

**LPL414D**

( 476995)

May/June 2009  
Mei/Junie 2009

**THIRD PARTY COMPENSATION LAW (PRIVATE LAW (LLB))  
DERDEPARTYVERGOEDINGSREG (PRIVAATREG (LLB))**

Duration 2 Hours  
Tydsduur 2 Uur100 Marks  
100 Punte**EXAMINERS / EKSAMINATORE**

FIRST / EERSTE

MS/ME MM MOKOTONG

MRS/MEV R AHMED

SECOND / TWEDE

PROF L STEYNBERG

**This paper consists of 24 pages plus instructions for the completion of a mark-reading sheet. /  
Hierdie vraestel bestaan uit 24 bladsye plus instruksies vir die voltooiing van 'n merkleesblad**

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STUDENT NUMBER																			
STUDENTENOMMER																			

**INSTRUCTIONS**

- This paper consists of Section A Multiple-choice questions (to be answered on the mark-reading sheet) and Section B Fill-in questions (to be answered on the fill-in question paper)** You will not receive an examination book
- You must hand in the complete examination paper plus the mark-reading sheet
- The unique number to be filled-in on the mark-reading sheet is **476995**
- Answer all the questions in the designated spaces only Answers outside such spaces will not be read
- Do not write in the margins** - this space is reserved for the examiners
- Do your rough work on page 2** This page will not be read by the examiners
- The English version of each question is followed by the Afrikaans version
- This paper counts **100 marks** Divide your time accordingly
- Plan each answer carefully before you write it down and refer to the relevant authority whenever possible

**INSTRUKSIES**

- Hierdie vraestel bestaan uit Afdeling A Multikeusevrae (wat op die merkleesblad beantwoord word) en Afdeling B Invulvrae (wat op die invulvraestel beantwoord word)** U ontvang geen eksamenboek nie
- U moet die hele vraestel inlewer asook die merkleesblad
- Die unieke nommer wat op die merkleesblad ingevul moet word is **476995**
- Beantwoord al die vrae net in die ruimtes daarvoor aangedui Antwoorde buite sodanige ruimtes sal nie gelees word nie
- Moenie in die kantlyne skryf nie** - die ruimte is vir gebruik deur die eksaminatore
- Doen u rofwerk op bladsy 2** Die bladsy sal nie deur die eksaminatore gelees word nie
- Die Afrikaanse weergawe van elke vraag volg direk na die Engelse weergawe
- Die vraestel tel **100 punte** Deel u tyd daarvolgens in
- Beplan u antwoord deeglik voordat u dit neerskryf en verwys waar moontlik na relevante gesag

**[TURN OVER]  
[BLAAI OM]**

**ROUGH WORK / ROFWERK**

Do all your rough work on this page. This page will not be read by the examiners / **Doen al u rofwerk op hierdie bladsy. Hierdie bladsy sal nie deur die eksaminatore gelees word nie**

**[TURN OVER]  
[BLAAI OM]**

<b>SECTION A : MULTIPLE-CHOICE QUESTIONS</b> <b>AFDELING A : MULTIKEUSEVRAE</b>
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**NB : ANSWER THESE QUESTIONS ON THE MARK-READING SHEET!**  
**NB : BEANTWOORD HIERDIE VRAE OP DIE MERKLEESBLAD!**

**Unique number / Unieke nommer : 476995**

(1) Which one of the following heads of damage does **not** constitute non-patrimonial damage?

- 1 loss of earning capacity
- 2 pain and suffering
- 3 loss of amenities
- 4 psychological trauma resulting from physical injury
- 5 loss of general health

(2)

(1) Watter een van die volgende skadeposte stel nie nie-vermoënskade daar nie?

