

REPUBLIC OF SOUTH AFRICA

---

**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
ROAD ACCIDENT BENEFIT  
SCHEME BILL**

**[B 17—2017]**

---

*(As agreed to by the Portfolio Committee on Transport (National Assembly))*

---

**[B 17A—2017]**

ISBN 978-1-4850-0561-2

No. of copies printed ..... 400

**AMENDMENTS AGREED TO**  
ROAD ACCIDENT BENEFIT SCHEME BILL  
[B 17—2017]

CLAUSE 1

1. On page 5, after line 20, to insert:

**“Appeals Committee”** means the committee or committees established by section 56;
2. On page 5, from line 24, to omit the definition of **“average annual national income”** and to substitute:

**“average annual national income”** means the amount based on the average annual after-tax income earned in the Republic, for the whole of the employed and unemployed population between the ages of 18 and 59, inclusive, calculated in accordance with the methodology prescribed by the Minister in consultation with the Minister of Finance;
3. On page 5, in line 28, to omit **“of the Administrator”**.
4. On page 5, after line 36, to insert:

**“co-payment”** means the amount above the tariff contemplated in section 39(1)(b), for which amount the recipient of a health care service may incur personal liability towards a non-contracted health care service provider;  
**“curator”** means a person appointed by a court to act as a curator in an instance where the beneficiary, injured person or a qualifying person is of unsound mind or otherwise incapable of managing his or her affairs;
5. On page 5, after line 50, to insert:

**“illegal income”** means income derived from any activity which contravenes the law;
6. On page 5, after line 54, to insert:

**“interim Board”** means an interim Board contemplated in section 9;
7. On page 6, in line 1, to insert:

**“maintenance”** means the payment of account fees, transaction costs, and other charges levied by the banker or bankers, with whom the accounts contemplated in Chapter 4 are held;
8. On page 6, after line 7, to insert:

**“monetary asset”** means funds under management as contemplated in Treasury Regulation 31.3.1 made in terms of section 76 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), and published under Government Notice R 225 in Government *Gazette* 27388 of 15 March 2005, as amended;

9. On page 6, in line 48, to omit “and”.
10. On page 6, in line 51, to omit the full stop and substitute ”; and”.
11. On page 6, after line 51, to insert:

“**working day**” means when any period consisting of working days is calculated, the exclusion of the first day and the inclusion of the last day, counting only weekdays and excluding Saturdays, Sundays and public holidays.

#### CLAUSE 5

1. On page 7, in line 23, to omit the second “and”.
2. On page 7, in line 24, to omit “law.” and to insert “law;”.
3. On page 7, after line 24, to insert:
  - “(h) consider disputes in terms of section 55; and
  - (i) assist injured persons and dependents as contemplated in section 64(2) and (3).”.

#### CLAUSE 6

1. On page 7, in line 35, after “legislation,” to insert “and in consultation with National Treasury”.
2. On page 7, in line 37, after “legislation,” to insert “and in consultation with National Treasury”.
3. On page 7, from line 38, to omit “in such manner as it may deem fit”.
4. On page 7, in line 40, to omit ”, excluding share certificates”.
5. On page 7, from line 51, to omit paragraph (j).
6. On page 7, in line 54, to omit “(k)” and to substitute “(j)”.
7. On page 8, in line 1, to omit “(l)” and to substitute “(k)”.
8. On page 8, in line 3, to omit “(m)” and to substitute “(l)”.
9. On page 8, in line 5, to omit “(n)” and to substitute “(m)”.

#### CLAUSE 7

1. On page 8, after line 13, to insert the following paragraph:
 

“(b) the Chief Financial Officer;”.
2. On page 8, in line 14, to omit “(b)” and to substitute “(c)”.
3. On page 8, in line 14, to omit “ no more than 12” and to substitute “not less than seven and not more than 10”.
4. On page 8, in line 15, to omit “10” and substitute “five”.

