

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
ROAD ACCIDENT BENEFIT  
SCHEME BILL**

**[B 17—2017]**

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*(As agreed to by the Portfolio Committee on Transport (National Assembly))*

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**[B 17A—2017]**

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**AMENDMENTS AGREED TO**  
ROAD ACCIDENT BENEFIT SCHEME BILL  
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CLAUSE 1

1. On page 5, after line 20, to insert:

**“Appeals Committee”** means the committee or committees established by section 56;
2. On page 5, from line 24, to omit the definition of **“average annual national income”** and to substitute:

**“average annual national income”** means the amount based on the average annual after-tax income earned in the Republic, for the whole of the employed and unemployed population between the ages of 18 and 59, inclusive, calculated in accordance with the methodology prescribed by the Minister in consultation with the Minister of Finance;
3. On page 5, in line 28, to omit **“of the Administrator”**.
4. On page 5, after line 36, to insert:

**“co-payment”** means the amount above the tariff contemplated in section 39(1)(b), for which amount the recipient of a health care service may incur personal liability towards a non-contracted health care service provider;  
**“curator”** means a person appointed by a court to act as a curator in an instance where the beneficiary, injured person or a qualifying person is of unsound mind or otherwise incapable of managing his or her affairs;
5. On page 5, after line 50, to insert:

**“illegal income”** means income derived from any activity which contravenes the law;
6. On page 5, after line 54, to insert:

**“interim Board”** means an interim Board contemplated in section 9;
7. On page 6, in line 1, to insert:

**“maintenance”** means the payment of account fees, transaction costs, and other charges levied by the banker or bankers, with whom the accounts contemplated in Chapter 4 are held;
8. On page 6, after line 7, to insert:

**“monetary asset”** means funds under management as contemplated in Treasury Regulation 31.3.1 made in terms of section 76 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), and published under Government Notice R 225 in Government *Gazette* 27388 of 15 March 2005, as amended;

9. On page 6, in line 48, to omit “and”.
10. On page 6, in line 51, to omit the full stop and substitute ”; and”.
11. On page 6, after line 51, to insert:

“**working day**” means when any period consisting of working days is calculated, the exclusion of the first day and the inclusion of the last day, counting only weekdays and excluding Saturdays, Sundays and public holidays.

#### CLAUSE 5

1. On page 7, in line 23, to omit the second “and”.
2. On page 7, in line 24, to omit “law.” and to insert “law;”.
3. On page 7, after line 24, to insert:
  - “(h) consider disputes in terms of section 55; and
  - (i) assist injured persons and dependents as contemplated in section 64(2) and (3).”.

#### CLAUSE 6

1. On page 7, in line 35, after “legislation,” to insert “and in consultation with National Treasury”.
2. On page 7, in line 37, after “legislation,” to insert “and in consultation with National Treasury”.
3. On page 7, from line 38, to omit “in such manner as it may deem fit”.
4. On page 7, in line 40, to omit ”, excluding share certificates”.
5. On page 7, from line 51, to omit paragraph (j).
6. On page 7, in line 54, to omit “(k)” and to substitute “(j)”.
7. On page 8, in line 1, to omit “(l)” and to substitute “(k)”.
8. On page 8, in line 3, to omit “(m)” and to substitute “(l)”.
9. On page 8, in line 5, to omit “(n)” and to substitute “(m)”.

#### CLAUSE 7

1. On page 8, after line 13, to insert the following paragraph:
 

“(b) the Chief Financial Officer;”.
2. On page 8, in line 14, to omit “(b)” and to substitute “(c)”.
3. On page 8, in line 14, to omit “ no more than 12” and to substitute “not less than seven and not more than 10”.
4. On page 8, in line 15, to omit “10” and substitute “five”.

