

## **Practice Directive 38A**

When matters are defended and the Road Accident Fund fails to participate further in the matter the following Directive will apply:

### **DIRECTIONS FOR ROAD ACCIDENT FUND MATTERS**

1. The Plaintiff's attorneys are to certify that the file is trial ready either for liability or quantum or both;
2. The Case Flow Management Clerk is to check the file to ascertain whether all prior directives have been complied with and that the file is indeed ready to be certified for trial;
3. The Case Flow Management Clerk will then forward the file to the Judge to certify that the file is trial ready;
4. Once a trial date has been allocated (no more than 1 day) the Plaintiff's attorneys are to immediately serve a Notice of Set Down, by the Sheriff, on the Chief Executive Officer, Chief Operations Officer, Regional Manager and Claims Handler of the Road Accident Fund;
5. No later than 10 days prior to the date of hearing, the Plaintiff's attorneys are to file the following:
  - (a) a brief summary of all the relevant expert reports;
  - (b) an Affidavit by the relevant experts confirming their reports as well as the summaries;
  - (c) brief written submissions by the Plaintiff's legal representative on the issues which the Court has to decide. In this regard should there be a claim for general damages, comparative cases and awards are to be included in the submission to assist the Judge in reaching a conclusion.
6. The matters may then be disposed of on the trial dates without the need to call expert witnesses.

The above procedure will assist in reducing the backlog as well as the crowding of the Court rolls with Road Accident Fund matters.

Failure to comply with the aforesaid, particularly paragraph 5 hereof, will result in the matter being automatically removed from the roll and the Attorneys will have to reapply to have the matter certified for trial once again.

**PROPOSED ORDER TO BE GRANTED BY THE JUDGE WHEN A ROAD ACCIDENT  
FUND MATTER IS REFERRED FOR CASE MANAGEMENT**

1. The matter is certified ready for trial on the issue of liability or quantum or liability and quantum (insert whatever is applicable);
2. The trial is enrolled for hearing on the (date) (this will be provided for by the Registrar);
3. The Notice of Set Down is to be served, immediately, by the Sheriff, on the Chief Executive Officer, Chief Operations Officer, Regional Manager and Claims Handler of the Road Accident Fund;
4. No later than 10 days prior to the trial date, the Plaintiff's attorneys are to file the following:
  - (a) a summary of the expert evidence;
  - (b) Affidavits by the relevant experts confirming their reports as well as the summaries;
  - (c) written submissions on the issues to be determined by the Courts. In respect of general damages, comparative cases and awards are to be included in the summary.

20 September 2021

Judge President Jappie