

EXTRAORDINARY

BUITENGEWONE



THE REPUBLIC OF SOUTH AFRICA

Government Gazette

Staatskroerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

[Registered at the General Post Office as a Newspaper.]

[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

Price 10c Prys
Overseas 15c Oorsee
POST FREE—POSVRY

Vol. XII.]

CAPE TOWN, 19TH JUNE, 1964.
KAAPSTAD, 19 JUNIE 1964.

[No. 823.

DEPARTMENT OF THE PRIME MINISTER.

No. 910.]

[19th June, 1964.

It is hereby notified that the State President has assented to the following Acts which are hereby published for general information:—

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 910.]

[19 Junie 1964.]

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wette wat hierby ter algemene inligting gepubliseer word:—

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No. 58, 1964.]

WET**Tot wysiging van die Wet op Uitvoer van Landbouprodukte, 1959.**(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Junie 1964.)**DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—**Wysiging van artikel 3 van Wet 10 van 1959.****1.** Artikel *drie* van die Wet op Uitvoer van Landbouprodukte, 1959 (hieronder die Hoofwet genoem), word hierby gewysig deur in sub-paragraaf (ii) van paragraaf (c) van sub-artikel (1) die woord „Unie-produkte” deur die woorde „produkte van die Republiek” te vervang.**Wysiging van artikel 6 van Wet 10 van 1959.****2.** Artikel *ses* van die Hoofwet word hierby gewysig deur in paragraaf (j) van sub-artikel (1) na die woord „-bemarking” waar dit die tweede maal voorkom die woorde „of 'n deur hom aangewese beampete in die Departement van Landbou-ekonomiese en -bemarking” in te voeg.**Wysiging van artikel 7 van Wet 10 van 1959, soos gewysig deur artikel 1 van Wet 4 van 1963.****3.** Artikel *sewe* van die Hoofwet word hierby gewysig—

- (a) deur in die Engelse teks van paragraaf (d) van sub-artikel (1) die woord „receptacles” oral waar dit voorkom deur die woord „containers” te vervang;
- (b) deur in daardie paragraaf na die woord „word” die woorde „die behandeling of skoonmaak, met inbegrip van behandeling of skoonmaak met chemiese middels, van sodanige houers, die wyse waarop sodanige houers voor gebruik daarvan opgeberg moet word” in te voeg;
- (c) deur in die Engelse teks van paragraaf (g) van daardie sub-artikel die woord „receptacle” deur die woord „container” te vervang; en
- (d) deur in paragraaf (q) van daardie sub-artikel voor die woord „persoon” die woorde „aanwysing deur 'n vermelde beampete van die Departement van Landbou-ekonomiese en -bemarking of iemand deur hom benoem van die” in te voeg.

Wysiging van artikel 8 van Wet 10 van 1959.**4.** Artikel *agt* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „honderd pond” deur die woorde „tweehonderd rand” en die woorde „twee-honderd-en-vyftig pond” deur die woorde „vyfhonderd rand” te vervang;
- (b) deur in sub-artikel (2) die woorde „vyf-en-twintig pond” deur die woorde „vyftig rand” te vervang; en
- (c) deur in sub-artikel (3) die woorde „vyf pond” deur die woorde „tien rand” te vervang.

Wysiging van artikel 9 van Wet 10 van 1959.**5.** Artikel *nege* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (2) die woorde „met of sonder dwangarbeid” te skrap; en
- (b) deur in sub-artikel (3) die woorde „honderd pond” deur die woorde „tweehonderd rand” te vervang.

Wysiging van artikel 10 van Wet 10 van 1959.**6.** Artikel *tien* van die Hoofwet word hierby gewysig deur die woorde „met of sonder dwangarbeid” te skrap en deur die woorde „vyftig pond” oral waar hulle voorkom deur die woorde „honderd rand” en die woorde „honderd pond” oral waar hulle voorkom deur die woorde „tweehonderd rand” te vervang.**Vervanging van sekere uitdrukings in Wet 10 van 1959.****7.** Die Hoofwet word hierby gewysig deur die woorde „Unie” oral waar dit voorkom deur die woorde „Republiek” en die woorde „Goewerneur-generaal” oral waar dit voorkom deur die woorde „Staatspresident” te vervang.**Kort titel.****8.** Hierdie Wet heet die Wysigingswet op Uitvoer van Landbouprodukte, 1964.

No. 58, 1964.]

ACT

To amend the Agricultural Produce Export Act, 1959.

(Afrikaans text signed by the State President.)
(Assented to 12th June, 1964.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section *three* of the Agricultural Produce Export Act, Amendment of 1959 (hereinafter referred to as the principal Act), is hereby amended by the substitution in the Afrikaans version of sub-paragraph (ii) of paragraph (c) of sub-section (1) for the word “Unie-produkte” of the words “produkte van die Republiek”. Amendment of section 3 of Act 10 of 1959.
2. Section *six* of the principal Act is hereby amended by the insertion in paragraph (j) of sub-section (1) after the word “Marketing” where it occurs for the second time of the words “or an officer of the Department of Agricultural Economics and Marketing designated by him”. Amendment of section 6 of Act 10 of 1959.
3. Section *seven* of the principal Act is hereby amended—
 - (a) by the substitution in paragraph (d) of sub-section (1) for the word “receptacles” wherever it occurs of the word “containers”; Amendment of section 7 of Act 10 of 1959, as amended by section 1 of Act 4 of 1963.
 - (b) by the insertion in that paragraph after the word “used” of the words “the treatment or cleaning, including treatment or cleaning by chemical means, of such containers, the manner in which such containers shall be stored prior to being used”;
 - (c) by the substitution in paragraph (g) of that sub-section for the word “receptacle” of the word “container”; and
 - (d) by the insertion in paragraph (q) of that sub-section before the word “person” of the words “designation by any specified officer of the Department of Agricultural Economics and Marketing or a person nominated by him of the”.
4. Section *eight* of the principal Act is hereby amended—
 - (a) by the substitution in sub-section (1) for the words “one hundred pounds” of the words “two hundred rand” and for the words “two hundred and fifty pounds” of the words “five hundred rand”; Amendment of section 8 of Act 10 of 1959.
 - (b) by the substitution in sub-section (2) for the words “twenty-five pounds” of the words “fifty rand”; and
 - (c) by the substitution in sub-section (3) for the words “five pounds” of the words “ten rand”.
5. Section *nine* of the principal Act is hereby amended—
 - (a) by the deletion in sub-section (2) of the words “with or without compulsory labour”; and Amendment of section 9 of Act 10 of 1959.
 - (b) by the substitution in sub-section (3) for the words “one hundred pounds” of the words “two hundred rand”.
6. Section *ten* of the principal Act is hereby amended by the deletion of the words “with or without compulsory labour” and by the substitution for the words “fifty pounds” wherever they occur of the words “one hundred rand” and for the words “one hundred pounds” wherever they occur of the words “two hundred rand”. Amendment of section 10 of Act 10 of 1959.
7. The principal Act is hereby amended by the substitution for the word “Union” wherever it occurs of the word “Republic” certain expressions and for the word “Governor-General” wherever it occurs of the words “State President”. Substitution of certain expressions in Act 10 of 1959.
8. This Act shall be called the Agricultural Produce Export Short title. Amendment Act, 1964.

