

27/3/2025

“AA”



REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

BEFORE THE HONOURABLE MADAM JUSTICE HASSIM ON THIS THE
27TH DAY OF MARCH 2025

Case No: 134420/2023

In the matter between:

THE ROAD ACCIDENT FUND

and

THE LEGAL PRACTICE COUNCIL

THE BOARD OF SHERIFFS

THE SHERIFF, PRETORIA CENTRAL

THE SHERIFF, PRETORIA EAST

THE SHERIFF, CENTURION EAST

THE SHERIFF, JOHANNESBURG CENTRAL

THE SHERIFF, CAPE TOWN

THE SHERIFF, EAST LONDON

THE SHERIFF, DURBAN CENTRAL

THE PRETORIA ASSOCIATION OF ATTORNEYS

Applicant

1st Respondent

2nd Respondent

3rd Respondent

4th Respondent

5th Respondent

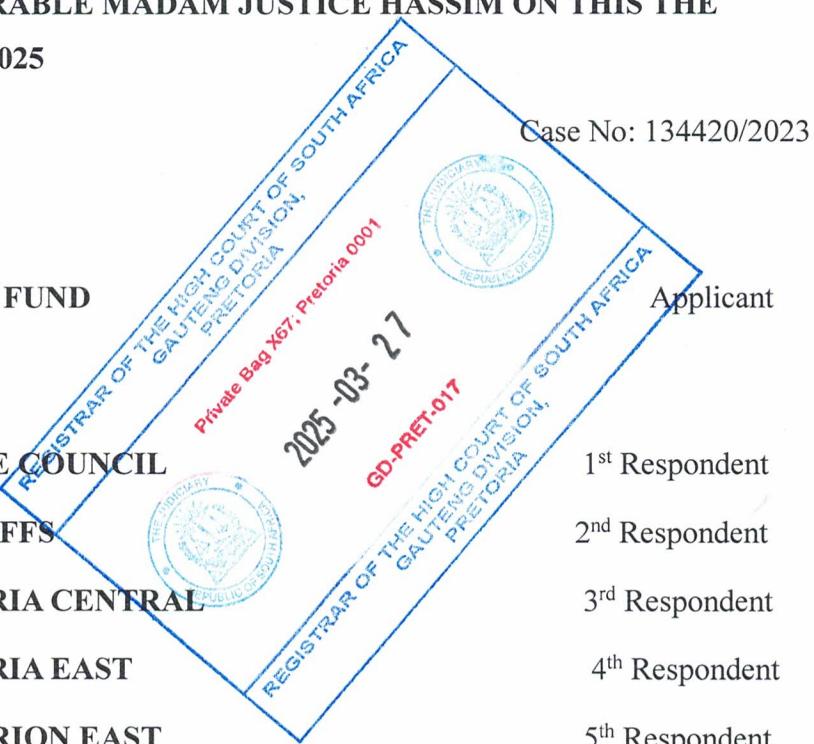
6th Respondent

7th Respondent

8th Respondent

9th Respondent

10th Respondent



THE JOHANNESBURG ATTORNEYS ASSOCIATION	11 th Respondent
MOKODOU ERASMUS DAVIDSON INCORPORATED	12 th
Respondent	
VAN DYK STEENKAMP ATTORNEYS INCORPORATED	13 th Respondent
MAFORI LESUFI INCORPORATED	14 th Respondent
ALFRED LYTON AND 186 OTHERS	15 th Respondent to 201 st
NOLWANDO DUNGA AND 5 OTHERS	202 nd to 207 th Respondent
YOLISWA ALICIA MTHI	208 th Respondent
PRINCESS QIKANI	209 th Respondent
DVDM ATTORNEYS INCORPORATED	210 th Respondent
PROFESSIONALS UNITY OF SOUTH AFRICA	211 th Respondent
BRITS & BEUKES INCORPORATED	212 th Respondent
JJ MNGUNI	213 th Respondent
SCHUMANN VAN DEN HEEVER AND SLABBERT INC.	214 th Respondent
BLACK LAWYERS ASSOCIATION	215 th Respondent

COURT ORDER

HAVING heard counsel for the parties and having read the documents filed of record the following order is issued:

1. Paragraphs 65, 66, 67, 68, 73 and 80 of the order granted on 21 February 2025 are varied.
2. Paragraph [82] (c) of the order granted on 21 February 2025 is renumbered as paragraph [83].