1. verlies van verdienvermoë
2. pyn en lyding
3. verlies van lewensgenietinge
4. sielkundige trauma deur 'n fisiese besering veroorsaak
5. verlies van algemene gesondheid

(2)

(2) General damage is best assessed in accordance with

- 1 the sum-formula approach
- 2 the "take your victim as you find him" approach
- 3 the once and for all rule
- 4 the armchair approach
- 5 the fair and reasonable approach

(2)

(2) Algemene skade word die beste vasgestel met behulp van:

1. die sommeskadeleer
2. die "take your victim as you find him"-benadering
3. die "once-and-for-all reël"
4. die leunstoelbenadering
5. die benadering tot regverdigheid en redelikheid

(2)

[TURN OVER]  
[BLAAI OM]

(3) In which one of the following cases was the owner of a bus found negligent when a bystander tossed a petrol bomb into the moving bus which subsequently led to the injury of the passenger on board

- 1 *Wells and Another v Shield Insurance* 1965 (2) SA 685 (C)
- 2 *General Accident Insurance v Xhego* 1992 (1) SA 580 (A)
- 3 *Miller v Road Accident Fund* 1999 (4) All SA 560 (W)
- 4 *Road Accident Fund v Russel* 2001 (2) SA 34 (SCA)
- 5 *Santam v Kemp* 1971 (3) SA 305 (A)

(2)

(3) In watter een van die volgende uitsprake was die eienaar van 'n bus nalatig bevind toe 'n omstander 'n petrolbom in die bewegende bus ingegooi het wat tot die besering van 'n passasier in die bus gely het?

1. *Wells and Another v Shield Insurance* 1965 (2) SA 685 (K)
2. *General Accident Insurance v Xhego* 1992 (1) SA 580 (A)
3. *Miller v Road Accident Fund* 1999 (4) All SA 560 (W)
4. *Road Accident Fund v Russel* 2001 (2) SA 34 (HHA)
5. *Santam v Kemp* 1971 (3) SA 305 (A)

(2)

(4) In which one of the following cases did the court confirm that a claimant was entitled to claim for loss of maintenance resulting from a divorce settlement agreement entered into by the deceased and the claimant?

- 1 *Santam v Kemp* 1971 (3) SA 305 (A)
- 2 *Amod v MMF* 1999 (4) SA 1319 (SCA)
- 3 *Santam v Henery* 1999 (3) SA 421 (SCA)
- 4 *Santam v Foure* 1997 (1) SA 611 (A)
- 5 *Du Plessis v RAF* 2004 (1) SA 359 (SCA)

(2)

(4) In watter een van die volgende uitsprake het die hof bevestig dat 'n eiser geregtig is om te eis vir verlies aan onderhoud op grond van 'n egskeidingsooreenkoms tussen die oorledene en die eiser?

1. *Santam v Kemp* 1971 (3) SA 305 (A)
2. *Amod v MMF* 1999 (4) SA 1319 (HHA)
3. *Santam v Henery* 1999 (3) SA 421 (HHA)
4. *Santam v Fourie* 1997 (1) SA 611 (A)
5. *Du Plessis v RAF* 2004 (1) SA 359 (HHA)

(2)

- (5) Which of the following benefits are deductible from the damage recoverable by a third party due to the bodily injury or the death of his or her breadwinner?
- 1 a potential saving in cost of living expenses
  - 2 all *ex gratia* payments of whatever nature
  - 3 pension benefits paid to a Citizen Force member of the SANDF in terms of the Military Pensions Act
  - 4 pension benefits in terms of a statute or contract where payment is legally obligatory
  - 5 savings in income tax as a result of reduced income
- (2)
- (5) Watter van die volgende voordele kan afgetrek word van die skade verhaalbaar deur 'n derdeparty as gevolg van die besering of dood van sy of haar broodwinner?
1. 'n potensieële besparing in lewensuitgawes
  2. alle *ex gratia* betalings van watter aard ookal
  3. pensioenvoordele betaalbaar aan 'n Burgemaglid van die SANW ingevolge die Wet op Militêre Pensioene
  4. pensioenvoordele ingevolge 'n statuut of kontrak waar betaling wetlik verplig word
  5. besparings in inkomstebelasting as gevolg van 'n verminderde inkomste
- (2)
- (6) X, born on 24 November 2000 was involved in a motor vehicle collision on 24 January 2009. Assume that the wrongdoer was identified. On what date would X's claim against the RAF prescribe?
- 1 24 January 2021
  - 2 24 November 2021
  - 3 24 January 2018
  - 4 24 November 2024
  - 5 24 January 2024
- (2)
- (6) X, gebore op 24 November 2000 is betrokke in 'n motorvoertuigongeluk op 24 Januarie 2009. Aanvaar dat die onregmatige dader geïdentifiseer is. Op watter dag sal X se eis teen die POF verjaar?
1. 24 Januarie 2021
  2. 24 November 2021
  3. 24 Januarie 2018
  4. 24 November 2024
  5. 24 Januarie 2024
- (2)

(7) In terms of the RAF Amendment Act of 2005, which tariff will apply in the case of "emergency medical treatment"?