No. 59, 1964.]

WET

Tot wysiging van die Wet op die Uitvoer van Vrugte, 1957.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Junie 1964.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 27 van 1957.

1. Artikel *een* van die Wet op die Uitvoer van Vrugte, 1957 (hieronder die Hoofwet genoem), word hierby gewysig deur in die omskrywing van „inspekteur” die woord „Landbou”, oral waar dit voorkom, deur die woorde „Landbou-ekonomiese en -bemarking” te vervang.

Wysiging van artikel 3 van Wet 27 van 1957.

2. Artikel *drie* van die Hoofwet word hierby gewysig deur die volgende woorde aan die end daarvan by te voeg: „of tensy, in die geval van vrugte beoog in artikel *drie bis*, skriftelike vergunning deur 'n inspekteur vir die uitvoer daarvan ná sodanige ondersoek verleen is”.

Invoeging van artikel 3bis in Wet 27 van 1957.

3. Die volgende artikel word hierby in die Hoofwet na artikel *drie* ingevoeg:

„Verlening *3bis*. (1) 'n Beampete van die Departement van Landbou-ekonomiese en -bemarking by regulasie voorgeskryf, kan op die voorwaardes wat hy goedvind, aan iemand skriftelike magtiging verleen om, behoudens die bepalings van artikel *drie*, vrugte uit die Republiek uit te voer sonder dat die houers waarin die vrugte is, deur 'n inspekteur gebrandmerk of gestempel is.

(2) Die Sekretaris van Landbou-ekonomiese en -bemarking kan aan iemand skriftelike magtiging verleen om, behoudens die bepalings van artikel *drie*, vrugte uit die Republiek uit te voer sonder dat die houers waarin die vrugte is, deur 'n inspekteur gebrandmerk of gestempel is.”.

Wysiging van artikel 5 van Wet 27 van 1957.

4. Artikel *vyf* van die Hoofwet word hierby gewysig—

- (a) deur die woorde „moet hy elke kissie” te vervang deur die woorde „of dat, in die geval van vrugte beoog in sub-artikel (1) van artikel *drie bis*, aan die betrokke voorwaardes voldoen is, moet hy elke houer”;
- (b) deur die volgende woorde aan die end daarvan by te voeg: „of, in die geval van vrugte beoog in artikel *drie bis*, skriftelike vergunning vir die uitvoer daarvan verleen”; en
- (c) deur die volgende sub-artikels by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Indien 'n inspekteur dit om enige rede nodig ag kan hy enige vrugte die houers waarvan hy ingevolge sub-artikel (1) gebrandmerk of gestempel het, of vir die uitvoer waarvan hy skriftelike vergunning ingevolge genoemde sub-artikel (1) verleen het, weer ondersoek, en indien hy ten gevolge van sodanige ondersoek oortuig is dat die toestand van die betrokke vrugte sodanig verswak het dat dit nie langer aan die voorgeskrewe standaarde of, na gelang van die geval, aan enige voorwaarde, opgelê ingevolge sub-artikel (1) van artikel *drie bis*, voldoen nie, of dat die graad daarvan nie meer dieselfde is nie as wat dit ten tyde van sodanige brandmerk of stempeling of die verlening van sodanige vergunning was, kan hy die brandmerk of stempel op elke houer in die betrokke besending vrugte rooier of van die betrokke afsender skriftelik eis dat hy dit doen of, na gelang van die geval, by skriftelike kennisgewing aan die afsender sodanige vergunning intrek.

No. 59, 1964.]

ACT

To amend the Fruit Export Act, 1957.

*(English text signed by the State President.)
(Assented to 12th June, 1964.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section *one* of the Fruit Export Act, 1957 (hereinafter referred to as the principal Act), is hereby amended by the substitution in the definition of "inspector" for the word "Agriculture", wherever it occurs, of the words "Agricultural Economics and Marketing".

2. Section *three* of the principal Act is hereby amended by the addition at the end thereof of the words "or unless, in the case of fruit contemplated in section *three bis*, written permission for the export thereof has after such an examination been granted by an inspector".

3. The following section is hereby inserted in the principal Act after section *three*:

"Granting authority for export of fruit without containers having been branded or stamped. (1) An officer of the Department of Agricultural Economics and Marketing prescribed by regulation may, subject to such conditions as he may deem fit, grant written authority to any person to export, subject to the provisions of section *three*, fruit from the Republic without the containers in which the fruit is contained having been branded or stamped by an inspector.

Insertion of
section 3bis
in Act 27
of 1957.

(2) The Secretary for Agricultural Economics and Marketing may grant written authority to any person to export, subject to the provisions of section *three*, fruit from the Republic without the containers in which the fruit is contained having been branded or stamped by an inspector.".

