

EXTRAORDINARY



16
BUITENGEWONE

THE UNION OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

VOL. CXV.] PRICE 6d.

CAPE TOWN, 20TH FEBRUARY, 1939.
KAAPSTAD, 20 FEBRUARIE 1939.

PRYS 6d. [No. 2609.

HOUSE OF ASSEMBLY,
16th February, 1939.

The following Bills, having been introduced into the House of Assembly, are published in accordance with Standing Order No. 160.

DANL. H. VISSER,
Clerk of the House of Assembly.

	PAGE
A.B. 20—'39. Motor Vehicle Insurance Bill ..	ii
A.B. 21—'39. Liquor Amendment Bill ..	xx

VOLKSRAAD,
16 Februarie 1939.

Die volgende Wetsontwerpe, ingedien in die Volksraad, word gepubliseer ingevolge Art. 160 van die Reglement van Orde.

DANL. H. VISSER,
Klerk van die Volksraad.

	BLADSY
A.B. 20—'39. Motorvoertuig- Assuransie Wets- ontwerp ..	iii
A.B. 21—'39. Drank-Wysigingswetsontwerp ..	xxi

BILL

To provide for compensation for certain loss or damage caused unlawfully by means of motor vehicles and for matters incidental thereto.

(Introduced by the MINISTER OF THE INTERIOR.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. (1) In this Act, unless inconsistent with the context—

“authorized insurer” means a person who or an association 5
of persons which is entitled to carry on insurance
business in the Union or in the mandated territory
of South West Africa;

“insurance period” means, in relation to—

(a) a motor cycle (either with or without a side car): 10
the period from the first April in any year to the
thirty-first March in the following year;

(b) a motor vehicle (other than a motor cycle) which
is designed primarily for the conveyance of
persons and which is not used for the conveyance 15
of persons for reward: the period from the first
May in any year to the thirtieth April of the fol-
lowing year;

(c) any other motor vehicle: the period from the
first June in any year to the thirty-first May of 20
the following year;

“mandated territory of South West Africa” includes
the port and settlement of Walvis Bay;

“Minister” means the Minister of Finance or any other
Minister acting in his stead; 25

“motor vehicle” means any vehicle designed for prop-
ulsion on a road by means of any power (other
than human or animal power) without the aid of
rails, but does not include—

(a) a vehicle designed for propulsion by means of 30
human power with the assistance of mechanical
power;

(b) a vehicle weighing not more than five hundred
pounds which is specially constructed (and not
merely adapted) for the use of persons who suffer 35
from a physical defect or disability, and which
is designed to carry only one person;

(c) a roller;

“owner”, in relation to a motor vehicle, includes a
person who has received that vehicle by virtue of 40
an agreement in terms whereof that vehicle will
become his property when certain conditions have
been fulfilled and a person to whom that vehicle has
been lawfully entrusted for disposal;

“period of validity”, in relation to a policy, means 45
the period defined in the policy as the period in
respect whereof the authorized insurer concerned
has bound himself by that policy to pay compensation;

“policy” means a contract mentioned in sub-section (1)
of section two; 50

“regulation” means a regulation made under section
seventeen.

(2) For the purposes of this Act a motor vehicle shall be
deemed to be driven if it is propelled by any mechanical,
animal or human power or by gravity or momentum. 55

(3) For the purposes of this Act a person who has placed
or left a motor vehicle at any spot shall be deemed to be
driving that motor vehicle while it moves from that spot
as a result of gravity, or while it is stationary at that spot
or at a spot to which it moved from the firstmentioned spot 60
as a result of gravity (unless, in either case, another person
caused it to be so moved).

WETSONTWERP

Om voorsiening te maak vir vergoeding van sekere verlies of skade onregmatig veroorsaak deur middel van motorvoertuie en vir daarmee in verband staande sake.

(Ingedien deur die MINISTER VAN BINNELANDSE SAKE.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. (1) Tensy uit die samehang anders blyk, het onderstaande 5 uitdrukings in hierdie Wet die volgende betekenisse—
„bevoegde assuradeur” beteken ’n persoon of ’n vereniging van persone wat geregtig is om assuransiëbesigheid in die Unie of in die mandaatgebied Suidwes-Afrika te verrig;
10 „assuransietydperk” beteken, met betrekking tot—
(a) ’n motorfiets (hetsy met of sonder syspan): die tydperk vanaf een April in een of ander jaar tot een-en-dertig Maart in die volgende jaar;
15 (b) ’n ander motorvoertuig as ’n motorfiets, wat ver naamlik ingerig is om persone te vervoer en wat nie gebruik word om persone teen vergoeding te vervoer nie: die tydperk vanaf een Mei in een of ander jaar tot dertig April in die volgende jaar;
20 (c) enige ander motorvoertuig: die tydperk vanaf een Junie in een of ander jaar tot een-en-dertig Mei in die volgende jaar;
„mandaatgebied Suidwes-Afrika” omvat die hawe en nedersetting Walvisbaai;
„Minister” beteken die Minister van Finansies of ’n ander 25 Minister wat namens hom optree;
„motorvoertuig” beteken enige voertuig wat ingerig is om op ’n pad voortbeweeg te word deur middel van ’n ander krag as mense- of dierekrag, sonder behulp van spoorstawe, dog dit omvat nie—
30 (a) ’n voertuig wat ingerig is om voortbeweeg te word deur middel van mensekrag, met behulp van meganiese krag;
(b) ’n voertuig wat nie meer as vyfhonderd pond weeg nie wat spesiaal vervaardig (en nie slegs omge- 35 werk is nie) vir die gebruik van lyers aan ’n liggaamlike gebrek of ongeskiktheid en wat ingerig is om slegs een persoon te dra;
(c) ’n roller;
„eienaar”, met betrekking tot ’n motorvoertuig, omvat 40 iemand wat daardie voertuig ontvang het kragtens ’n ooreenkoms wat beding dat daardie voertuig sy eiendom sal word wanneer sekere voorwaardes vervul is, en ’n persoon aan wie daardie voertuig wettig toevertrou is om dit van die hand te sit;
45 „geldigheidstermyn”, met betrekking tot ’n polis, beteken die tydperk wat in die polis vasgestel is as die tydperk waaroor die betrokke bevoegde assuradeur hom deur daardie polis verbind het om skadevergoeding te betaal;
50 „polis” beteken ’n kontrak bedoel in sub-artikel (1) van artikel twee;
„regulasie” beteken ’n regulasie, uitgevaardig ingevolge artikel sewentien.
(2) By die toepassing van hierdie Wet word beskou dat ’n 55 motorvoertuig gedrywe word as dit voortbeweeg word deur meganiese, mense- of dierekrag of deur swaarte of momentum.
(3) By die toepassing van hierdie Wet word beskou dat iemand wat ’n motorvoertuig op een of ander plek gesit of gelaat het, daardie motorvoertuig dryf terwyl dit deur swaarte 60 van daardie plek weg beweeg word of terwyl dit staan op daardie plek of op ’n plek waarheen dit vanaf eersbedoelde plek deur swaarte beweeg geword is (tensy in die een sowel as in die ander geval iemand anders daardie beweging veroorsaak het).

Woordomskrywing.

Nature of
insurance under
this Act.

2. (1) Subject to the provisions of sections *ten* and *sixteen*, a motor vehicle shall be deemed to be insured, for the purposes of this Act, if an authorized insurer has, in a contract in writing entered into with the owner of that motor vehicle (who is in this section called the policy holder) undertaken, subject to the provisions of sub-section (6) (but without any limitation or exception other than a limitation or exception mentioned in this section) to compensate any person whatsoever (in this section called the third party) for any loss or damage which the third party may have suffered as a result of—

(a) any bodily injury to himself;

(b) the death of, or any bodily injury to any other person; caused by or arising out of the driving of the said motor vehicle by the policy holder or by any other person with the consent of the policy holder, at any place where this Act is in force, during the period of validity of the contract, if the death or injury is due to the negligence or other unlawful act of the person who drove the motor vehicle, or of the policy holder: Provided that—

(i) a motor vehicle shall be deemed not to be insured as aforesaid at any particular moment, unless the period of validity of the policy relating to that vehicle embraces the period from the said moment to the expiration of the current insurance period for motor vehicles of a class to which the motor vehicle in question belongs;

(ii) when the form of a policy has been prescribed by regulation, a motor vehicle shall be deemed not to be insured as aforesaid, unless the policy relating to that vehicle is framed in the form so prescribed;

(iii) the insurer's liability under a policy, in connection with any one occurrence, to pay compensation to a third party for any such loss or damage as aforesaid, which is the result of the death of, or any bodily injury to any person who was, at the time when his death or injury was caused, being conveyed for reward by means of the motor vehicle in question, may be limited in the policy to a sum of not less than two thousand pounds in respect of the death of, or injury to any one person so conveyed, or to a sum of not less than ten thousand pounds in all in respect of the death of or injury to any number of persons so conveyed at the time of the said occurrence (but in either case exclusive of the cost of recovering the said compensation).

