**NATIONAL ASSEMBLY:**

**QUESTION NUMBER: 3043**

**Adv A de W Alberts (FF Plus) to ask the Minister of Transport: †**

(1) Whether he can give an indication regarding the number of claims that have become prescribed in the hands of the Road Accident Fund since 1 January 2000 for each month of each year according to (a) percentage and (b) absolute numbers from the year 2000 up to and including the latest statistics for 2018;

(2) what are the overall reasons for the prescription of the claims in each month;

(3) given the prescriptions that take place, what does he intend to do in order to stop this malpractice, especially against the background of the establishment of the Road Accident Benefit Scheme (RABS) Bill according to which the fund/scheme will act as an adjudicator of benefits and a benefit manager?

**NW3407E**

**REPLY:**

1. Statistics on direct claims lodged prior to December 2012 are not available, as stand-alone direct claims units were only established throughout the Road Accident Fund (RAF) during the 2012 -2013 financial year. From December 2012, statistics on direct claims were were reported on separately from other claims. The following information regarding the number of claims that have become prescribed in the hands of the RAF (claims lodged and, or, prosecuted personally by a claimant who elected not to use the services of an attorney or elected to terminate the services of their attorney) since 1 December 2012 for each month of each year according to (a) percentage and (b) absolute numbers (total) from the year 2012 up to and including the latest statistics for 2018;

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Financial Year | April | May | June | July | August | September | October | November | December | January | February | March | Total |
| 2012/13 |   |   |   |   |   |   |   |   |  1  |  1  |  2  |  3  |  7  |
| *% of the total of claims prescribed during the year* |   |   |   |   |   |   |   |   | 14% | 14% | 29% | 43% | 100% |
| 2013/14 |  6  |  3  |  1  |  3  |  9  |  10  |  2,066  |  8  |  2  |  1  |  664  |  121  |  2,894  |
| *% of the total of claims prescribed during the year* | 0.2% | 0.1% | 0.0% | 0.1% | 0.3% | 0.3% | 71% | 0.3% | 0.1% | 0% | 23% | 4% | 100% |
| 2014/15 |  1  |  14  |  4  |  2  |  1,716  |  3,974  |  178  |  -  |  -  |  36  |  201  |  112  |  6,238  |
| *% of the total of claims prescribed during the year* | 0.0% | 0.2% | 0.1% | 0.0% | 28% | 64% | 3% | 0.0% | 0.0% | 1% | 3% | 2% | 100% |
| 2015/16 |  4  |  2  |  3  |  13  |  7  |  6  |  38  |  39  |  7  |  32  |  14  |  3  |  168  |
| *% of total% of the total of claims prescribed during the year* | 2% | 1% | 2% | 8% | 4% | 4% | 23% | 23% | 4% | 19% | 8% | 2% | 100% |
| 2016/17 |  7  |  60  |  21  |  16  |  77  |  5  |  18  |  5  |  6  |  3  |  1  |  6  |  225  |
| *% of the total of claims prescribed during the year* | 3% | 27% | 9% | 7% | 34% | 2% | 8% | 2% | 3% | 1% | 0.4% | 3% | 100% |
| 2017/18 |  3  |  3  |  22  |  272  |  8  |  12  |  4  |  7  |  4  |  3  |  5  |  1  |  344  |
| *% of the total of claims prescribed during the year* | 1% | 1% | 6% | 79% | 2% | 3% | 1% | 2% | 1% | 1% | 1% | 0% | 100% |
| 2018/19\* |  3  |  3  |  44  |  53  |  10  |  49  |   |   |   |   |   |   |  162  |
| *% of the total of claims prescribed during the period* | 2% | 2% | 27% | 33% | 6% | 30% |   |   |   |   |   |   | 100% |

1. the overall reasons, amongst others, for the prescription of the claims in each month, are claims that prescribed in the following circumstances: while awaiting the judgment in the case of Mvumvu and Others v The Minister of Transport and the RAF (Case CCT 67/10); awaiting the completion of medico-legal reports by medical experts; delays in obtaining confirmation of appointments for assessments for medico-legal reports; delays in obtaining completed medical reports from hospitals; awaiting necessary information from claimants or service providers; files not sent to Regions by consultants prior to prescription of the claim; administrative issues such as incorrect registration, miscommunication between the regions; where direct claimants have subsequently elected to instruct an attorney and summons is not issued before prescription and where claimants failed to provide correct contact information, or contact information subsequently changed and the claimant failed to inform the RAF;
2. The RAF has implemented a Direct Claims Policy with effect from 15 February 2016. The purpose of the Direct Claims Management Policy, amongst others, is to regulate the internal management of Direct Claims to ensure that the rights of Unrepresented Claimants are protected; to ensure that the risks tothe RAF are managed; and finally, to manage conflicts of interest that may arise. The Direct Claims Policy provides for consequence management in the event of non-compliance.