4. Section *five* of the principal Act is hereby amended—

(a) by the substitution for the words "he shall brand or stamp each box" of the words "or that, in the case of fruit contemplated in sub-section (1) of section *three bis*, the conditions in question have been complied with, he shall brand or stamp each container";

(b) by the addition at the end thereof of the words "or, in the case of fruit contemplated in section *three bis*, grant written permission for the export thereof"; and

(c) by the addition of the following sub-sections, the existing section becoming sub-section (1):

"(2) If an inspector for any reason considers it necessary, he may again examine any fruit the containers of which have been branded or stamped by him in terms of sub-section (1), or for the export of which written permission has been granted by him in terms of the said sub-section (1), and if as a result of any such examination he is satisfied that the condition of the fruit in question has deteriorated to such an extent that it is no longer in accordance with the prescribed standards, or as the case may be, with any condition imposed in terms of sub-section (1) of section *three bis*, or that the grade thereof is no longer the same as that which it was at the time of such branding or stamping or the granting of such permission, he may cancel or in writing require the consignor in question to cancel the brand or stamp on each container in the consignment or, as the case may be, by written notice to the consignor withdraw such permission.

(3) Indien 'n inspekteur ingevolge sub-artikel (2) enige brandmerke of stempels rooier of van 'n afsender eis dat hy dit doen, of 'n vergunning deur hom verleen, intrek, word daar by die toepassing van hierdie Wet geag dat hy geweier het om die betrokke houers te brandmerk of te stempel of om skriftelike vergunning vir die uitvoer van die betrokke vrugte te verleen.”.

Wysiging van artikel 6 van Wet 27 van 1957.

5. Artikel ses van die Hoofwet word hierby gewysig—

(a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Indien 'n inspekteur weier om 'n besending vrugte te brandmerk of te stempel of, na gelang van die geval, om skriftelike vergunning vir die uitvoer daarvan te verleen, moet hy die redes vir sy weiering onverwyld skriftelik medeeel aan die afsender.”; en

(b) deur in sub-artikel (2) die woorde „te beslis of die vrugte soos voormeld gebrandmerk of gestempel behoort te word,” te vervang deur die woorde „of, na gelang van die geval, die voorwaardes opgelê ingevolge sub-artikel (1) van artikel *drie bis*, te beslis of die weiering van die inspekteur gehandhaaf moet word of nie.”.

Wysiging van artikel 7 van Wet 27 van 1957.

6. Artikel sewe van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woorde „stempel” die volgende woorde in te voeg: „of, na gelang van die geval, om skriftelike vergunning vir die uitvoer daarvan te verleen.”.

Wysiging van artikel 8 van Wet 27 van 1957.

7. Artikel agt van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (b) en in paragraaf (d) en in paragraaf (h) van sub-artikel (1) van die Engelse teks die woorde „receptacles” deur die woorde „containers” te vervang;

(b) deur in paragraaf (g) van genoemde sub-artikel die woorde „kissies vrugte” deur woorde „houers” te vervang, en na die woorde „wat” die woorde „tesame met die vrugte daarin” in te voeg;

(c) deur na genoemde paragraaf (g) die volgende paragraaf in te voeg:

„(g)*bis* die neem of verwydering van monsters van vrugte deur 'n inspekteur vir ondersoek of ontleding;”;

(d) deur na paragraaf (h) van genoemde sub-artikel die volgende paragraaf in te voeg:

„(h)*bis* die omstandighede waaronder vrugte ná ondersoek deur 'n inspekteur deur hom gedegradeer of hergradeer kan word en weer gemerk kan word om die nuwe graad daarvan aan te dui;”;

(e) deur na paragraaf (j) van genoemde sub-artikel die volgende paragraaf in te voeg:

„(j)*bis* die spuitmiddels, dipstowwe of wasmiddels waarmee vrugte vir uitvoer bespuit of behandel moet wees of nie bespuit of behandel mag wees nie, die tydperk wat moet verloop tussen die laaste sodanige bespuiting van vrugte en die oes daarvan, die tydperk wat, die wyse waarop en die temperatuur waarteen vrugte wat aldus bespuit of behandel moet wees, vóór die uitvoer daarvan opgeberg moet word, en die omstandighede waaronder, die persone deur wie en die wyse en voorwaardes waarop vrystelling van sodanige opberging verleent kan word;”;

(f) deur na paragraaf (k) van genoemde sub-artikel die volgende paragraaf in te voeg:

„(k)*bis* die beampies wat ingevolge sub-artikel (1) van artikel *drie bis* magtiging vir die uitvoer van vrugte kan verleen, en die wyse waarop aansoek om sodanige magtiging gedoen moet word;”;

(g) deur die volgende sub-artikel by te voeg:

„(2) Regulasies ingevolge sub-artikel (1) uitgevaardig kan van toepassing wees op vrugte wat uitgevoer word vir enige doel of vir 'n bepaalde doel of vir 'n ander doel as 'n bepaalde doel, en verskillende regulasies kan aldus uitgevaardig word ten opsigte van verskillende soorte of klasse of variëteite vrugte, en sodanige regulasies kan verskil na gelang van die doel

(3) If an inspector in terms of sub-section (2) cancels, or requires a consignor to cancel, any brands or stamps, or withdraws any permission granted by him, he shall for the purposes of this Act be deemed to have refused to brand or stamp the containers in question or to grant written permission for the export of the fruit in question.”.

5. Section six of the principal Act is hereby amended— Amendment of section 6 of

- (a) by the substitution for sub-section (1) of the following sub-section:

“(1) If an inspector refuses to brand or stamp any consignment of fruit or, as the case may be, to grant written permission for the export thereof, he shall forthwith inform the consignor in writing of the reasons for his refusal.”; and

- (b) by the substitution in sub-section (2) for the words “the fruit should, regard being had to the regulations, be branded or stamped as aforesaid,” of the words “or not, regard being had to the regulations or, as the case may be, the conditions imposed in terms of sub-section (1) of section *three bis*, the refusal of the inspector should be upheld.”.

6. Section seven of the principal Act is hereby amended by the insertion in sub-section (1) after the word “fruit”, where it occurs for the first time, of the words “or, as the case may be, to grant written permission for the export thereof”. Amendment of section 7 of

Act 27 of 1957.

7. Section eight of the principal Act is hereby amended— Amendment of section 8 of

Act 27 of 1957.