5. On page 8, in line 19, to omit “(c)” and to substitute “(d)”.
6. On page 8, in line 21, to omit “(d)” and to substitute “(e)”.
7. On page 8, in line 22, to omit “(e)” and to substitute “(f)”.
8. On page 8, from line 24, to omit “(f)” and to substitute “(g)”.
9. On page 8, in line 26, to omit “(1)(b)” and to substitute “(1)(c)”.
10. On page 8, in line 33, to omit “(1)(b)” and to substitute “(1)(c)”.
11. On page 8, in line 34, after “30” to insert “working”.
12. On page 8, in line 37, after “Officer” to insert “, Chief Financial Officer”.
13. On page 8, in line 38, to omit “, but may not vote at its meetings”.

#### CLAUSE 8

1. On page 8, in line 41, to omit “7(1)(b)” and to substitute “7(1)(c)”.
2. On page 8, from line 42, to omit subsection (2) and to substitute:
 

“(2) The Chairperson shall preside at meetings of the Board.  
 (3) Whenever the Chairperson of the Board is absent or unable to fulfil the functions of the Chairperson the Deputy Chairperson shall act as the Chairperson.”
3. On page 8, in line 44, to omit “(3)” and to substitute “(4)”.
4. On page 8, in line 46, to omit “7(1)(b)” and to substitute “7(1)(c)”.
5. On page 8, in line 47, after “inability” to insert “for the duration of the meeting.”

#### CLAUSE 9

1. On page 8, in line 49, to omit “7(1)(b)” and to substitute “7(1)(c)”.
2. On page 8, in line 50, to omit the second “period” and to substitute “term.”
3. On page 8, in line 54, to omit “7(1)(b)” and to substitute “7(1)(c)”.
4. On page 9, in line 1, to omit “12” and to substitute “six”.

#### CLAUSE 10

1. On page 9, in line 5, to omit “7(1)(b)” and to substitute “7(1)(c)”.
2. On page 9, from line 8, to omit “, without following the other provisions of section 7”.

#### CLAUSE 11

1. On page 9, in line 11, to omit paragraph “(a)”.
2. On page 9, in line 16, to omit “or unfit”.

## CLAUSE 13

1. On page 9, in line 29, to omit “a majority” and to substitute “50% plus one”.
2. On page 9, in line 32, after “by” to omit “a” and to substitute “50% plus one of the”.

## CLAUSE 14

1. On page 9, in line 38, after “14.” to insert “(1)”.
2. On page 9, in line 38, to omit “7(1)(b)” and to substitute “7(1)(c)”.
3. On page 9, after line 40, to insert the following subsection:
 

“(2) The entitlement to the remuneration and allowances contemplated in subsection (1) must be fixed at a flat rate *per annum*, and must not be calculated based on the number of Board meetings attended.”.

## CLAUSE 15

1. On page 10, from line 10, to omit subsections (2), (3) and (4) and to substitute:
 

“(2) The Board may delegate any of the powers entrusted or duties assigned to the Administrator in terms of this Act, to a member of the Board, the Chief Executive Officer, the Chief Financial Officer, a committee or an employee of the Administrator.

(3) The Chief Executive Officer may delegate any of his or her powers in terms of this Act, to an employee of the Administrator.

(4) Any delegation under subsections (2) and (3) must be in writing and—

  - (a) is subject to any limitation or condition imposed in terms of this Act or by the Board or Chief Executive Officer, as the case may be;
  - (b) does not prevent the exercise of that power in question by the Board or the Chief Executive Officer;
  - (c) may authorise any person referred to in subsections (2) and (3) to sub-delegate, in writing, the delegated power or duty to another employee, or to the holder of a specific post in the Administrator; and
  - (d) does not divest the Board or Chief Executive Officer of responsibility for a function or power so delegated.

(5) The Board or Chief Executive Officer, as the case may be, may confirm, vary or revoke any decision taken as a result of a delegation in terms of subsection (2) or (3), subject to any rights that may have become vested as a consequence of the decision.”.

## CLAUSE 16

1. On page 10, from line 27, to omit subsections (2) and (3) and to substitute:
 

“(2) A member of the Board must at all times comply with the Public Finance Management Act, 1999 (Act No. 1 of 1999) and any other legislation applicable to Board members.”.