

COMPASSIONATE  
UNDERSTANDING  
REASONABLE  
RELIABLE

Injured in a  
Road Accident

THIS BROCHURE  
HAS BEEN  
DESIGNED TO  
INFORM VICTIMS  
ABOUT THEIR  
RIGHTS TO CLAIM.



## THE FIRM

Established in 1900, STBB is a firm of approximately 100 business-minded lawyers practising from 11 offices throughout South Africa.

By understanding our clients' needs and objectives, we strive to deliver cost-effective legal solutions for all business and personal matters. We are committed to developing close working relationships with our clients, enabling us to succeed consistently on their behalf.

## THE FACTS

Road traffic accidents are generally thought of as incidents that happen to people other than ourselves. However, experience shows that this is not the case in South Africa.

Even if you are a safe driver, statistics have reflected that reckless and negligent driving are commonplace in South Africa and you could be the innocent victim of such driving.

## HOW DO I CLAIM COMPENSATION?

Your rights are prescribed by the Road Accident Fund Act and by our common law.

## YOU CAN CLAIM COMPENSATION:

- If you are the driver of a vehicle and the accident was not entirely your fault
- If you were a passenger in a vehicle
- In certain circumstances, if you get hit by a vehicle whilst you are a pedestrian

## LEGAL ADVICE

If you have any doubts at all about who was to blame for the accident or whether you have the right to claim compensation, you should seek legal advice. If you are badly injured, your attorney will visit you in hospital or come to your home.

If you are the driver of a vehicle and involved in a road traffic accident, it is incumbent on you to complete certain forms which have to be submitted to the Road Accident Fund within a prescribed period of time. Your attorney will advise you in this regard.

A word of warning: timing is very important, so take note of the explanation regarding time limits hereafter.

## TIME LIMITS

Seek legal advice and pursue your claim as quickly as possible. If a claim is not submitted to the Road Accident Fund or, in certain circumstances, court proceedings are not initiated within 2 or 3 years of your accident, your claim may prescribe. Then you will not be able to claim compensation at all.

If you were under the age of 18 when the accident happened and the person or vehicle responsible for the accident is known to you, your claim will only prescribe 3 years after you have attained the age of 18.

However, you should pursue your claim as soon as possible when witnesses are more likely to be available and to remember what happened. Generally, more and better evidence will be available immediately after the accident.

If you have any doubt, seek legal advice immediately. It is essential that you select the right attorney, being one who has considerable experience in road traffic accident claims and personal injury claims.

Before choosing an attorney, establish the following:

1. How many road traffic accident claims and personal injury claims has he or she handled in the past 2 months?
2. What is the biggest claim he or she has ever settled?
3. What is his or her success rate?

We have a department specialising in personal injury claims.

## WILL THE CASE GO TO COURT?

Most cases are settled prior to going to court. To finalise a claim satisfactorily may take a long time. The period to finalise a claim will depend on many factors, particularly the nature and extent of your injuries, and the experience and ability of your attorney.

## PROBLEM AREAS

You may, depending on the circumstances of the case, be able to claim compensation successfully if you are the victim of a hit-and-run accident.

You may even be able to claim compensation if you are a passenger in a vehicle where the driver of your vehicle is wholly to blame for the accident.

## LEGAL COSTS

If our firm does not succeed in our claim for damages on your behalf, we will not charge a fee. We are prepared to act on a contingency basis, i.e. if we do not succeed with the claim we do not get paid.

Do not decide against instituting a claim on the grounds of costs without first seeking advice in this regard.

The attorney at STBB specialising in road accident claims will explain to you in detail what the costs relating to your claim will amount to.