5. On page 8, in line 19, to omit “(c)” and to substitute “(d)”.
6. On page 8, in line 21, to omit “(d)” and to substitute “(e)”.
7. On page 8, in line 22, to omit “(e)” and to substitute “(f)”.
8. On page 8, from line 24, to omit “(f)” and to substitute “(g)”.
9. On page 8, in line 26, to omit “(1)(b)” and to substitute “(1)(c)”.
10. On page 8, in line 33, to omit “(1)(b)” and to substitute “(1)(c)”.
11. On page 8, in line 34, after “30” to insert “working”.
12. On page 8, in line 37, after “Officer” to insert “, Chief Financial Officer”.
13. On page 8, in line 38, to omit “, but may not vote at its meetings”.

#### CLAUSE 8

1. On page 8, in line 41, to omit “7(1)(b)” and to substitute “7(1)(c)”.
2. On page 8, from line 42, to omit subsection (2) and to substitute:
 

“(2) The Chairperson shall preside at meetings of the Board.  
 (3) Whenever the Chairperson of the Board is absent or unable to fulfil the functions of the Chairperson the Deputy Chairperson shall act as the Chairperson.”
3. On page 8, in line 44, to omit “(3)” and to substitute “(4)”.
4. On page 8, in line 46, to omit “7(1)(b)” and to substitute “7(1)(c)”.
5. On page 8, in line 47, after “inability” to insert “for the duration of the meeting.”

#### CLAUSE 9

1. On page 8, in line 49, to omit “7(1)(b)” and to substitute “7(1)(c)”.
2. On page 8, in line 50, to omit the second “period” and to substitute “term.”
3. On page 8, in line 54, to omit “7(1)(b)” and to substitute “7(1)(c)”.
4. On page 9, in line 1, to omit “12” and to substitute “six”.

#### CLAUSE 10

1. On page 9, in line 5, to omit “7(1)(b)” and to substitute “7(1)(c)”.
2. On page 9, from line 8, to omit “, without following the other provisions of section 7”.

#### CLAUSE 11

1. On page 9, in line 11, to omit paragraph “(a)”.
2. On page 9, in line 16, to omit “or unfit”.

## CLAUSE 13

1. On page 9, in line 29, to omit “a majority” and to substitute “50% plus one”.
2. On page 9, in line 32, after “by” to omit “a” and to substitute “50% plus one of the”.

## CLAUSE 14

1. On page 9, in line 38, after “14.” to insert “(1)”.
2. On page 9, in line 38, to omit “7(1)(b)” and to substitute “7(1)(c)”.
3. On page 9, after line 40, to insert the following subsection:
 

“(2) The entitlement to the remuneration and allowances contemplated in subsection (1) must be fixed at a flat rate *per annum*, and must not be calculated based on the number of Board meetings attended.”.

## CLAUSE 15

1. On page 10, from line 10, to omit subsections (2), (3) and (4) and to substitute:
 

“(2) The Board may delegate any of the powers entrusted or duties assigned to the Administrator in terms of this Act, to a member of the Board, the Chief Executive Officer, the Chief Financial Officer, a committee or an employee of the Administrator.

(3) The Chief Executive Officer may delegate any of his or her powers in terms of this Act, to an employee of the Administrator.

(4) Any delegation under subsections (2) and (3) must be in writing and—

  - (a) is subject to any limitation or condition imposed in terms of this Act or by the Board or Chief Executive Officer, as the case may be;
  - (b) does not prevent the exercise of that power in question by the Board or the Chief Executive Officer;
  - (c) may authorise any person referred to in subsections (2) and (3) to sub-delegate, in writing, the delegated power or duty to another employee, or to the holder of a specific post in the Administrator; and
  - (d) does not divest the Board or Chief Executive Officer of responsibility for a function or power so delegated.