- (a) by the substitution in paragraph (b) and in paragraph (d) and in paragraph (h) of sub-section (1) for the word “receptacles” of the word “containers”;

- (b) by the substitution in paragraph (g) of the said sub-section for the words “boxes of fruit” of the word “containers” and the insertion therein after the word “which” of the words “together with the fruit therein”;

- (c) by the insertion after the said paragraph (g) of the following paragraph:

“(g)*bis* the taking or removal of samples of fruit by an inspector for examination and analysis;”;

- (d) by the insertion after paragraph (h) of the said sub-section of the following paragraph:

“(h)*bis* the circumstances in which fruit may, after examination by an inspector, be degraded or regraded by him and be re-marked to indicate the new grade thereof;”;

- (e) by the insertion after paragraph (j) of the said sub-section of the following paragraph:

“(j)*bis* the sprays, dips or washing agents with which fruit for export shall have been or shall not have been sprayed or treated, the period which is to elapse between the last such spraying of fruit and the reaping thereof, the period for which, the manner in which and the temperature at which fruit required to have been so sprayed or treated shall, prior to the export thereof, be kept in storage, and the circumstances in which, the persons by whom, the manner in which and the conditions subject to which exemption may be granted from such keeping in storage;”;

- (f) by the insertion after paragraph (k) of the said sub-section of the following paragraph:

“(k)*bis* the officers who may, in terms of sub-section (1) of section *three bis*, grant authority for the export of fruit, and the manner in which application for such authority shall be made;”;

- (g) by the addition of the following sub-section:

“(2) Regulations made in terms of sub-section (1) may apply to fruit being exported for any purpose or for a specified purpose or for any purpose other than a specified purpose, and different regulations may be so made in respect of different kinds or classes or varieties of fruit, and such regulations may differ

waarvoor, die land of gebied waarheen of die wyse waarop die vrugte uitgevoer word, of die wyse waarop dit verpak is, of ten opsigte van dieselfde variëteit, graad, wyse van verpakking, telling, gewigsinhoud, grootte of hoeveelheid van enige soort of klas vrugte, na gelang die land of gebied waarheen of die wyse waarop die vrugte uitgevoer word.”.

Wysiging van artikel 9 van Wet 27 van 1957.

8. Artikel *nege* van die Hoofwet word hierby gewysig deur na die woord „vrugte”, op albei plekke waar dit voorkom, die volgende woorde in te voeg: „of van enige variëteit, soort of klas vrugte van ‘n bepaalde graad, telling, gewigsinhoud of grootte, of op ‘n bepaalde wyse verpak.”.

Wysiging van artikel 10 van Wet 27 van 1957.

9. Artikel *tien* van die Hoofwet word hierby gewysig—
(a) deur in paragraaf (a) die woorde „of vrugte wat nie volgens voorskrif van hierdie Wet ondersoek, gebrandmerk of gestempel is nie,” te skrap; en
(b) deur in paragraaf (b) na die woord „hinder” die volgende woorde in te voeg: „of versuim om te voldoen aan ‘n eis van ‘n inspekteur ingevolge sub-artikel (2) van artikel *vyf*”.

Vervanging van sekere uitdrukings in Wet 27 van 1957.

10. Die Hoofwet word hierby gewysig deur die woorde „Unie” en „Goewerneur-generaal”, oral waar hulle voorkom, deur die woorde „Republiek” en „Staatspresident” onderskeidelik te vervang.

Kort titel.

11. Hierdie Wet heet die Wysigingswet op die Uitvoer van Vrugte, 1964.

according to the purpose for which, the country or territory to which or the manner in which the fruit is being exported or the manner in which it has been packed, or in respect of the same variety, grade, manner of packing, count, weight content, size or quantity of any kind or class of fruit, according to the country or territory to which or the manner in which the fruit is being exported.”.

8. Section *nine* of the principal Act is hereby amended by the insertion after the word “fruit”, in both places where it occurs, of the words “or of any variety, kind or class of fruit of a specified grade, count, weight content or size, or packed in a particular manner.”.

9. Section *ten* of the principal Act is hereby amended—
(a) by the deletion in paragraph (a) of the words “or fruit in respect of which the inspection, branding or stamping required by this Act has not taken place”; and
(b) by the insertion in paragraph (b) after the word “duty” of the words “or fails to comply with any requirement of an inspector in terms of sub-section (2) of section five”.

10. The principal Act is hereby amended by the substitution for the words “Union” and “Governor-General”, wherever they occur, of the words “Republic” and “State President” respectively. Substitution of certain expressions in Act 27 of 1957.

11. This Act shall be called the Fruit Export Amendment Short title. Act, 1964.

No. 60, 1964.]

WET

Tot wysiging van die Motorvoertuigassuransiewet, 1942.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Junie 1964.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 29 van 1942, soos gewysig deur artikel 1 van Wet 27 van 1952 en artikel 1 van Wet 31 van 1959.

