



KNOW THE LAW

The superior newsletter from Clientèle Legal

“EVEN DURING LOCKDOWN, CLIENTÈLE LEGAL PROTECTED MY JOB!”



Clive Naidoo – Actual client



Clientèle Legal handled many cases during lockdown, including unfair dismissals, divorces and family matters. We also came to the rescue when Clive Naidoo contacted us about a labour case. “I was unfairly dismissed,” says Clive. “Lockdown was already very tough, so to have this happen during that time was extremely stressful. Luckily I had a lawyer I could turn to.” Clientèle Legal took over the matter, which included a CCMA hearing. It was settled in Clive’s favour. “If I did not have a Clientèle Legal policy, I would not have been able to afford professional assistance. I would have lost my case,” says Clive. “I am extremely grateful and impressed. The service was meticulous and quick. I knew where I stood every step of the way.”

Chris Geldenhuys from Clientèle Legal says labour matters are becoming more and more prevalent during the pandemic. “We are here to assist you with a nationwide panel of attorneys and advisors. We will guide you through the CCMA process, and even represent you at Labour Court.”

Clive says the victory was more than just his job: “It felt great that justice was served. It is good to know there are still companies out there who set the wrongs right.”

LAWYER’S TIP
“Labour matters? You are not alone. Call me, I know what to do.”

Chris Geldenhuys – Clientèle Legal

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TOP THREE THINGS TO KNOW

ROAD ACCIDENT FUND CLAIMS (RAF) CLAIMS



1

WHO CAN CLAIM FROM THE RAF

Anyone who has been the victim of an accident caused by the wrongful driving of another person within the Republic of South Africa. For instance when a pedestrian has been knocked down or a passenger has been injured in transit. The RAF is financed via fuel levies all commuters contribute to. You can do this yourself or ask your Clientèle Legal lawyer to help. It is covered in your policy.



2

WHAT CAN BE CLAIMED FOR

A person that suffers bodily injury or the family of people who have lost a loved one in a car accident may claim damages for, amongst others: past and future income and earning capacity, past and future travelling expenses to get medical treatment, the cost of employing an assistant or nurse, medical costs and funeral expenses.



3

HOW TO CLAIM

You can find the relevant forms at: www.raf.co.za if you want to claim. Fill in the forms carefully. You will be required to supply all the details of the accident, including police reports and medical reports. All forms must be submitted in hard copy on the official RAF forms required. Email documents are not accepted.

WEIRD LAWS AROUND THE WORLD

THE LIGHTER SIDE



It is illegal to:

- Go shirtless in Barcelona
- Swear in the U.A.E.
- Shoot water pistols at New Years in Cambodia

(Source: farandwide.com)



IN THE NEWS

GYM MEMBERSHIPS AND LOCKDOWN



The COVID-19 pandemic has seen lockdown move from one level to another and with it, some services become unavailable or restricted. As a consumer, what are your rights in terms of your gym membership? What are your options if your gym is not able to deliver to you the services for which you are paying every month?

It depends on what is written on your contract. If it includes a force majeure or “Act of God” clause, it will absolve the gym from meeting its obligations to you because it is something over which they have no control. It might also provide the basis for gym members to limit their obligation to honour the contract.

A similar contractual principle is that of ‘supervening impossibility.’ It refers to a major event which renders contractual obligations impossible after the contract was concluded and that the relevant event could not have reasonably been foreseen or prevented.

For the most part gym membership agreements are considered fixed-terms agreements as per our Consumer Protection Act. The CPA allows consumers to cancel fixed-term contracts by giving 20 days’ written notice, but the company is entitled to charge a ‘reasonable’ cancellation penalty. This penalty will be written into your contract, but often ranges from 30% to 80% of the fees payable

for the remainder of the member’s contract. It is also considered ‘reasonable’ if a company offers alternative options, for instance vouchers or free additional training at the end of the contract.

In South Africa, some gyms have decided to ‘freeze’ members’ accounts for the time when it is not allowed by law to attend. Most gyms will negotiate a reduced fee for the months when full services were not rendered or offer value added items as a compensation.

As the pandemic enters third and possible fourth waves, consumers are advised to peruse their gym contracts carefully and see how respective gyms have treated their members in the previous hard lockdown periods. Cases should be treated on an individual basis. Negotiation and compromise is a good way to approach it during a time when many areas of life are uncertain, but personal health remains a priority.

CASE STUDY

During lockdown, Clientèle Legal successfully helped a client negotiate terms with their gym after a dispute over the contract cancellation.

We are there for you, every step of the way.

SUPERIOR LEGAL SERVICES IN ACTION

KNOW YOUR LAWYER



“Law is all around us; from the moment you wake up and have your coffee, to when you go to a shop, to when you are at work and even when you are on social media! Everything is influenced by legislation. The idea of having in-depth knowledge about this aspect of life excited and intrigued me, that is why I opted to become a lawyer. Working at Clientèle Legal enables me to do what I love and help people daily, ensuring they are well advised and that their legal rights are protected.”

Chris Geldenhuys

Clientèle Legal Lawyer



Clientèle
LEGAL

DID YOU KNOW?

POLICY EXCLUSIONS

Clientèle Legal plans cover a range of civil, criminal and labour related matters which are important to our clients. There are instances where we will not be able to cover you because it goes against our moral position as a business. These include violent crimes, or acts tainted with illegality. An example of this is murder, a violent crime for which we will not be able to represent you. We will also not be able to provide full representation if your

case is ‘pre-existing’, which means the matter commenced before you took out the policy. We will still be available to provide assistance, and guidance on the claim. Remember most civil matters can be resolved with a phone call or a letter. You are not alone. For a full list of exclusions, visit our website at:

<https://clientele.co.za/legal-exclusions/>

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