(5) The Board or Chief Executive Officer, as the case may be, may confirm, vary or revoke any decision taken as a result of a delegation in terms of subsection (2) or (3), subject to any rights that may have become vested as a consequence of the decision.”.

## CLAUSE 16

1. On page 10, from line 27, to omit subsections (2) and (3) and to substitute:
 

“(2) A member of the Board must at all times comply with the Public Finance Management Act, 1999 (Act No. 1 of 1999) and any other legislation applicable to Board members.”.

## CLAUSE 17

1. On page 10, in line 39, after “by” to insert “giving three months”.

## CLAUSE 18

1. On page 10, in line 41, after “18.” to insert “(1)”.
2. On page 10, after line 44, to insert the following subsection:
  - “(2) The Minister may only remove a member of the Board—
  - (a) after having given the member an opportunity of seven working days to make representations; and
  - (b) after having considered any representations received, within seven working days from the date of receipt.”.

## CLAUSE 19

1. On page 10, from line 50, to omit paragraph (b) and to substitute:
  - “(b) The Minister may dissolve the Board only—
  - (i) after having given the Board seven working days to make representations; and
  - (ii) after having considered any representations received, within seven working days from the date of receipt.”.
2. On page 11, from line 1, to omit paragraph (c) and to substitute:
  - “(c) If the Minister dissolves the Board, or if the Board resigns, or if the Board becomes inoperable, the Minister—
  - (i) may appoint an administrator to take over the functions of the Board and to do anything which the Board might otherwise be empowered or required to do by or under this Act, subject to such conditions as the Minister may determine; and
  - (ii) must, as soon as it is feasible but not later than six months after the event contemplated in paragraph (c) has occurred, appoint new members to the Board and for this purpose section 7 applies with the changes required by the context.”.
3. On page 11, from line 8, to omit subsection (2) and to substitute:
  - “(2) (a) The costs associated with the appointment and functioning of the administrator shall be for the account of the Administrator.
  - (b) The appointment of the administrator terminates at the first meeting of the new Board.”.

## CLAUSE 20

1. On page 11, from line 15, to omit subsection (1) and to substitute:
  - “(1) The Board must, with the concurrence of the Minister, appoint a suitably qualified and experienced person as Chief Executive Officer on such terms and conditions of employment as may be determined by the Board.”.

## CLAUSE 21

1. On page 11, from line 21, to omit subsections (1) and (2) and to substitute:

“(1) If the Chief Executive Officer is for any reason absent or unable to carry out his or her duties, or if a vacancy in the office of the Chief Executive Officer occurs, the Board may, with the concurrence of the Minister, appoint a suitably qualified person to act as Chief Executive Officer until the Chief Executive Officer is able to resume his or her duties or until the vacant position is filled.

- (2) An acting Chief Executive Officer—
- (a) may exercise all the powers and must carry out all the duties of the Chief Executive Officer; and
  - (b) is appointed on terms and conditions, including those relating to remuneration and allowances, as the Board may determine.”.

## CLAUSE 24

1. On page 11, in line 43, to omit subsection (1) and to substitute:

“(1) The Chief Executive Officer, with the concurrence of the Board, appoints and dismisses the Chief Audit Executive.”.

(2) The Chief Executive Officer, after consultation with the Board, appoints and dismisses executive managers.

2. On page 11, in line 45, to omit “(2)” and to substitute “(3)”.

## CLAUSE 25

1. On page 11, in line 47, to omit clause 25 and to substitute:

“The Board may for good reason, with the concurrence of the Minister, dismiss or suspend the Chief Executive Officer.”.

## CLAUSE 26

Clause rejected.

## NEW CLAUSES

1. That the following be new Clauses:

**“Benefit account**

**26.** (1) The Administrator must open and maintain a benefit account.

- (2) The benefit account shall consist of—
- (a) Road Accident Benefit Scheme levies imposed in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964);
  - (b) money appropriated by Parliament;
  - (c) money loaned to the Administrator;
  - (d) interest earned on money in the account;
  - (e) money recovered in terms of any claims re-insurance scheme; and
  - (f) investment returns on invested money from the account.