(2) When a third party has suffered any loss or damage which falls within the terms of an undertaking mentioned in sub-section (1), the authorized insurer concerned shall be obliged to pay the compensation in question direct to the third party: Provided that if the cost incurred in connection with the accommodation or treatment of any person in a hospital or nursing home is included in any compensation for which the insurer is liable in terms of the said undertaking, the insurer shall pay that cost direct to the person or authority in control of that hospital or nursing home unless it has already been paid.

(3) The right of a third party to compensation in terms of a policy in respect of any occurrence which took place during the period of validity of the policy, shall not be affected by any fact which might vitiate that policy as between the insurer and the policy holder.

(4) If during the period of validity of a policy relating to a particular motor vehicle the owner of that motor vehicle has transferred his ownership to another person, the policy shall lapse as soon as the authority entrusted by law with the registration of motor vehicles, has issued to the new owner a certificate of the change of ownership or of the registration of the vehicle in the name of the new owner or has endorsed the change of ownership on the certificate of the registration of the vehicle, in accordance with the law relating to the registration of motor vehicles.

(5) If a motor vehicle was driven by a person other than the owner thereof, it shall for the purposes of this Act be presumed to have been driven with the consent of the owner, unless it is proved that the vehicle was driven without such consent.

2. (1) Behoudens die bepalings van artikels *tien* en *sestien*, word 'n motorvoertuig by die toepassing van hierdie Wet as verassureer beskou, as 'n bevoegde assuradeur by skriftelike kontrak, aangegaan met die eienaar van daardie motorvoertuig 5 (wat in hierdie artikel die polishouer genoem word) hom verbind het om, behoudens die bepalings van sub-artikel (6) (dog sonder enige ander beperking of uitsondering as 'n beperking of uitsondering wat in hierdie artikel vermeld word), die verlies of skade te vergoed wat enige persoon, wie ook al (wat in hierdie 10 artikel die derde party genoem word) mag gely het as gevolg van—
- (a) enige liggaamlike besering van homself;
- (b) die dood of liggaamlike besering van iemand anders, wat veroorsaak is deur of voortgevloei het uit die drywe van 15 voormelde motorvoertuig deur die polishouer of deur iemand anders met toestemming van die polishouer, op enige plek waar hierdie Wet van krag is, gedurende die geldigheidstermyn van die kontrak, as die dood of besering te wyte is aan die nalatigheid of ander onregmatige daad van die persoon wat die 20 motorvoertuig gedryf het of van die polishouer: Met dien verstande dat—
- (i) 'n motorvoertuig beskou word nie soos vermeld op 'n bepaalde tydstop verassureer te wees nie, tensy die geldigheidstermyn van die polis wat op daardie voertuig betrekking het insluit die tydperk vanaf bedoelde tydstop tot die einde van die lopende assu- 25 ransietydperk vir die kategorie van motorvoertuie waartoe die betrokke motorvoertuig behoort;
- (ii) wanneer die vorm van 'n polis deur regulasies voorgeskryf is, 'n motorvoertuig beskou word nie soos voormeld verassureer te wees nie, tensy die polis wat op daardie voertuig betrekking het in die aldus voorgeskrewe vorm opgestel is;
- (iii) die assuradeur se aanspreeklikheid ingevolge die 35 polis in verband met een enkele voorval, om aan 'n derde party skadevergoeding te betaal weens sulke verlies of skade soos voormeld wat die gevolg is van die dood of besering van iemand wat op die tydstop toe sy dood of besering veroorsaak is, vir vergoeding vervoer geword is deur middel van die betrokke motorvoertuig, in die polis beperk mag word tot 'n som van nie minder as tweeduisend pond nie ten opsigte 40 van die dood of besering van een enkele aldus vervoerde persoon of tot 'n som van nie minder as tien-duisend pond alles tesame nie ten opsigte van die dood of besering van enige aantal persone wat op die tydstop van voormelde voorval aldus vervoer geword is (dog in die een sowel as in die ander geval buiten die koste van invordering van bedoelde skadevergoeding).
- (2) Wanneer 'n derde party verlies of skade gely het wat gedek word deur 'n verbintenis vermeld in sub-artikel (1), dan is die betrokke bevoegde assuradeur verplig om die be- 55 trokke skadevergoeding regstreeks aan die derde party te betaal: Met dien verstande dat as die koste van huisvesting of behandeling van iemand in 'n hospitaal of verpleeginrigting inbegrepe is in enige skadevergoeding waarvoor die assuradeur volgens voormelde verbintenis aanspreeklik is, die assuradeur daardie koste regstreeks aan die persoon of gesag wat aan die hoof van daardie hospitaal of verpleeginrigting staan, moet 60 betaal, tensy daardie koste alreeds betaal is.
- (3) Die reg van 'n derde party op skadevergoeding volgens 'n polis weens 'n voorval wat gedurende die geldigheidstermyn van die polis plaasgevind het, word nie verkort deur een of ander feit wat sou kon afbreuk doen aan die regsgeldigheid 65 van die polis tussen die assuradeur en die polishouer nie.
- (4) As gedurende die geldigheidstermyn van 'n polis wat op 'n bepaalde motorvoertuig betrekking het, die eienaar van daardie motorvoertuig sy eiendomsreg aan 'n ander oorgedra het, dan vervall die polis sodra die gesag wat regtens belas is 70 met die registrasie van motorvoertuie, aan die nuwe eienaar 'n sertifikaat van die verandering van eiendomsreg of van die registrasie van die voertuig op naam van die nuwe eienaar uitgereik het of die verandering van eiendomsreg aangeteken het op die sertifikaat van die registrasie van die voertuig, ooreen- 75 komstig die wet op die registrasie van motorvoertuie.
- (5) As 'n motorvoertuig deur iemand anders as die eienaar daarvan gedryf geword is, dan word by die toepassing van hierdie Wet vermoed dat die voertuig met die toestemming van die eienaar gedryf geword is, tensy bewys word, dat die 80 voertuig sonder sodanige toestemming gedryf geword is.

Aard van
assuransie
ingevolge
hierdie Wet.

(6) An authorized insurer shall not be obliged to undertake in a policy to compensate—

- (a) the policy holder or any member of his household ;
- (b) the person who drove the insured motor vehicle at the time when the death or injury in question was caused (and who is hereinafter in this sub-section referred to as the driver), or any member of his household ;
- (c) any person for any loss or damage which he may have suffered as the result of the death of, or bodily injury to the policy holder or driver ; or
- (d) an employee of the policy holder or driver, or a dependent of such an employee, for any loss or damage for which the employee or dependent is entitled to compensation under the law relating to compensation of workmen for loss or damage in respect of occurrences which arose out of and in the course of their employment :

Provided that the authorized insurer shall not be debarred from undertaking in the policy a liability from which the preceding provisions of this sub-section exempt him.

(7) When an authorized insurer has in terms of a policy compensated a third party for any loss or damage, he may, without having obtained a formal cession of right of action, recover from any person (including the policy holder) whose negligence or other unlawful act caused the loss or damage, so much of the amount paid by way of compensation as the third party could have recovered from the person whose negligence or other unlawful act caused it : Provided that the preceding provisions of this sub-section shall not debar the authorized insurer from waiving (whether at the time when he issues the policy or at any time thereafter) his right of recourse under this sub-section.

(8) The right to claim compensation by virtue of a policy shall become prescribed upon the expiration of a period of one year as from the date upon which that claim arose.

Prohibition
against driving
uninsured motor
vehicle.

3. (1) Subject to the provisions of sub-section (2) no person shall, after a date to be fixed by the Governor-General by proclamation in the *Gazette*, drive or permit any other person to drive a motor vehicle on a public road or street or in any other place to which the public has access, unless that motor vehicle is insured as provided in sub-section (1) of section two.

(2) The provisions of sub-section (1) shall not apply in connection with a motor vehicle—

- (a) of which the State or a provincial council or the National Road Board or the Governor-General or a diplomatic agent (as defined in section eleven of the Diplomatic Immunities Act, 1932 (Act No. 9 of 1932) as amended by the Diplomatic Immunities Act Amendment Act, 1934 (Act No. 19 of 1934)) is the owner ; or
- (b) which is registered at a place outside the area comprising the Union, the mandated territory of South West Africa, Basutoland and Swaziland, in terms of a law in force at that place, if the person who drives or permits another person to drive the said vehicle has made such provision as may have been prescribed by regulation, to ensure that compensation will be paid for any such loss or damage as is mentioned in sub-section (1) of section two, which may have been caused by, or which may have arisen out of the driving of the said motor vehicle in the Union or in the mandated territory of South West Africa : Provided that the said motor vehicle bears, in a manner prescribed by regulation, a token of identification likewise prescribed ;
- (c) whose owner is the holder of a valid certificate of exemption mentioned in sub-section (1) of section four in respect of the said motor vehicle.

