SINCEPHETELO MVA FUND

ALL YOU YOU NEED TO KNOW

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Who We Are

The Motor Vehicle Accidents Fund (MVA Fund) commenced operations under the fuel levy system on the 1st of January 1988.

The SMVA Fund was established by an Act of Parliament under the Motor Vehicle Accidents Act No. 13 of 1991 as the instrument by which the Government of Eswatini compensates road accident victims who have suffered bodily injuries or loss of support following the death of breadwinners. Between 1973 and 1986, compensation to road victims was operated by the Insurance Industry under Third Party premiums. Due to the horrendous and escalating accidents rate, the Insurance Industry was compelled to increase Third Party premiums by percentages that were high.

The Government of Eswatini became concerned that most people would not afford Third Party cover and road victims could be left without compensation, hence the establishment of the SMVA Fund. The fuel levy Fund has the same concept of Third-Party insurance in that there are three people (parties) involved in this type of compensation. The SMVA Fund is the first party who enters into contract with the driver/ owner of the motor vehicle who is the second party. The second party (driver/owner) will pay to the first party, through a fuel levy, and the SMVA Fund will then indemnify the second party against claims of Third Parties (road victims) who are injured or killed through fault of the second party.

The mandate of the SMVA Fund is therefore defined clearly in the Act as being "to provide for compensation for certain loss or damage caused unlawfully by means of motor vehicles and for matters incidental thereto". Compensation under the fuel levy system is therefore a legal right deriving from the law of delict and founded on the juristic notion that if X commits a wrong against Y, which results in Y suffering damages (either by an act or by omission), then X is obliged by law to restore Y to his/her original position, or in other words, to compensate him or her.

Why We Are Changing?

The law that governed the Fund since 1991 has been replaced. The Motor Vehicle Accidents Fund Act, 2026 (Act No. 4 of 2026) was enacted by the King and Parliament of the Kingdom of Eswatini and introduces a stronger, fairer, and clearer system for all road users.

The new Act was necessary because:

- The old law was outdated and no longer reflected the realities of road accidents and medical costs in Eswatini today.
- Compensation limits needed to be updated to provide meaningful relief to accident victims and their families.
- The rules around who qualifies and how much they receive needed to be clearer and fairer.
- The Fund's mandate has been expanded to include road safety education and accident prevention.
- Governance of the Fund has been strengthened to ensure accountability and transparency.

The process of developing this new law began in 2017, involved public consultations across the country, and was signed into law in 2026 after thorough parliamentary processes.

Who Can Claim?

You may claim from the SMVAF if you suffered loss or harm as a result of a motor vehicle accident in Eswatini that was caused by the negligent or unlawful driving of another person.

This includes:

- People injured as drivers, passengers, or pedestrians
- Family members of a person who died in a motor vehicle accident
- A person acting on behalf of someone who cannot claim for themselves, such as a child or a person with a legal disability

You do not need to know who the driver was or whether the vehicle was identified. The Fund can still consider your claim.

What Can You Claim For?

Depending on your circumstances, your claim may include one or more of the following:

Medical Expenses: Costs of treatment, hospitalisation, rehabilitation, assistive devices, and home modifications needed as a result of your injuries. The maximum the Fund will pay is **E1,800,000.**

Funeral Expenses: A contribution towards the burial or cremation of a person who died in a motor vehicle accident. The maximum is **E15,000.**

Loss of Support: If a breadwinner in your family died in an accident, their dependants can claim for the financial support they have lost. The maximum for all dependants combined is **E2,000,000.**

Loss of Earnings: If your injuries prevent you from working and earning income, either temporarily or permanently, you can claim for the earnings you have lost. The maximum is **E1,000,000.**

Loss of Earning Capacity: If your injuries permanently reduce your ability to earn income in the future, even if you are still working. The maximum is **E500,000.**

General Damages: compensation for pain and suffering, loss of amenities of life, and disfigurement. The amount depends on how serious your injuries are.

Incidental Expenses: Smaller costs related to your claim such as transport, meals, and accommodation during investigations. The maximum is **E5,000.**

Curatorship Fees: If a court appoints a curator to manage the affairs of a seriously injured claimant, the Fund will cover these fees up to **E18,000** per year.

IMPORTANT: The total amount the Fund will pay out in respect of any single motor vehicle accident is capped at E3,000,000.

Understanding Injury Categories

One of the most important changes in the new Act is how general damages (compensation for pain, suffering, and loss of quality of life) are calculated.

Under the new law, the amount you receive is determined by how serious your injuries are, not by whether you were a driver, passenger, or pedestrian.

There are four injury categories:

MINOR INJURIES — up to E9,000
These are superficial injuries such as cuts, bruises, and sprains that do not require hospitalisation. Treatment is straightforward and does not involve specialist doctors. You are expected to make a full recovery, and your injuries will not affect your earnings or your quality of life in the long term. Pain is short-lived and bearable.

