



UKUCELA UKUKHOKHELWA ESIKHWAMENI SOKUNXEPHEZELA IZISULU ZEZINGOZI ZOMGWAQO

KUNGANI KUFANELE USEBENZISE UMMELI?

LOKHO OKUFANELE UKWAZI



Isikhwama Sokunxephezela Izisulu Zezingozi Zomgwaqo (Road Accident Fund (RAF)) uhlelo olulawulwa uhulumeni olusebenza ngokuvumelana nemibandela yoMthetho 56 ka-1996 weSikhwama Sokunxephezela Izisulu Zezingozi Zomgwaqo (njengoba uchitshiyelwe). Yinhlango yombuso eyasungulelwa ukukhokha isinxephezelo ezisulwini zezingozi zomgwaqo ezilimele noma kulabo abondliwa yizo ngenxa yobudedengu bomshayeli noma umnikazi wemoto kunoma iyiphi indawo eNingizimu Afrika.

Obani abangafaka isicelo sesinxephezelo?

- Ungafaka isicelo kuphela uma ingozi ingazange nhlobo idalwe yiphutha lakho. Obekade ondlwa ngumufi angafaka isicelo sesinxephezelo uma umondli kungeyena ongabekwa icala ngengozi.
- Ungafaka isicelo uma ubungumgibeli emotweni, etekisini, ebhasini, evenini noma esithuthuthwini futhi uye walimala engozini.
- Ngeke ukwazi ukufaka isicelo uma ungasange ulimala engozini.
- Ngeke ukwazi ukufaka isicelo uma ukulimala okutholile kungazange kube 'kubi kakhulu'.
- Uma kungekho muntu obenakekelwa ngumufi, akukho isicelo sesinxephezelo esingafakwa ngenxa yokufa kwakhe.

Ingabe udinga ummeli?

Ungafaka isicelo sesinxephezelo ngokuqondile kwi-RAF, kodwa

- ukufaka isicelo sesinxephezelo kwi-RAF kuyinqubo eyinkimbinkimbi nenzima;
- imibiko yezokwelapha (RAF 1 ne-RAF 4) kudingeka igcwaliswe ngodokotela, futhi iyakhokhelwa;
- amadokhumenti kumelwe alandwe ophikweni lwe-South African Police Service, futhi ayakhokhelwa;
- i-affidavit echaza indlela ingozi eyenzeke ngayo kumelwe ilungiselelwe bese ifakwa kanye nesicelo sesinxephezelo;
- amarekhodi ezokwelashwa kudingeka atholakale ezibhedlela nakodokotela, futhi ayakhokhelwa;
- kudingeka uningilize esiselweni sakho – okusho ukuthi ubalule efomini lesicelo sakho izinhlobonhlobo zamadameshi ofuna ukuba ukhokhelwe wona njengobuhlungu nokuhlupheka, ukulahlekelwa yizinzuzo zokuphila, ukugogeka, ukukhubazeka, ukushaqeka (amadameshi avamile), ukulahlekelwa umholo, ukulahlekelwa yikhono lokusebenza, izindleko zezokwelashwa zangesikhathi esizayo kanye ezindleko zangesikhathi esidlule (amadameshi akhethekile);
- ukuze ucele ukukhokhelwa ngamadameshi avamile obuhlungu nokuhlupheka, ukulahlekelwa yizinzuzo zokuphila, ukukhubazeka, ukugogeka nokushaqeka kufanele ufake umbiko wokuhlolwa ofakazela ukuthi ulimala kabi (RAF 4) okwenziwa nguchwepheshe wezokwelapha ogogodile ozohlola ukuthi

ukulimala kwakho 'kubi kakhulu' njengoba kuhlizekwe eMthethweni naseZiqondisweni.

Ummeli osingatha izicelo zokulimala kwabantu unolwazi nesipiliyoni sokukusiza nokuqinisekisa ukuthi isicelo sakho sokukhokhelwa isinxephezelo sibalwa kahle futhi sethulwa kwi-RAF ngokuvumelana noMthetho neZiqondiso. Kunezikhathi ozikalelwe zokufaka isicelo sokunxephezela futhi uma wehluleka ukunamathela ezikhathini ozinqunyelwe, isicelo sakho sokunxephezela ngeke sishaywe mkhuba (siphokelelwe umthetho).

