**COURT ONLINE COVER PAGE**

IN THE HIGH COURT OF SOUTH AFRICA
**Gauteng Local Division, Pretoria**

CASE NO: **2023-134420**

In the matter between:

| | |
|---|---|
| **THE ROAD ACCIDENT FUND** | Plaintiff / Applicant / Appellant |
| and | |
| **THE LEGAL PRACTICE COUNCIL,THE BOARD OF SHERIFFS,THE SHERIFF PRETORIA CENTRAL,THE SHERIFF PRETORIA EAST,THE SHERIFF CENTURION EAST,THE SHERIFF JOHANNESBURG CENTRAL,THE SHERIFF CAPE TOWN,THE SHERIFF EAST LONDON,THE SHERIFF DURBAN CENTRAL,THE PRETORIA ASSOCIATION OF ATTORNEYS,THE JOHANNESBURG ATTORNEYS ASSOCIATION** | Defendant / Respondent |

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**Notice of Motion (Long Form)**

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**NOTE:** **This document was filed electronica Registrar on 21/12/2023 at 12:42:32 PM South African Standa AST). The time and date the document was filed by the party i d on the header of each page of this document.**

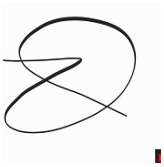
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Private Bag X67, Pretoria 0001

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

ELECTRONICALLY SIGNED BY:

**Registrar of High Court of South Africa , Gauteng Local Division,Pretoria**



**IN THE HIGH COURT OF SOUTH AFRICA**

**GAUTENG DIVISION, PRETORIA**

CASE NUMBER: _____

In the matter between:

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|---|---|
| **THE ROAD ACCIDENT FUND** | APPLICANT |

and




| | |
|---|---|
| **THE LEGAL PRACTICE COUNCIL** | FIRST RESPONDENT |
| **THE BOARD OF SHERIFFS** | SECOND RESPONDENT |
| **THE SHERIFF, PRETORIA CENTRAL** | THIRD RESPONDENT |
| **THE SHERIFF, PRETORIA EAST** | FOURTH RESPONDENT |
| **THE SHERIFF, CENTURION EAST** | FIFTH RESPONDENT |
| **THE SHERIFF, JOHANNESBURG CENTRAL** | SIXTH RESPONDENT |
| **THE SHERIFF, CAPE TOWN** | SEVENTH RESPONDENT |
| **THE SHERIFF, EAST LONDON** | EIGHTH RESPONDENT |
| **THE SHERIFF, DURBAN CENTRAL** | NINTH RESPONDENT |
| **THE PRETORIA ASSOCIATION OF ATTORNEYS** | TENTH RESPONDENT |
| **THE JOHANNESBURG ATTORNEYS ASSOCIATION** | ELEVENTH RESPONDENT |

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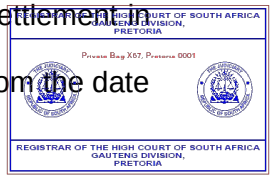
**NOTICE OF MOTION**

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**TAKE NOTICE THAT** the applicant intends to make application on a date to be arranged with the Registrar, for an order in the following terms:

1. That condonation be granted for any non-compliance with the Uniform Rules of Court.

2. That all writs of execution and warrants of attachment against the Road Accident Fund ("the RAF") based on court orders already granted or settlements already reached in terms of the Road Accident Fund Act, 1996 (**'the RAF Act'**), as amended, which are not older than 180 calendar days as from the date of the court order or settlement in question, are hereby suspended for a period of 180 days calendar days from the date of the order or settlement in question.




3. That all writs of execution and warrants of attachment against the RAF based on orders already granted or settlements already reached in respect of legal costs for a plaintiff in third party compensation claims against the RAF are hereby suspended -

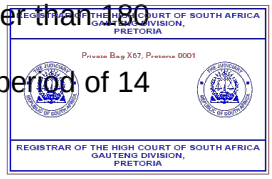
   3.1 In matters where the bill of costs has been settled with the RAF internally within six months from the date that the order was granted, or from when the settlement was reached, then the suspension will be for 180 days determined from the date of the settlement of the bill of costs;

   3.2 In matters where the bill of costs has been settled with the RAF internally, but the date when it was settled exceeded six months from when the order was granted or the settlement was reached, then the suspension duration will be calculated as follows – 180 days, reduced by each day beyond the six month mark, until reaching a minimum suspension of 45 days;

3.3 In cases where the bill of costs is not settled internally with the RAF but had to be taxed by the Taxing Master, then the suspension will be for 45 days post-taxation by the Taxing Master;

3.4 The suspension period shall be the earlier of the three conditions set by the orders above.

4. That all writs of execution and warrants of attachment against the RAF based on claims for interest on capital amounts already paid to claimants which are not older than 180 days from the date of payment of the capital amount are suspended for a period of 14 days.




5. That all attorneys who represent a claimant and whose matters have not been placed on the RNYP list, are to provide the RAF with a list of matters which do not appear on the RNYP list by email to 45A-order@raf.co.za within 30 Court days from the date of this order.

