



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 29 September 2016
STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

Mbele v Road Accident Fund (799/2015) [2016] ZASCA 134 (29 September 2016)

MEDIA STATEMENT

The Supreme Court of Appeal today upheld an appeal against a judgment of the Western Cape Division of the High Court, Cape Town, concerning the prescription of an undertaking made by the Road Accident Fund (the Fund) in terms of s 17(4)(a)(i) of the Road Accident Fund Act 56 of 1996 (the Act). The question was two-fold, ie whether a claim based on an undertaking that was made by the Fund in terms of s 17(4)(a)(i) of the Act for future medical and hospital expenses has prescribed, and whether the relevant prescription legislative regime applicable is s 23(3) of the Act or s 11(d) of the Prescription Act 68 of 1969. Related to these issues was the question of what the effect of the amendment of s 23(3) of the Act was on the Fund's plea of prescription. The Supreme Court of Appeal held that the appellant's claim in terms of s 17(4)(a)(i) of the Act in respect of an action for damages arising from the motor vehicle accident, lodged in terms of s 17(1) of the Act, was not subject to prescription under the Prescription Act, instead, s 23(3) of the Act as it read prior to its amendment in 2008, was applicable, as it did not constitute a new cause of action.

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