1. Artikel *een* van die Motorvoertuigassuransiewet, 1942 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur na paragraaf (a) van die omskrywing van „assuransietydperk” in sub-artikel (1) die volgende paragraaf in te voeg:
„(a)*bis* ‘n motorvoertuig wat ingevolge ‘n spesiale permit gebruik word: die geldigheidstydperk van die betrokke spesiale permit;”;
 - (b) deur in paragraaf (b) van daardie omskrywing na die woorde „paragraaf (a)” die woorde “of (a)*bis*” in te voeg;
 - (c) deur in paragraaf (c) van daardie omskrywing na die woorde „paragraaf (a)” die woorde „(a)*bis*” in te voeg;
 - (d) deur die omskrywing van „geregistreerde maatskappy” in gemelde sub-artikel deur die volgende omskrywing te vervang:
„geregistreerde maatskappy” beteken, behoudens die bepalings van sub-artikel (4) van artikel *twee* en enige toepaslike bepaling van artikel *twee ter, twee quat* of *twoe quin*, ‘n assuransiemaatskappy wat in ‘n kennisgewing ingevolge sub-artikel (1) van artikel *twee* deur die Minister genoem is as ‘n assuransiemaatskappy wat gewillig is om assuransie van motorvoertuie ingevolge hierdie Wet aan te gaan en wat nie aan die Minister volgens sub-artikel (2) van artikel *twee* kennis gegee het dat hy nie meer sodanige assuransie wil aangaan nie, en wat nie die onderwerp van ‘n kennisgewing ingevolge sub-artikel (3) van artikel *twee* is nie;”;
 - (e) deur in daardie sub-artikel na die omskrywing van „regulasie” die volgende omskrywings in te voeg:
„vergoeding”, met betrekking tot die vervoer van enigiemand in of op ‘n motorvoertuig, beteken nie ook vergoeding wat ingevolge enige bepaling van die Motortransportwet, 1930 (Wet No. 39 van 1930), sodanige vervoer onwettig maak nie;
„spesiale permit”, met betrekking tot ‘n motorvoertuig, beteken ‘n spesiale permit wat ten opsigte van bedoelde motorvoertuig uitgereik is kragtens artikel *elf* van die Ordonnansie op Padverkeer, 1955 (Ordonnansie No. 19 van 1955), van die Kaapprovincie, artikel *twee-en-veertig* van die Ordonnansie op Padverkeer, 1956 (Ordonnansie No. 17 van 1956), van die Oranje-Vrystaat, sub-artikel (7) van artikel *drie-en-veertig* van die Padverkeersordonnansie, 1956 (Ordonnansie No. 26 van 1956), van Natal, artikel *sewe-en-veertig* van die Padverkeersordonnansie, 1957 (No. 18 van 1957), van Transvaal, of artikel *sestien* van die Padverkeersordonnansie, 1961 (Ordonnansie No. 21 van 1961), van die gebied Suidwes-Afrika;”;
 - (f) deur die omskrywing van „tarief” in daardie sub-artikel deur die volgende omskrywing te vervang:
„tarief”, met betrekking tot ‘n geregistreerde maatskappy, beteken die tarief van premies wat, ingevolge ‘n kennisgewing ooreenkomsdig die bepalings van sub-artikel (5) of (7) van artikel *twee bis* in die Staatskoerant gepubliseer, van toepassing is op die assuransie van motorvoertuie ingevolge hierdie Wet deur sodanige maatskappy;”; en

No. 60, 1964.]

ACT

To amend the Motor Vehicle Insurance Act, 1942.

(Afrikaans text signed by the State President.)
(Assented to 12th June, 1964.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section one of the Motor Vehicle Insurance Act, 1942 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion after paragraph (a) of the definition of "insurance period" in sub-section (1) of the following paragraph:
 “(a)*bis* any motor vehicle operated under a special permit; the period of validity of the special permit in question;”;
- (b) by the insertion in paragraph (b) of that definition after the words “paragraph (a)” of the words “or (a)*bis*”;
- (c) by the insertion in paragraph (c) of that definition after the words “paragraph (a)” of the words “(a)*bis*”;
- (d) by the substitution for the definition of “registered company” in the said sub-section of the following definition:
 “‘registered company’ means, subject to the provisions of sub-section (4) of section two and any applicable provision of section *two ter*, *two quat* or *two quin*, an insurance company which has been named by the Minister in a notice under sub-section (1) of section two as an insurance company which is willing to undertake the insurance of motor vehicles under this Act and which has not notified the Minister in terms of sub-section (2) of section two that it will no longer undertake such insurance and is not the subject of a notice under sub-section (3) of section two;”;
- (e) by the insertion after the definition of “regulation” in that sub-section of the following definitions:
 “‘reward’, with reference to the conveyance of any person in or upon a motor vehicle, does not include any reward rendering such conveyance illegal in terms of any provision of the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930);
- ‘special permit’, in relation to any motor vehicle, means a special permit issued in respect of such motor vehicle under section *eleven* of the Road Traffic Ordinance, 1955 (Ordinance No. 19 of 1955), of the Cape Province, section *forty-two* of the Road Traffic Ordinance, 1956 (Ordinance No. 17 of 1956), of the Orange Free State, sub-section (7) of section *forty-three* of the Road Traffic Ordinance, 1956 (Ordinance No. 26 of 1956), of Natal, section *forty-seven* of the Road Traffic Ordinance, 1957 (Ordinance No. 18 of 1957), of the Transvaal, or section *sixteen* of the Road Traffic Ordinance, 1961 (Ordinance No. 21 of 1961) of the territory of South-West Africa;”;
- (f) by the substitution for the definition of “tariff” in that sub-section of the following definition:
 “‘tariff’, in relation to a registered company, means the tariff of premiums which, in terms of any notice published in the *Gazette* in accordance with the provisions of sub-section (5) or (7) of section *two bis*, is applicable to the insurance of motor vehicles under this Act by such company;”;

- (g) deur in daardie sub-artikel na die omskrywing van „tarief” die volgende omskrywing in te voeg:
 „sleepwa” beteken nie ook ’n landbouwerktyg wat nie vir die vervoer van mense of goedere ontwerp of aangepas is nie;”.

Invoeging van artikel 1bis en 1ter in Wet 29 van 1942.

2. Die volgende artikels word hierby in die Hoofwet na artikel een ingevoeg:

„Instelling, 1bis. (1) Die Minister moet ’n komitee met samestelling, die naam die Advieskomitee oor Motorvoertuigwerksaamhede, lid-maatkapsel, waarvan die samestelling, werksaamhede en personeel van Advies-komitee oor Motorvoertuig-assuransie.

(2) Die lede van die advieskomitee word deur die Minister aangestel en sluit in minstens een beampete van die Departement van Vervoer, minstens een beampete van die Departement van Finansies, een persoon aangestel om die provinsiale administrasies te verteenwoordig, een persoon aangestel om die Administrasie van Suidwes-Afrika te verteenwoordig, en persone aangestel om onderskeidelik georganiseerde handels-, nywerheids-, arbeids-, landbou- en versekeringsbelange, motor-organisasies, die regsberoep en die geneeskundige beroep te verteenwoordig.

(3) Die Minister moet ’n lid van die advieskomitee wat ’n beampete van die Departement van Vervoer is, aanwys as voorsitter van die komitee.

(4) ’n Lid van die advieskomitee word aangestel vir die tydperk en op die voorwaardes (met inbegrip, ten opsigte van so ’n lid wat nie voltyds in die diens van die Staat is nie, van voorwaardes met betrekking tot die besoldiging en toelaes, as daar is, aan hom betaalbaar ten opsigte van dienste deur hom as sodanige lid gelewer) wat die Minister ten tyde van die aanstelling in oorleg met die Minister van Finansies bepaal.