- 1 private sector tariffs
- 2 public sector tariffs
- 3 private and public sector tariffs
- 4 a tariff negotiated between the RAF and the medical service provider
- 5 tariffs published with the regulations in the Government Gazette on 21<sup>st</sup> July 2008

(2)

(7) Watter tariewe sal ingevolge die RAF Amendment Act van 2005 geld in gevalle van "emergency medical treatment"?

1. privaattariewe ("private sector tariffs")
2. openbare tariewe ("public sector tariffs")
3. privaat- en openbare tariewe ("private and public sector tariffs")
4. 'n tarief wat tussen die POF en die mediese diensteverskaffer onderhandel is
5. tariewe soos saam met die regulasies in die Staatskoerant op 21 Julie 2008 gepubliseer

(2)

(8) In terms of the RAF Amendment Act of 2005, a claimant who wishes to claim non-pecuniary loss must complete and submit a report to the RAF. Which form is used?

- 1 Form 1
- 2 Form 2
- 3 Form 3
- 4 Form 4
- 5 Form 5

(2)

(8) Ingevolge die RAF Amendment Act van 2005 moet 'n eiser wat nie-vermoënskade wil eis 'n verslag by die POF indien. Watter vorm word hiervoor gebruik?

1. Vorm 1
2. Vorm 2
3. Vorm 3
4. Vorm 4
5. Vorm 5

(2)

(9) To whom may a matter be referred for adjudication if a claimant is dissatisfied with the outcome of the "Serious Injury Assessment Report" in terms of the RAF Amendment Act of 2005?

- 1 the Health Professions Council of South Africa
- 2 the Law Society of South Africa
- 3 the Compensation Commissioner
- 4 the RAF
- 5 the claimant may issue a summons in any of the courts of South Africa which have jurisdiction to hear the matter

(2)

[TURN OVER]  
[BLAAI OM]

**(9) Waarheen kan 'n aangeleentheid verwys word vir beslegting indien 'n eiser ontevrede is met die uitslag van die "Serious Injury Assessment Report" ingevolge die RAF Amendment Act van 2005?**

- 1. die Professionele Gesondheidsraad van Suid-Afrika**
- 2. die Regsvereniging van Suid-Afrika**
- 3. die Vergoedingskommissaris**
- 4. die POF**
- 5. die eiser mag 'n dagvaardiging laat beteken in enige van die howe van Suid-Afrika wat jurisdiksie het om die aangeleentheid aan te hoor**

(2)

**(10) Which of the following categorized injuries do not constitute "serious injuries" in terms of the RAF Amendment Act of 2005?**

- 1 injuries that result in serious long term impairment or loss of a body function**
- 2 injuries that constitute permanent serious disfigurement**
- 3 injuries that result in severe long term mental or behavioral disturbance or disorder**
- 4 injuries that result in the restriction of movement of a body part**
- 5 injuries that result in 30% or more impairment of a claimant**

(2)

**(10) Watter van die volgende kategorieë beserings word nie as "serious injuries" ingevolge die RAF Amendment Act van 2005 beskou nie?**

- 1. beserings wat tot ernstige langtermyn ongeskiktheid of verlies van 'n liggaamsfunksie lei**
- 2. beserings wat permanente ernstige ontsiering daarstel**
- 3. beserings wat tot ernstige langtermyn psigiese of gedragsversteuring of wanaanpassing lei**
- 4. beserings wat tot die beperking van liggaamsbeweging lei**
- 5. beserings wat tot 30% of meer ongeskiktheid van die eiser lei**

(2)

