



# UKUBANGA IMALI KWIROAD ACCIDENT FUND

KUTHENI UFANELE USEBENZISE IGQWETHA?

OKO UMELE UKWAZI



THE LAW SOCIETY OF THE  
NORTHERN PROVINCES

iRoad Accident Fund (RAF) yi-inshorensi karhulumente esebenza ngokomthetho obizwa ngokuba yiRoad Accident Fund Act 56 ka-1996 (nanjengoko umane utshintshwa xa kufanelekile). Impantsi okanye ilawulwa nguRhulumente. Yenzelwe ukuhlulwa amakhoba engozi zendlela okanye abantu abaxhomekeke kubantu abathe basweleka ngenxa yokungakhathali komqhubi okanye umnikazi wenqwelo nakweyiphi na indawo eseMzantsi Afrika.

## Ngubani onelungelo lokubanga?

- Ungabanga kuphela ukuba ayinguwe obangele ingozi. Umntu oxhomekeke kumntu osweleke ngenxa yengozi yemoto unelungelo lokubanga ukuba lo mntu uswelekileyo ayinguwe obangele ingozi.
- Ungabanga ukuba ubungumkhweli kwiimoto, iteksi, ibhasi, iveni okanye isithuthuthu waza wafumana umonzakalo kwingozi leyo ethe yehla.
- Awukwazi ukuba ungabanga xa kuthe kanti khange ufumane umonzakalo kwingozi.
- Usenokungabi selungelweni lokubanga ukuba khange ufumane umonzakalo 'omkhulu'.
- Lusenokungabikho ubango ukuba umntu osweleke engozini akanabo abantu abaxhomekeke kuye.

## Ingaba kufuneka igqwetha?

Usenokubanga kwi-RAF ngaphandle kwegqwetha, kodwa

- inkqubo elandelwayo ukuze ubange kwi-RAF inzima;
- kufuneka ugqirha azalise iingxelo zonyango (ezibizwa ngokuba yi-RAF 1 ne-RAF 4) ekufuneka zihlawulelwe;
- kufuneka amaxwebhu afumaneka emapoliseni ekufuneka ehlawulelwe ukuze afumaneki;
- kufuneka inkcazelo eyenziwe phantsi kwesifungo (i-affidavit) echaza malunga nengozi nokuba yenzeke kanjani;
- kufuneka iingxelo zonyango zezibhedlele noogqirha ekufuneka zihlawulelwe;
- kufuneka uchaze ukuba ubango kwakho le mali lungakanani – ulucalucalule kwiphepha lokubanga (claim-form) uchaze ukuba yintoni oyibangayo, mhlawumbi ubanga ngenxa yezizathu eziliqela njengokuqanjelwa, ukonzakala, ukungabi nazinto zisisiseko zokuphila, ukuba ngumlw-elwe, ukuba nesiphene nokothuka (izinto eziqhelekileyo), ukungabi namvuzo uwufumanayo, ukungakwazi ukusebenza, iindleko zonyango ezisenokubakho neendleko zexesha elidlulileyo (izinto ezikhethekileyo);

- ukuze ukwazi ukubangamali yezinto eziqhelekileyo njengokuqanjelwa, ukonzakala, ukungabi nazinto zisisiseko zokuphila, ukuba ngumlw-elwe, ukuba nesiphene nokothuka kufuneka ukuba ubenengxelo yokuhlolwa kwazo (i-RAF 4) oyifumene kugqirha othe emveni kokuhlola wafumanisa ukuba umonzakalo owufumeneyo mkhulo, njengoko kufuneka gokoMithetho Nemimiselo yawo.

Igqwetha elisebenza ngobango lwabantu abafumene umonzakalo linolwazi ngendlela yokukunceda nokuqinisekisa ukuba ubango lwakho lubalwe kakuhle kwaye lufakwa kwiRAF ngokwendlela ekufuneka ngayo ngokoMithetho Nemimiselo. Kukho amaxesha abekiweyo ekufuneka ubango lwakho lufakwe ngawo, ukuba akalandelwa loo maxesha isicelo, asokuze ukwazi ubanobango (ubango lwakho luphelelwe).