(3) Any person who contravenes sub-section (1) shall be guilty of an offence and shall, subject to the provisions of sub-section (4), be liable to a fine of not less than ten pounds and not exceeding fifty pounds and if he was, within a period of three years immediately preceding the date on which the offence was committed, convicted of contravening sub-section (1) or the provision of any law in force before the commencement of this Act, which prescribed the effecting of insurance against claims for compensation in respect of any loss or damage

(6) 'n Bevoegde assuradeur is nie verplig nie om hom in 'n polis te verbind om skadevergoeding te betaal—

- (a) aan die polishouer of iemand uit sy huisgesin; of
- 5 (b) aan die persoon wat die verassureerde motorvoertuig gedryf het op die tydstip toe die dood of besering waarom dit gaan, veroorsaak is en wat hieronder in hierdie sub-artikel die drywer genoem word of aan iemand uit sy huisgesin; of
- 10 (c) aan enigeen weens verlies of skade wat hy as gevolg van die dood of liggaamlike besering van die polishouer of drywer mag gely het; of
- (d) aan 'n bediende van die polishouer of drywer of aan iemand wat van so 'n bediende afhanklik is, weens verlies of skade op grond waarvan die bediende of
- 15 afhanklike geregtig is op skadeloosstelling kragtens die wet op skadeloosstelling van werksmense weens verlies of skade ten opsigte van gebeurtenisse wat uit en in die loop van hulle diens ontstaan het:

Met dien verstande dat dit aan die bevoegde assuradeur nie verbode is nie om in die polis 'n verpligting op hom te neem waarvan die voorgaande bepalinge van hierdie sub-artikel hom vrystel.

- (7) Wanneer 'n bevoegde assuradeur ingevolge 'n polis enige verlies of skade aan 'n derde party vergoed het, dan kan hy, sonder dat hy 'n formele sessie van vorderingsreg verkry het, op enigeen (selfs op die polishouer) wie se nalatigheid of ander onregmatige daad die verlies of skade veroorsaak het, soveel van die bedrag wat hy as skadevergoeding betaal het, verhaal as wat die derde party sou kon verhaal het op die persoon
- 25 wie se nalatigheid of ander onregmatige daad dit veroorsaak het: Met dien verstande dat die voorgaande bepalinge van hierdie sub-artikel die bevoegde assuradeur nie belet nie om (hetsy op die tydstip wanneer hy die polis uitreik of te eniger tyd daarna) af te sien van sy reg op verhaal kragtens hierdie
- 30 sub-artikel.

(8) Die reg om op grond van 'n polis skadevergoeding te eis verjaar na verloop van 'n termyn van een jaar vanaf die dag waarop daardie eis ontstaan het.

3. (1) Behoudens die bepalinge van sub-artikel (2) mag
- 40 niemand, na 'n dag deur die Goewerneur-generaal by proklamasie in die *Staatkoerant* vas te stel, 'n motorvoertuig dryf of toelaat dat iemand anders dit dryf nie op 'n publieke pad of straat of op 'n ander plek waar die publiek toegang het, tensy daardie motorvoertuig verassureer is volgens die bepalinge van
- 45 sub-artikel (1) van artikel twee.

(2) Die bepalinge van sub-artikel (1) is nie van toepassing nie in verband met 'n motorvoertuig—

- (a) waarvan die Staat of 'n provinsiale raad of die Nasionale Padraad of die Goewerneur-generaal of 'n gesant (soos omskrywe in die Wet op Diplomatieke Immunitet 1932 (Wet No. 9 van 1932) soos gewysig deur die Wet tot Wysiging van die Wet op Diplomatieke Immunitet 1934 (Wet No. 19 van 1934)) die eienaar is; of
- 50 (b) wat geregistreer is op 'n plek buite die gebied bestaande uit die Unie, die mandaatgebied Suidwes-Afrika, Basoetoeland en Swaziland, volgens 'n wet wat op daardie plek geld, as die persoon wat die voertuig dryf of toelaat dat iemand anders dit dryf, sodanige voorsiening gemaak het as wat deur regulasies mag voorgeskryf wees, om daarvoor te sorg dat skadevergoeding betaal sal word weens enige verlies of skade bedoel in sub-artikel (1) van artikel twee, wat
- 60 deur die drywe van bedoelde motorvoertuig in die Unie of in die mandaatgebied Suidwes-Afrika mag veroorsaak geword het of wat daaruit mag voortgevloei het, mits bedoelde motorvoertuig volgens voorskrif van regulasies voorsien is van 'n eweneens deur regulasies voorgeskrewe herkenningsteken; of
- 65 (c) waarvan die eienaar die houer is van 'n geldige vrystellingsertifikaat bedoel in sub-artikel (1) van artikel vier, ten opsigte van bedoelde motorvoertuig.

- (3) Iemand wat sub-artikel (1) oortree, is aan 'n misdryf skuldig en is, behoudens die bepalinge van sub-artikel (4)
- 75 strafbaar met 'n boete van nie minder as tien pond en nie meer as vyftig pond nie, en as hy binne 'n tydperk van drie jaar wat aan die dag waarop die misdryf gepleeg is, onmiddellik voorafgaan, veroordeel is weens oortreding van sub-artikel (1) of van die bepaling van 'n voor die inwerkingtreding van hierdie
- 80 Wet geldende wet, wat die aangaan van 'n assuransië voorgeskrywe het teen vorderings om skadevergoeding weens verlies

Verbod teen drywe van onverassureerde motorvoertuig.

caused by means of a motor vehicle, the court convicting him may suspend, for a period not exceeding two years, his licence to drive a motor vehicle or if he does not hold such a licence, declare him to be disqualified for a period not exceeding two years from acquiring such a licence.

(4) If a person who has twice been convicted of an offence mentioned in sub-section (3) or who has been convicted of both offences mentioned in sub-section (3) is again convicted of contravening sub-section (1) he shall be liable to a fine of not less than twenty-five pounds and not exceeding one hundred pounds or to imprisonment, for a period not exceeding six months without the option of a fine, and, if he holds a licence to drive a motor vehicle, it shall become void, and whether he does or does not hold such a licence, he shall be disqualified for a period of four years from acquiring such a licence.

(5) If a court has under sub-section (3) suspended a licence to drive a motor vehicle or has convicted a person whose licence to drive a motor vehicle has lapsed under sub-section (4) as a result of that conviction, the court shall direct the person concerned to produce that licence and shall cause the suspension to be endorsed thereon or shall cause the licence to be impounded, as the case may be, and if the said person without reasonable excuse fails to comply with that direction, he shall be guilty of contempt of court.

(6) If a licence to drive a motor vehicle has been suspended or has lapsed under this section, it shall, for the purposes of any provision of a law relating to the licensing of owners or drivers of motor vehicles, be deemed to have been suspended or cancelled, as the case may be, under the said law.

Security in lieu
of insurance.

4. (1) For the purpose of being exempted from the provisions of sub-section (1) of section *three*, any person may deposit with the Minister—

(a) a sum of ten thousand pounds if he is to be exempted in respect of a motor vehicle designed for the conveyance of more than eight persons, including the driver, which is used for the conveyance of persons for reward or in respect of two or more such vehicles ;
or

(b) a sum of three thousand pounds if he is to be exempted in respect of any other motor vehicle or two or more other motor vehicles ;

or any security approved of by the Minister which is in the opinion of the Minister of a value of not less than ten thousand pounds or three thousand pounds, as the case may be, or any sum of money and such security which together are in the opinion of the Minister of a value of not less than ten thousand pounds or three thousand pounds, as the case may be, and thereupon the Minister shall, upon payment by the said person of the sum of one pound, issue to him a certificate of exemption from the said provisions in respect of the class of vehicles in question. A person who has made such a deposit of a value of ten thousand pounds shall be exempt in respect of all motor vehicles of which he is the owner.

(2) At the request of the holder of a valid certificate of exemption mentioned in sub-section (1) (who is hereinafter referred to as a depositor) the Minister shall furnish him with a token of exemption from sub-section (1) of section *three* for every motor vehicle which the depositor owns or proposes to acquire, on payment by the depositor of a fee of two shillings and sixpence for each such token.

(3) The said token shall be in a form prescribed by regulation and the person issuing it on behalf of the Minister shall inscribe thereon the particulars for which provision is made thereon.

(4) A depositor shall affix, in a manner prescribed by regulation, to every motor vehicle of which he is the owner a token mentioned in sub-section (2) and shall keep it affixed thereto.

(5) A depositor who fails to comply with the requirements of sub-section (4) shall be guilty of an offence and liable to a fine not exceeding ten pounds.

(6) Apart from liability for his own or his agent's negligence or other unlawful act, a depositor shall be obliged to pay compensation to any person for any loss or damage which that person may have suffered as a result of any bodily injury to himself or the death of, or bodily injury to any other person if the injury or death was caused by, or arose out of the driving

of skade wat deur middel van 'n motorvoertuig veroorsaak is, dan kan die hof wat hom veroordeel sy lisensie om 'n motorvoertuig te dryf, vir 'n tydperk van hoogstens twee jaar skors, of as hy nie so 'n lisensie besit nie, hom onbevoeg verklaar om gedurende 'n tydperk van hoogstens twee jaar so 'n lisensie te verkry.

(4) As iemand wat tweemaal veroordeel is weens 'n misdryf vermeld in sub-artikel (3) of wat weens albei misdrywe vermeld in sub-artikel (3) veroordeel is, weer veroordeel word weens oortreding van sub-artikel (1) dan is hy strafbaar met 'n boete van nie minder as vyf-en-twintig pond en nie meer as honderd pond nie of met gevangenisstraf van hoogstens ses maande, sonder keuse van 'n boete en as hy in besit is van 'n lisensie om 'n motorvoertuig te dryf, dan word dit nietig, en onverskillig of hy al dan nie in besit van so 'n lisensie is, is hy gedurende 'n tydperk van vier jaar onbevoeg om so 'n lisensie te verkry.