(5) Die advieskomitee dien die Minister van raad aangaande—

- (a) statistieke met betrekking tot motorvoertuigassuransie ingevolge hierdie Wet wat ingevolge hierdie Wet of andersins aan ’n Staatsdepartement, die komitee of ’n ander liggaam verstrek word;
- (b) neigings in motorvoertuigongelukke en in motorvoertuigassuransie-eise;
- (c) die algemene bekendmaking van die bepalings van hierdie Wet en die regulasies; en
- (d) enige aangeleenthed wat by regulasie voorgeskryf of van tyd tot tyd deur die Minister na die Komitee verwys word.

(6) Die advieskomitee moet so spoedig doenlik na die dertigste dag van November in elke jaar ’n verslag oor al die aangeleenthede binne die bestek van sy werksaamhede en bedrywighede opstel en aan die Minister voorlê.

(7) Die Minister moet elke jaarverslag vermeld in sub-artikel (6) in die Senaat en in die Volksraad ter tafel lê binne een-en-twintig dae na ontvangs daarvan, as die Parlement in gewone sessie is of, as die Parlement nie in gewone sessie is nie, binne een-en-twintig dae na die aanvang van sy eersvolgende gewone sessie.

(8) Die Sekretaris van Vervoer moet, behoudens die wette op die Staatsdiens, al die amptenare verskaf wat nodig is om die advieskomitee met die verrigting van sy werksaamhede te help en om alle sekretariële en administratiewe werk wat uit die verrigting daarvan voortspruit, te onderneem, en sodanige amptenare staan onder die beheer van gemelde Sekretaris.

(g) by the insertion after the definition of "tariff" in that sub-section of the following definition:

"trailer' does not include an agricultural implement not designed or adapted for the conveyance of persons or goods;".

2. The following sections are hereby inserted in the principal Act after section one:

"Establishment, constitution, functions, membership and staff of the Advisory Committee on Motor Vehicle Insurance.

1bis. (1) The Minister shall establish a committee to be known as the Advisory Committee on Motor Vehicle Insurance (hereinafter referred to as the advisory committee) whose constitution, functions and manner of conduct of business shall, subject to the provisions of this section, be as prescribed by regulation.

Insertion of
sections 1bis
and 1ter
in Act 29
of 1942.

(2) The members of the advisory committee shall be appointed by the Minister and shall include at least one official of the Department of Transport, at least one official of the Department of Finance, one person appointed to represent the provincial administrations, one person appointed to represent the Administration of South-West Africa, and persons appointed to represent organized commercial, industrial, labour, agricultural and insurance interests, motoring organizations, the legal profession and the medical profession, respectively.

(3) The Minister shall designate a member of the advisory committee who is an official of the Department of Transport as the chairman of the committee.

(4) A member of the advisory committee shall be appointed for such period and on such conditions (including, in respect of such a member who is not in the full-time service of the State, conditions relating to the remuneration and allowances, if any, payable to him in respect of services rendered by him as such a member) as the Minister may, in consultation with the Minister of Finance, determine when making the appointment.

(5) The advisory committee shall advise the Minister as to—

(a) statistics relating to motor vehicle insurance under this Act, furnished under this Act or otherwise to any State Department or the committee or any other body;

(b) motor vehicle accidents and motor vehicle insurance claims tendencies;

(c) giving publicity to the provisions of this Act and the regulations; and

(d) any matter prescribed by regulation or from time to time referred to the committee by the Minister.

(6) The advisory committee shall, as soon as may be after the thirtieth day of November in each year, prepare and submit to the Minister a report dealing with all matters within the sphere of its functions and activities.

(7) The Minister shall lay every annual report referred to in sub-section (6) upon the table of the Senate and of the House of Assembly within twenty-one days after the receipt thereof, if Parliament is in ordinary session, or if Parliament is not in ordinary session, within twenty-one days after the commencement of its next ensuing ordinary session.

(8) The Secretary for Transport shall, subject to the laws governing the public service, provide all such officers as may be necessary to assist the advisory committee in the performance of its functions and to undertake all secretarial and administrative work arising out of the performance thereof, and such officers shall be under the control of the said Secretary.

(9) Die Minister kan, ten einde inligting te verkry met betrekking tot statistieke wat ingevolge die regulasies deur geregistreerde maatskappye gehou of verstrek moet word, aan so 'n amptenaar op die by regulasie voorgeskrewe wyse die aldus voorgeskrewe bevoegdhede, pligte en werksaamhede toesê, met inbegrip van die bevoegdheid om te eis, na die aldus voorgeskrewe kennisgewing, dat boeke, dokumente of rekenings voorgelê word en om dit te ondersoek en uittreksels daaruit of afskrifte daarvan te maak of, met die voorafgaande goedkeuring van die Minister in elke geval, om enige perseel van 'n geregistreerde maatskappy te betree en te eis dat boeke, dokumente of rekenings voorgelê word of boeke, dokumente of rekenings op die perseel gevind, in besit te neem en boeke, dokumente of rekenings aldus voorgelê of gevind, te verwijder ten einde dit te ondersoek of uittreksels daaruit of afskrifte daarvan te maak.

Instelling, samestelling, werksaamhede, lidmaatskap en personeel van Komitee oor Motorvoertuigassuransie-premies.

1ter. (1) Die Minister moet 'n komitee met die naam die Komitee oor Motorvoertuigassuransie-premies (hieronder die premieskomitee genoem) instel, waarvan die werksaamhede en wyse van werkverrigting dié is wat, behoudens die bepalings van hierdie artikel, by regulasie voorgeskryf word.

(2) Die lede van die premieskomitee word deur die Minister aangestel en bestaan uit een beampete van die Departement van Vervoer, een beampete van die Departement van Finansies, een beampete werksaam in die kantoor van die Direkteur van Statistiek en drie personele wat na oorlegpleging met geregistreerde maatskappye op die by regulasie voorgeskrewe wyse, aangestel is om geregistreerde maatskappye te verteenwoordig.

(3) Die premieskomitee dien die Minister van raad aangaande—

- (a) enige aangeleentheid met betrekking tot tariewe van premies vir die assuransie van motorvoertuie ingevolge hierdie Wet;
- (b) die indeling van motorvoertuie in klasse en afbakening van gebiede vir premiedoeleindes; en
- (c) enige aangeleentheid wat by regulasie voorgeskryf of van tyd tot tyd deur die Minister na die komitee verwys word.