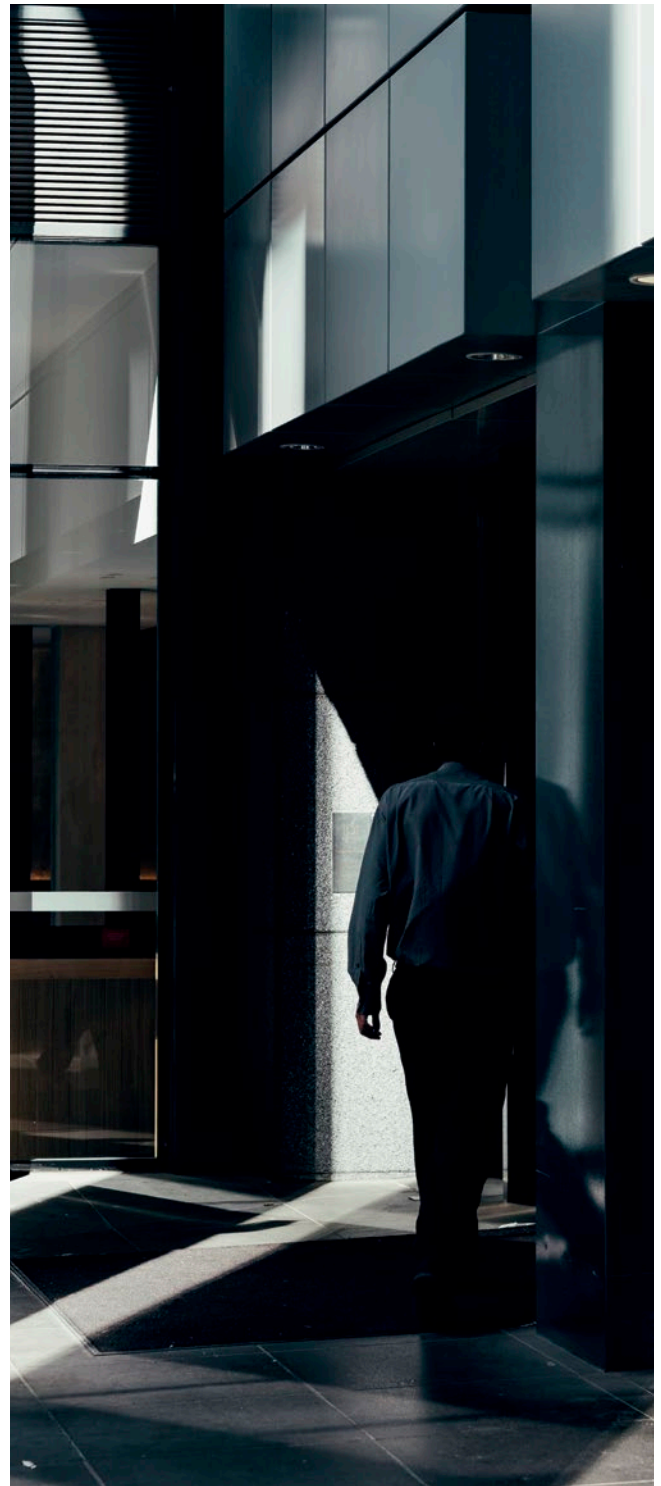
## HOW MUCH COMPENSATION WILL I RECEIVE?

You may, depending on the circumstances, be entitled to claim the following:

- Damages for pain, suffering, loss of amenities of life, disfigurement and loss of income or earning capacity
- Past hospital and medical expenses
- Future hospital and medical expenses
- Past loss of earnings
- Future loss of earnings

If your claim is successful, you will be able to recover a percentage of your legal costs as well.

Compensation in the form of loss of support may be available to family members of a person killed in a road accident. Funeral expenses can also be claimed in certain circumstances.



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IN AN ENDEAVOUR  
TO PROVIDE  
THE OPTIMUM  
PROFESSIONAL  
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A PROFESSIONAL  
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ATTORNEY/  
STAFF MEMBER  
TO MEET YOUR  
NEEDS, GIVEN  
THEIR AREA  
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FOR YOU.

- All Conveyancing
- Commercial Law
- Commercial Property Law
- Constitutional Law
- Construction Law
- Correspondent Services
- Divorce, Child and Family Law
- Insolvency Law
- Insurance Law
- Labour Law
- Litigation and Dispute Resolution
- Mergers and Acquisitions
- Motor Vehicle Accident and Personal Injury Claims
- Municipal Planning Law
- Non-Resident Services
- Property Development and Environmental Law
- Residential Property Law
- Tax
- Wills, Trusts and Deceased Estates



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