



## 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:** 30 April 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 and Others v Legal Practitioners' Indemnity Insurance Fund, NPC and Others* (1106/2024 and 1479/2024) [2026] ZASCA 63 (30 April 2026)

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Today, the Supreme Court of Appeal (SCA), handed down a judgment in which it dismissed an appeal against an order granted in the Gauteng Division of the High Court, Pretoria, with costs.

This appeal concerns the lawfulness of amendments to the RAF 1 claim form and the prescribed document claimants must submit to the Road Accident Fund (RAF) to access compensation under the Road Accident Fund Act 56 of 1996. The central issue was whether the RAF and the Minister of Transport acted within their statutory and constitutional powers in introducing more onerous requirements through Board Notices 271 and 302 of 2022.

Historically, the RAF 1 form was governed by the 2008 regulations. In 2021, the RAF attempted to impose stricter requirements through internal directives and board notices, but these were successfully challenged. The high court interdicted their implementation and declared invalid a regulation that purported to empower the RAF to amend the claim form.

Despite this, the RAF again introduced stricter requirements in May 2022 through Board Notice 271, prescribing additional compulsory documentation for a valid claim. Pursuant to an internal meeting where it was acknowledged that the power to make regulations resided with the Minister, the RAF then sought the Minister's approval. The Minister subsequently issued Board Notice 302, publishing a revised RAF 1 form under his regulation-making powers.

These decisions were challenged on the basis that the RAF had unlawfully usurped the Minister's powers and that the Minister failed to exercise his powers lawfully. The respondents

argued that the new requirements created unjustified barriers to compensation, undermining the Act's purpose of providing social security to road accident victims.

The full court upheld the challenge and set aside both notices. It held that only the Minister may prescribe the contents of the RAF 1 form and that the RAF's actions were unlawful. It further found the Minister's decision invalid due to non-compliance with statutory and procedural requirements, including the absence of evidence that the changes were necessary or expedient, and a failure to ensure public participation.

On appeal to the SCA, the key question was whether the decisions constituted 'administrative action' under the Promotion of Administrative Justice Act 3 of 2000 (PAJA). The Court held that they did, as the Minister's decision involved the exercise of public power and had a direct, adverse effect on claimants' rights by imposing additional requirements that affected access to compensation.

The SCA found that the Minister failed to comply with PAJA's procedural requirements, including public consultation and that there was no evidence of an independent, rational decision-making process. Instead, the Minister appeared simply to endorse the RAF's proposal without proper consideration. This rendered the decision unlawful under both PAJA and the principle of legality. According to the Court, Board Notice 271 depended on the Minister's approval for its legal effect and could not stand independently. The SCA held that once the Minister's decision was set aside, the board notice necessarily fell away.

The SCA dismissed the appeal. As a result, the position reverts to the RAF 1 form prescribed under the 2008 regulations. While the RAF argued that this outcome would worsen administrative inefficiencies, the SCA held that such concerns cannot justify unlawful measures that restrict access to statutory compensation.

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