Abameli abanengi abasingatha amacala okulimala komuntu bazobala futhi bahlanganise izindleko ezidingekayo zokudlulisela isicelo sakho sokunxephezela emthethweni ngesikhathi kusalindlelwe ukuphuthulwa kwesicelo sakho.

Uma abameli bakho bengasingathi isicelo sakho sokunxephezela ngendlela efanele, bebambezela isicelo sakho noma befaka isicelo semali engaphansi kwaleyo okufanele uyithole, ungafaka isikalazo enhlanganweni yomthetho yesifundazwe efanele futhi/noma umangalele ummeli wakho. Uma uzifakela wena isicelo bese wenza iphutha ulinde isicelo sakho size siphelelwe isikhathi, i-RAF ngeke ikukhokhele futhi akukho isinxephezelo ozosikhokhelwa.

Ummeli osingatha amacala okulimala kwabantu unolwazi nesipiliyoni sokukweluleka maqondana nokuthi imali ekhokhwa yi-RAF yokukhokhela isicelo sokunxephezela ilingene futhi yanele yini ngokuvumelana nodaba lwakho.

Kuzongibiza malini?

Abameli abanengi abasingatha izicelo zokunxephezela komuntu olimele bazobe bekulungele ukusingatha udaba lwakho ngokwale mibandela

- ngokwesisekelo sokukhokhelwa ngephesenteji yemali ozo-yithola (contingency basis); noma
- ngokwemibandela yemali enivumelane ngayo, lapho ummeli ezokukhokhisa khona imali evamile ngokwamanani enivumelane ngawo. Ummeli angase akulungele ukulinda kuze kuyophothulwa icala bese ekhokhelwa zonke izimali zakhe kubandakanya nezindleko.

Abameli abanengi abasingatha amacala okulimala kwabantu bangase bazimisele ukuthwala kanye/noma ukukhokhela zonke izimali ezidingekayo ukuze kulungiselelwe isicelo sesinxephezelo sakho, kubandakanya ukuthola amarekhodi akho ezokwelashwa kanye nemibiko ebandakanya ezokwelashwa nezomthetho ngokwesisekelo sokuthi bazokhokhelwa lezo zindleko ngemva kokuphuthulwa kwezinqubo zesicelo sakho sokunxephezela. Ezinye zalezi zindleko zizotholakala kwi-RAF njengeziyinyenye yezindleko okumelwe zikhokhwe.

Ummeli osebenza ngokwemibandela yesivumelwano sokukhokhelwa (nhayi ukukhokhelwa ngemva komsebenzi) angakukhokhisa ngokwemibandela yesivumelwano sawo wonke umsebenzi



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UMMELI WAKHO - UMELELEKI WAKHO ONGAMETHEMBA

owenziwe kanye nazo zonke izindleko angene kuzo.

Abanye abameli bangase bafune ukuba ukhokhele ezinye zezindleko ngesikhathi icala lakho liqhubeka.

Uma ummeli esebenza ngesivumelwano sokukhokhelwa kamuva (contingency)

- isivumelwano kumelwe sisayinwe nguwe nommeli (kumelwe unikezwe ikhophi ngesikhathi nisayina);
- ummeli unelungelo lokukhokhisa imali yokuphumelela ngaphezu kwemali evamile. Isilinganiso semali yokuphumelela silawulwa ngokwemibandela ye-Contingency Fees Act (uMthetho Wokukhokhelwa Kommeli Ngokwesilinganiso Semali Ozoyithola) futhi asinakuba ngaphezu kuka-25% wemali ozoyithola, noma u-100% ngaphezu kwezimali ezivamile ezikhokhiswayo, noma yisiphi isilinganiso semali esiphansi;
- kuzodingeka futhi ukuba ukhokhele ezinye izindleko (njengezimali zezokwelapha nezochwepheshe, amarekhodi ezokwelashwa, amadokhumenti asemaphoyiseni, izindleko zenkantolo nokunye). Ezinye zalezi zizotholakala kwi-RAF njengengxenye yezindleko ezizophuma emalini oyikhokhelwayo.