Amagqwetha amaninzi asebenza ngokwenzakala kwabantu bangazihlawula iindleko zobango kufikelele esiphelweni sobango lwakho.

Ukuba igqwetha lakho alisebenzi kakuhle ngobango lwakho, luvumela ubango lwakho luphelelwe okanye libange kancinane, ungfaka isikhalazo kwiqumrhu lomthetho wephondo (iLaw Society) okanye ulimangalele igqwetha lakho. Ukuba ubango ulenza ngokwakho uze wenze impazamo uvumele ubango lwakho luphelelwe, iRAF ayizi kukubhatala kwaye soze uyifumane intlawulo

Igqwetha elisebenza ngabantu abonzakeleyo linolwazi lokuba likucebisa ngobungakanani bemali ofanele uyinikwe yiRAF ngokwemeko yakho.

## Iza kubiza imali engakanani?

Amagqwetha amaninzi asebenza ngobango lwabantu abonzakeleyo akulungele ukukumela

- ngaphandle kwentlawulo ukuba ubango lwakho aluphumeleli uze uhlawule xa ubango lwakho luphumelele; okanye
- ngokwesivumelwano sentlawulo, igqwetha liza kubiza imali ekufuneka ihlawulwe ngokumela. Igqwetha liseno-kukulungela ukulindela ukuhlawulwa kweendleko emva kokuphela kwetyala.

Amagqwetha amaninzi asebenza ngobango lwabantu abonzakeleyo asenokuqinisekisa ukuba indleko zokulungiselela ubango lwakho, nokufumana iingxelo zonyango ayazihlawula enethemba lokuba uza kubabuyisela imali abakuhlawulele yona xa sele uyifumene imali yobango lakho. Ezinye zezi ndleko zisenokufumaneka kwiRAF.

Igqwetha elisebenza ngesivumelwano esenziweyo sokuhlawula



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IGQWETHALAKHO – UMCEBISI WAKHO ONOKUMTHEMBA

(ingesiso isivumelwano sokuba intlawulo yegqwetha ifumaneka xa ubango lwakho luphumelele lingakubiza imali ngokwesivumelwano ngomsebenzi awenzileyo kunye neendleko eziye zakhona.

Amanye amagqwetha asenokufuna ukuba uhlawule ezinye zendleko njengoko ityala iqhubeka.

Ukuba igqwetha livumile ukwenza umsebenzi lize lifumane intlawulo xa luphumelele ubango lwakho

- isivumelwano sifanele sityikitywe nguwe nalgqwetha (ufanele unikwe ikopi emva nje kokuba kutyikityiwe);
- igqwetha livumelekile ukuhlawulisa imali yokuphumelela kwetyala ukongezelela kule iqhelekileyo ayibizayo xa emela abantu. Imali yokuphumelela kwetyala iqingqiwe ngokoMthetho obizwa i Contingency Fees Act kwaye iyivumelekanga ukuba idlule amashumi amabini anesihlanu epesenti (25%) yemali othe wayifumana okanye ibe yi-100 pesenti ngaphezu kwemali eqhelekileyo, enoba yimalini na imali engaphantsi;
- kwakhona kusenokufuneka uhlawule ezinye iindleko (njengeendleko zonyango, ezinye iindleko zoogqirha, ezeengxelo zonyango, ezamaxwebhu amapolisa, iindleko zenkundla njalo njalo). Ingxenywe yemali yezo ndleko iye ifumaneka kwiRAF.

Ukuba awuziqondi kakuhle imali ekufuneka ihlawulwe okanye imali yesivumelwano, cela igqwetha lakho likucaciselele kakuhle.

