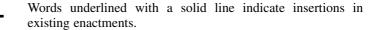
#### REPUBLIC OF SOUTH AFRICA

# ROAD ACCIDENT BENEFIT SCHEME BILL

(As amended by the Portfolio Committee on Transport (National Assembly)) (The English text is the official text of the Bill)

(MINISTER OF TRANSPORT)

[B 17B—2017] ISBN 978-1-4850-0562-9



## **BILL**

To provide for a social security scheme for the victims of road accidents; to establish the Road Accident Benefit Scheme Administrator to administer and implement the scheme; to provide a set of defined benefits on a no-fault basis to persons for bodily injury or death caused by or arising from road accidents; to exclude liability of certain persons otherwise liable for damages in terms of the common law; and to provide for matters connected therewith.

#### **PREAMBLE**

**AS** the existing fault-based compensation system administered by the Road Accident Fund, established by the Road Accident Fund Act, 1996 (Act No. 56 of 1996), is not effectively achieving the purpose for which it was created;

**AS** there is a need for an effective benefit system, which is reasonable, equitable, affordable and sustainable in the long-term, which optimises limited resources and facilitates timely and appropriate health care and rehabilitation to lessen the impact of injuries and which provides financial support to reduce the income vulnerability of persons affected by injury or death from road accidents;

**AS** there is a need to expand and facilitate access to benefits by providing them on a no-fault basis;

 ${\bf AS}$  there is a need to simplify claims procedures, reduce disputes and create certainty by providing defined and structured benefits; and

**AS** there is a need to establish administrative procedures for the expeditious resolution of disputes that may arise and to alleviate the burden on the courts,

**B** E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

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Defin	nitions	
	In this Act, unless the context indicates otherwise— "Administrator" means the Road Accident Benefit Scheme Administrator established by section 3;	
;	"Appeals Committee" means the committee or committees established by section 56; "assistive devices" means devices that increase a person's ability to carry out activities of daily living, including prosthetic and orthotic devices, spectacles and hearing aids;	20
; 1	"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	25
,	the Minister of Finance;  "beneficiary" means a claimant who is granted a benefit;  "benefit" means a benefit provided for in Chapter 6;  "Board" means the Board contemplated in section 7;  "bodily injury" means a physical or psychological injury as well as damage to the	30
1	victim's assistive devices, caused by or arising from a road accident; "Chief Executive Officer" means the Chief Executive Officer of the Administrator appointed in terms of section 20; "child", in relation to a deceased breadwinner, means a biological or adopted child, including a posthumous child, under the age of 18 years;	35
	"claim" means a claim for a benefit; "claimant" means a person who has submitted a claim; "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;	40
•	"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; "deceased breadwinner" means a person with dependants whose death is caused	45
	by or arose from a road accident;  "dependant" means—  (a) any spouse of the deceased breadwinner;  (b) any child of the deceased breadwinner; or	50

(c) any other person who was dependant on the deceased breadwinner, provided such person was legally entitled to support from the deceased breadwinner and would have received such support had the breadwinner not died;