Uma engasiqondi isivumelwano semali ekhokhelwa ukwenzelwa umsebenzi noma sezindleko ezikhokhwa ngemva kokuphuthulwa kwecala (contingency fee), khona-ke kumelwe ucele ummeli wakho ukuba akuchazele isivumelwano ngendlela efanele.

Ungasenza yini isicelo sokunxeshelwa ngokuqondile kwi-RAF?

Yebo ungasenza. I-RAF inohlelo olusebenzayo futhi isebenzisa izikhulu zokwaziswa emahhovisi ayo egatsha. Futhi iye yakhetha abameleli kuzo zonke izibhedlela ezinkulu zikahulumeni.

Ngesikhathi usesibhedlela ungase uvakashelwe yinxusa le-RAF lizokusiza ukuba wenze isicelo sokukhokhelwa isinxephezelo ngokuqondile.

Awubophekile ukuba uvume ukwenza isicelo ngokuqondile kwi-RAF (ukwenza isicelo ngqo) noma ukukhetha ummeli omnconyelwe ngothile oye wakuvakashela esibhedlela noma kwenye indawo.

Unalo ilungelo lokukhetha ummeli wakho.

Hlola ukuthi ummeli wakho ubhalisiwe yini ngokusemthethweni nokuthi unokuma okuhle yini nenhlangano yomthetho yesifundazwe efanelekile.

Nakuba i-RAF izokusiza ngokukuchazela indlela yokwenza isicelo sokunxeshelwa futhi ikusize ngokugcwalisa ifomu lokwenza isicelo, kuzodingeka ukuba uthole futhi ukhokhele wonke amadokhumenti adingekayo, kubandakanya nemibiko namarekhodi ezokwelashwa.

I-RAF yinhlangano owenza kuyo isicelo sokunxeshelwa futhi kuwumsebenzi wayo ukuphenya nokungazikhokheli zonke izicelo zokunxeshelwa ezibheka njengengenasibopho sokuzikhokhela.

Imibono ingase yehluka phakathi kwakho ne-RAF maqodana nokuthi uyakufanelekela yini ukunxeshelwa (ukuvunwa yicala) futhi, uma kunjalo, imali okufanele uyikhokhelwe. I-RAF kumelwe futhi yaneliswe ukuthi ukulimala kwakho 'kubi kakhulu' ngaphambi kokuba uthole ilungelo lokukhokhelwa ngobuhlungu nokuhlu-pheka obhekene nakho. I-RAF ingase isenqabe isicelo sakho uma kutholakala ukuthi ukulimala 'akukubi kakhulu'. Ingase futhi inqume ukuthi nawe ube neqhaza kule ngozi futhi ikhokhele kuphela iphesenteji yokulahlekelwa kwakho.

Ngaphandle kwesuleloko esivela kummeli ozimele, ngeke wazi nhlobo ukuthi noma isiphi isinxephezelo osikhokhelwa yi-RAF sifanelekile yini futhi/noma ukuthi leso sicelo sesinxephezelo senqatshwe kufanele yini. Ngesikhathi ozobe usufuna ngaso isuleloko esiseceleni kungenzeka kube sekwephuze kakhulu.

Yisikhathi eside kangakanani osidingayo ukuze ufake isicelo sokunxeshelwa?

Izicelo zokunxeshelwa kufanele zifakwe phakathi kweminyaka emithathu kusukela osukwini ingozi eyenzeka ngalo uma umshayeli kanye/noma umnikazi wemoto ayeseputheni sekwaziwa ukuthi ungubani. Uma kungenakwenzeka ukwazi ukuthi ungubani umshayeli wemoto oseputheni, khona-ke isicelo kumelwe sifakwe phakathi kweminyaka engu-2.

Ngemva kokuba sekufakwe isicelo sesinxephezelo kukhona inkathi yokulinda eyizinsuku ezingu-120.

Ngemva kwalokho amasamanisi asengakhishwa phakathi kweminyaka engu-5 kusukela osukwini ingozi eyenzeka ngalo. Uma isicelo sakho sifakwa sekwephuzile noma amasamanisi engakhishwa ngesikhathi, isicelo sakho ngeke siphokelelwe umthetho (ngeke sivunywwe).