**(11) A mother suffers emotional shock after witnessing her child being knocked down by a motor vehicle. In terms of the RAF Amendment Act of 2005 from whom may she institute a claim for compensation in respect of the emotional shock she suffered?**

- 1 the RAF**
- 2 the owner of the motor vehicle**
- 3 the wrongdoer in terms of common law**
- 4 the RAF and the wrongdoer in terms of common law**
- 5 the claimant will not be able to institute a claim against the RAF or the wrongdoer in terms of common law**

(2)

**(11) 'n Moeder doen emosionele skok op nadat sy gesien het hoe haar kind deur 'n motor raakgery word. Van wie mag sy skadevergoeding eis ten opsigte van die emosionele skok wat sy gely het ingevolge die RAF Amendment Act van 2005.**

1. die POF
2. die eienaar van die motorvoertuig
3. die delikspleger soos deur die gemenereg bepaal
4. die POF en die onregmatige dader ingevolge die gemenereg
5. die eiser sal nie 'n eis teen die POF of die onregmatige dader volgens die gemenereg kan instel nie

(2)

**(12) X earns R 20 000 per month and was unable to work for nine months of the year as a result of a motor vehicle collision. According to the RAF Amendment Act of 2005 the maximum amount recoverable per year is R 160 000. Indicate which amount X would be able to claim for loss of income in terms of the RAF Amendment Act of 2005**

- 1 R 160 000 (the maximum for the year)
- 2 R 180 000 (R20 000 x 9 months)
- 3 R 120 000 (R160 000 divided by 12 months x 9 months)
- 4 R 213 336 (R160 000 divided by 9 months x 12 months)
- 5 R 35 554 (R160 000 divided by 9 months x R20 000)

(2)

**(12) X verdien R 20 000 per maand en was vir nege maande van die jaar nie instaat om te werk nie vanweë 'n motorvoertuigongeluk. Ingevolge die RAF Amendment Act van 2005 is R 160 000 die maksimum bedrag wat per jaar geëis kan word. Dui aan watter bedrag X ingevolge die RAF Amendment Act van 2005 vir verlies aan inkomste sou kon eis.**

1. R 160 000 (die maksimum vir die jaar)
2. R 180 000 (R20 000 x 9 maande)
3. R 120 000 (R160 000 gedeel deur 12 maande x 9 maande)
4. R 213 336 (R160 000 gedeel deur 9 maande x 12 maande)
5. R 35 554 (R160 000 gedeel deur 9 maande x R20 000)

(2)



(13) X and his pregnant house wife, Y, were travelling along the Cape Peninsula during December 2008, when all of a sudden a tyre burst X lost control of the motor vehicle and collided with the rocky mountain. As a result of the collision Y was injured and lost her baby. Indicate the correct answer with regard to Y's position on claiming from the Fund in terms of the RAF Act of 1996.

- 1 Y would be able to claim from the RAF, but the claim would be limited to R 25 000 special and general damage plus the cost of recovery of such damage
- 2 Y would not be able to claim any amount from the RAF as her claim is specifically excluded
- 3 Y would be able to claim from the RAF, however she would not be able to claim any amount in respect of general damage.
- 4 Y would be able to claim from the RAF, however her claim would be limited to R 25 000 special damage only, plus the cost of recovery of such damage
- 5 Y would be able to claim from the RAF and her claim would not be excluded or limited

(2)

(13) X en sy swanger huisvrou, Y, het gedurende Desember 2008 langs die Kaapse Skiereiland gereis, toe uit die bloute, 'n band bars. X het beheer oor die motorvoertuig verloor en met die klipagtige berg gebots. As gevolg van die botsing is Y beseer en het sy haar baba verloor. Dui die korrekte antwoord aan ten opsigte van haar posisie wat haar eis teen die POF betref ingevolge die POF-wet van 1996.

1. Y sal van die POF kan eis, maar haar eis sal beperk wees tot R 25 000 spesiale en algemene skade, plus die koste om die skade te verhaal.
2. Y sal nie enige bedrag van die POF kan eis nie, aangesien haar eis uitdruklik uitgesluit is.
3. Y sal van die POF kan eis, maar sal sy geen eis vir algemene skade kan instel nie.
4. Y sal van die POF kan eis, maar haar eis sal beperk wees tot R 25 000 vir spesiale skade, plus die koste om die skade te verhaal.
5. Y sal van die POF kan eis en haar eis sal nie beperk of uitgesluit wees nie.