6. That the RAF is ordered to place all matters referred to in paragraph 5 above on the RNYP list within 30 court days from the date mentioned in paragraph 5 and should the RAF fail to load such matters on the RNYP list, then the matter may be executed, notwithstanding the age of the judgment. This order shall not deprive the RAF of the right to contest such execution in terms of any law.

7. That the RAF is ordered to pay all personal capital compensation claims based on court orders already granted in terms of the RAF Act, 1996, which are older than 180 days from the date that the RAF was informed thereof by email to 45A-order@raf.co.za within 30 days from the date set out in paragraph 6, provided that the RAF has been properly notified by an attorney who represents the claimant that have such claims that

are older than 180 days of the existence of such claims within 30 days from the date of this order by email to as set out in paragraph 5. This order shall not deprive the RAF of the right to contest the order in terms of any law.

8. The applicant is to continue distributing the RNYP list to the attorneys on its database on a bi-monthly basis.

9. The applicant is to continue with its process of making payment of the oldest claims first by date of court order or date of written settlement agreement *a priore tempore*.




10. Supplier claims, as defined in the Road Accident Fund Act, 1996, are excluded from the above moratorium on payments.

11. The above order will be published by the applicant:

11.1 to all practicing attorneys through the Legal Practice Council;

11.2 by email to all of the applicant's list of attorneys on its database;

11.3 by publication in 2 major newspapers with national circulation.

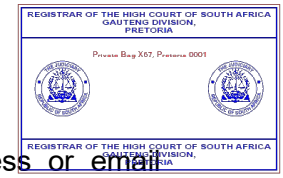
12. Directing that any paty who opposes the relief sought be ordered to pay the applicant's costs, including the costs of three counsel.

13. Further and/or other alternative or just and equitable relief.

**TAKE FURTHER NOTICE THAT** the affidavit of **COLLINS PHUTJANE LETSOALO**, together with annexures, if any, will be used in support of this application.

**TAKE FURTHER NOTICE THAT** the applicant appointed **MALATJI & CO**. attorneys situated at **FIFTH FLOOR, THE RIDGE, 1 DISCOVERY PLACE, SANDTON, GAUTENG** at which address the applicant will accept notices and service of all process in these proceedings and that the Applicant accepts electronic service at the following addresses: tmalatji@mcinc.africa and seloff@mcinc.africa.

**TAKE NOTICE FURTHER THAT IF YOU ELECT TO OPPOSE THIS APPLICATION, YOU MUST:**




1. Notify the applicant's attorneys by written notice at the above address or email addresses on or before **8 JANUARY 2024**, failing which the matter will proceed on an unopposed basis;

2. Appoint in the notification referred to in paragraph 1 above an address referred to in Rule 6 (5)(b) of the Uniform Rules of Court at which address you will accept notice and service of all documents in these proceedings;

3. File your answering affidavit, if any, by **22 JANUARY 2024.**

**DATED AT JOHANNESBURG ON THIS 21ST DAY OF DECEMBER 2023.**

**MALATJI & CO ATTORNEYS**
Attorneys for the applicant
5th floor, The Ridge
1 Discovery Place

Cnr Katherine & Rivonia Road
Sandton
Tel: (011) 072 2600
Email: tmalatji@mcinc.africa
seloff@mcinc.africa
**REF: T. MALATJI/S ELOFF/M00532**
**C/O DITSELA ATTORNEYS**
4th floor, 467 West Avenue
Die Hoewes, Centurion
PRETORIA
Tel: 012 051 9953
Email: jones@ditsela.com

**TO:** **THE REGISTRAR OF THE HIGH COURT**
**PRETORIA**




**AND TO:**

**THE LEGAL PRACTICE COUNCIL**

FIRST RESPONDENT

EMAIL: directorgp@lpc.org.za, info@lpc.org.za

**THE BOARD OF SHERIFFS**

SECOND RESPONDENT

EMAIL: contacts@sherif's.org.za

**THE SHERIFF, PRETORIA CENTRAL**

THIRD RESPONDENT

EMAIL: ptacentral@sheriffnet.co.za

**THE SHERIFF, PRETORIA EAST**

FOURTH RESPONDENT

EMAIL: shefeast@mweb.co.za

**THE SHERIFF, CENTURION EAST**

FIFTH RESPONDENT

EMAIL: skokeng@sheriffcenturioneast.co.za

**THE SHERIFF, JOHANNESBURG NORTH**

SIXTH RESPONDENT

EMAIL: michelle@sheriffjhbnorth.co.za

**THE SHERIFF, CAPE TOWN WEST**

SEVENTH RESPONDENT

EMAIL: admin@sheriffctwest.co.za




**THE SHERIFF, EAST LONDON**

EIGHTH RESPONDENT

EMAIL: Sheriff.eastlondon@gmail.com

**THE SHERIFF, DURBAN CENTRAL**

NINTH RESPONDENT

EMAIL: thando@sdco.co.za

**THE PRETORIA ASSOCIATION OF ATTORNEYS**

TENTH RESPONDENT

EMAIL: ppv@ppv.co.za and nicolette@dwm-attorneys.co.za

**THE JOHANNESBURG ATTORNEYS ASSOCIATION**

ELEVENTH RESPONDENT

EMAIL: viv@jaa.org.za and joewadee@wadeeatt.co.za