MODERATE INJURIES — up to E55,000
These injuries are more serious and may require hospitalisation, typically for up to seven days. You may need one or two specialist doctors. Your earnings may be affected temporarily, and you may experience acute pain during recovery. Full recovery is expected, although there may be some minor permanent effects that do not significantly change your way of life.

SEVERE INJURIES — up to E100,000
These are serious injuries that require extensive treatment involving two or more specialist doctors. Hospitalization is required. Your ability to earn a living may be permanently affected, though rehabilitation may help restore some earning potential. You will likely have a permanent impairment, and your mental faculties or life expectancy may be impacted. Recovery requires long-term rehabilitation.

CATASTROPHIC INJURIES — up to E250,000
These are the most serious injuries, where your life is at risk and you may be left in a Persistent Vegetative State (PVS) — a condition of complete and permanent unconsciousness. You will be entirely dependent on others for all daily activities. Your earning capacity is permanently and completely lost, and rehabilitation cannot restore it. Your life expectancy is significantly shortened.

Please note: General damages exceeding **E50,000** may be paid in instalments over a period of up to five years, without interest.

Loss Of Support

If someone who financially supported your family dies in a motor vehicle accident, their dependents can claim loss of support from the Fund. The maximum amount for all dependants combined is E2,000,000.

The Fund calculates the support the deceased would have provided based on their income. That total support amount is then divided proportionally among qualifying dependants

Support for adult dependents (spouse, parents, grandparents) is assumed to be lifelong. Support for children is paid until they reach the age of 25, unless they become financially independent before then.

If the deceased was a student or between jobs at the time of the accident, the Fund will still accept liability and calculate support based on the applicable minimum wage.

Response Timeframe

The new Act introduces clear deadlines to make sure your claim is handled without unnecessary delay.

Once you have lodged your claim, the Fund must tell you within 14 days whether it accepts or rejects liability.

After accepting liability, the Fund must make you a settlement offer within the following timeframes:

- Funeral expenses claim: 3 days
- Minor injury claim: 60 days
- Moderate injury claim: 90 days
- Loss of support claim: 90 days
- Severe injury claim: 180 days
- Catastrophic injury claim: 240 days

If the Fund does not meet these deadlines or rejects your claim, you have the right to take the matter to court.

Important **Deadlines**

Prescription rules do not apply to minors, people under guardianship, or persons with a legal disability. Their right to claim is protected until they are in a position to claim for themselves.

12 months from the date of the accident — this is how long you have to lodge your claim with the Fund. If you do not claim within this period, you may lose your right to compensation.

12 months from rejection — if the Fund rejects your claim or makes an offer you reject, you have 12 months to institute legal proceedings against the Fund.

30 days to accept an offer — when the Fund makes you a settlement offer, you have 30 days to accept it or submit a written counter-offer. If you do not respond within 30 days, the Fund may transfer the settlement amount to a separate account and hold it for you subject to further notice.

3 months to apply for a prescription waiver — if your claim has lapsed because you did not lodge it within 12 months, you may apply to the Fund for a waiver within 3 months of the prescription date, provided you can show special circumstances for the delay.

Drivers **At-Fault**

The SMVAF exists to protect victims of motor vehicle accidents — not those who cause them.
If you were the driver responsible for causing the accident through your own negligent or unlawful driving, you are not entitled to claim compensation from the Fund for your own injuries or losses arising from that same accident.

The Fund will only compensate a claimant where the loss or harm suffered was caused by the fault of another driver — not the claimant themselves.

Additionally, where the Fund pays out compensation to victims of an accident you caused, the Fund has the right to recover that money from you — particularly if at the time of the accident you were:

- Driving under the influence of alcohol or drugs
- Driving recklessly
- Driving without a valid driving licence
- Driving a defective vehicle
- Driving a stolen vehicle

How to Lodge Your Claim

Follow these steps to submit your claim:

Step 1
Get a claim form. Collect a claim form from any SMVAF office or download it from the SMVAF website.

Step 2
Attach your documents. Your claim must include a medical report completed by a registered health practitioner describing the nature and cause of your injuries or the death of your family member. Include any other supporting documents such as a police report, death certificate, or proof of income.

Step 3
Submit your claim. You can submit your claim by hand at any SMVAF office, by registered post, or by electronic means. Make sure you receive written acknowledgement of receipt and the date your claim was submitted — this date determines your prescription timeline.

Step 4
Wait for the Fund's decision. The Fund will notify you within 14 days whether it accepts or rejects liability for your claim.

Step 5
Respond to the settlement offer. Once the Fund accepts liability, it will make you a settlement offer within the timeframes set out in this guide. You have 30 days to accept or respond with a counter-offer.

Step 6
Seek legal advice if needed. If your claim is rejected or you are unhappy with the offer, you have the right to be represented by a legal practitioner and to take the matter to court in Eswatini.

Get In Touch

For more information, to request a claim form, or to enquire about your claim, contact the Sincephetelo Motor Vehicle Accidents Fund:

Contact Us :

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