**Use of money in benefit account**

**27.** The money in the benefit account shall, subject to the

provisions of this Act, be under the control of the Chief Executive Officer, and shall be used for—

- (a) the payment of benefits provided for in Chapter 6;
- (b) the costs related to the appointment of, and the fees of, curators appointed to assist claimants and beneficiaries;
- (c) the payment in respect of documents contemplated in subsection 64(3);
- (d) subject to approval by the Minister of Transport, in consultation with the Minister of Finance, transfers to the transition account referred to in section 28;
- (e) the payment of premiums related to any claims re-insurance scheme;
- (f) the payment of expenses related to the maintenance of the benefit account; and
- (g) repayment of loans contemplated in section 26(2)(c).

### **Transition account**

**28.** (1) The Administrator must open and maintain a transition account.

(2) The transition account shall consist of—

- (a) money that belonged to the Road Accident Fund prior to the coming into effect of this Act;
- (b) money appropriated by Parliament;
- (c) money transferred into the transition account, subsequent to the approval contemplated in section 27(d);
- (d) money loaned to the Administrator;
- (e) interest earned on money in the transition account;
- (f) money recovered in terms of any claims re-insurance scheme in respect of claims, that arose prior to the coming into effect of this Act, under the Road Accident Fund Act, 1996 (Act No. 56 of 1996); and
- (g) investment returns on invested money from the account.

### **Application of money in transition account**

**29.** The money in the transition account shall, subject to the provisions of this Act, be under the control of the Chief Executive Officer, and shall be used for—

- (a) the payment of third party compensation, expert reports and litigation expenses under the Road Accident Fund Act, 1996 (Act No. 56 of 1996), in respect of claims that arose prior to the coming into effect of this Act;
- (b) the payment of premiums related to any claims re-insurance scheme contemplated in subsection 28(2)(f);
- (c) the payment of expenses related to the maintenance of the transition account; and
- (d) repayment of loans contemplated in section 28(2)(d).

### **Operations account**

**30.** (1) The Administrator must open and maintain an operations account.

(2) The operations account shall consist of—

- (a) money appropriated by Parliament;
- (b) money donated or bequeathed to the Administrator;
- (c) money that may become due to the Administrator in terms of any other legislation;
- (d) interest earned on money in the operations account;
- (e) investment returns on invested money from the account; and
- (f) money recovered in terms of any insurance scheme.



### **Application of money in operations account**

**31.** The money in the operations account shall, subject to the provisions of this Act, be under the control of the Chief Executive Officer, and shall be used for—

- (a) the payment of administrative expenditure arising from the duties of the Administrator set out in section 5;
- (b) the payment of administrative expenditure arising from the powers of the Administrator set out in section 6;
- (c) the payment of remuneration and allowances for the Board as provided for in section 14;
- (d) the payment of all non-claim liabilities of the former Road Accident Fund as provided for in section 64;
- (e) the cost of the actuarial valuations contemplated in section 32; and
- (f) the payment of expenses related to the maintenance of the operations account.

### **Actuarial valuations**

**32.** (1) The assets and the liabilities to be funded, respectively, from the benefit account and the transition account, shall be valued annually by an actuary appointed by the Administrator, to determine the sufficiency of the money in the respective accounts.

(2) The result of the valuations referred to in subsection (1) shall be included in the Administrator’s annual report.

(3) Subject to subsection (4), the liabilities to be paid from the benefit account must, in the long-term, be financed on a fully funded basis.

(4) In the event that the ratio of actuarial value of monetary assets to liabilities of the benefit account, expressed as a percentage, falls below 90%, the Minister must take all reasonable steps provided for in this Act to restore the ratio to 90% or above, and may, in consultation with the Minister of Finance, undertake a review of the benefits or an adjustment of revenue sources or both, taking into account the requirements of the Constitution, the impact on the public and the fiscal position of government.

