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UNIE VAN SUID-AFRIKA

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No. 6587.

PROCLAMATION

BY HIS EXCELLENCY THE HONOURABLE CHARLES ROBERTS SWART, GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA.

No. 401, 1960.]

COMMISSION OF ENQUIRY INTO COMPULSORY MOTOR VEHICLE INSURANCE (1960).

Under and by virtue of the powers vested in me by section one of the Commissions Act, 1947 (Act No. 8 of 1947), I hereby declare the provisions of the said Act to be applicable to the Commission of Enquiry into Compulsory Motor Vehicle Insurance (1960).

GOD SAVE THE QUEEN.

Given under my Hand and Great Seal at Pretoria on this Second day of December, One thousand Nine hundred and Sixty.

C. R. SWART,
Governor-General.

By Command of His Excellency the
Governor-General-in-Council.

B. J. SCHOEMAN.

GOVERNMENT NOTICE.

DEPARTMENT OF TRANSPORT.

No. 2017.]

[6 December 1960.

COMMISSION OF ENQUIRY INTO COMPULSORY MOTOR VEHICLE INSURANCE (1960).

It is hereby notified for general information that His Excellency the Governor-General has been pleased to appoint a Commission to inquire into, report on and make recommendations in connection with—

(a) the following aspects of motor vehicle insurance in terms of the Motor Vehicle Insurance Act, 1942 (Act No. 29 of 1942), as amended:—

- (i) The tariffs of premiums for all classes of motor vehicles and in particular whether such premiums, regard being had to section twenty-four (1) of that Act, can be considered as reasonable;
- (ii) the classification of motor vehicles for premium purposes;
- (iii) the demarcation of areas for premium purposes;
- (iv) the reasonableness of the "seventy-thirty" formula for the calculation of premiums which allows seventy per cent of gross premium income for the payment of claims and of the balance of thirty per cent, twenty per cent for administrative expenses, five per cent for agents' commission and five per cent profit;

PROKLAMASIE

VAN SY EKSELLENSIE DIE EDELE CHARLES ROBERTS SWART, GOEWERNEUR-GENERAAL VAN DIE UNIE VAN SUID-AFRIKA.

No. 401, 1960.]

KOMMISSIE VAN ONDERSOEK INSAKE VERPLIGTE MOTORVOERTUIGASSURANSIE (1960).

Kragtens die bevoegdheid my verleen by artikel een van die Kommissiewet, 1947 (Wet No. 8 van 1947), verklaar ek hierby dat die bepalings van genoemde Wet van toepassing is op die Kommissie van Onderzoek insake Verpligte Motorvoertuigassuransie (1960).

GOD BEHOEDE DIE KONINGIN.

Gegee onder my Hand en Grootseël te Pretoria, op hede die Tweede dag van Desember, Eenduisend Negenhonderd-en-sestig.

C. R. SWART,
Goewerneur-generaal.

Op las van Sy Eksellensie die
Goewerneur-generaal-in-rade.

B. J. SCHOEMAN.

GOEWERMENTSKENNISGEWING.

DEPARTEMENT VAN VERVOER.

No. 2017.]

[6 Desember 1960.

KOMMISSIE VAN ONDERSOEK INSAKE VERPLIGTE MOTORVOERTUIGASSURANSIE (1960).

Hierby word vir algemene inligting bekendgemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om 'n Kommissie aan te stel om ondersoek in te stel na en verslag en aanbevelings te doen in verband met—

(a) die volgende aspekte van motorvoertuigassuransie ooreenkomstig die Motorvoertuigassuransiewet, 1942 (Wet No. 29 van 1942), soos gewysig—

- (i) die tariewe van premies vir alle klasse motorvoertuie en in die besonder of sodanige premies, met die oog op artikel vier-en-twintig (1) van genoemde Wet, as redelik beskou kan word;
- (ii) die klassifikasie van motorvoertuie vir premiedoeleindes;
- (iii) die afbakening van gebiede vir premiedoeleindes;
- (iv) die redelikheid van die formule „sewentig-dertig” vir die berekening van premies, waarvolgens sewentig persent van die bruto premie-inkomste aangewend word vir die betaling van eise en die saldo van dertig persent soos volg verantwoord word: Twintig persent vir administrasiekoste, vyf persent vir kommissie aan agente en vyf persent wins;