(2)

(14) X and his pregnant house wife, Y, were travelling along the Cape Peninsula during December 2008, when all of a sudden a tyre burst X lost control of the motor vehicle and collided with the rocky mountain. As a result of the collision Y was injured and lost her baby. Indicate the correct answer with regard to Y's position on claiming from the Fund in terms of the RAF Amendment Act of 2005.

- 1 Y would be able to claim from the RAF, but the claim would be limited to R 25 000 special and general damage plus the cost of recovery of such damage
- 2 Y would not be able to claim any amount from the RAF as her claim is specifically excluded
- 3 Y would be able to claim from the RAF, however she would not be able to claim any amount in respect of general damage
- 4 Y would be able to claim from the RAF, however her claim would be limited to R 25 000 special damage only, plus the cost of recovery of such damage
- 5 Y would be able to claim from the RAF and her claim would not be excluded or limited

(2)

[TURN OVER]  
[BLAAI OM]

**(14) X en sy swanger huisvrou, Y, het gedurende Desember 2008 langs die Kaapse Skiereiland gereis, toe uit die bloute, 'n band bars. X het beheer oor die motorvoertuig verloor en met die klipagtige berg gebots. As gevolg van die botsing is Y beseer en het sy haar baba verloor. Dui die korrekte antwoord aan ten opsigte van haar posisie wat haar eis teen die POF betref ingevolge die RAF Amendment Act van 2005.**

1. Y sal van die POF kan eis, maar haar eis sal beperk wees tot R 25 000 spesiale en algemene skade, plus die koste om die skade te verhaal.
2. Y sal nie enige bedrag van die POF kan eis nie, aangesien haar eis uitdruklik uitgesluit is.
3. Y sal van die POF kan eis, maar sal sy geen eis vir algemene skade kan instel nie.
4. Y sal van die POF kan eis, maar haar eis sal beperk wees tot R 25 000 vir spesiale skade, plus die koste om die skade te verhaal.
5. Y sal van die POF kan eis en haar eis sal nie beperk of uitgesluit wees nie. (2)

**(15) X, a paying motor cycle passenger, was involved in a collision on 12 September 2008, wherein the driver of the motor cycle collided with a tree. The RAF had confirmed that the injuries were "serious". Indicate the correct answer with regard to the amount that X may claim from the RAF in terms of the RAF Amendment Act of 2005**

- 1 R 25 000 special damage only plus the cost of recovery of such damage.
- 2 R 25 000 special and general damage plus the cost of recovery of such damage
- 3 X would not be able to claim any amount from the RAF
- 4 X's claim would not be restricted to R 25 000 special and general damage plus the cost of recovery of such damage
- 5 X's claim would not be restricted to R 25 000, however he would only be able to claim special damage plus the cost of recovery of such damage (2)

**(15) X, 'n betalende motorfietspassasier, is betrokke in 'n ongeluk op 12 September 2008 waarin die bestuurder van die motorfiets in 'n boom vasgery het. Die POF het bevestig dat die beserings "serious" is. Dui die korrekte antwoord aan ten opsigte van die bedrag wat X van die POF ingevolge die RAF Amendment Act van 2005 kan verhaal.**

1. R 25 000 spesiaal skade alleenlik plus die koste verbonde aan die verhaal van daardie bedrag.
2. R 25 000 spesiale en algemene skade plus die koste verbonde aan die verhaal van daardie bedrag.
3. X sal nie daartoe instaat wees om enige bedrag van die POF te verhaal nie.
4. X se eis sal nie tot R 25 000 spesiale en algemene skade plus die koste verbonde aan die verhaal daarvan, beperk wees nie.
5. X se eis sal nie beperk wees tot R 25 000, maar hy sal slegs spesiale skade plus die koste verbonde aan die verhaal daarvan, kan eis. (2)