### **Consideration of actuarial valuations**

“**33.** (1) The Administrator, the Minister, the Minister of Finance, the Minister of Health, and the Minister of Social Development, or their delegates, provided that such delegates are not those contemplated in section 7(1)(d) to (g), shall meet within 30 working days of receipt by the Administrator of the actuarial valuations contemplated in section 32, to consider the financial position of the Administrator and any remedial actions that may be necessary.

(2) In addition to the matter contemplated in subsection (1), at the meeting, the respective Ministers specified in section 68 shall consider the adjustment of the tariff and treatment protocols, annual average national income, pre-accident annual income cap, lump-sum funeral benefit, and the limit on the provision of vocational training.”.

## **CLAUSE 27**

1. On page 12, from line 14, to omit subsection (1) and to substitute:

“(1) The Administrator shall not be liable to provide a benefit, nor is the liability of any person excluded, in respect of bodily injury or death caused by or arising from the use of a vehicle—

- (a) to perpetrate any terrorist activity, as defined in the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004); or
- (b) in circumstances where the producer, importer, distributor, or retailer is liable for the harm in terms of section 61 of the Consumer Protection Act, 2008 (Act No. 68 of 2008).”.

CLAUSE 29

- 1. On page 13, in line 2, after “BENEFITS” to insert “AND BENEFIT REVIEW
- 2. On page 13, in line 4, after “**29.**” to insert “(1)”.
- 3. On page 13, after line 13, to insert:
  - “(2) The Administrator may terminate, suspend or review a benefit contemplated in subsection (1)(a) to (c) for the reasons and in the manner provided for in Part E of this Chapter.”.

CLAUSE 31

- 1. On page 13, from line 43, to omit subsection (1) and to substitute:
  - “(1) Subject to the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000), the Administrator may enter into agreements with public and private sector health care service providers to provide for the delivery of health care services to injured persons.”.

CLAUSE 32

- 1. On page 14, after line 24, to insert:
  - “(2) A non-contracted health care service provider must obtain written approval from the injured person, his guardian, or curator, prior to providing any health care service to the injured person that may result in a co-payment, failing which the injured person and guardian shall incur no liability for the co-payment.
  - (3) In the event that the injured person requires an emergency health care service, and the injured person, his guardian, or curator, is unable to provide the consent contemplated in subsection (2), the Administrator will be liable for the reasonable co-payment.”.
- 2. On page 14, in line 25, to omit “(2)” and to substitute “(4)”.

CLAUSE 34

- 1. On page 15, in line 16, to omit “within a reasonable period” and to substitute “within 30 working days”.

CLAUSE 35

- 1. On page 15, in line 51, to omit “failed” and to “substitute “was unable”.
- 2. On page 16, in line 52, after “benefit” to insert “upwards”.

## CLAUSE 39

Clause rejected.

## NEW CLAUSE

1. That the following be a new clause:

**Liability of Administrator in respect of funeral benefit**

**39.** (1) Subject to this Act, the Administrator shall be liable, in respect of the funeral of a person whose death was caused by or arose from a road accident to pay an immediate family member of the deceased, a lump sum of R20 000.00, in the manner set out in the rules, upon submission of—

- (a) a copy of the death certificate issued in terms of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992); and
- (b) proof that the death was caused by or arose from a road accident.

(2) The Minister may, with the concurrence of the Minister of Finance, subject to affordability, from time to time, adjust the amount contemplated in subsections (1) upwards by notice in the *Gazette* to take into account the effects of inflation.”.

## CLAUSE 42

1. On page 21, after line 33, to insert:

“(2) Subject to this Act, a dependent of a beneficiary of a temporary or long-term income support benefit, who died as a result of the injuries sustained in the road accident, is entitled to a family support benefit without submitting a claim, in the manner set out in the rules.”.