(5) As 'n hof ingevolge sub-artikel (3) 'n lisensie om 'n motorvoertuig te dryf, geskors het of iemand veroordeel het en sy lisensie om 'n motorvoertuig te dryf het ten gevolge van die veroordeling ingevolge sub-artikel (4) nietig geword, dan moet die hof die betrokke persoon beveel om daardie lisensie oor te lê en, al na die geval, die skorsing daarop laat aanteken of die lisensie in beslag laat neem en as bedoelde persoon sonder redelike verontskuldiging in gebreke bly om aan daardie bevel gevolg te gee, dan maak hy hom aan minagting van die hof skuldig.

(6) As 'n lisensie om 'n motorvoertuig te dryf ingevolge hierdie artikel geskors is of nietig geword het, dan word by die toepassing van een of ander bepaling van die wet op die lisensieer van eienaars of drywers van motorvoertuie beskou dat die lisensie ingevolge daardie wet al na die geval geskors is of nietig geword het.

4. (1) Ten einde vrygestel te word van die bepalinge van sub-artikel (1) van artikel *drie*, kan enigeen by die Minister deponeer—

Sekuriteit
in plaas van
assuransie.

(a) 'n som van tienduisend pond as hy dien vrygestel te word met betrekking tot 'n motorvoertuig, ingerig vir die vervoer van meer as agt persone, die drywer inbegrepe, wat gebruik word om mense teen vergoeding te vervoer, of met betrekking tot twee of meer sodanige voertuie; of

(b) 'n som van drieduisend pond as hy dien vrygestel te word met betrekking tot enige ander voertuig of twee of meer ander voertuie,

of enige deur die Minister goedgekeurde sekuriteit wat volgens die oordeel van die Minister al na die geval nie minder as tienduisend pond of drieduisend pond werd is nie, of 'n som geld en sodanige sekuriteit wat tesame volgens die oordeel van die Minister, al na die geval, nie minder as tienduisend pond of drieduisend pond werd is nie, en daarop moet die Minister aan bedoelde persoon, teen betaling van 'n som van een pond, 'n sertifikaat van vrystelling van voormelde bepalinge uitreik, met betrekking tot die betrokke soort voertuie. Iemand wat so 'n deposito ter waarde van tienduisend pond gemaak het, is vrygestel met betrekking tot alle motorvoertuie waarvan hy eienaar is.

(2) Op versoek van die houer van 'n geldige vrystellingssertifikaat vermeld in sub-artikel (1) (wat hieronder 'n deponent genoem word), moet die Minister aan hom 'n teken van vrystelling van sub-artikel (1) van artikel *drie* verstrek vir elke motorvoertuig wat hy besit of wat hy voornemens is om aan te skaf, teen betaling, deur die deponent, van 'n som van twee shillings en ses pennies vir elke sodanige teken.

(3) Voormelde teken moet ooreenkom met 'n vorm wat deur regulasies voorgeskryf is en die persoon wat dit namens die Minister uitreik, moet die gegewens daarop inskrywe waarvoor op die teken voorsiening gemaak is.

(4) 'n Deponent moet aan elke motorvoertuig waarvan hy eienaar is, 'n teken, bedoel in sub-artikel (2), volgens voorskrif van regulasies bevestig en dit daaraan bevestig hou.

(5) 'n Deponent wat in gebreke bly om aan die vereistes van sub-artikel (4) te voldoen is aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens tien pond.

(6) 'n Deponent is, afgesien van sy aanspreeklikheid vir sy eie of vir sy verteenwoordiger se nalatigheid of ander onregmatige daad, verplig om skadevergoeding te betaal aan iemand weens verlies of skade wat daardie persoon mag gely het as gevolg van liggaamlike besering van homself of van die dood of liggaamlike besering van iemand anders, as die besering of dood veroorsaak is deur, of voortgespruit het uit die drywe

of a motor vehicle of which the depositor was the owner, by any other person with the depositor's consent, and the injury or death is due to the negligence or other unlawful act of that other person: Provided that if a motor vehicle of which a depositor was the owner, was driven by a person other than the depositor, it shall for the purposes of this sub-section be presumed to have been driven with the consent of the depositor, unless it is proved that the vehicle was driven without such consent. 5

(7) If in the opinion of the Minister the value of a deposit made in terms of sub-section (1) has fallen below ten thousand pounds or three thousand pounds, as the case may be, the Minister shall direct the depositor concerned by a letter delivered to him or by a registered letter sent through the post, to deposit a sum of money or further security to make up the deficiency and if the depositor fails to comply with that direction within a period of ten days as from the date upon which the said letter was delivered or posted to him, his certificate of exemption mentioned in sub-section (1) and every token of exemption mentioned in sub-section (2) which was issued to him shall become void. 10 15 20

(8) If in the opinion of the Minister the value of any such deposit exceeds ten thousand pounds or three thousand pounds, as the case may be, the Minister shall, at the request of the depositor concerned, return to him so much of the deposit as exceeds the said sum. 25

(9) A depositor may substitute for any security which he has deposited in terms of sub-section (1) or for any part thereof, any other security approved of by the Minister: Provided that the total value of the deposit after the substitution is, in the opinion of the Minister, not less than ten thousand pounds or three thousand pounds, as the case may be. 30

(10) At the request of a depositor and upon the return by him of the certificate of exemption mentioned in sub-section (1) and of every token of exemption furnished to him in terms of sub-section (2), which he has in his possession, the Minister shall return his deposit to him, unless the Minister has reason to believe that any person has preferred against the depositor a *bona fide* claim for compensation for any loss or damage which the claimant may have suffered as a result of any bodily injury to himself or the death of or bodily injury to any other person, which was caused by or arose out of the driving of a motor vehicle of which the depositor was the owner and that the said claim has not been satisfied, or unless the Minister has reason to believe that any person intends to prefer such a claim against the depositor. Upon the return of the deposit to the depositor, his exemption from the provisions of sub-section (1) of section *three* shall cease and every token of exemption mentioned in sub-section (2) which was issued to him shall become void. 35 40 45 50

(11) Subject to the provisions of sub-section (10) the Minister shall hold a deposit made in terms of sub-section (1) as security for the payment of compensation mentioned in sub-section (10) for which the depositor concerned may become liable and for any costs incurred in recovering such compensation, and no claim against the depositor other than a claim for such compensation and such costs shall be paid out of the said deposit, except in so far as its value exceeds ten thousand pounds or three thousand pounds, as the case may be. 55 60

(12) The manner in which such a deposit shall be made available to any person entitled to payment therefrom of compensation mentioned in sub-section (10) and of the costs of recovering such compensation and the method of apportioning the deposit between different persons entitled to such compensation and costs shall be prescribed by regulation. 65

(13) If a claim or part of a claim has been paid out of such a deposit in a manner prescribed by regulation and the value of the deposit is after such payment less than ten thousand pounds or less than three thousand pounds, as the case may be, the certificate of exemption mentioned in sub-section (1) and every token of exemption mentioned in sub-section (2) which was issued to the depositor concerned shall become void. 70 75

(14) When a certificate of exemption has become void, in terms of sub-section (7) or sub-section (13), the Minister shall thereupon direct the depositor concerned to return to him the said certificate and every token of exemption which is in his possession. If the depositor fails to comply with that direction he shall be guilty of an offence and liable to a fine not exceeding twenty-five pounds. 80

van 'n motorvoertuig waarvan die deponent die eienaar was, deur iemand anders met die deponent se toestemming en die besering of dood te wyte is aan die nalatigheid of ander onregmatige daad van daardie ander persoon: Met dien verstande

5 dat as 'n motorvoertuig waarvan die deponent die eienaar was, deur iemand anders as die deponent gedryf geword is, by die toepassing van hierdie sub-artikel vermoed word dat die voertuig met die deponent se toestemming gedryf geword is, tensy bewys word dat die voertuig sonder sodanige toestemming
10 gedryf geword is.

(7) As die waarde van 'n volgens sub-artikel (1) gemaakte deposito volgens die Minister se oordeel al na die geval benede tienduise pond of drieduise pond gedaal het, dan moet die Minister die betrokke deponent beveel in 'n brief wat aan
15 hom afgelewer is of in 'n geregistreerde deur die pos gestuurde brief, om 'n som geld of meerdere sekuriteit te deponer, ten einde die tekort te dek en as die deponent in gebreke bly om aan daardie bevel gevolg te gee binne 'n termyn van tien dae vanaf die dag waarop bedoelde brief aan hom afgelewer of
20 gepos is, dan word die vrystellingsertifikaat bedoel in sub-artikel (1) en elke teken van vrystelling bedoel in sub-artikel (2) wat aan hom uitgereik is, nietig.

(8) As die waarde van so 'n deposito volgens die Minister se oordeel al na die geval meer as tienduise pond of drie-
25 duise pond bedra, dan moet die Minister op versoek van die betrokke deponent soveel van die deposito as wat bedoelde som te bo gaan, aan hom teruggee.

