the decision to refuse claims is an administrative decision. This fact alone does not, however, constrain plaintiffs from following any cause of action or invoking remedies available to them in law to enforce their rights in avenues other than those availed by PAJA reviews, as plaintiffs seem to have elected in these cases.

86. It is this Court's conclusion therefore that the special plea for all 16 plaintiffs in these actions falls to be dismissed.

Costs

87. It is trite that costs follows the result.

88. Wherefore the following order is made:

Order

IT IS ORDERED THAT:

1. The Special Plea in Henrico Jovihano Maarman V RAF (993/2023) is dismissed.
2. The Special Plea in Jakobus George v RAF (994/2023) is dismissed.
3. The Special Plea in Joslin Cindy Petersen v RAF (894/2023) is dismissed.
4. The Special Plea in Johanna Frans v RAF (18128/2023) is dismissed.
5. The Special Plea in Johannes Nombande v RAF (896/2023) is dismissed.
6. The Special Plea in Billy Anne Berdine Lamont v RAF (929/2023) is dismissed.
7. The Special Plea in Glanwill cederic Pickaan v RAF(18126/2023) is dismissed.
8. The Special Plea in Ambroze Regan Keffers v RAF (18125/2023) is dismissed.
9. The Special Plea in Rentia Velencia Sefoor v RAF(126/2024) is dismissed.
10. The Special Plea in Jacky Kannemeyer obo J[...] D[...] K[...] (18090/2023) is dismissed.

11. The Special Plea in Jacky Kannemeyer obo T[...] L[...] L[...] K[...] (991/2023) is dismissed.
12. The Special Plea in Sydney Titus v RAF(895/2023) is dismissed.
13. The Special Plea in Jacky Kannemeyer v RAF (18089/2023) v is dismissed.
14. The Special Plea in Thulane Jacky Msimanga v RAF (104/2024) is dismissed.
15. The Special Plea in EC Phillips obo V[...] T P[...] (105/2024) is dismissed.
16. The Special Plea in David Carelse v RAF (992/2023) is dismissed.
17. Defendant to pay costs of this stated case.

**SST KHOLONG
ACTING JUDGE OF THE HIGH COURT
OF SOUTH AFRICA WESTERN CAPE DIVISION,
CAPE TOWN**

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