Lokho ongakubuza kummeli wakho

- Yimalini ummeli wakho azofaka isicelo sokuba uyikhokhelwe.
- Ummeli wakho ucabanga ukuthi isicelo sakho sizothatha isikhathi esingakanani ngaphambi kokuba siphothulwe.
- Noma yimiphi imibuzo maqondana nezimali ezizokhokhiswa nezinye izindleko.
- Buza ngemibiko yentuthuko esiyenziwe ukuze uthole ukuthi isicelo sakho sisingathwa kanjani.
- Buza ngazo zonke izinto eziye zenziwa ekuphuthulweni kodaba lwakho.

Yini okumelwe uyenze ngemva kwengozi?

Thola amagama aphelele, ikheli (elasembenzini nelasekhaya) kanye nezinombolo zokuxhumana (zimakahalekhukhwini nezocingo lwe-landline) zabo bonke abashayeli, abagibeli nofakazi, kanye nezinombolo zamanambapuletyiti emoto.

Thola imininingwane yamaphoyisa noma izikhulu zomgwaqo ebezikhona lapho kwenzeka khona ingozi ngaleyo ndlela wazi ukuthi yisiphi isiteshi samaphoyisa esizophenya ngale ngozi.

Thola imininingwane ye-ambulensi, uma kunokwenzeka.

Thola imininingwane yenkampani yeloli elizodonsa izimoto ukuze imoto yakho ithathwe izithombe ngaphambi kokuba ilungiswe.

Uma ulimele kabi futhi ungenakukwazi ukwenza noma iyiphi yalezi zinto ezishwile ngenhla, zama ukuthola ilungu lomndeni noma umngane ozokutholela ukwaziswa okuningi ngangokunokwenzeka kwi-SAPS ephenya nengozi futhi uma kunokwenzeka, uthole nekhophi yombiko wengozi.

Uma ungenakwazi ukushesha uthole umuntu onguchwepheshe ozophenya ngezimo zale ngozi kuzoba ngcono kakhulu ngawe ikakhulu uma kungase kube nempikiswano maqondana nendlela ingozi eyenzeke ngayo.

Bika le ngozi kwa-SAPS phakathi namahora angu-48. Zonke izingozi okube khona kuzo ukulimala kwabantu noma ukufa KUMELWE zibikwe emaphoyiseni ngabashayeli bezinqola ababandakanyekile ngokushesha ngangokunokwenzeka.

Uma ulimele kabi futhi ungenakwazi ukukwenza lokhu, cela ilungu lomndeni noma umngane ukuthola ukuthi le ngozi iye yabikwa yini ngothile noma cha, futhi ucele i-SAPS ukuba iphenye kabanzi.

Uma kuwukuthi usumkethile kakade ummeli, angase akusize ngalokhu.

Bika le ngozi kwi-RAF uma othile eye walimala kanye nawe, futhi ubungumshayeli wemoto ebandakanyeke kuleyo ngozi. Ummeli wakho angakusiza ngalokhu.

Uma lolu daba lungazange luphenywe yi-SAPS, zama ukuthola izitatimende kubo bonke ofakazi ngokushesha ngangokunokwenzeka.

Ukuthatha izithombe zalapho kwenzeka khona ingozi kanye nezimoto ezibandakanyekile akuphokelelwe, kodwa kungaba usizo kakhulu, ikakhulu kuba nempikiswano ngalokho okwenzeka engozini.

Lapho nithatha izithombe zokwenzeka engozini, uma kungenzeka bonisa zonke izinsalela emgwaqweni noma izimpawu zokushesha noma ezinye izinkomba zalapho ingozi yenzeke khona.

Ukuthatha izithombe zokulimala kwakho nakho kungaba usizo lapho kamuva ufakazela amadameshi akho.

Qinisekisa ukuthi udokotela okwelaphayo ubhala phansi ukuvakashwa noma anikeze ukwaziswa okuningilizwe, kubandakanya nokwelashwa – ikakhulu lapho lokhu kwelashwa ungenakwenzeka khona ngudokotela wakho ovamile.

Uhlelo oluwumdebo lwesigameko olubonisa izindawo ezicacile lapho kwenzeka khona ingozi nalo luyoba usizo.



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Le ncwajana inikeza ulwazi nje kuphela futhi akufanele ibhekwe njengenikeza iseluleko esingokomthetho.
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