3. Annexure "X" referred to in paragraph in paragraph 73 of the order granted on 21 February 2025 is attached hereto marked "X".
4. The parties shall pay their own costs for the hearing on 11 March 2025, including any costs for the preparation of submissions and attendance at court.
5. Consequently, the orders issued on 21 February 2025 shall read as follows:

"[65] All writs of execution and warrants of attachment against the Road Accident Fund ("the RAF") in respect of capital, based on court orders already granted, or settlements already reached, in terms of the Road Accident Fund Act, 1996 ("the RAF Act"), as amended, which are not older than 180 calendar days as from the date when the RAF either

(i) was informed of the existence of the court order by the service of a copy of the stamped court order, or where applicable a copy of the settlement agreement prior to 21 February 2025 by delivery in terms of rule 4A of the Uniform Rules of Court ("URC), or in terms of a court order operative at the time, on the RAF or its legal representative; or

(ii) is informed thereof by sending an email to 45A-order@raf.co.za, accompanied by a copy of the stamped court order, and where applicable, a copy of the settlement agreement

are hereby suspended for a period of 180 calendar days from the date when the RAF informed as provided in paragraph 65 (i) above, or when the email envisaged in paragraph 65 (ii) is sent to the RAF, whichever is applicable.

[66] All writs of execution and warrants of attachment against the RAF based on claims for interest on capital amounts already paid to claimants, which are not older than 180 calendar days from the date of the payment of the capital amount, are suspended for a period of 14 calendar days reckoned from the date of the payment of the capital amount.



Private Bag X67, Pretoria 0001

2025-03-27

GD-PNET-017

REGISTRAR OF THE HIGH COURT PRETORIA GAUTENG DIVISION

[67] *Writs of execution and warrants of attachment against the RAF based on orders already granted, or settlements already reached, in respect of legal costs for a plaintiff in third-party compensation claims against the RAF, are suspended only in the following instances -*

(a) *Writs of execution and warrants of attachment for legal costs in the case of bills of costs settled with the RAF's internal costs department-*

(i) *within 30 calendar days from the date when the bill of costs is sent by e-mail to taxedbills@raf.co.za ("the dedicated legal costs e-mail"); or*

(ii) *within 30 calendar days from re-sending to the dedicated legal costs e-mail address, bills of costs previously sent to the Fund which have not been taxed or settled at the date of this order*

are hereby suspended for 6 weeks from the date of the settlement of the bill of costs.

(b) *Writs of execution and warrants of attachment in respect of bills of costs which have been taxed at the date of this order shall be suspended for 6 weeks from the date of this order in the case where the Fund was represented at the taxation and in cases where the Fund was not represented at the taxation, the suspension shall operate for 6 weeks from the date when the claimant's attorney sends the bill of costs embodying the allocatur signed by the Taxing Master to the dedicated legal costs e-mail address*

[68] *All attorneys who represent a claimant and whose matters (inclusive of capital, cost and interest) have not been placed on the RNYP list at the date of this order, are to provide to the RAF by sending an e-mail to 45A-order@raf.co.za within 20 calendar days from 21 February 2025 the date of this order a list of those matters which do not appear on the RNYP list.*

[69] The RAF must place on the RNYP list all matters which a claimant's attorney has identified on its list to the RAF referred to in paragraph 68 above as not appearing on the RNYP list, and it must do so within 30 calendar days of the date on which the e-mail listing such matters is ^{Present Page X67, Pretoria 2025} sent by the claimant's attorney to 45A-order@raf.co.za.

[70] If the RAF fails to place such matters on the RNYP list, such settlement or orders may be executed upon on the 180th calendar day following the date of the order or settlement. This paragraph of the order shall not deprive the RAF of the right to contest the order in terms of any law.¹

[71] The RAF must pay by 30 April 2025 all personal claims (inclusive of capital, costs and interest) based on court orders already granted in terms of the RAF Act or settlements reached, which are at the date of this order older than 180 calendar days from the date that the RAF was informed thereof by email to 45A-order@raf.co.za provided:

- (a) they appear, and are marked "older than 180 calendar days on 21 February 2025", on the list contemplated in paragraph 68 above of matters which do not appear on the RNYP list which the claimant's attorney must in terms thereof provide to the RAF by e-mail to 45A-order@raf.co.za within 10 calendar days from the date of this order; and
- (b) the claimant's attorney has provided to the RAF the documentation in annexure "X", referred to in paragraph 73 below, to process payment.