### **Ngaba ungafaka isicelo ngokwakho kwi-RAF?**

Ewe unokuyenza loo nto. I-RAF inenkqubo ethile eyisebenzisayo ibe iqasha abantu abaza kuchazela abantu inkcazelo kwiiofisi zamasebe. Kwakhona imisele abameli bayo kuzo zonke izibhedlele ezikhulu zikarhulumente.

Xa usesibhedlele kusenokuza kuwe ummeli weRAF ecela ukukunceda ukuba ufake ubango lwakho lwemali.

Awunyanzelekanga ukuba uvume ukufaka isicelo ngokwakho kwiRAF okanye usebenzise igqwetha oliqhuthazelwe ngumntu oye wathetha nawe esibhedlele okanye kwenye indawo.

Unelungelo lokuzifunela igqwetha elilelakho.

Hlola ukuba igqwetha libhaliswe ngokusemthethweni na ibe lenza izinto ngokuvumelana nomthetho wequmrhu lwephondo.

Nangona i-RAF iza kukunceda ngokukucacisela indlela yokufaka ubango lwakho lwemali ize ikuncede uzalise nefomu, kufuneka ufumane amaxwebhu afunekayo, kuquka iingxelo zonyango nezinye iingxelo, onke ekufuneka uwahlawulele.

Ubango lwakho lufakwa kwiRAF. Ngumsebenzi weRAF ukuphanda nokungaziquki zonke izinto ecinga ukuba ayinyanzelekanga ukuba izihlawulele.

Kusenokubakhona ukungaboni ngasonye phakathi kwakho neRAF malunga nokuba ingaba kufanelekile na ukuba uyifumane intlawulo, ukuba kunjalo ngakanani intlawulo ofanele uyifumane. Kwakhona iRAF ifanele iqiniseke ukuba wonzakele 'kakhulu' ngaphambi kokuba ibone enoba uyakufanelekela kusini na ukuhlawulwa ngenxa yokuqanjelwa nokwenzakala. I-RAF isenokungakuniki imali kuba ungakufanelekeli ukuyifumana okanye kuba ungenzakalanga 'kakhulu'. Kwakhona isenokugqiba ekubeni nguwe ongunobangela wengozi ize ikunike imalana nje yezinto olahlekelwe zizo.

Ngaphandle kokucetyiswa ligqwetha elizimeleyo, usenokungayazi enoba iRAF yenze isigqibo esifanelekileyo kusini na malunga nentlawulo oyifumayo. Ngexesha ofuna ngalo uncedo, usenokungalufumani ukuba ingcebiso zengqwetha khangela ulifune kwangethuba.

### **Unexesha elingakanani lokuba ufake ubango lwakho?**

amabango kufuneka afakwe kwiminyaka emithathu ukususela ngosuku eyenzeke ngayo ingozi ukuba umntu ebeqhuba okanye umnikazi wemoto uyaziwa. Ukuba akaziwa umnikazi okanye umqhubi ongunobangela wengozi, isicelo kufuneka sifakwe kwiminyaka emibini.

Emva kokuba isicelo sifakiwe kulindwa iintsuku eziyi-120.

Emva koko amanyathelo okusa ubango lakho enkudleni asokuthathwa kwiminyaka emihlanu ukususela kusuku eyenzeke ngayo ingozi. Ukuba ubango lwaakho lufakwe emva kwexesha, okanye amanyathelo okusa ubango lakho akathathwanga ngethuba, ubango lwakho luzakuphelelwa.

### **Izinto onokuzibuza igqwetha lakho**

- yimaini ezakubangwa ligqwetha lakho.
- Igqwetha lakho licinga ukuba ubango lwakho luzakuthatha ixesha elingakanani i ngaphambi kokuba lufikelelele esiphelweni
- Nawuphi na umbuzo malunga nentlawulo yemali eza kuhlawulwa kunye neendleko.
- Cela ingxelo ngokwenzekayo ngobango lwakho ukuze uhlale usazi ukuba kumaxa lundawoni.
- Cela ukuchazelwa kakuhle ngemali ekufuneka uyihlawulile emva kokuphela kwetyala.

