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GENERAL NOTICE

NOTICE 489 OF 2012

DEPARTMENT OF TRANSPORT

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

THE ROAD ACCIDENT FUND 1ST AMENDMENT REGULATIONS, 2012

The Minister of Transport hereby, in terms of section 26 of the Road Accident Fund Act, 1996 (Act No.56 of 1996), intends to make the following Regulations as set out in the attached Schedule.

Interested persons are invited to send written comments on the draft regulations to the Director General: Department of Transport within 30 days from the date of publication hereof, for the attention of Mr Trevor Mphahlele at the following address:

Email: MphahleT@dot.gov.za

Tel: 012 309 3481

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The Department of Transport

Private bag x 193

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SCHEDULE

Definitions

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.

Amendment of regulation 3 of the Regulations

2. Regulation 3 of the Regulations is hereby amended by: -

(a) the substitution for subregulation 3(2)(a) for the following subregulation: -

“(2) (a) Unless otherwise provided in these Regulations -

(i) the costs of an assessment shall not exceed R 2 500.00 (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.”;

(b) deleting the “. (full stop)” at the end of subregulation 3(3)(d)(ii) and replacing it with a “: (colon)”; and

(c) inserting the following proviso directly below subregulation 3(3)(d)(ii):-

“Provided that, if the Fund or an agent does not, within 120 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,

reject the serious injury assessment report or direct that the third party submit himself or herself to a further assessment, it shall be deemed that the Fund or agent accepts that the injury has been correctly assessed as serious.”

3. Sub-regulation 2 (a) shall apply prospectively only and shall commence 30 days after the date contemplated in regulation 4 of these Regulations.
4. Sub-regulation 2 (b) and 2 (c) apply prospectively only.

Amendment of regulation 6 of the Regulations

5. Regulation 6 of the Regulations is hereby amended by the addition of the following sub-regulation: -

“(3) The Fund or an agent may at its cost, at the 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.”

Commencement

6. These Regulations will come into operation on the date of publication in the Gazette.
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