(4) Die bepalings van sub-artikels (3), (4), (8) en (9) van artikel *een bis* is *mutatis mutandis* met betrekking tot die premieskomitee van toepassing.”.

Vervanging van artikel 2 van Wet 29 van 1942, soos gewysig deur artikel 2 van Wet 31 van 1959 en regulasies afgekondig by Goewerments-kennisgewings Nos. 2144 van 1951, 1789 van 1959 en R201 van 1964.

3. (1) Artikel *twee* van die Hoofwet word hierby deur die volgende artikel vervang:

„Registrasie van assuransiemaatskappye vir die doeleindes van hierdie Wet.

2. (1) Indien 'n assuransiemaatskappy in September van een of ander jaar aan die Minister skriftelik kennis gegee het dat hy gewillig is om assuransie van alle kategorieë van motorvoertuie ingevolge hierdie Wet aan te gaan, moet die Minister, behoudens die bepalings van sub-artikel (7) van artikel *twee bis* en enige toepaslike bepaling van artikel *twee ter*, *twee quat* of *twee quin*, in die maand Oktober in bedoelde jaar in die *Staatskoerant* kennis gee van die feit dat bedoelde maatskappy gewillig is om sodanige assuransie as voormeld aan te gaan.

(2) 'n Assuransiemaatskappy wat volgens sub-artikel (1) in een of ander jaar aan die Minister kennis gegee het, kan in die maand September in enige daaropvolgende jaar aan die Minister skriftelik kennis gee dat hy nie meer assuransie van motorvoertuie ingevolge hierdie Wet sal aangaan nie en daarop moet die Minister in die maand Oktober in bedoelde jaar in die *Staatskoerant* 'n kennisgewing publiseer dat bedoelde maatskappy nie meer motorvoertuie ingevolge hierdie Wet sal verassureer nie.

(3) Indien 'n geregistreerde maatskappy onbevoeg raak om motorassuransiesbesigheid (soos in die toepaslike wetsbepalings op versekering omskryf) in die Republiek te dryf, moet die Minister so gou

(9) The Minister may, for the purpose of obtaining any information relating to statistics to be kept or made available by registered companies in terms of the regulations, assign to any such officer, in such manner as may be prescribed by regulation, such powers, duties and functions as may be so prescribed, including the power to demand the production, after such notice as may be so prescribed, of books, documents or accounts and to examine and make extracts therefrom or copies thereof or, with the prior approval of the Minister in each case, to enter any premises of a registered company and demand the production of books, documents or accounts or take possession of books, documents or accounts found on the premises and remove any books, documents or accounts so produced or found for the purpose of examination or making extracts or copies thereof.

Establishment, constitution, functions, membership and staff of the Committee on Motor Vehicle Insurance Premiums.

1ter. (1) The Minister shall establish a committee to be known as the Committee on Motor Vehicle Insurance Premiums (hereinafter referred to as the premiums committee) whose functions and manner of conduct of business shall, subject to the provisions of this section, be as prescribed by regulation.

(2) The members of the premiums committee shall be appointed by the Minister and shall consist of one official of the Department of Transport, one official of the Department of Finance, one official employed in the office of the Director of Statistics and three persons appointed, after consultation with registered companies in such manner as may be prescribed by regulation, to represent registered companies.

(3) The premiums committee shall advise the Minister as to—

- (a) any matter relating to tariffs of premiums for the insurance of motor vehicles under this Act;
- (b) the classification of motor vehicles and demarcation of areas for premium purposes; and
- (c) any matter prescribed by regulation or from time to time referred to the committee by the Minister.

(4) The provisions of sub-sections (3), (4), (8) and (9) of section *one bis* shall *mutatis mutandis* apply with reference to the premiums committee.”.

3. (1) The following section is hereby substituted for section two of the principal Act:

“Registration of insurance companies for the purposes of this Act.

2. (1) If during the month of September in any year an insurance company has notified the Minister in writing that it is willing to undertake the insurance under this Act of all classes of motor vehicles, the Minister shall, subject to the provisions of sub-section (7) of section *two bis* and any applicable provision of section *two ter*, *two quat* or *two quin*, in the month of October in the said year, publish in the *Gazette* a notice of the fact that the said company is willing to undertake such insurance as aforesaid.

Substitution of section 2 of Act 29 of 1942, as amended by section 2 of Act 31 of 1959 and regulations published under Government Notices Nos. 2144 of 1951, 1789 of 1959 and R201 of 1964.

(2) An insurance company which has notified the Minister in any year in terms of sub-section (1) may in the month of September in any subsequent year notify the Minister in writing that it will no longer undertake the insurance of motor vehicles under this Act and the Minister shall thereupon in the month of October in the said year publish in the *Gazette* a notice that the said company will no longer insure motor vehicles under this Act.

(3) If a registered company becomes incompetent to carry on motor insurance business (as defined in the applicable law relating to insurance) in the Republic, the Minister shall as soon as possible

moontlik daardie feit by kennisgewing in die *Staatskoerant* bekend maak, en by publikasie van so 'n kennisgewing hou motorvoertuie wat ingevolge hierdie Wet by daardie maatskappy verassureer is, op om aldus verassureer te wees met ingang van die dag wat op die datum van publikasie van die kennisgewing volg.

(4) Indien 'n geregistreerde maatskappy versuim het om te voldoen aan 'n bepaling van hierdie Wet of aan 'n voorwaarde of opdrag wat by of kragtens hierdie Wet of die regulasies opgelê of gegee is, kan die Minister na skriftelike kennisgewing aan bedoelde maatskappy 'n kennisgewing in die *Staatskoerant* publiseer dat bedoelde maatskappy nie meer as 'n geregistreerde maatskappy assuransie van motorvoertuie ingevolge hierdie Wet kan aanvaan nie en vanaf die datum van publikasie van sodanige kennisgewing in die *Staatskoerant*, hou bedoelde maatskappy op om 'n geregistreerde maatskappy te wees behalwe vir die doeleindes van assuransie wat voor daardie datum deur hom aangegaan is.”.

