MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

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Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

BRUCE BENNET BELL v THE ROAD ACCIDENT FUND

In a judgment today the Supreme Court of Appeal has upheld an appeal by a third party relating to the definition of a 'motor vehicle' for purposes of the Multilateral Motor Vehicle Accidents Fund Act 93 of 1989.

The appellant was employed as a baggage controller by a company based at Cape Town International Airport, transferring luggage containers to and from aircraft. On 18 November 1994 he was involved in a collision with a flatbed transporter inside the operational area of the airport. In consequence he sustained certain bodily injuries. He instituted an action for damages against the Road Accident Fund ('the Fund') in the Cape High Court on the basis that the collision was caused by the negligence of the driver of the flatbed transporter. The Fund, in a special plea, alleged that the appellant's claim should be dismissed as the flatbed transporter was not a motor vehicle as defined in Articles 1 and 40 of the Agreement Establishing the Multilateral Motor Vehicle Accidents Fund ('the Agreement'). The court upheld the special

plea, finding that the flatbed transporter did not fall within the statutory definition of a motor vehicle.

The SCA, in a judgment by Theron AJA in which Streicher JA, Cameron JA, Jafta JA and Snyder AJA concurred, that the Act applied to all roads in South Africa and not just to vehicles used on public roads. The court stated that it was clearly not the intention of the legislature to limit 'road' to a 'public road' and there is no reason why 'road' should not be given its ordinary meaning. If it was the legislature's intention to limit 'road' to a 'public road', it would have said so.

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