2. On page 21, in line 34, to omit “(2)” and to substitute “(3)”.
3. On page 21, from line 34, to omit “funeral benefit in terms of section 39(2)” and to substitute “family support benefit in terms of subsection (2)”.
4. On page 21, in line 37, to omit “(3)” and to substitute “(4)”.

## CLAUSE 43

1. On page 21, in line 43, after “may” to insert “, subject to the duty to assist the claimant contemplated in section 64(2),”.

## CLAUSE 46

1. On page 23, in line 53, to omit “one year” and to substitute “three years”.

## CLAUSE 47

1. On page 24, in line 13, after “to” to insert “lodge a dispute or an”.

## NEW CLAUSE

1. That the following be a new clause:

**“Disputes**

(1) Any qualifying person, claimant or beneficiary may, on the form and in the manner set out in the rules, lodge a dispute with the Administrator regarding any matter provided for in this Act.

(2) The dispute must be lodged within three months of the dispute arising.

(3) The Administrator may request a disputant to supply any additional information necessary to consider the dispute in writing or to attend a meeting for the purpose of making an oral enquiry into the dispute.

(4) The Administrator must consider the dispute and respond in writing, not later than three months after the dispute was lodged, informing the disputant of the Administrator’s decision.”.

## CLAUSE 48

1. On page 24, in line 18, to omit “may” and substitute “must”.
2. On page 24, from line 22, to omit “as a member of a law society” and to substitute “and enrolled as an advocate or an attorney in terms of the Legal Practice Act, 2014 (Act No. 28 of 2014)”.
3. On page 24, in line 23, to omit “10” and to substitute “five”.
4. On page 24, in line 24, to omit “alternative”.
5. On page 24, in line 28, to omit “10” and to substitute “five”.
6. On page 24, in line 32, to omit “10” and to substitute “five”.
7. On page 24, in line 36, after “30” to insert “working”.

## CLAUSE 49

1. On page 24, in line 45, after “30” to insert “working”.

## CLAUSE 51

1. On page 25, in line 6, after “members” to insert “who must be in attendance for the duration of the meeting”.
2. On page 25, in line 11 to omit “the majority” and to substitute “50% plus one”.

## CLAUSE 52

1. On page 25, in line 20, after “52”, to insert (1).
2. On page 25, after line 22, to insert:
 

“(2) The entitlement to remuneration and allowances of members of the Appeals Committee must be fixed at a flat rate *per annum*, and must not be calculated based on the number of attendances of Appeals Committee meetings.

(3) The entitlement to remuneration and allowances of alternates of the Appeals Committee must not be fixed at a flat rate *per annum*, and must be calculated based on the ad hoc number of Appeals Committee meetings.”.

#### CLAUSE 53

1. On page 25, after line 31, to insert:
  - “(3) In the event of a breach of subsection (2) the Minister may remove a member or alternate after having—
  - (a) given the member or alternate an opportunity of seven working days to make representations; and
  - (b) considered any representations received, within seven working days from the date of receipt.”.

#### CLAUSE 54

1. On page 25, in line 32, to omit “**from membership**” and to substitute “**from the Appeals Committee**”.
2. On page 25, in line 33, to omit “may” and to substitute “must”.
3. On page 25, in line 46, to omit “or”.
4. On page 25, at the end of line 47, to omit fullstop and to substitute “; or”.
5. On page 25, after line 47, to insert:
  - (d) fails to disclose an interest in terms of section 61(2).

#### CLAUSE 55

1. On page 26, in line 4, to omit “30” and to substitute “180”.

#### CLAUSE 56

1. On page 26, in line 20, after “**56.**” to insert “(1)”.
2. On page 26, after line 23, to insert:
  - “(2) The Administrator must assist the injured person, claimant or beneficiary to obtain the documents required to submit a claim and to process a benefit.
  - (3) The Administrator must pay the reasonable and necessary costs associated with obtaining the documents contemplated in subsection (2).”.