- (v) bearing in mind that insurance under the said Act is compulsory, whether it is equitable or desirable for a registered company to separate costs of administration and agents' commission of business under that Act from such costs of other business undertaken by it in calculating the gross claims costs for the determination of premiums for business under that Act;
- (vi) whether it is equitable or desirable for a registered company to set off profits of one type of business against losses on another type;
- (vii) the insurance of a vehicle to be a condition precedent to licensing;
- (viii) the effect, beneficial or otherwise, of the operation of section *twelve* of the aforementioned Act in so far as hospitals, nursing homes or others providing accommodation or affording treatment or rendering service or supplying goods, are concerned;
- (ix) the limitation of the amount of compensation payable by a registered company in all instances where liability arises under the said Act and the effect of such limitation on premium rates;
- (x) the practicability of a scheme for imposing increased premiums where drivers are concerned who have proved themselves habitually negligent or accident prone, and conversely premium rebates in respect of safe drivers, or alternatively of a scheme for imposing increased premiums in respect of the age groups of drivers with the highest accident record;
- (b) the effect of the operation of the Apportionment of Damages Act, 1956 (Act No. 34 of 1956), in so far as—
- (i) the institution of claims for compensation under Act No. 29 of 1942; and
- (ii) litigation under the lastmentioned Act,
- are concerned with special reference to legal and other costs;
- (c) the desirability and feasibility of—
- (i) creating a special court or special courts to adjudicate claims for compensation instituted under Act No. 29 of 1942 and, whether or not such court is or courts are recommended;
- (ii) fixing scales of compensation payments, scales of hospital charges (including doctors' and nurses' charges) and scales of legal costs and other costs in connection with claims made under Act No. 29 of 1942;
- (d) the desirability or otherwise of amending paragraph (iv) of the proviso to section *eleven* (1) of Act No. 29 of 1942 to provide that where the person who suffered bodily injury or died rewarded the driver or hirer or owner of the motor vehicle for his conveyance therein knowing that such driver, hirer or owner was not permitted or authorized by law to convey therein persons for reward, or where the person who suffered bodily injury or died did not have reasonable grounds for believing that such driver, hirer or owner was so permitted or authorized, the registered company shall not be obliged to pay compensation under the Act;
- (e) the desirability or otherwise of amending section *fourteen* of Act No. 29 of 1942 to extend the right of recourse afforded thereby to a registered company to enable it to recover the amount paid by way of compensation from the owner of the motor
- (v) met inagneming daarvan dat assuransië ingevolge voornoemde Wet verpligtend is, of dit billik of wenslik vir 'n geregistreerde maatskappy is om, by die berekening van die bruto koste van eise vir die bepaling van premies vir sake wat ingevolge die Wet gedoen word, die administrasiekoste en agentskommissie van sodanige sake te skei van die koste van ander sake wat hy onderneem;
- (vi) of dit billik of wenslik is vir 'n geregistreerde maatskappy om winste van een soort saak in mindering te bring teen die verliese op 'n ander soort saak;
- (vii) die versekering van 'n voertuig as 'n opskortende voorwaarde vir die lisensiëring daarvan;
- (viii) die uitwerking, hetsy voordelig of andersins, van die toepassing van artikel *twalf* van voornoemde Wet sover dit hospitale, verpleeg-inrigtings en ander wat huisvesting of behandeling verskaf of dienste of goedere lewer, betref;
- (ix) die beperking van die bedrag wat 'n geregistreerde maatskappy aan skadevergoeding moet betaal in alle gevalle waar aanspreeklikheid ingevolge genoemde Wet ontstaan, en die uitwerking van sodanige beperking op premietariewe;
- (x) die uitvoerbaarheid van 'n skema waarvolgens verhoogde premies opgelê word in gevalle waar motorbestuurders betrokke is ten opsigte van wie daar bewys is dat hulle uit gewoonte nalatig is of geneig is om ongelukke te maak en, omgekeerd, waarvolgens verlaagde premies opgelê word ten opsigte van veilige bestuurders of, as alternatief, van 'n skema vir die oplegging van verhoogde premies ten opsigte van die ouderdomsgroepe van bestuurders met die hoogste ongeluksyfer;
- (b) die uitwerking van die toepassing van die Wet op Verdeling van Skadevergoeding, 1956 (Wet No. 34 van 1956), vir sover dit—
- (i) die instelling van eise vir skadevergoeding ingevolge Wet No. 29 van 1942; en
- (ii) gedingvoering ingevolge laasgenoemde Wet betref,
- met spesiale verwysing na regs- en ander koste;
- (c) die wenslikheid en uitvoerbaarheid daarvan dat—
- (i) 'n spesiale hof of spesiale howe geskep word wat eise vir skadevergoeding ingevolge Wet No. 29 van 1942 ingestel, sal bereg, en of sodanige hof of howe aanbeveel word of nie;
- (ii) skale vasgestel word vir die betaling van skadevergoeding, hospitaalkoste (insluitende dokters- en verpleegsterskoste) en regskoste en ander koste in verband met eise ingestel ingevolge Wet No. 29 van 1942;
- (d) die wenslikheid daarvan, of nie, om paragraaf (iv) van die voorbehoudsbepalings van artikel *elf* (1) van Wet No. 29 van 1942 te wysig ten einde te bepaal dat waar die persoon wat liggaamlik beseer of gedood is, die bestuurder of huurder of eienaar van die motorvoertuig vir sy vervoer daarin beloon het met die wete dat sodanige bestuurder, huurder of eienaar nie toegelaat of by wet gemagtig was om persone teen beloning daarin te vervoer nie, of waar die persone wat liggaamlik beseer of gedood is, nie redelike gronde gehad om te vermoed dat sodanige bestuurder, huurder of eienaar aldus toegelaat of gemagtig was nie, die geregistreerde maatskappy nie verplig is om skadevergoeding ingevolge die Wet te betaal nie;
- (e) die wenslikheid daarvan, of nie, om artikel *veertien* van Wet No. 29 van 1942 te wysig ten einde die reg van verhaal wat daarby aan 'n geregistreerde maatskappy verleen word, so uit te brei dat dit hom in staat stel om die bedrag wat by wyse van skadevergoeding uitbetaal is, op die eienaar van die

vehicle in question whether he permitted another person to drive that vehicle or not, or alternatively to extend that right in some other way;

