

ZA Know Your Rights: Road Accident Fund (RAF) Claims in South Africa

Prepared by **RW KRUGER AND ASSOCIATES INC**

By Attorney **Ruan Werner Krüger**

(Public Legal Education Guide)

1. What Is the Road Accident Fund?

The **Road Accident Fund (RAF)** is a statutory body established under the **Road Accident Fund Act 56 of 1996**.

It provides **compensation to all road users** (drivers, passengers, pedestrians, and cyclists) who suffer personal injuries or loss **as a result of negligent driving of a motor vehicle** in South Africa.

The RAF's purpose is to:

- Assist victims of road accidents,
 - Provide financial relief for medical costs, loss of income, and support to dependants, and
 - Promote access to justice for accident victims.
-

2. Who Can Claim from the RAF?

You can submit a claim if you are:

- A **driver, passenger, pedestrian, or cyclist** injured in a road accident;
- The **dependant or family member** of a deceased accident victim; or
- A **guardian or parent** acting on behalf of a minor child injured in an accident.

You cannot claim if:

- You were the **sole cause of the accident** (no other party's negligence involved), or
 - The accident did **not involve a motor vehicle** (e.g., bicycle fall without another vehicle).
-

3. Time Limits (Prescription Periods)

Type of Claim	Deadline
Identified driver or vehicle	Must lodge within 3 years of the accident.
Unidentified (hit-and-run) vehicle	Must lodge within 2 years of the accident.
All court actions after lodgment	Must be issued within 5 years from the date of the accident.

Late claims may be rejected unless exceptional circumstances exist.

4. What You Can Claim For

Category	Description
Medical Expenses	Hospital and doctor bills, rehabilitation, therapy, medication, assistive devices.
Loss of Earnings	Compensation for income lost due to injuries or permanent incapacity.
Loss of Support	For dependants if a breadwinner dies as a result of a road accident.
General Damages	Pain, suffering, disability, or disfigurement (only if injury is “serious” per RAF assessment).
Funeral Expenses	If the victim passed away.

5. Application Procedure: Step-by-Step

Step 1: Gather Information

Immediately after the accident, collect:

- Police accident report (AR number).
- Full details of all vehicles and drivers involved.
- Witness names and contact details.
- Medical records, hospital reports, and invoices.

Step 2: Obtain the Official RAF Forms

All forms can be downloaded from the **Road Accident Fund website** or collected from any **RAF regional office**.

Key forms include **RAF 1, RAF 3, RAF 4, RAF 5, and RAF 6** (explained below).

Step 3: Complete and Lodge the Claim

Submit the **RAF 1 Claim Form** together with all supporting documentation to the RAF's head or regional office **by hand or registered post**.

Keep a **stamped copy or receipt** as proof of submission.

Step 4: Assessment by the RAF

The RAF investigates the claim, obtains medical assessments, and determines liability. They may request additional documents or schedule medical examinations.

Step 5: Settlement or Court Action

- If the RAF accepts liability, they may **settle** directly.
- If the RAF disputes or delays, your attorney can issue **summons** in the **High Court or Magistrate's Court**.

6. Road Accident Fund Forms Explained

Form Name / Purpose	Who Completes It
RAF 1 <i>Claim Form for Compensation</i>	The claimant (or attorney) completes and signs this. Includes personal details, accident circumstances, injuries, and damages claimed.
RAF 3 <i>Statutory Medical Report</i>	Completed by the treating medical practitioner summarising injuries, treatment, and prognosis.
RAF 4 <i>Serious Injury Assessment Report</i>	Completed by a medical specialist to determine whether the injury qualifies as "serious" under the RAF Amendment Act (affects general damages eligibility).
RAF 5 <i>Offer and Acceptance of Compensation</i>	Used if the RAF offers settlement. Both parties sign upon agreement.
RAF 6 <i>Notice of Objection to RAF 4 Assessment</i>	Used if you disagree with the RAF's medical assessment; triggers the tribunal review process.

Important Notes

- All forms must be **duly signed, dated, and commissioned** (where applicable).

- Claims with missing or incomplete forms may be **delayed or rejected**.
 - **Certified copies** of ID, police report, and medical records are mandatory.
-

7. Supporting Documentation Checklist

- ✓ Certified copy of ID or passport
 - ✓ Accident report (AR number)
 - ✓ Medical reports and hospital records
 - ✓ Proof of income (salary slips, tax records)
 - ✓ Receipts for medical or funeral expenses
 - ✓ Birth or marriage certificates (if claiming for loss of support)
 - ✓ Power of attorney (if represented by an attorney)
-

8. Role of Attorneys and Representation

While individuals can lodge RAF claims themselves, **legal representation is highly recommended** due to the complexity of medical and legal assessments.

At **Rob Green & Associates**, we assist clients with:

- Completing and lodging RAF forms correctly.
- Gathering medical and forensic evidence.
- Quantifying damages accurately.
- Negotiating settlements or litigating disputed claims.

We act **on a contingency basis (“no win, no fee”)** in compliance with the **Contingency Fees Act 66 of 1997**, with full transparency and written agreements approved by the client.

9. Your Rights as a Claimant

- To be treated fairly and without bias.
- To receive updates and access to your claim file.
- To have your medical condition assessed independently.
- To refuse unfair settlement offers.

- To lodge a complaint with the **RAF's Complaints Office** or the **Legal Practice Council** if misconduct occurs.
-

10. Where to Submit Your Claim

Road Accident Fund Head Office

Eco Glades 2, 420 Witch-Hazel Avenue, Eco Park, Centurion, Pretoria

 info@raf.co.za |  www.raf.co.za

Claims can also be lodged at any **regional RAF office** or through an attorney.

11. How Rob Green & Associates Can Help

We provide end-to-end legal assistance for RAF matters, including:

- **Initial consultation and claim eligibility assessment**
- **Form completion and submission**
- **Medical and forensic coordination**
- **Settlement negotiations and High Court representation**
- **Loss of support and dependency claims**

Our team ensures **every claim is compliant, evidence-based, and ethically handled** from start to finish.

Contact

RW KRUGER AND ASSOCIATES INC

By **Attorney Ruan Werner Krüger**

 Offices in Somerset West & Cape Town

 ruan@rwkrugerandassociatesinc.com

 [RW Kruger and Associates Inc | Attorneys](#)

 +27 (0) 82 870 0058