**TOTAL SECTION A / TOTAAL AFDELING A: [30]**

**SECTION B : FILL-IN QUESTIONS**  
**AFDELING B : INVULVRAE**

**ANSWER THESE QUESTIONS IN THE SPACES BELOW THE QUESTIONS!**  
**BEANTWOORD HIERDIE VRAE IN DIE SPASIES NA DIE VRAE!**

**Question 1 / Vraag 1**

- 1.1 A transportation company employed the claimant, X. While walking in the yard of his place of employment, he was struck and injured by a diesel-powered forklift. X instituted an action for damages resulting from his injuries against the RAF in terms of the RAF Amendment Act 19 of 2005. The RAF denied liability on the ground that the forklift was not a "motor vehicle" as defined in the said Act. Briefly discuss with reference to case law, whether a diesel-powered forklift qualifies as a "motor vehicle" as defined by the RAF Amendment Act of 2005.

(5)

**'n Vervoermaatskappy het die eiser, X, in diens geneem. Hy word raakgery en beseer deur 'n dieselaangedrewe vorkhyser terwyl hy in die agterplaas van sy werksplek geloop het. X stel ingevolge die RAF Amendment Act 19 van 2005 'n eis vir skadevergoeding teen die POF in op grond van sy beserings. Die POF ontken aanspreeklikheid op grond daarvan dat die vorkhyser nie 'n "motorvoertuig" daarstel soos beskryf in die Wet. Bespreek kortliks met verwysing na regspraak of 'n dieselaangedrewe vorkhyser as 'n "motorvoertuig" ingevolge die RAF Amendment Act van 2005 kan kwalifiseer.**

(5)

- 1 2 A collision occurred on the Bapsfontein/Delmas road between an Isuzu light delivery vehicle driven by driver A and a Toyota Cressida vehicle driven by driver B. As a result of the collision driver A suffers from amnesia. Driver B is killed in the accident. The only other witness is a 10-year-old girl who was sleeping on the back seat of the Cressida at the time of the accident. From evidence collected at the scene of the accident it appears that the collision occurred on the Cressida's side of the road. Driver A consults you regarding the accident. Who was negligent? Briefly explain (9)

**‘n Botsing vind op die Bapsfontein/Delmas-pad plaas tussen ‘n Isuzu-bakkie bestuur deur A en ‘n Cressida-motor bestuur deur B. As gevolg van die botsing ly A aan geheueverlies. B sterf in die ongeluk. Die enigste getuie is ‘n 10-jarige meisie wat op die agterste sitplek van die Cressida geslaap het toe die botsing plaasgevind het. Uit die getuie is wat op die toneel van die botsing versamel is, blyk dit dat die botsing aan die Cressida se kant van die pad plaasgevind het. A raadpleeg u oor die ongeluk. Wie was nalatig? Verduidelik kortliks. (9)**



1 3 List the different heads of pecuniary damage recoverable with a third party claim (4)

**Lys die verskillende hoofde van vermoenskade wat met 'n derdeparty-eis verhaal kan word** (4)

(1)

(2)

(3)

(4)

- 1 4 Mr M is a taxi driver. He encounters an accident in which a driver of a petrol tanker lost control of the tanker, causing its cargo of petrol to flow down the street. Mr M immediately sees the opportunity to acquire a few litres of petrol. He goes to the nearest shop to acquire as many receptacles as he can lay his hands on. As Mr M is scooping up the petrol flowing down the gutter in the street, Mr S passes by. He flicks his lighted cigarette onto the pavement. The cigarette rolls into the stream of petrol, igniting it. As a result Mr M sustains severe burns. Does Mr M have a third party claim against the RAF? Discuss with reference to case law (7)

**Mnr M is 'n taxibestuurder. Mnr M kom op 'n ongeluk af waar die bestuurder van 'n petroltenkwa beheer verloor het van die wa sodat die vrag van die wa in die straat afvloei. Mnr M sien dadelik die geleentheid raak om 'n paar liter petrol te kry. Hy gaan na die naaste winkel om soveel houers te koop as wat hy in die hande kan kry. Terwyl hy besig is om die petrol op te skep wat in die straat afloop, kom mnr S verby. Mnr S skiet sy brandende sigaretstompie op die sypaadjie. Die stompie rol in die stroom petrol in en steek dit aan die brand. As gevolg hiervan doen mnr M ernstige brandwonde op. Het mnr M 'n derdeparty-eis teen die POF? Verduidelik aan die hand van regspraak**

