

The Third-Party Claim Checklist

What to do when another driver damages your vehicle in South Africa

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Taking the Sting Out of Legal Problems Since 1974

Around 65 to 70 percent of vehicles on South African roads carry no insurance. If one of them damages your car, what you do in the first week usually decides what you are paid. Keep this page in your cubbyhole and work through it in order.

1 At the scene, before anyone drives away

- ☐ **Photograph** both vehicles from four angles, the damage close up, the number plates, the road position, skid marks, traffic signs and the weather.
- ☐ **Collect the other driver's** full name, identity number, residential address, cellphone number, vehicle registration, make and model, insurer and policy number if they have it.
- ☐ **Take witness names and cellphone numbers** before they leave. Independent witnesses win these cases more often than anything else.
- ☐ Do not admit fault, apologise in writing, or discuss who was to blame. Stick to the facts.
- ☐ If anyone is injured or the vehicles cannot be moved, call the police to attend.

2 Within 24 hours

- ☐ **Report the accident to the police** and obtain the accident report number. Keep it somewhere you will find it in two years.
- ☐ **Get the admission of fault in writing.** A WhatsApp saying "sorry, I did not see your car" is evidence. Screenshot it, email it to yourself, and back it up.
- ☐ **Notify your own insurer**, even if you do not intend to claim from them. Most policies require it.
- ☐ Write down your own account of what happened while it is fresh, and date it.

3 Proving what it cost you

- ☐ **Get two independent repair quotes** from panel beaters you chose, not only the one the insurer sends you.
- ☐ **Get an assessor's report** if the vehicle may be written off, so you can test the pre-collision value and the salvage figure.
- ☐ **Keep every receipt:** towing, storage, car hire, Uber or taxi fares, and any other out-of-pocket expense.
- ☐ Do not have the car repaired before it has been photographed and quoted.

Three things people get wrong

Your claim is against the driver, not their insurance company, because you are not a party to their policy. Their excess is not yours to pay. And a first offer is a starting position, not a verdict.

Record of the collision (complete this at the scene)

Date _____	Time _____
Place _____	
Other driver, full name _____	
ID number _____	Cellphone _____
Vehicle registration _____	Insurer _____
Police accident report no. _____	Witness and number _____

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What you are entitled to claim

The principle: you must be put back, in money, in the position you were in immediately before the collision. No better off, no worse off.

- ☐ **If the car can be repaired: the reasonable cost of repair**, supported by two independent quotes.
- ☐ **If the car is written off:** the market value of the car immediately before the collision, less what the wreck fetches as salvage.
- ☐ **Add:** reasonable towing and storage charges, proved by invoice.
- ☐ **Add:** reasonable car hire or alternative transport while the vehicle is off the road, proved by invoice.
- ☐ **Do not accept a deduction for the other driver's excess.** You never agreed to it and got no premium discount for it.
- ☐ **Remember your duty to mitigate:** you must take sensible steps to stop the damage getting worse while the claim runs.

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Your letter of demand: what it must contain

Address it to the driver and send a copy to the insurer. The driver is the insurer's client and has the leverage. Send it by email and keep the delivery record.

- ☐ The date, time and exact place of the collision, and both vehicle registrations.
- ☐ A short factual description of how it happened and why the driver was negligent.
- ☐ The amount claimed, broken down: repairs, towing, storage, car hire.
- ☐ A list of what you have attached: photographs, both quotes, the police accident report number.
- ☐ A clear deadline for payment, usually 14 days, and a statement that you will issue summons if it passes.
- ☐ Never mark it "without prejudice" unless you know why you are doing so.

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Deadlines and which court

- ☐ **Three years to issue summons**, from the date you know who is responsible and know the facts you need to sue on. Negotiating with an insurer does not stop that clock.
- ☐ **Diarise that date** the day the collision happens. Put it in your phone, not on a scrap of paper.
- ☐ **Small Claims Court:** up to R30 000. Free, informal, no attorneys on either side. Limit raised from R20 000 on 1 August 2026.
- ☐ **Magistrates' Court:** up to R200 000 in the district court, and up to R400 000 in the regional court.
- ☐ **High Court:** claims above R400 000, and complex business or fleet losses.
- ☐ **Sign nothing "in full and final settlement"** until you are satisfied that hidden damage found on strip-down is covered. Once you sign, you cannot come back for the balance.

If the other driver has no insurance and no money

A judgment against someone with no assets is a hollow victory. A payment arrangement made an order of court is often worth more. If the driver was working at the time, their employer may be liable for their negligence, which is always worth investigating.

Not sure the offer is fair? Speak to us before you sign.

We have been recovering what South Africans are owed since 1974. Tell us what happened and we will tell you plainly what your claim is worth and what it will cost to pursue it.

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