



## THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

### MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

**From:** The Registrar, Supreme Court of Appeal

**Date:** 24 March 2026

**Status:** Immediate

***The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal***

*Road Accident Fund v Sheriff of the High Court, Pretoria East and Others and Road Accident Fund v Stoffels and Another (268/2025 and 1182/2024) [2026] ZASCA 37 (24 March 2026)*

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The Supreme Court of Appeal today dismissed two appeals brought by the Road Accident Fund (the RAF) concerning its liability to pay interest on the late payment of compensation awards where the underlying court orders were silent on the subject of interest.

The appeals raised a common set of legal questions about the interaction between the Prescribed Rate of Interest Act 55 of 1975 (the PRIA) and the Road Accident Fund Act 56 of 1996 (the RAF Act).

The Court held that every compensation award made against the RAF constitutes a judgment debt which bears interest automatically by operation of law under s 2(1) of the PRIA, read with s 17(3)(a) of the RAF Act. Interest begins to run 14 days after the date of the court order. No express order for interest is required. The RAF's contention that s 2A(5) of the PRIA — which confers a discretion on courts to make interest orders on unliquidated claims — operates as the exclusive gateway to post-judgment interest in RAF matters, such that no liability arises absent a specific judicial direction, was rejected. The Court held that s 2A governs pre-judgment interest on unliquidated claims; once judgment has been given, the debt is no longer unliquidated, and s 2(1) governs the position from that point forward.

The Court further held that the doctrine of *res judicata* does not bar a judgment creditor from recovering post-judgment interest merely because the court order is silent on interest, even where interest was prayed for in the summons. Silence in the order does not constitute a judicial determination that interest is not payable; an order expressly excluding interest would be required before such a conclusion could be drawn.

Post-judgment interest also accrues automatically on costs orders, from 14 days after the taxing master's allocatur or the date on which costs are settled by agreement, as the case may be.

The Court declined to impose a requirement that writs of execution for post-judgment interest be accompanied by a sworn calculation. The interest due is ascertainable by simple arithmetic from the face of the order, the statutory *mora date*, and the prescribed rate in force at the relevant time. No rule of court prescribes such a requirement, and the practical effect of imposing it would be to place unwarranted obstacles in the path of judgment creditors.

Regarding the Minister of Justice's erratic publication of the prescribed rate of interest, the Court acknowledged that the Minister's compliance with the publication obligation under the PRIA has been unsatisfactory. It held, however, that the prescribed rate takes effect by operation of the statute upon

the South African Reserve Bank's determination of the repurchase rate, and is not dependent upon timely ministerial publication. The rate is ascertainable from publicly available sources, and the ministerial delays do not create a legal lacuna warranting the declaratory relief sought.

Both appeals were dismissed with costs, including the costs of two counsel. The Court declined to impose a punitive costs order, accepting that the questions raised were not wholly without substance and that there was a legitimate interest in obtaining definitive guidance from this Court on issues that had generated extensive and conflicting high court litigation.

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