

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]

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GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

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;

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,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

ARRANGEMENT OF SECTIONS

Sections

CHAPTER 1

5

DEFINITIONS AND OBJECTIVES

1. Definitions
2. Objectives of Act

CHAPTER 2

ROAD ACCIDENT BENEFIT SCHEME ADMINISTRATOR

3.	Establishment	
4.	Financial year	
5.	Duties	5
6.	Powers	

CHAPTER 3

GOVERNANCE

Part A

Board 10

7.	Composition and appointment	
8.	Chairperson and Deputy Chairperson	
9.	Term of office	
10.	Vacancies	
11.	Disqualifications	15
12.	Committees	
13.	Meetings	
14.	Remuneration and reimbursement	
15.	Duties	
16.	Conduct	20
17.	Resignation	
18.	Removal	
19.	Dissolution of Board by Minister	

Part B

Chief Executive Officer 25

20.	Appointment	
21.	Acting Chief Executive Officer	
22.	Accountability	
23.	Duties	
24.	Employees at executive management level	30
25.	Dismissal	

CHAPTER 4

FINANCE

26.	Benefit Account	
27.	Use of money in benefit account	35
28.	Transition Account	
29.	Application of money in transition account	
30.	Operations Account	
31.	Application of money in operations account	
32.	Actuarial Valuations	40
33.	Consideration of actuarial valuations	

CHAPTER 5

LIABILITY OF ADMINISTRATOR AND OTHER PERSONS

34.	Limitation of Administrator's liability	
35.	Exclusion of liability of owner, driver and employer of driver	45

CHAPTER 6

BENEFITS

36. Categories of benefits

Part A

Health care services 5

37. Liability of Administrator in respect of health care services
 38. Contracted health care service providers
 39. Non-contracted health care service providers
 40. Individual treatment and rehabilitation plan

Part B

10

Income support benefit

41. Liability of Administrator in respect of income support benefits
 42. Temporary income support benefit
 43. Long-term income support benefit
 44. Vocational training programmes 15

Part C

Family support benefit

45. Liability of Administrator in respect of family support benefit

Part D

Funeral benefit 20

46. Liability of Administrator in respect of funeral benefit

Part E

Benefit review

47. Termination, suspension and revision of benefits
 48. Substitution of recipient of certain benefits 25

CHAPTER 7

CLAIMS PROCEDURE

49. Procedure for claiming benefits
 50. Obligations of claimant and beneficiary
 51. Information to be furnished to Administrator by third parties 30
 52. Powers of Administrator to investigate
 53. Claims lapse in certain circumstances
 54. Time periods for determination of claims
 55. Disputes

CHAPTER 8

35

APPEALS COMMITTEE

56. Appointment and composition
 57. Term of office
 58. Chairperson and Deputy Chairperson
 59. Meetings 40
 60. Remuneration and reimbursement
 61. Conduct

- 62. Disqualification and removal from the Appeals Committee
- 63. Appeals

CHAPTER 9

GENERAL PROVISIONS

- 64. Professional and other fees 5
- 65. Liability for administrative decision-making
- 66. Restriction on transfer of benefits
- 67. Service of process commencing litigation
- 68. Regulations and certain notices by Minister
- 69. Rules by Board 10
- 70. Offences
- 71. Transitional provisions and savings
- 72. Short title and commencement

CHAPTER 1

DEFINITIONS AND OBJECTIVES 15

Definitions

1. 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 20 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;
 - “**average annual national income**” means the amount based on the average 25 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;
 - “**beneficiary**” means a claimant who is granted a benefit; 30
 - “**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 victim’s assistive devices, caused by or arising from a road accident;
 - “**Chief Executive Officer**” means the Chief Executive Officer of the Administra- 35 tor 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;
 - “**claim**” means a claim for a benefit;
 - “**claimant**” means a person who has submitted a claim; 40
 - “**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 45 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 by or arose from a road accident;
 - “**dependant**” means—
 - (a) any spouse of the deceased breadwinner; 50
 - (b) any child of the deceased breadwinner; or
 - (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;