#### CLAUSE 60

1. On page 26, in line 37, after “Health” to insert “and the Minister of Finance”.
2. On page 26, in line 51, after “cap;” to insert “and”.
3. On page 27, in line 1, to omit paragraph (i).
4. On page 27, in line 2, to omit “(j)” and to substitute “(i)”.

5. On page 27, in line 5, to omit “it”.
6. On page 27, from line 10, to omit subsection (4) and to substitute:

“(4) The Minister may, with the concurrence of the Minister of Finance, by notice in the *Gazette* adjust upwards the tariff, with the concurrence of the Minister of Health, and the average annual national income, the pre-accident annual income cap and the lump-sum funeral benefit referred to in section 39, to take into account the effects of inflation.”.

CLAUSE 61

1. On page 27, in line 35, to omit “unless it is impractical to do so”.

CLAUSE 62

1. On page 27, in line 40, to omit “three” and to substitute “six”.
2. On page 27, in line 43, to omit “three” and to substitute “five”.

CLAUSE 63

1. On page 28, after line 36, to insert:

“(3) Once the liability of the Road Accident Fund is extinguished the Road Accident Fund Act (Act No. 56 of 1996) will be repealed.

(4) The Minister may, in consultation with the Executive, take steps to integrate social security and social assistance delivery mechanisms in the broader social security system.

2. On page 28, in line 37, to omit “subsection (3)” and to substitute:

“(5) The laws specified in the first column of Schedule 2 are amended or repealed to the extent set out in the third column of that Schedule.”.

CLAUSE 64

Clause rejected.

CLAUSE 65

Clause rejected.

NEW SCHEDULE

1. That the following be a new Schedule:

**SCHEDULE 2***(Section 71(3))*

<b>No. and year of law</b>	<b>Short title</b>	<b>Extent of repeal or amendment</b>
Act No. 58 of 1962	Income Tax Act, 1962.	1. The amendment of section 10 by the insertion after item (iv) in subsection (1)(gB) of the following item: “ <u>(v) benefits paid in terms of Chapter 6 of the Road Accident Benefit Scheme Act, 2017</u> ”.
Act No. 56 of 1996	Road Accident Fund Act, 1996.	1. The insertion in section 1 above the definition of “convey” of the following definition: “ <u>‘Administrator’ means the administrator established in terms of section 3 of the Road Accident Benefit Scheme Act, 2017;</u> ”.  2. The deletion in section 1 of the definitions of “agent”, “Board”, “Chief Executive Officer”, “Fund”, “lift club” and “reward”.  3. The deletion of subsection (1) in section 2.  4. The substitution for the word “[ <b>Fund</b> ]” wherever it appears in the Act with the word “ <u>Administrator</u> ”.
Act No. 9 of 2017	Financial Sector Regulation Act, 2017	2. The amendment of subsection (5) of section 301 by the substitution for “Financial Supervision of the Road Accident Fund Act, 1993 (Act No. 8 of 1993) “of” <u>Financial Supervision of the Road Accident Benefit Scheme Act, 2017.</u> ”.
Act No. 8 of 1993	Financial Supervision of the Road Accident Fund Act, 1993	1. The insertion in section 1 above the definition of “Authority” of the following definition: “ <u>‘Administrator means the administrator established in terms of section 3 of the Road Accident Benefit Scheme Act, 2017;</u>  2. The deletion in section 1 of the definition of “Fund”.  3. The substitution for sections 2, 3 and 4 of the following sections:  “ <b>Insurance Act, 1943, to apply</b>  2. (1) Subject to any directions of the executive officer, the provisions of the Insurance Act, 1943