- (f) the desirability or otherwise of amending Act No. 29 of 1942 to provide that no legal proceedings regarding a claim for compensation arising under the Act, shall be commenced against the registered company concerned until thirty days at least after written notice of intention to commence such proceedings has been served upon that company by the claimant or by his attorney or agent, in which notice the cause of such proceedings and details of the claim shall be clearly and explicitly stated;
- (g) the desirability and feasibility of the State, pursuant to the provisions of section twenty-four (1) of Act No. 29 of 1942 entering into an agreement with a particular insurance company and empowering it to undertake motor vehicle insurance in terms of that Act to the exclusion of all other insurance companies;
- (h) whether or not where a particular insurance company insures a motor vehicle under Act No. 29 of 1942 and undertakes liability for other risks of the owner thereof, the premium payable in respect of insurance under that Act should be at a rate lower than the rate applicable if only the vehicle in question is so insured by that company;
- (i) whether the administration of Act No. 29 of 1942 should remain under the Minister of Transport and if not under what Minister should it be placed;
- (j) any other matter relating to the insurance of motor vehicles under Act No. 29 of 1942 on which the Commission deems it desirable to report or which the Minister of Transport may desire the Commission to consider.

The following persons have been appointed as members of the Commission:—

Daniël Hendrik Cilliers du Plessis;
Raymond Francis Budd,
Colin George Corbett;
Christoffel Rudolph Botha de Villiers;
De la Harpe de Villiers; and
Ryk Nagel.

Any person, group or body desirous of making representations to the Commission on any matter within its terms of reference is invited to submit a memorandum (in tenfold) not later than 28th February, 1961, to the following address:—

The Secretary,
Commission of Enquiry into Compulsory Motor
Vehicle Insurance (1960);
Private Bag 193,
Pretoria.

betrokke motorvoertuig te verhaal, afgesien daarvan of hy 'n ander persoon toegelaat het om daardie voertuig te bestuur of nie; of, as alternatief, om daardie reg op 'n ander manier te verleen;

- (f) die wenslikheid daarvan, of nie, om Wet No. 29 van 1942, te wysig ten einde te bepaal dat geen regseding in verband met 'n eis vir skadevergoeding wat ingevolge die Wet ontstaan, teen die betrokke geregistreerde maatskappy ingestel mag word nie tensy ten minste dertig dae verloop het nadat daar 'n skriftelike kennisgewing deur die eiser of deur sy prokureur of verteenwoordiger aan daardie maatskappy beteken is en waarin die oorsaak van sodanige geding en besonderhede van die eis duidelik gestel is;
- (g) die wenslikheid en uitvoerbaarheid daarvan dat die Staat ooreenkomstig die bepalings van artikel *vier-en-twintig* (1) van Wet No. 29 of 1942 'n ooreenkoms met 'n bepaalde assuransiemaatskappy aangaan en so 'n maatskappy magtig om motorvoertuigassuransie ingevolge daardie Wet te onderneem en wel met uitsluiting van alle ander assuransiemaatskappye;
- (h) die wenslikheid daarvan of nie dat waar 'n bepaalde assuransiemaatskappy 'n motorvoertuig ingevolge Wet No. 29 van 1942 verseker en ook aanspreeklikheid vir ander risiko's van die eienaar daarvan aanvaar, 'n laer premie ten opsigte van versekering ingevolge daardie Wet toegepas moet word as wat die geval sou gewees het indien slegs die betrokke voertuig aldus deur daardie maatskappy verseker was;
- (i) of die administrasie van Wet No. 29 van 1942 nog onder die Minister van Vervoer moet ressorteer en, indien nie, onder watter Minister dit moet ressorteer;
- (j) enige ander saak wat met die assuransie van motorvoertuie ingevolge Wet No. 29 van 1942 in verband staan en waaroor die Kommissie dit wenslik ag om verslag te doen of wat die Minister van Vervoer deur die Kommissie wil laat oorweeg.

Ondergenoemde persone is aangestel as lede van die Kommissie:—

Daniël Hendrik Cilliers du Plessis;
Raymond Francis Budd;
Colin George Corbett;
Christoffel Rudolph Botha de Villiers;
De la Harpe de Villiers; en
Ryk Nagel.

Enige persone, groep of liggaam wat verhoë tot die Kommissie wil rig oor die sake binne die bestek van die opdrag, word uitgenooi om 'n memorandum (in tienvoud) voor of op 28 Februarie 1961 by die volgende adres in te dien:—

Die Sekretaris,
Kommissie van Onderzoek insake Verpligte
Motorvoertuigassuransie (1960),
Privaatsak 193,
Pretoria.

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