**NationalAssembly**

**Question No: 1740**

**1740. Mr C H HHunsinger (DA) to ask the Minister of Transport:**

What number of (a) claims were received by the Road Accident Fund in the past three years and (b) the specified claims (i) were challenged and (ii) went to trial?NW1251E

**REPLY:**

The Road Accident Fund (RAF) (a) received 297,610claims[[1]](#footnote-2) in the past three years and (b) (i) 151,530of the claims received were, or are, challenged[[2]](#footnote-3) and (ii) 45,075of the challenged claims were settled by way of a court order[[3]](#footnote-4), of which the exact number of the matters which went on trial could not be ascertained at the time of this response[[4]](#footnote-5).

However, it is important to mention that a study conducted by Professor Hennie Klopperon the RAF mattersset down on the court roll in the Gauteng Division of the High Court, Pretoria revealed that 99.56 % of the matters are settled at the doorstep of court and less than 1% (0.45%) proceed to trial. This study was done in the Pretoria High Court which has the highest number of litigated matters countrywide. Although the research focused on Pretoria, the RAFs observation is that this is reflective of the general trend in all the courts in SA. RAF matters gets settled by both parties and the settlement agreements are then made orders of court. We attached herewith for ease of reference the article by Prof Klopper[[5]](#footnote-6).

1. This number includes personal claims, but excludes supplier claims. [↑](#footnote-ref-2)
2. Summons was served on the RAF in these matters. [↑](#footnote-ref-3)
3. This number is inclusive of settlements made an order of court and judgments by the court. [↑](#footnote-ref-4)
4. The RAF’s claim system does not have an indicator that allows for the identification of claims that went on trial and where judgment was delivered by the court. [↑](#footnote-ref-5)
5. Prof Hennie Klopper is an Emeritus Professor in the Department of Private Law at University of Pretoria and a legal practitioner at HB Klopper Attorney in Pretoria [↑](#footnote-ref-6)