(7)





[25]

<b>Question 2 / Vraag 2</b>
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- 2 1 Explain in detail how the RAF Amendment Act of 2005 has affected claims for general damage. In your answer explain the principle and the prescribed procedure that is applicable for the assessment of non-patrimonial damage. In addition, enumerate the requirements to be met by a claimant who wishes to succeed with a claim for general damage in terms of the RAF Amendment Act of 2005 read with regulation 3 of the Regulations to the Act.

(15)

**Verduidelik volledig hoe die RAF Amendment Act van 2005 eise vir algemene skade beïnvloed het. Verduidelik die beginsel en die voorgeskrewe prosedure vir die vasstelling van nie-vermoenskade in u antwoord. Addisioneel hiertoe, lig ook die vereistes uit waaraan 'n eiser moet voldoen om te kan slaag met 'n eis vir algemene skade ingevolge die RAF Amendment Act van 2005 gelees met regulasie 3 van die Regulasies tot die Wet**

(15)



2 2 How does the RAF Amendment Act of 2005 impact on the once-and-for-all rule? (3)

**Watter uitwerking het die RAF Amendment Act van 2005 op die “once and for all”-reel?**  
(3)

2 3 What does an “unidentified vehicle” mean? (2)

**Wat word met ‘n “ongeïdentifiseerde motorvoertuig” bedoel?** (2)

[20]

<b>Question 3 / Vraag 3</b>
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3 1 Define a lift club in terms of the RAF Act of 1996 (6)

**Omskryf 'n saamryklub ingevolge die POF-wet van 1996 (6)**

[TURN OVER]  
[BLAAI OM]

- 3 2 X gives Y a lift in her car. Whilst driving, X applies make-up to her face. She looks in the rear-view mirror to do this. She collides with a tree. Y, who has not fastened her seat-belt, is injured in the accident. She is hospitalised and incurs hospital costs of R10 000. It transpires that if Y had fastened her seat-belt, her hospital costs would have totalled R6 000. Y wishes to institute a damages claim of R10 000 against the RAF. Y approaches you for legal advice. Advise Y, referring to applicable legislation and case law. (9)

**X gee Y 'n geleentheid in haar motor. Terwyl sy bestuur, bring X grimering aan haar gesig aan. Sy kyk sommer in die truspieëltjie om dit te doen. Sy bots teen 'n boom. Y, wat nie haar sitplekgordel vasgemaak het nie, word beseer in die ongeluk. Sy word gehospitaliseer en loop hospitaalkoste van R10 000 op. Dit blyk dat as Y haar sitplekgordel vasgemaak het, haar hospitaalkoste R6 000 sou beloop het. Y wil 'n skadevergoedingseis van R10 000 teen die POF instel. Y nader u vir regsadvies. Adviseer Y, met verwysing na toepaslike wetgewing en regspraak. (9)**



<b>Question 4 / Vraag 4</b>
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4 1 How can the completion of prescription of a third party claim be interrupted and which requirements have to be met before there can be a valid interruption?

(3)

**Hoe kan die voltooiing van verjaring van 'n derdeparty-eis gestuit word en watter vereistes moet nagekom word voordat daar 'n geldige stuiting van verjaring kan wees?**

(3)

4 2 Can a claimant recover legal costs from the RAF in terms of the RAF Amendment Act of 2005? (2)

**Kan 'n eiser regs-koste van die POF ingevolge die RAF Amendment Act vorder? (2)**

4 3 What are the general requirements for the RAF to exercise its right of recourse? (5)

**Wat is die algemene vereistes wat nagekom moet word voordat die POF sy verhaalsreg kan afdwing? (5)**

[10]

**TOTAL SECTION B / TOTAAL AFDELING B : [70]**

**TOTAL PAPER / TOTAAL VRAESTEL : [100]**