[72] Paragraph 71 above shall not deprive the RAF of the right in terms of any law to contest the order referred to therein.²

[73] The documentation which the RAF may request for it to process payment, are set out in annexure "X" hereto, which list forms part of this court's order.

¹ The RAF reserves this right with the respondents' blessing.

² The RAF reserves this right with the respondents' blessing.

[74] *An e-mail delivery report shall constitute rebuttable proof of delivery to the dedicated e-mail addresses referred to in this order, and the claimants' attorneys' obligations under this order to send e-mails to the dedicated e-mail addresses shall be deemed to have been discharged. In the event of the dedicated e-mail addresses referred to in this order not accepting e-mails on three consecutive calendar days, delivery by hand to the RAF's head office will discharge the claimant's attorney's obligation under this order to inform or notify the RAF.*

[75] *The RAF must continue distributing the RNYP list bi- monthly to the attorneys on its database. Any attorney who does not receive its RNYP list must immediately contact the branch where its claims are administered to confirm the correctness of the email address registered on the RAF's system.*

[76] *The RAF must continue its process of paying the oldest claims (capital, costs and interest) first by date of court order or date of the written settlement agreement or date of taxation or date on which interest was claimed for the first time a priori tempore.*

[77] *This order does not constitute a compromise on any claim which may be in dispute between the RAF and any of the respondents and/or claimants.* ³

[78] *The parties' rights in respect of ongoing disputes and/or litigation not concerning a writ of execution or warrant of attachment are reserved and this order does not dispose of, nor suspend, such disputes or litigation.* ⁴

[79] *Supplier claims, as defined in the RAF Act, are excluded from the moratorium in this order on payments.*

[80] *This order takes effect on 21 February 2025 and, will be effective for 6 months from the date of this order.*

³ This is proposed in the Geach order but not the RAF order. This order is made out of an abundance of caution to avert disputes as to the ambit of the orders issued.

⁴ This is also proposed in the Geach order but not the RAF order. Again, this order is made out of an abundance of caution to avert disputes as to the ambit of the orders issued.

[81] *This order shall be published by the RAF as follows:*

- (a) *Through the Legal Practice Council to all practising attorneys.*
- (b) *Service by the Sheriff on the Minister of Transport, at the official address of the Ministry of Transport and at the office of the State Attorney, Pretoria.*
- (c) *Circulating it by e-mail to all attorneys listed on its database.*
- (d) *Publication in two major national newspapers.*

[82] *The RAF shall pay the Pretoria Association of Attorneys' taxed costs as well as the taxed costs of the Johannesburg Attorneys' Association, including the costs of a senior counsel and one junior counsel where so employed with the junior counsel's costs taxable on scale C. In the case of the lead counsel not being a senior counsel, the Fund shall pay the costs of two junior counsel on scale C.*

[83] *The remaining respondents shall pay their own costs".*



ANNEXURE "X" TO COURT ORDER

27/3/2025

A. Capital payments:

1. Valid, stamped and signed court order or signed Acceptance form.
2. ID document of the claimant and the injured (if claimant is different from the injured).
3. Tax clearance certificate of the attorneys into whose bank account payment must be made.
4. Proof of trust banking details of the attorney who is to receive payment.
5. If claimant is deceased, a death certificate and the Letter of Executorship issued by the Master of the High Court.
6. Foreigner claims: items 1 - 4 above plus, and where the claimant is deceased a death certificate and the Letters of Executorship issued by the relevant authority, as well as copies of the claimant's (or injured if the injured is different from the claimant) passport as well as a mortality affidavit to confirm that the claimant (or injured if the claimant differs from the injured) is still alive.

B. Cost payments:

7. Items 1 – 4 above.
8. Items 5 and 6 above, where and if applicable to the claimant.

C. Interest payments:

9. Items 1 – 4 above.
10. Items 5 and 6 above, where and if applicable to the claimant.

D. Mandate transfers:

11. In the event that the claimant changed legal representatives, a signed special power of attorney authorising the new legal representative to represent the claimant.