

on each piece of legislation. It is in this respect that the book serves its most useful purpose: the commentaries are by experts in the areas concerned.

Not surprisingly, the first chapter deals with the property clauses in the Interim and Final Constitutions. It is a well-written commentary and will prove a welcome addition to the learning on the property clauses.

The legislation dealing with land development is the Development Facilitation Act 67 of 1995 ("the DFA"). Here too, the commentary, this time by Johan Latsky, is most useful in placing the DFA in its proper context. The DFA is not an easy piece of legislation. Latsky's approach is pragmatic: avoid deep analysis and concentrate on providing useful guides to practitioners – and perhaps even developers themselves – on how the Act should be used to fulfil its main objective, namely facilitating the development of land. One note of caution: the DFA regulations have been completely re-written and are awaiting ratification. The revision services will obviously bring readers up to date.

The third chapter is written by Theunis Roux. It deals with the Restitution of Land Rights Act 22 of 1994. Here, too, the author concentrates on practical application – rather than in-depth analysis. But this is what practitioners will applaud. It should be noted, however, that there is no commentary on Chapter III of the Act: the intention is that this will be included in the revision services.

Also contained in the book are texts of the following Acts: the Law Reform (Labour Tenants) Act 3 of 1996 (together with the Arbitration Rules made thereunder); the Communal Property Association Act 28 of 1996; and the Interim Protection of Informal Land Rights Act 31 of 1996. Commentary on these Acts too will follow in the revision services.

This is a publication which is likely to prove essential reading for anyone concerned with land rights and land development. And it will probably become the handbook of practitioners in these areas of the law.

Vasantrai Soni  
Durban Bar

## GCB news

*continued from p 8.*

### The Road Accident Fund

Comments by Dan Nesor SC of the Pretoria Bar

**D**uring 1998 the Minister of Transport seemed determined to pilot through Parliament a new Act which, one must assume, would have been along the lines of the Bill (third draft) which was published at the beginning of 1998 and which would make dramatic changes to the compensation which road accident victims would receive. The GCB proposed that the entire question of whether changes were to be made to the existing legislation and, if so, the nature of such changes rather be considered by a judicial commission and that the proposed legislation be shelved until after the commission had furnished its report. Then, lo and behold, without any real effort from our ranks, the Minister, for some or other reason, decided to abandon the new legislation and to have a commission appointed. The English text of the Act providing for the appointment of the commission was signed by the President and assented to on 28 September 1998. The introduction reads: "To provide for the establishment of a commission of enquiry to enquire into and to make recommendations regarding a system for the payment of compensation or benefit or a combination of compensation and benefits in the event of an injury or death of persons in road accidents and to provide for incidental matters".

The functions of the commission are set out in section 5 of the Act and do not appear to limit the commission in their enquiry in any way whatsoever. Although the chairman of the commission has not been appointed yet, Mrs A Roux has been appointed as secretary. We take this opportunity to welcome the commissioners when they are appointed and Mrs A Roux to this forum. We have good reason to look forward to a happy, healthy and constructive debate with the commission. One must not forget the past history when we were instrumental in caucusing for the appointment of a new board which resulted some time

ago when Mr Peter Botbijn, as chairman, and various other more acceptable people were appointed to the Board. They were more readily available to discuss problems and solutions than their predecessors. Mr Botbijn is an ex-attorney who specialised in third party work and has made himself accessible to any who would like to discuss problems and/or solutions. As a matter of fact, we looked forward to the new year when attorneys, the Road Accident Fund and ourselves would be making what we believe to be similar recommendations to the commission whilst differing on the less important aspects only.

We have all along enjoyed the co-operation and what is more, common purpose with our colleagues representing the Law Society of South Africa and it is thus with sadness that we take note of the present issue which exists between the Law Society of South Africa and the RAF. This issue is highlighted by a heading in the January 1999 issue of *De Rebus* which reads as follows: "The Law Society speaking for all its constituent members has asked the RAF to end its investigation and misinformation campaign against the attorneys' profession".

This relates to a perception on the part of attorneys that the RAF is co-ordinating an unacceptable campaign against the profession. Mr Botbijn sums his viewpoint up as follows: "At a meeting I extended a hand of friendship and co-operation of my Board to your Society, asking you that together we should devise ways and means of addressing the corruption practised by a minority of attorneys in respect of compensation awarded to road accident victims and that my Board had expressed the hope that we could go public on this". (The underlining is mine)

I believe that we can assist the Law Society and the RAF in coming to some sort of acceptable agreement in connection with the manner in which complaints should be dealt with. Once that has been achieved, we have every reason to believe that by way of sensible and constructive debate, we will be able to make meaningful recommendations to the commission. We hope that this rather small contentious matter can be settled for the good of all those involved in wanting to see the Fund managed and organised for the benefit of people who suffer in road accidents. 