

***RAF v SWEATMAN* (162/2014) [2015] ZASCA 22 (20 March 2015)**
A SIMPLE ILLUSTRATION OF THE SCA'S STATUTORY
MISINTERPRETATION OF SECTION 17(4)(C) OF THE ROAD ACCIDENT
FUND ACT 56 OF 1998

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SUMMARY

In *Road Accident Fund v Sweatman* (162/2014) [2015] ZASCA 22 (20 March 2015) (hereafter *Sweatman*) the Supreme Court of Appeal was faced with the interpretation of section 17(4)(c) of the *Road Accident Fund Act* 56 of 1998 (the "cap provision"). The purpose of this note is to assess the court's interpretation of the "cap provision" to determine whether this interpretation is sound. This is achieved by explaining the purpose of the Road Accident Fund and the Amendment Act. Thereafter the general method of calculating loss of income is explored, together with the different interpretations of the "cap provision" and the application thereof. The abovementioned decision of the SCA on the most appropriate interpretation is then critically analysed. It is argued that the court, in *Sweatman*, misunderstood the implication of its decision and was therefore incapable of interpreting the provision correctly. The effect is that one of the primary purposes of the Amendment Act is circumvented.

KEYWORDS: Road Accident Fund; interpretation of statutes; quantification of damages; expert witnesses.

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