(9) 'n Deponent mag 'n sekuriteit wat hy volgens sub-artikel (1) gedeponer het of 'n deel daarvan vervang deur 'n ander
30 sekuriteit wat die Minister goedgekeur het, mits die totale waarde van die deposito na die vervanging volgens die Minister se oordeel al na die geval nie minder as tienduise pond of drieduise pond bedra nie.

(10) Op versoek van 'n deponent en teen teruggawe deur hom
35 van die vrystellingsertifikaat bedoel in sub-artikel (1) en van elke teken van vrystelling wat volgens sub-artikel (2) aan hom verstrekk is en wat hy in sy besit het, moet die Minister sy deposito aan hom teruggee, tensy die Minister 'n gegronde vermoede het dat iemand teen die deponent te goeder trou 'n
40 eis ingestel het om skadevergoeding weens verlies of skade wat die eiser mag gely het as gevolg van liggaamlike besering van homself of van die dood of liggaamlike besering van iemand anders, wat veroorsaak is deur of voortgespruit het uit die drywe van 'n motorvoertuig waarvan die deponent die eienaar
45 was en dat aan bedoelde eis nie voldoen is nie, of tensy die Minister 'n gegronde vermoede het dat iemand voornemens is om so 'n eis teen die deponent in te stel. By teruggawe van die deposito aan die deponent, eindig sy vrystelling van die bepalings van sub-artikel (1) van artikel drie en word elke
50 teken van vrystelling bedoel in sub-artikel (2), wat aan hom verstrekk is, nietig.

(11) Behoudens die bepalings van sub-artikel (10) moet die Minister 'n deposito wat volgens sub-artikel (1) gemaak is, behou as sekuriteit vir die betaling van skadevergoeding bedoel
55 in sub-artikel (10) waarvoor die betrokke deponent aanspreeklik mag word en vir enige koste van invordering van sodanige skadevergoeding, en geen ander vordering teen die deponent as 'n vordering om sodanige skadevergoeding en sodanige koste word uit bedoelde deposito betaal, behalwe vir so ver as sy
60 waarde al na die geval meer as tienduise pond of drie duise pond bedra.

(12) Die wyse waarop so 'n deposito beskikbaar gestel word aan iemand wat geregtig is op betaling daaruit van skadevergoeding bedoel in sub-artikel (10) en van die koste van
65 invordering van sodanige skadevergoeding en die wyse van verdeling van die deposito tussen verskillende persone wat op sodanige skadevergoeding en koste geregtig is, word deur regulasies vasgestel.

(13) As 'n eis of 'n deel van 'n eis volgens voorskrif van
70 regulasies uit so 'n deposito betaal is en die waarde van die deposito na die betaling al na die geval minder as tienduise pond of minder as drieduise pond bedra, dan word die vrystellingsertifikaat bedoel in sub-artikel (1) en elke teken van vrystelling bedoel in sub-artikel (2) wat aan die betrokke
75 deponent uitgereik is, nietig.

(14) Wanneer 'n vrystellingsertifikaat ingevolge sub-artikel (7) of sub-artikel (13) nietig geword het, moet die Minister die betrokke deponent beveel om aan hom voormelde sertifikaat en elke teken van vrystelling wat in sy besit is,
80 terug te gee. As die deponent in gebreke bly om aan daardie bevel gevolg te gee, is hy aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens vyf-en-twintig pond.

(15) The Minister shall pay to a depositor any interest accruing in respect of any security deposited by the depositor in terms of sub-section (1) and interest, every half year on any money deposited by the depositor in terms of sub-section (1), at the rate payable by the Government on the last loan raised by it otherwise than by the issue of treasury bills. 5

No transfer of ownership of motor vehicle to be registered unless vehicle is insured.

5. An authority empowered by law to issue licences for motor vehicles shall not issue a licence for any motor vehicle previously licensed, on its transfer from one owner to another, nor issue a certificate of the change of ownership of a motor vehicle, nor endorse a change of ownership upon a certificate of the registration of a motor vehicle, unless there is produced to that authority a policy whereby the said vehicle is insured during a period which extends over the period from the date of issue or endorsement of the licence or certificate until the date of the expiration of the current insurance period for the class of vehicle in question : Provided that the preceding provisions of this section shall not apply in connection with a transfer of a motor vehicle if the transferee is exempted from the provisions of sub-section (1) of section *three* in respect of that vehicle. 10 15 20

Tokens of insurance.

6. (1) An authorized insurer who has issued a policy shall in respect of every motor vehicle to which the policy relates, inscribe on a token of insurance, in a form prescribed by regulation, the particulars for which provision is made on the token and he shall deliver the completed token to the holder of the policy, who shall affix it, in a manner prescribed by regulation, to the motor vehicle to which it relates, and keep it affixed thereto throughout the period of validity of the policy in relation to that vehicle. 25 30

(2) The Minister shall cause forms for such tokens to be printed and to be issued to any authorized insurer, at his request, on payment of the sum of one shilling for each form.

(3) The owner of a motor vehicle which is insured as aforesaid who fails to comply with the requirements of sub-section (1) shall be guilty of an offence and liable to a fine not exceeding ten pounds. 35

(4) If it is proved that at a particular time a motor vehicle did not bear, in the manner prescribed by regulation, a token of insurance as mentioned in sub-section (1), that vehicle shall, for the purposes of section *three*, be deemed not to have been insured at that time unless it is proved that the vehicle was in fact insured at that time. 40

Giving information to insurer and third party.

7. (1) When, as the result of the driving of an insured motor vehicle, any person, other than the owner or the driver or a member of the household of the owner or of the driver of that motor vehicle, was killed or injured, the owner of the motor vehicle shall as soon as may be after the occurrence inform the authorized insurer who insured the vehicle of the occurrence and of the place and time of the occurrence and shall furnish him with the name and address (if known) of any person who was killed or injured and of every person who was upon the vehicle in question at the time of the occurrence, with a description of any other vehicle involved in the occurrence, with the name and address (if known) of the driver of every such other vehicle and of any other person who witnessed the occurrence and with any other reasonable information at his disposal in regard to the occurrence which the insurer may request him to furnish. 50 55 60

(2) When, as a result of the driving of an insured motor vehicle, any person, other than a person mentioned in paragraph (a), (b) or (d) of sub-section (6) of section *two*, was killed or injured, the owner of the motor vehicle shall, at the request of any person, or of the agent of any person, who has suffered any loss or damage as a result of the death of the person so killed, or at the request of the person so injured (or at the request of his agent) produce to the person making the request, the policy whereunder the motor vehicle was insured at the time of the occurrence in question, and a copy of any information which the said owner furnished to the authorized insurer concerned in terms of sub-section (1), and permit the person who made the request to make a copy of the policy and of any such information or take an extract therefrom. 65 70

(3) If the owner of an insured motor vehicle which was involved in an occurrence mentioned in sub-section (1) or sub-section (2) fails to comply, within a reasonable time after 75

(15) Die Minister moet aan 'n deponent betaal die rente wat 'n sekuriteit, deur die deponent volgens sub-artikel (1) gedeponeer, mag dra, en rente, elke halfjaar, op geld deur die deponent volgens sub-artikel (1) gedeponeer, volgens die rente-
5 koers wat die Regering moet betaal op die laaste lening wat hy op 'n ander wyse as deur uitgifte van skatkisbiljette gesluit het.

5. 'n Gesag wat regtens bevoeg is om lisensies vir motor-
voertuie uit te reik, mag geen lisensie vir 'n voorheen gelisen-
10 sieerde motorvoertuig uitreik nie by sy oordrag van een eienaar aan 'n ander, nog 'n sertifikaat van oorgang van eiendom van 'n motorvoertuig uitreik nie, nog op 'n sertifikaat van die registrasie van 'n motorvoertuig aantekening van oorgang van eiendom maak nie, tensy aan daardie gesag 'n polis vertoon
15 word, waardeur bedoelde voertuig verassureer word gedurende 'n tydperk wat die tydperk omvat vanaf die dag van uitreiking of aantekening van die lisensie of sertifikaat tot die dag van verstryking van die lopende assuransietydperk vir die betrokke kategorie van voertuig: Met dien verstande dat die voor-
20 gaande bepalings van hierdie artikel nie van toepassing is nie in verband met die oordrag van 'n motorvoertuig as die oordragontvanger met betrekking tot daardie voertuig vrygestel is van die bepalings van sub-artikel (1) van artikel drie.

Geen oordrag van eiendom van motorvoertuig word geregistreer tensy voertuig verassureer is.

25 6. (1) 'n Bevoegde assuradeur wat 'n polis uitgereik het, moet vir elke voertuig waarop die polis betrekking het, op 'n teken van assuransie, in 'n vorm wat deur regulasies voorgeskryf is, die gegewens, waarvoor op die teken voorsiening gemaak word, inskrywe, en hy moet die ingevulde teken oorhandig
30 aan die houër van die polis, wat dit volgens voorskrif van regulasies moet bevestig aan die motorvoertuig waarop dit betrekking het, en dit daaraan bevestig hou gedurende die hele geldigheidsstermyn van die polis met betrekking tot daardie voertuig.

