



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
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STATUS Immediate

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

Manukha v Road Accident Fund (285/2016) [2017] ZASCA 21 (24 March 2017)

MEDIA STATEMENT

The Supreme Court of Appeal today upheld an appeal against a judgment of the Limpopo Local Division of the High Court, Thohoyandou. The issue on appeal was whether a claim for non-pecuniary damages in terms of s 17(1)(b) of the Road Accident Fund Act 56 of 1996 (the Act) had prescribed, due to the fact that the serious assessment report incorporated in the RAF4 form was lodged outside the time period allowed for the issuing of summons.

The appellant, Ms Manukha, was injured whilst a passenger in a motor vehicle travelling on a public road in Limpopo, allegedly as a result of the negligence of the driver of a passenger bus in 2008. She suffered personal injuries, and as a result lodged action proceedings and claimed compensation, including non-pecuniary damages in the sum of R700 000. Of this amount, R200 000 constituted non-pecuniary damages. Her summons was issued timeously. However, she only submitted her RAF4 form, which is required in respect of the non-pecuniary damages, outside the five year period after the accident occurred. The Fund raised a special plea of prescription, claiming that the serious injury form ought to have been delivered by 13 August 2013 (and not on 26 July 2014 – as Ms Manukha did). The high court agreed with the Fund.

The SCA held that the relevant provisions of the Act it considered, namely ss 17(1), 23 and 24, read with regulation 3 (3)(b)(ii), all indicate that a claim for non-pecuniary loss forms part of a unitary claim for compensation, and does not constitute a separate discrete claim. The late filing of the serious injury form did not constitute a separate claim, and thus, Ms Manukha's claim had not prescribed as she had instituted action within five years from the date on which her cause of action arose.

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