

What to do at when you have an accident.

- You must Stop and Help anyone person who has been injured

If you are involved in an accident that causes injury to or the death of anyone, or which causes damage to property or any animal, you are required by law to stop your vehicle.

It is a crime not to stop after an accident, and you could be fined up to R180 000, or sent to prison for up to nine years, or both.

- Get all relevant information of the motor vehicles involved in the accident
 - drivers' names, i
 - identity numbers
 - addresses
 - telephone numbers
 - description of the motor vehicles
 - the registration numbers, and any relevant details from the licence discs
 - the date, time and address of the accident
 - the weather and road conditions when the accident occurred;
 - any information that may be relevant.
- If an employee is driving a motor vehicle on behalf of his/her employer, then the details of the driver and the employer must be taken.
- Call the police or report the accident at the nearest police station:
 - within 24 hours if a person is killed or injured; or
 - on the first working day after the accident if no person was killed or injured.
 - Write down the name of the police officer spoken to and the accident report's reference number.
 - you must stay at the scene until a police officer says you can leave
- Co-operate with all emergency personnel and police who respond to the accident.
- Write down the names, addresses, and phone numbers of all potential witnesses of the accident.

- Take photographs or a video of the following:
 - the scene of the accident, from as many angles and the surrounding area;
 - the injuries; and any damage to property.
 - Draw a sketch plan of the scene of the accident and make sure that it contains a fixed point so that it can easily be traced.
 - Also make a statement about how the accident happened.
 - If a person has been injured, a doctor must be consulted immediately, even if the injury is not serious.
 - If the person is insured, that person has to notify his/her insurance or broker as soon as possible. Write down the name of the person spoken to at the insurance and the reference number of the claim.
- Do not interfere with the evidence.

This information will help you if you want to make a claim against your insurance or against the Road Accident Fund, or if you want to claim the costs of repairs from the other party.

At a later stage, you or your lawyers may need a copy of the accident report that is filled out by the police.

You must NOT drink any alcohol or take any drugs that have a narcotic effect unless it is on doctor's orders.

If the police asks you to go for a medication examination, you must not drink any alcohol or take any drugs that have a narcotic effect before the examination and before you have reported the accident.

If anyone is injured in the accident, the vehicles may not be moved before the police or traffic officer has arrived and said that the vehicles can be moved.

If the accident totally blocks the passage of other vehicles, the vehicle may be moved sufficiently to allow vehicles to pass, but only after you have clearly marked the vehicle positions (for example with chalk or spray paint).

Be aware of the possible legal consequences

Some of the possible legal consequences following an accident are:

- a criminal charge of driving recklessly,
- a criminal charge of driving negligently,
- a criminal charge of culpable homicide,
- a civil claim for damage to property, or
- a civil claim for personal injury.

What must a person NOT do after an accident?

- Move his/her motor vehicle; unless it is necessary for safety or required by law.
- Subject himself/herself to further injury by standing or waiting in an area near traffic or other safety hazards.
- Leave the scene of an accident until the police tell him/her to do so.
- Throw away any potential evidence, such as defective products, important documents, or torn or blood-stained clothing.
- Engage in discussions of fault with anyone as that can be considered evidence in court – do not admit liability.
- Agree to settlement terms without discussing the matter with an attorney.

Can a person claim damages to his/her motor vehicle from the Road Accident Fund (“RAF”)?

- No, the RAF does not cover damages to a person's property, such as:
- damage to his/her motor vehicle;
- damage to his/her other property, for example, clothes; or
- damage to his/her fence or house when someone drives off the road and into the house.
- If a person wants to claim for his/her damaged property, s/he will have to institute a claim in court against the driver of the motor vehicle and/or his/her employer if s/he was driving a company motor vehicle.
- A person has a right to claim for damages caused by injury or death from the RAF if s/he is a victim of an accident as a result of the wrongful (negligent) driving of another. The RAF may compensate a victim of an accident for injury, and in the event of death it may compensate the dependents of that victim for their loss.