

INJURED IN A ROAD ACCIDENT

APRIL 2018



STBB

SMITH TABATA
BUCHANAN BOYES



OUR SERVICE

STBB | SMITH TABATA BUCHANAN BOYES is a firm of business-minded lawyers which was established in 1900. At present the firm consists of approximately 90 professionals practising from 12 offices throughout South Africa.

By understanding our clients' needs and objectives, we strive to deliver cost-effective legal solutions to their business and personal matters. A vital aspect of the professional service we provide, is a commitment to developing close working relationships with our clients. This commitment enables us to consistently succeed on their behalf.

INJURED IN A ROAD ACCIDENT

This brochure has been designed to inform victims of motor accidents about their rights to claim compensation.

THE FACTS

Road traffic accidents are generally thought of as incidents that happen to people other than ourselves. However, experience shows 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.



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 complete certain forms which have to be submitted to the Road Accident Fund within a prescribed period of time. Your attorney will advise you in this regard.

A word of warning... timing is very important, so take note of the explanation regarding time limits hereafter.

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. Then 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.

- **If you have any doubt seek legal advice immediately**
It is essential that you select the right attorney being one who has considerable experience in road traffic accident claims and personal injury claims.



- Before choosing an attorney establish:
 - How many road traffic accident claims and personal injury claims has he/she handled in the past 2 months?
 - What is the biggest claim he/she has ever settled?
 - What is his/her success rate?

We have a department specialising in personal injury claims.

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.

Do not decide against instituting a claim on the grounds of costs without first seeking advice in this regard.

The attorney at STBB Smith Tabata Buchanan Boyes specialising in road accident claims will explain in detail to you what the costs, relating to your claim will amount to.

WILL THE CASE GO TO COURT?

Most 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 even be able to 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 or earning capacity;
- Past hospital and medical expenses;
- Future hospital and medical expenses;
- Past loss of earnings;
- Future loss of earnings.

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

Compensation in the form of loss of support may be available to family members of a person killed in a road accident. Funeral expenses can also be claimed in certain circumstances.

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SERVICES

In an endeavour to provide the optimum professional service to our clients, we have various departments specialising in select aspects of law. Any member at any branch of the firm will be able to recommend an appropriate professional to meet your needs, given their speciality and the location most convenient for you, including your home or place of business.

- PROPERTY LAW
- COMMERCIAL PROPERTY LAW
- COMMERCIAL AND CORPORATE LAW
- LITIGATION
- ESTATES AND TRUSTS
- FAMILY LAW
- LABOUR LAW
- PERSONAL INJURY AND INSURANCE LAW
- LOCAL GOVERNMENT, PLANNING,
DEVELOPMENT AND ENVIRONMENTAL LAW

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