INJURED IN A ROAD ACCIDENT?

Road traffic accidents are generally thought of as incidents that happen to people other than ourselves. However, statistics show that this is not the case in South Africa. Even if you are a safe driver, statistics have reflected that reckless and negligent driving are common place in South Africa and you could be the innocent victim of such driving.

How do I claim compensation?
Your rights are prescribed by the Road Accident Fund Act and by our Common Law. The Road Accident Fund Act was amended with drastic consequences for victims of road accidents in August 2008, making it more essential than ever to consult a specialist attorney if injured in a road accident.

You can claim compensation if:
- You are the driver of a vehicle and the accident was not entirely your fault.
- If you were a passenger in a vehicle.
- In certain circumstances if you get hit by a vehicle whilst you are a pedestrian.

Legal advice
If you have any doubts at all about who was to blame for the accident or whether you have the right to claim compensation, you should seek legal advice. If you are badly injured, your attorney will visit you in hospital or come to your home.

If you are the driver of a vehicle and involved in a road traffic accident, it is incumbent on you to submit your claim in a specific manner and more often than not, institute an action (by way of summons) thereafter within a prescribed period of time. Your attorney will take care of this for you.

A WORD OF WARNING...TIMING IS VERY IMPORTANT.

Time limits
Seek legal advice and pursue your claim as quickly as possible. If a claim is not submitted to the Road Accident Fund or in certain circumstances Court proceedings initiated within 2 or 3 years of your accident, your claim may prescribe. Therefore you will not be able to claim compensation at all.

If you were under the age of 18 when the accident happened and the person or vehicle responsible for the accident is known to you, your claim will only prescribe 3 years after you have attained the age of 18.

However, you should pursue your claim as soon as possible when witnesses are more likely to be available and to remember what happened. Generally, more and better evidence will be available immediately after the accident.

It is essential that you select the right attorney, being one who has considerable experience in road traffic accident claims and personal injury claims, particularly in view of...
the 2008 amendments to the law.

**Legal costs**
If our firm does not succeed in our claim for damages on your behalf, we will not charge a fee. We are prepared to act on a contingency basis, i.e. if we do not succeed with the claim, we do not get paid. It is advisable not to decide against making a claim on the grounds of costs without first seeking advice in this regard.

**Will the case go to court?**
Many cases are settled prior to going to Court. To finalise a claim satisfactorily may take a long time. The period to finalise a claim will depend on many factors, particularly the nature and extent of your injuries, and the experience and ability of your attorney.

**Problem areas**
You may, depending on the circumstances of the case, be able to claim compensation successfully if you are the victim of a hit and run accident. You may claim compensation if you are a passenger in a vehicle where the driver of your vehicle is wholly to blame for the accident.

**How much compensation will I receive?**
You may, depending on the circumstances, be entitled to claim the following:

- Damages for pain, suffering, loss of amenities of life, disfigurement and loss of income earning capacity;
- Past and future hospital and medical expenses;
- Past and future loss of earnings;
- Compensation may be available to family members of a person killed in a road accident.
- Funeral expenses can also be claimed in certain circumstances.

If your claim is successful you will be able to recover a percentage of your legal costs as well.

Contact Gerhard at gerhardk@stbb.co.za or Dawid at Dawiddp@stbb.co.za if you require assistance.