

**NOTICE 338 OF 2014****DEPARTMENT OF TRANSPORT****PUBLICATION FOR COMMENTS: DRAFT ROAD ACCIDENT BENEFIT SCHEME REGULATIONS**

The Minister of Transport, Ms Dipuo Peters, MP, hereby in terms of section 55 of the draft Road Accident Benefit Scheme Bill, 2014, publishes for public comment, the draft Road Accident Benefit Scheme Regulations, 2014 in the Schedules.

Any interested persons are requested to submit written comments in connection with the draft Road Accident Benefit Scheme Regulations within 60 days from the date of publication of this notice in the Government Gazette.

All comments should be posted to the Director-General Department of Transport for the attention of Ms Kgothatso Kgantsi at:

Department of Transport  
Private Bag X193  
PRETORIA  
0001

E-mail: [KgantsiK@dot.gov.za](mailto:KgantsiK@dot.gov.za)

Tel: 012 309 3917 or 012 309 3476

Fax: 012 309 3502

By hand delivery to: RABS Bill, Ground Floor, Forum Building, 159 Struben Street, Pretoria, 0002, or comments can be e-mailed to: [rabsbill@dot.gov.za](mailto:rabsbill@dot.gov.za)

Comments received after the closing date may not be considered.

## ROAD ACCIDENT BENEFIT SCHEME ACT, 2014

### ROAD ACCIDENT BENEFIT SCHEME REGULATIONS, 2014

The Minister of Transport has, under section 55 of the Road Accident Benefit Scheme Act, 2014, made the Regulations in the Schedules hereto.

#### SCHEDULE A

##### 1. Definitions

In these Regulations, unless the context clearly indicates otherwise, an expression or word to which a meaning has been assigned in the Road Accident Benefit Scheme Bill, 2014, bears the same meaning.

##### 2. Service of process commencing litigation

A notice or other process commencing litigation against the Administrator in any court may be served on the Administrator in any manner provided for in the Uniform Rules of Court, provided that service on the Administrator shall not be effective unless—

- (a) an electronic copy of the notice or other process is sent to the email address indicated on the Administrator's website;
- (b) the notice or process is faxed to the facsimile number indicated on the Administrator's website; or
- (c) a hard copy of the notice or process is delivered to the physical address of the head office of the Administrator indicated on its website.

### **3. Subpoena to appear before the Administrator**

- (1) A subpoena to appear before the Administrator must be in a form substantially similar to Form 1 attached hereto.
- (2) A subpoena to appear before the Administrator may be served in any manner provided for in the Uniform Rules of Court.

**FORM 1**

**SUBPOENA TO APPEAR BEFORE ROAD ACCIDENT BENEFIT SCHEME  
ADMINISTRATOR**

To the sheriff:

**INFORM**

- (1) State name
- (2) State gender
- (3) State place of business or residence of person

that he/she is hereby required to appear in person before the Road Accident Benefit Scheme Administrator at ..... on ..... the ..... day of ..... 20..... at ..... (time) and thereafter to remain in attendance until excused by the Administrator, in order to furnish information concerning an investigation into .....

**AND INFORM** him or her that he/she is further required to bring with him/her to produce to the Administrator ..... (here describe accurately each document, book or other thing to be produced).

**AND INFORM** him or her further that he or she should on no account neglect to comply with this subpoena as he or she may thereby commit an offence and render him- or herself liable to a fine not exceeding R50,000.00.

DATED at ..... this ..... day of ..... 20.....

.....  
Name of Authorised Official of Road  
Accident Benefit Scheme Administrator

## **SCHEDULE B**

### **1. Average Annual National Income**

The Minister of Transport hereby, in accordance with section 55(4) of the Road Accident Benefit Scheme Bill, 2014 determine the average annual national income to be R43, 965.00 (Forty Three Thousand Nine Hundred and Sixty Five Rands).

### **2. Pre-accident income cap**

The Minister of Transport hereby, in accordance with section 55(5) of the Road Accident Benefit Scheme Bill, 2014 determine the pre-accident income cap to be R 219 820.00. (Two Hundred and Nineteen Thousand Eight Hundred and Twenty Rands).