No. and year of law	Short title	Extent of repeal or amendment
		<p>(Act No. 27 of 1943), in relation to an insurer registered in terms of that Act to carry on short-term insurance business, shall apply to the <b>[Fund] Administrator</b>.</p> <p>(2) The <b>[Fund] Administrator</b> shall furnish to the executive officer such returns as may by virtue of the provisions of subsection (1) be required by the executive officer.</p> <p>(3) The <b>[Fund] Administrator</b> shall obtain the opinion of an actuary as defined in section 1 of the Insurance Act, 1943, or of a registered accountant and auditor, whenever required, by virtue of the provisions of subsection (1), by the executive officer in respect of such aspects of the business of the <b>[Fund] Administrator</b> as the executive officer may determine.</p> <p><b>Returns</b></p> <p>3. The returns mentioned in section 2 (2) may include returns as from a date determined by the executive officer in respect of—</p> <p>(a) the assets and liabilities in respect of any business carried on by the <b>[Fund] Administrator</b> before the said date; and</p> <p>(b) the assets and liabilities in respect of any new business carried on by the <b>[Fund] Administrator</b> after that date.</p> <p><b>Reports by executive officer</b></p> <p>4. The executive officer shall within six months after the end of every financial year of the <b>[Fund] Administrator</b> submit a report on the business of the <b>[Fund] Administrator</b> carried on during the financial year concerned to the Minister, and the Minister shall within 14 days after receipt of such submission lay the report upon the Table in Parliament, if Parliament is then in session or, if Parliament is not then in session, within 14 days after the commencement of its next ensuing session.</p>



No. and year of law	Short title	Extent of repeal or amendment
		7. The amendment of section 6 by the substitution for “Financial Supervision of the Road Accident Fund Act, 1993” of “Financial Supervision of the Road Accident Benefit Scheme Act, 2017”.
Act No. 15 of 2012.	Road Accident Fund (Transitional Provisions) Act, 2012.	<p>1. The insertion in section 1 above the definition “Fund” of the following definition:  “ ‘Administrator’ means the administrator established in terms of section 3 of the Road Accident Benefit Scheme Act, 2017;”</p> <p>2. The deletion in section 1 of the definition “Fund”.</p> <p>3. The substitution in section 1 for the definition of “third party” of the following definition:  “ ‘<b>third party</b>’ means a person who has a right to claim compensation from the <b>[Fund] Administrator</b> in terms of section 17 of the old Act, whose claim is subject to the limitations imposed by section 18 (1) or (2) of that Act, and whose claim has, upon this Act taking effect, not prescribed or been finally determined by settlement or judgment.”.</p> <p>4. The substitution in section 2(1) for the word preceding paragraph (a) of the following words:  “(1) Unless the third party expressly and unconditionally indicates to the <b>[Fund] Administrator</b> on the prescribed form, within one year of this Act taking effect, to have his or her claim remain subject to the old Act, the claim of such third party is subject to the new Act under the following transitional regime—”.</p> <p>5. The substitution in section 2(1) for paragraph (d) of the following paragraph:  “(e) The third party must make a written declaration under oath on the prescribed form to the <b>[Fund] Administrator</b> regarding any compensation he or she may have received as indicated in paragraph (c).”</p>

No. and year of law	Short title	Extent of repeal or amendment
		<p>6. The substitution in section 2(1) for paragraph (e) of the following paragraph:</p> <p>“A third party who has, prior to this Act coming into operation—</p> <p>(i) lodged a claim with the <b>[Fund] Administrator</b> on the prescribed claim form in terms of the old Act, shall not be required to lodge an RAF1 form in terms of the new Act; and</p> <p>(ii) instituted an action against the <b>[Fund] Administrator</b> in a Magistrate’s Court, may withdraw the action and, within 60 days of such withdrawal, institute an action in a High Court with appropriate jurisdiction over the matter: Provided that no special plea in respect of prescription may be raised during that period.”.</p>



Printed by Creda Communications

ISBN 978-1-4850-0561-2