Assuransie-tekens.

35 (2) Die Minister moet formuleer vir sulke tekens laat druk en laat uitreik aan elke bevoegde assuradeur, op sy versoek, teen betaling van die som van een shilling vir elke formulier.

(3) Die eienaar van 'n soos voormeld verassureerde motorvoertuig wat in gebreke bly om te voldoen aan die voorskrifte
40 van sub-artikel (1) is aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens tien pond.

(4) As bewys word dat 'n motorvoertuig op 'n bepaalde tydstip nie volgens voorskrif van regulasies voorsien was nie van so 'n teken van assuransie as bedoel in sub-artikel (1),
45 dan word by die toepassing van artikel drie vermoed dat daardie voertuig op daardie tydstip nie verassureer was nie, tensy bewys word dat die voertuig wel op daardie tydstip verassureer was.

7. (1) Wanneer, as gevolg van die dryf van 'n verassureerde
50 motorvoertuig iemand anders as die eienaar of drywer of iemand uit die gesin van die eienaar of drywer van daardie motorvoertuig gedood of beseer is, dan moet die eienaar van die motorvoertuig so spoedig doenlik na die voorval aan die bevoegde assuradeur wat die betrokke voertuig verassureer
55 het, kennis gee van die voorval en waar en wanneer die voorval plaasgevind het, en aan hom verstrek die naam en adres (as hy dit weet), van enigeen wat gedood of beseer is en van elkeen wat op die betrokke voertuig was toe die voorval plaasgevind het, 'n beskrywing van enige ander voertuig wat by die
60 voorval betrokke was, die naam en adres (as hy dit weet) van die drywer van elke ander sodanige voertuig en van enigeen wat die voorval waargeneem het, asook enige ander redelike inligting omtrent die voorval waaroor hy beskik en waarom die assuradeur hom mag versoek.

Kennisgewing van ongeluk aan assuradeur.

65 (2) Wanneer as gevolg van die dryf van 'n verassureerde motorvoertuig iemand anders as 'n persoon bedoel in paragraaf (a), (b) of (d) van sub-artikel (6) van artikel twee gedood of beseer is, dan moet die eienaar van die motorvoertuig op versoek van enigeen (of van die verteenwoordiger van enigeen),
70 wat verlies of skade gely het as gevolg van die dood van die aldus gedode persoon, of op versoek van die aldus beseerde persoon (of op versoek van sy verteenwoordiger), die polis uit kragte waarvan die motorvoertuig op die tydstip van die betrokke voorval verassureer was en 'n afskrif van enige inligting wat
75 bedoelde eienaar aan die betrokke bevoegde assuradeur volgens sub-artikel (1) verstrek het, aan die versoeker vertoon en hom vergun om die polis en enige sodanige inligting af te skryf of uittreksels daarvan te maak.

(3) As die eienaar van 'n verassureerde motorvoertuig wat
80 betrokke was in 'n voorval bedoel in sub-artikel (1) of sub-artikel (2) in gebreke bly om binne 'n redelike tyd nadat hy

having become aware of the occurrence, with any requirement of sub-section (1), or fails to comply with any requirement of sub-section (2), he shall be guilty of an offence and liable to a fine not exceeding twenty-five pounds unless he is unable to comply with such requirement and his inability is not due to his own action or default. 5

Certain provisions of motor vehicle laws to apply in connection with insurance.

8. The provisions of any law in force in any area which deal with the production to a proper authority or the falsification, fabrication, alteration, defacement or improper use, 10 in any such area, of licences, certificates, tokens or marks relating to motor vehicles, shall *mutatis mutandis* apply in that area in connection with the production, falsification, fabrication, alteration, defacement or improper use of a policy or a certificate or token of exemption mentioned in section *four* or of a token of insurance mentioned in sub-section (1) 15 of section *six*.

Steps to be taken if insurers unwilling to insure.

9. (1) If the Governor-General is satisfied that no authorized insurer is willing and able to insure, in terms of this Act, at a reasonable premium, motor vehicles generally, or motor vehicles of a particular class or motor vehicles owned by 20 persons of a particular class, he may—

- (a) from time to time by proclamation in the *Gazette*, from a date mentioned in the proclamation, during a period defined in the proclamation or until the proclamation is withdrawn by a further proclamation, 25 suspend the operation of section *three* entirely or in relation to motor vehicles belonging to that class of motor vehicles, or in relation to motor vehicles owned by persons belonging to that class of persons;
- (b) from time to time enter into an agreement with a 30 particular authorized insurer, and empower him to insure, in terms of this Act, to the exclusion of all other insurers, all motor vehicles during a period and at premiums defined in the agreement;
- (c) by proclamation in the *Gazette* establish a corporation 35 which shall insure all motor vehicles.

(2) When the Governor-General issues a proclamation which suspends the operation of section *three* in relation to motor vehicles of a particular class or in relation to motor vehicles owned by persons of a particular class, he shall by 40 regulation prescribe the manner of determining the motor vehicles or persons who fall within any such class, the manner of identifying motor vehicles of such a class or motor vehicles owned by persons of such a class and measures to prohibit or regulate the driving, by persons not belonging to such a class 45 of persons, of motor vehicles owned by persons of such a class.

(3) For the purposes of this section persons may be classified according to their calling, according to the purpose for which they ordinarily use motor vehicles or according to the locality 50 in which they ordinarily reside or in which their motor vehicles are registered.

Notice of agreement with one particular insurer.

10. When the Governor-General has entered into an agreement with an authorized insurer in terms of paragraph (b) of sub-section (1) of section *nine*, the Minister shall publish 55 in the *Gazette* a notice of the conclusion of that agreement and a tariff of the premiums ordinarily to be paid to the said insurer in accordance with that agreement for the insurance of motor vehicles, and after a date specified in the said notice for the purposes of this section, no motor vehicle shall, while the said 60 agreement is in force, be deemed to be insured for the purposes of this Act unless the said insurer has issued a policy which relates to that vehicle.

Establishment of Motor Vehicle Insurance Corporation.

11. (1) If the Governor-General establishes a corporation in terms of paragraph (c) of sub-section (1) of section *nine*, 65 it shall be called the South African Motor Vehicle Insurance Corporation (hereinafter referred to as the corporation) and shall be a body corporate.

(2) The corporation shall be governed by a board of directors (hereinafter referred to as the board) who shall be appointed 70 or elected as hereinafter provided.

(3) The Governor-General shall determine the place where the main office of the corporation shall be established;

van die voorval te wete gekom het, aan een of ander vereiste van sub-artikel (1) te voldoen, of in gebreke bly om aan een of ander vereiste van sub-artikel (2) te voldoen, dan is hy aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens vyf-en-twintig pond, tensy hy nie in staat is om aan daardie vereiste te voldoen nie, en sy onvermoë nie aan sy eie daad of versuim te wyte is nie.

8. Die bepalings van enige wet wat in een of ander gebied geld en wat handel oor die oorlegging aan 'n bevoegde gesag, of oor die vervalsing, namaking, verandering, uitwissing of onbehoorlike gebruik, in so 'n gebied, van lisensiesertifikate, tekens of merke wat op motorvoertuie betrekking het is *mutatis mutandis* van toepassing in daardie gebied in verband met die oorlegging, vervalsing, namaking, verandering uitwissing of onbehoorlike gebruik van 'n polis of van 'n sertifikaat of teken van vrystelling bedoel in artikel vier of van 'n teken van assuransie bedoel in sub-artikel (1) van artikel ses.

Sekere bepalinge van wette op motorvoertuie is van toepassing in verband met assuransie.

9. (1) As die Goewerneur-generaal oortuig is dat geen bevoegde assuradeur gewillig en in staat is om motorvoertuie oor die algemeen of motorvoertuie van 'n bepaalde kategorie of motorvoertuie wat behoort aan persone van 'n bepaalde kategorie, volgens die bepalings van hierdie Wet teen 'n redelike premie te verassureer nie, dan kan hy—

Wat gedoen moet word as assuradeurs nie wil verassureer nie.

(a) van tyd tot tyd by proklamasie in die *Staatskoerant* vanaf 'n dag in die proklamasie vermeld, gedurende 'n tydperk wat in die proklamasie vasgestel word of totdat die proklamasie deur 'n verdere proklamasie ingetrek word, die regskrag van artikel drie opskort, en wel of algeheel, of met betrekking tot bedoelde kategorie van motorvoertuie, of met betrekking tot motorvoertuie wat behoort aan persone van daardie kategorie van persone;

(b) van tyd tot tyd met 'n bepaalde bevoegde assuradeur 'n ooreenkoms aangaan en hom magtig om, met uitsluiting van alle ander assuradeurs, alle motorvoertuie volgens die bepalings van hierdie Wet te verassureer gedurende 'n tydperk en teen premies wat in die ooreenkoms vasgestel word;

(c) by proklamasie in die *Staatskoerant* 'n korporasie stig, wat alle motorvoertuie sal moet verassureer.

