

Supreme Court of Appeal of South Africa

**MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME  
COURT OF APPEAL**

From: The Registrar, Supreme Court of Appeal

Date: 21 September 2007

Status: Immediate

**RAF v NGUBANE**

*Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal*

Today, the Supreme Court of Appeal (the SCA) dismissed an appeal by the Road Accident Fund against the judgment of the Durban High Court, which ruled that a woman who failed to lodge her claim within a period of two years was entitled to sue the Fund. The Fund had contended that such claim had prescribed and that a claims handler who had agreed to pay the claim after the expiry of two years had no authority to bind the Fund.

The SCA rejected this argument and held that a provision which was enacted for the special benefit of the Fund may be waived by it and by entering into the agreement to pay, the Fund (through the claims handler) had waived its right to demand that the regulation requiring that claims be lodged within two years, be complied with.