### **Yintoni ofanele uyenze emva kwengozi?**

Bhala amagama neefani gokupheleleyo, idilesi (eyasembenzini neyasendlini) neenombolo zefowuni (ezaselwofuni nefowuni esendlini) zabo bonke abaqhubi, abakhweli kunye namangqina neenombolo zeengqwelo.

Bhala iinkcukacha zamapolisa okanye iitrafiki ebezikwindawo yengozi ukuze usazi isikhululo samapolisa esiphanda ngengozi.

Bhala iinkcukacha ze-ambulansi, ukuba unokuzifumana.

Bhala iinkcukacha zenkampani ekutsalele inqwelo yakho ukuze inqwelo yakho ifotwe ngaphambi kokuba ilungiswe.

Ukuba wonzakele kakhulu kangangokuba awunakukwazi ukwenza ezi zinto zingasentla cela ilungu lentsapho yakho okanye umhlobo wakho ukuba akucelele le nkcazelo emapoliseni aphanda ingozi, ukuba kunokwenzeka afumane ikopi yengxelo yengozi.

Xa ufumana umntu osemthethweni ukuze akuphandele ngengozi eyenzekileyo usemathubeni amahle okuba kungabikho zingxaki xa kubuzwa ngendlela eyenzeke ngayo ingozi.

Chazela amapolisa ngengozi zingekapheli iyure ezingamashumi amane anesibhozo(48). Abaqhubi benqwelo ezibandakanyeke engozini BAFANELE bachazela amapolisa ngoko nangoko xa kwingozi leyo kuye konzakala abantu okanye kuye kwasweleka abantu.

Ukuba wonzakele kakhulu ibe akukwazi ukuyenza loo nto, cela ilungu lentsapho okanye umhlobo wakho ukuba akukhangelele enoba le ngozi sele ichazelwe amapolisa kusini na aze acele amapolisa ukuba aphande ngokubhekele phaya.

Ukuba sele unalo igqwetha liza kukunceda likuphandele.

Ukuba omnye umntu okhwele kule nqwelo uyiqhubayo wenzakele, ibe ungumqhubi wenqwelo ebandakanyeke engozini, chazela iRAF ngaloo ngozi. Igqwetha lakho lingakunceda.

Ukuba lo mbandela awuphandwa ngamapolisa, zama ukufumana inkcaza ebhalisweyo kuwo onke amangqina kamsinyane kangangoko kunokwenzeka.

Ukuthatha izithombe zendawo eyenzeke kuyo ingozi kunye nezithombe zenqwelo o ezibandakanyeke engozini akunyanzelekanga kodwa kunokunceda kakhulu ingakumbi xa kukhona ukungavisisani malunga nendlela eyenzeke ngayo ingozi.

Xa uthatha isithombe sendawo ekwenzeka kuyo ingozi, thatha isithombe sayo nantoni na esendleleni okanye iindawo ezibonisa ukutyibilika kwenqwelo okanye indawo eyenzeke kuyo ingozi.

Ukuthatha izithombe zomozakao nako kunokunceda ukuze kubonwe indlela owenzakele ngayo xa kufikelelele ithuba lokuba unike ubungqina. Qiniseka ukuba ingxelo zendlela onyangwe ngayo ngugqirha okunyangayo zineenkukacha ezicacileyo, kuquka unyango olusebenzisileyo – ngokukodwa ukuba iipilisi namayeza awuwafumenanga kugqirha wakho. Umzobo wendawo eyenzeke kuyo ingozi nawo unokunceda.

Tel: (+27) 12 366 8800  
Fax: (+27) 12 362 0969  
www.LSSA.org.za

  
**LAW SOCIETY**  
OF SOUTH AFRICA

P O Box 36626  
Menlo Park 0102  
Docex 82, Pretoria  
304 Brooks Street  
Menlo Park, Pretoria 0081

Le ncwadana inenkcazelo nje kuphela ayinakugqalwa njengenamcebiso ngezomthetho.  
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O K O U M E L E U K W A Z I