(2) Wanneer die Goewerneur-generaal 'n proklamasie uitvaardig wat die regskrag van artikel drie opskort met betrekking tot motorvoertuie van 'n bepaalde kategorie of met betrekking tot motorvoertuie wat behoort aan persone van 'n bepaalde kategorie, dan moet hy deur regulasies voorskryf hoe die motorvoertuie of persone wat onder so 'n kategorie val bepaal moet word, hoe motorvoertuie van so 'n kategorie of motorvoertuie wat behoort aan persone van so 'n kategorie herkenbaar gemaak moet word, en maatreëls om die dryf, deur persone wat nie tot so 'n kategorie behoort nie, van motorvoertuie wat behoort aan persone van so 'n kategorie, te verbied of te reël.

(3) Vir die toepassing van hierdie artikel kan persone in kategorieë ingedeel word volgens hulle beroep, volgens die doel waarvoor hulle gewoonlik motorvoertuie gebruik of volgens die buurt waarin hulle gewoonlik woon of waarin hulle motorvoertuie geregistreer is.

10. Wanneer die Goewerneur-generaal met 'n bevoegde assuradeur volgens paragraaf (b) van sub-artikel (1) van artikel nege 'n ooreenkoms aangegaan het, moet die Minister in die *Staatskoerant* van die aangaan van daardie ooreenkoms kennis gee en 'n tarief publiseer van die premies wat gewoonlik aan voormelde assuradeur volgens die ooreenkoms sal betaal moet word vir die verassureer van motorvoertuie, en na 'n dag wat in bedoelde kennisgewing vir die toepassing van hierdie artikel vermeld word, sal geen motorvoertuig, terwyl bedoelde ooreenkoms van krag is, by die toepassing van hierdie Wet as verassureer beskou word nie, tensy bedoelde assuradeur 'n polis uitgereik het wat op daardie voertuig betrekking het.

Kennisgewing van ooreenkoms met een bepaalde assuradeur.

11. (1) As die Goewerneur-generaal volgens paragraaf (c) van sub-artikel (1) van artikel nege 'n korporasie stig, dan heet dit die Suid-Afrikaanse Motorvoertuig-assuransiekorporasie (hieronder die korporasie genoem), en is met regs-persoonlikheid bekleed.

Stigting van Motorvoertuig-assuransiekorporasie.

(2) Die korporasie word bestuur deur 'n raad van direkteure (hieronder die raad genoem), wat benoem of gekies word volgens onderstaande voorskrifte.

(3) Die Goewerneur-generaal bepaal die plek waar die hoofkantoor van die korporasie gevestig moet word; Met dien

Provided that when the constitution mentioned in section *thirteen* has come into operation, the corporation may itself determine that place in accordance with the provisions of its constitution.

Provisions
relating to first
board.

12. (1) The provisions of this section shall apply only in connection with the first board to be appointed after the establishment of the corporation. 5

(2) The board shall consist of five, six or seven members appointed by the Governor-General. The members so appointed shall hold office until a new board has been elected under the constitution of the corporation mentioned in section *thirteen*. 10

(3) The Governor-General shall designate one of the members of the board as its chairman.

(4) If a member of the board vacates his office or is absent, the Minister may appoint any person in the place of the member who vacated his office or is absent. 15

(5) Three members of the board shall form a quorum of the board at any of its meetings, and a decision of the majority of the members present at a meeting shall be deemed to be the decision of the board: Provided that in the case of an equality of votes, the member presiding at that meeting shall have a casting vote. 20

(6) The Minister may make rules (which shall bind the board) for any matter relating to the meetings of the board and generally for the conduct of the business of the corporation. 25

(7) The board shall, with the approval of the Minister, appoint such servants of the corporation as may be necessary for the conduct of its business.

(8) The members of the board shall be entitled to payment, out of the funds of the corporation, of such remuneration and allowances as the Minister may determine. 30

(9) The board shall keep proper accounts of all moneys accruing to or paid out of the funds of the corporation and the Controller and Auditor-General shall audit or supervise the auditing of those accounts at a fee, to be paid out of those funds, which shall be determined by agreement between the board and the Controller and Auditor-General, or, failing such agreement, by the Minister. 35

(10) The board may invest, in such a manner as the Minister may approve, any available moneys of the corporation which the board does not need immediately in connection with the business of the corporation. 40

Constitution of
corporation.

13. (1) As soon as practicable after the appointment of the first board, the Minister shall, in consultation with the board, prepare a draft constitution for the corporation, wherein he shall embody, in addition to any other provision relating to the corporation and the conduct of its business which he may think fit to include therein, provisions for the appointment by the Governor-General of two members of the board (of whom one shall be designated as chairman of the board) and for the election of the other members of the board by every owner of a motor vehicle who holds a current policy issued by the corporation, which relates to that motor vehicle, and provisions whereby every such owner is given a vote in any amendment of the constitution and in the control of the affairs of the corporation: Provided that no amendment of the corporation's constitution shall become effective unless the Governor-General has approved thereof. 45 50 55 60

(2) The Minister shall submit the draft constitution to both Houses of Parliament for approval, and when both Houses have approved thereof, the Minister shall publish it in the *Gazette* and thereupon it shall become the constitution of the corporation, as from a date to be determined by the Minister in the notice under which the constitution is published as aforesaid. 65

Business of
Corporation.

14. (1) The corporation shall insure motor vehicles for the purposes of this Act and may in addition insure against the risk of any loss resulting from any damage to a motor vehicle from whatever cause, or against the risk of any loss or damage whatever caused by, or arising out of the driving of a motor vehicle, which is not covered by a policy mentioned in sub-section (1) of section *two*, or against the risk of any claim by any person for any loss or damage whatever caused by or arising out of the driving of a motor vehicle: Provided that if the corporation has insured against any risk, it shall not escape liability under that insurance merely by reason of the fact that it had no authority under this sub-section to undertake that insurance; and provided further that in effecting insurances under this sub-section, the corporation 70 75 80

verstande dat wanneer die reglement bedoel in artikel *dertien* in werking getree het, die korporasie self daardie plek mag bepaal ooreenkomstig sy reglement.

12. (1) Die bepaling van hierdie artikel is van toepassing slegs in verband met die eerste raad wat aangestel word na stigting van die korporasie. Bepaling omtrent eerste raad.

(2) Die raad bestaan uit vyf, ses of sewe lede, aangestel deur die Goewerneur-generaal. Die aldus aangestelde lede beklee hulle amp totdat 'n nuwe raad gekies is volgens die reglement van die korporasie, bedoel in artikel *dertien*.

(3) Die Goewerneur-generaal moet een van die lede van die raad as die voorsitter daarvan aanwys.

(4) As 'n lid van die raad sy amp ontruim of afwesig is, kan die Minister iemand aanstel in die plek van die lid wat sy amp ontruim het of afwesig is.

(5) Drie lede van die raad maak 'n kworum van die raad uit op 'n vergadering daarvan en 'n besluit van die meerderheid van die lede wat op 'n vergadering aanwesig is, word beskou as die besluit van die raad: Met dien verstande dat by staking van stemme die lid wat by die vergadering voorsit, 'n beslissende stem het.

(6) Die Minister kan reëls uitvaardig (wat die korporasie verbind), vir enige aangeleentheid wat op die vergaderings van die raad betrekking het en oor die algemeen vir die verrigting van die besigheid van die korporasie.

(7) Die raad moet met goedkeuring van die Minister sodanige dienare van die korporasie aanstel as wat nodig mag wees ter verrigting van die besigheid van die korporasie.

(8) Die lede van die raad is geregtig op betaling, uit die gelde van die korporasie, van sodanige besoldiging en toelaes as wat die Minister mag bepaal.

(9) Die raad moet behoorlik boekhou van alle gelde wat aan die korporasie toekom of uit sy middele betaal word en die Kontroleur- en Ouditeur-generaal moet daardie boekhouding ouditeer of oor die ouditering daarvan toesig hou teen betaling van 'n loon, uit bedoelde middele wat vasgestel moet word by ooreenkoms tussen die raad en die Kontroleur- en Ouditeur-generaal, of as hulle nie ooreen kan kom nie, deur die Minister.

(10) Die raad kan beskikbare gelde van die korporasie, wat die raad nie onmiddellik in verband met die besigheid van die korporasie nodig het nie, belê op so 'n wyse as wat die Minister mag goedkeur.

13. (1) So spoedig as doenlik na aanstelling van die eerste raad, moet die Minister in oorleg met die raad, 'n ontwerp-reglement vir die korporasie opstel waarin hy, benewens enige ander bepaling aangaande die korporasie en die verrigting van die besigheid van die korporasie, wat hy wenslik ag om daarin op te neem, voorsiening moet maak vir die aanstelling, deur die Goewerneur-generaal, van twee lede van die raad (van wie een as voorsitter van die raad aangewys moet word), en vir die verkiesing van die ander lede van die raad deur elke eienaar van 'n motorvoertuig wat in besit is van 'n geldige deur die korporasie uitgereikte polis wat op daardie motorvoertuig betrekking het, en voorsiening moet maak dat elke sodanige eienaar 'n stem verkry by 'n wysiging van die reglement en by die beheer van die sake van die korporasie: Met dien verstande dat geen wysiging van die reglement van die korporasie regsgeldig word nie, tensy die Goewerneur-generaal dit goedgekeur het. Reglement van die korporasie.

(2) Die Minister moet die ontwerp-reglement aan beide Huise van die Parlement ter goedkeuring voorlê en wanneer albei Huise dit goedgekeur het, moet die Minister dit in die *Staatskoerant* publiseer en daarop word dit die reglement van die korporasie, vanaf 'n dag deur die Minister vas te stel in die kennisgewing waarmee die reglement soos voormeld gepubliseer word.

14. (1) Die korporasie moet motorvoertuie vir die toepassing van hierdie Wet verassureer en kan buitendien assurances sluit teen die risiko van verlies as gevolg van enige beskadiging van 'n motorvoertuig, hoe ook al veroorsaak, of teen die risiko van enige verlies of skade hoegenaamd, wat veroorsaak is deur of voortspruit uit die drywe van 'n motorvoertuig en wat nie gedek is nie deur 'n polis bedoel in sub-artikel (1) van artikel *twee*, of teen die risiko van 'n vordering wat iemand mag instel weens watter verlies of skade ookal, wat veroorsaak is of voortspruit uit die drywe van 'n motorvoertuig: Met dien verstande dat as die korporasie teen een of ander risiko verassureer het, hy nie van aanspreeklikheid kragtens daardie assurance vry is nie, alleen omdat hy nie kragtens hierdie sub-artikel bevoeg was om daardie assurance aan te gaan nie; en met dien verstande, voorts, dat die korporasie by die aangaan Besigheid van die korporasie.

shall limit its premiums to such amounts as are necessary to defray the expenditure in connection with its business, including interest on loans and re-payment of loans, and the establishment and maintenance of a reserve fund.

(2) The corporation may acquire any property which it needs in connection with its business and generally may perform any act which is necessary for or reasonably incidental to its business: Provided that the first board mentioned in section *twelve* shall not acquire, without the approval of the Minister, any immovable property on behalf of the corporation.

(3) The provisions of the Insurance Act, 1923 (Act No. 37 of 1923), shall not apply to the corporation.

(4) The board shall, as soon as may be after the expiration of every financial year of the corporation, submit to the Minister a report on the corporation's business during that year and shall at any time furnish the Minister with any information at its disposal relating to the corporation's business which the Minister may demand.

Loans.

15. The Governor-General may, out of moneys appropriated by Parliament for the purpose, from time to time lend to the corporation such sums of money as it may need to establish and conduct its business at such rate of interest and upon such conditions of re-payment as may be agreed upon between the parties.

Compulsory insurance of motor vehicles with corporation.

16. The corporation shall be deemed to be an authorized insurer for the purposes of this Act, and after the establishment of the corporation a motor vehicle shall be deemed not to be insured for the purposes of this Act unless the corporation has issued a policy relating to that vehicle.

Regulations.

17. The Minister may make regulations dealing with any matter which may, in terms of this Act, be dealt with by regulation, or prescribing the form of a policy, or prescribing tokens of identification for motor vehicles mentioned in subsection (2) (a) of section *three* and the method of attaching such tokens to the vehicles to which they relate.

Application of Act to South West Africa.

18. This Act shall also be in force in the mandated territory of South West Africa.

Short title.

19. This Act shall be called the Motor Vehicle Insurance Act, 1939.

van assurances kragtens hierdie sub-artikel, sy premies moet beperk tot bedrae wat nodig is om die koste in verband met sy besigheid te dek, met inbegrip van rente op lenings en aflossing van lenings en die stigting en instandhouding van 'n reserwefonds.

(2) Die korporasie kan enige eiendom verkry wat hy in verband met sy besigheid nodig het en kan oor die algemeen elke handeling verrig wat vir sy besigheid nodig is of redelikerwys daarmee in verband staan: Met dien verstande dat die eerste raad, vermeld in artikel *twaaalf*, sonder goedkeuring van die Minister geen onroerende goed namens die korporasie mag verkry nie.

(3) Die bepalinge van die „Verzekeringwet, 1923” (Wet No. 37 van 1923), is nie op die Korporasie van toepassing nie.

(4) Die raad moet, so spoedig doenlik na die einde van elke boekjaar van die korporasie, aan die Minister verslag doen van die besigheid van die korporasie gedurende daardie jaar en moet te eniger tyd enige inligting omtrent die besigheid van die korporasie, waaroor die raad beskik, aan die Minister verstrek, as hy daarom vra.

15. Die Goewerneur-generaal kan uit gelde wat die Parlement daarvoor beskikbaar gestel het, van tyd tot tyd aan die korporasie die somme geld leen wat die korporasie nodig het om sy besigheid aan die gang te sit en te dryf, en wel teen 'n rentekoers en op aflossingsvoorwaardes waaromtrent die partye mag ooreenkom.

16. Die korporasie word by die toepassing van hierdie Wet as 'n bevoegde assuradeur beskou en na stigting van die korporasie word 'n motorvoertuig by die toepassing van hierdie Wet as nie verassureer beskou nie, tensy die korporasie 'n polis uitgerik het wat op daardie voertuig betrekking het.

17. Die Minister kan regulasies uitvaardig wat handel oor enige aangeleentheid wat volgens hierdie Wet deur regulasies gereël kan word of wat die vorm van 'n polis voorskryf, of wat herkenningstekens voorskryf vir motorvoertuie bedoel in sub-artikel (2) (a) van artikel *drie* en die wyse waarop sulke tekens bevestig moet word aan die voertuie waarop hulle betrekking het.

18. Hierdie Wet is ook van krag in die mandaatgebied Suidwes-Afrika.

19. Hierdie Wet heet die Motorvoertuig-assuransiewet, 1939.

Lenings.

Verpligte
assuransie
van motor-
voertuie met die
korporasie.

Regulasies.

Wet is van
toepassing op
Suidwes-Afrika.

Kort titel.

BILL

To amend section *fifty-four* of the Liquor Act, 1928, so as to provide for the renewal of certain bottle liquor licences within rural areas.

(Introduced by C. NEATE, ESQ., M.P.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Amendment of section 54 of Act 30 of 1928, as amended by section 14 of Act 41 of 1934 and section 3 of Act 39 of 1937.

1. Sub-section (5) of section *fifty-four* of the Liquor Act, 1928, is hereby amended by the insertion of the words " bottle liquor licence or a " after the words " other than a ".

Commencement of section 1.

2. Section *one* shall be deemed to have come into operation on the date of the commencement of the Liquor Amendment Act, 1937 (Act No. 39 of 1937).

Minister may authorize renewal of bottle liquor licences in rural areas which lapsed on 31st December, 1937.

3. Whenever any person who on the thirty-first day of December, 1937, was the holder of a bottle liquor licence which lapsed or was deemed to have lapsed in accordance with the provisions of section *fifty-four* of the Liquor Act, 1928, satisfies the Minister that such licence would otherwise have been renewed, the Minister may grant a certificate authorizing the officer charged with the duty of issuing licences in the district concerned to renew such licence and notwithstanding any other provision of the said Act, or any other law, such officer shall upon payment of the prescribed fees issue to such holder a bottle liquor licence, and the licence so issued shall be deemed to be a renewal of the licence which lapsed or was deemed to have lapsed.

Short title.

4. This Act shall be known as the Liquor Amendment Act, 1939.

WETSONTWERP

Tot wysiging van artikel *vier-en-vyftig* van die Drankwet, 1928, om voorsiening te maak vir die vernuwing van sekere bottel-dranklisensies op die platteland.

(Ingedien deur die WELED. HEER C. NEATE, L.V.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Sub-artikel (5) van artikel *vier-en-vyftig* van die Drankwet, 1928, word hiermee gewysig deur na die woorde „lisensie as” die woorde „’n bottel-dranklisensie of” in te voeg.

Wysiging van artikel 54 van Wet 30 van 1928 soos gewysig deur artikel 14 van Wet 41 van 1934 en artikel 3 van Wet 39 van 1937.

2. Artikel *een* word geag in werking te getree het op die datum van inwerkingtreding van die Drank Wysigingswet, 1937 (Wet No. 39 van 1937).

Inwerkingtreding van artikel 1.

3. Wanneer ’n persoon wat op die een-en-dertigste dag van Desember 1937 die houer was van ’n bottel-dranklisensie wat ooreenkomstig die bepalings van artikel *vier-en-vyftig* van die Drankwet, 1928, verval het of geag is te verval het, die Minister oortuig dat sodanige lisensie andersins vernuwe sou geword het, kan die Minister ’n sertifikaat uitreik wat die beampte wat in die betrokke distrik belas is met die werksaamheid om lisensies uit te reik, magtig om sodanige lisensie te vernuwe en ondanks enige ander bepaling in bedoelde Wet of ’n ander wet, reik sodanige beampte teen betaling van die voorgeskrewe fooie ’n bottel-dranklisensie aan sodanige houer uit en die lisensie aldus uitgereik word geag ’n vernuwing te wees van die lisensie wat verval het of geag is te verval het.

Minister kan vernuwing magtig van bottel-dranklisensies op die platteland wat op 31 Desember 1937 verval het.

4. Hierdie Wet heet die Drank-Wysigingswet, 1939.

Kort titel.