(2) 'n Kennisgewing kragtens sub-artikel (1) van artikel *twee* van die Hoofwet voor die inwerkingtreding van hierdie artikel gepubliseer ingevolge waarvan enige assuransiemaatskappy onmiddellik voor bedoelde inwerkingtreding 'n geregistreerde maatskappy was, word, vir sover dit die registrasie van bedoelde maatskappy betref, geag kragtens sub-artikel (1) van gemelde artikel *twee* soos by sub-artikel (1) van hierdie artikel vervang, gepubliseer te wees.

Invoeging van artikels *2bis*, *2ter*, *2quat* en *2quin* in Wet 29 van 1942.

4. Die volgende artikels word hereby in die Hoofwet na artikel *twee* ingevoeg:

„Bepaling en publikasie van assuransiepremies.

2bis. (1) (a) 'n Geregistreerde maatskappy gaan nie die assuransie van 'n motorvoertuig ingevolge hierdie Wet aan teen 'n ander premie as die premie wat vir die betrokke assuransie in sy tarief aangegee word nie: Met dien verstande dat die tarief van premies in *Goewerments-kennisgewing* No. 757 van die een-en-dertigste dag van Maart 1964 uiteengesit, geag word, totdat dit kragtens hierdie artikel vervang of verander word, of, in die geval van 'n bepaalde maatskappy, totdat daardie maatskappy kragtens sub-artikel (7) gemagtig word om 'n in paragraaf (b) van sub-artikel (2) vermelde spesiale tarief toe te pas, die tarief van elke geregistreerde maatskappy te wees en vir die assuransie van 'n motorvoertuig wat ingevolge 'n spesiale permit gebruik word, die premie aan te gee wat by ooreenkoms tussen die eienaar van sodanige motorvoertuig en die betrokke assuransiemaatskappy bepaal word.

(b) Die tarief van premies waarteen geregistreerde maatskappye, wat nie kragtens sub-artikel (7) gemagtig is om 'n in paragraaf (b) van sub-artikel (2) vermelde spesiale tarief toe te pas nie, motorvoertuie ingevolge hierdie Wet kan verassureer, word in hierdie artikel die algemene tarief genoem.

(2) Die Minister kan van tyd tot tyd na oorlegpleging met die premieskomitee—

(a) 'n tarief van premies bepaal waarteen elke geregistreerde maatskappy wat nie kragtens sub-artikel (7) gemagtig is om 'n spesiale tarief toe te pas nie, behoudens die bepalings van hierdie artikel, motorvoertuie ingevolge hierdie Wet moet verassureer;

(b) op aansoek deur 'n maatskappy ingevolge sub-artikel (6), 'n tarief van premies (in hierdie artikel 'n spesiale tarief genoem) bepaal waarteen sodanige maatskappy, behoudens die bepalings van sub-artikel (7), motorvoertuie ingevolge hierdie Wet moet verassureer: Met dien verstande dat geen spesiale tarief die assuransie van 'n motorvoertuig teen 'n laer premie as die ooreenstemmende premie ingevolge die algemene tarief, magtig nie.

publish in the *Gazette* a notice of that fact and upon the publication of such notice any motor vehicles insured with that company under this Act shall cease to be so insured with effect from the day following the date of publication of the notice.

(4) If a registered company has failed to comply with any provision of this Act or with any condition or direction imposed or given by or under this Act or the regulations, the Minister may after notice in writing to such company publish in the *Gazette* a notice that such company is no longer entitled to undertake the insurance of motor vehicles under this Act as a registered company and as from the date of the publication of such notice in the *Gazette*, the company in question shall cease to be a registered company except for the purposes of any insurance undertaken by it before that date.”.

(2) Any notice published under sub-section (1) of section two of the principal Act before the commencement of this section by virtue of which any insurance company was immediately prior to the said commencement a registered company, shall, in so far as it relates to the registration of such company, be deemed to have been issued under sub-section (1) of the said section two as substituted by sub-section (1) of this section.

4. The following sections are hereby inserted in the principal Act after section two:

“Determination and publication of insurance premiums.

2bis. (1) (a) No registered company shall insure in

Insertion of
sections 2bis,
2ter, 2quat
and 2quin
in Act 29 of
1942.

any motor vehicle under this Act at any premium other than the premium specified in its tariff for the insurance in question: Provided that the tariff of premiums set out in *Government Notice No. 757* of the thirty-first day of March, 1964, shall, until replaced or altered in terms of this section or, in the case of any particular company, until such company is authorized under sub-section (7) to apply a special tariff referred to in paragraph (b) of sub-section (2), be deemed to be the tariff of every registered company and to specify for the insurance of any motor vehicle operated under a special permit, such premium as may be determined by agreement between the owner of such motor vehicle and the registered company in question.

(b) The tariff of premiums at which registered companies not authorized under sub-section (7) to apply a special tariff referred to in paragraph (b) of sub-section (2), may insure motor vehicles under this Act, is in this section referred to as the general tariff.

(2) The Minister may from time to time after consultation with the premiums committee—

(a) determine a tariff of premiums at which every registered company not authorized under sub-section (7) to apply a special tariff shall, subject to the provisions of this section, insure motor vehicles under this Act;

(b) on application by any company under sub-section (6) determine a tariff of premiums (in this section referred to as a special tariff) at which such company shall, subject to the provisions of sub-section (7), insure motor vehicles under this Act: Provided that no special tariff shall authorize the insurance of any motor vehicle at a premium less than the corresponding premium under the general tariff.

- (3) (a) 'n Tarief kragtens sub-artikel (2) bepaal, kan vir verskillende premies ten opsigte van verskillende kategorieë van motorvoertuie voor-siening maak.
- (b) Die premie wat ooreenkomstig so 'n tarief betaalbaar is vir die assuransie van 'n motor-voertuig wat tot 'n bepaalde kategorie behoort, kan verskil na gelang van die assuransietydperk of duur van die assuransie waarvoor dit betaalbaar is, of die gebied waarin sodanige motor-voertuig geregistreer is ingevolge enige wet met betrekking tot die registrasie van motorvoertuie of gebruik word, of waarin die eienaar van sodanige motorvoertuig woon of besigheid dryf.
- (c) Die Minister kan van tyd tot tyd, na oorleg-pleging met die premieskomitee, vir die doel-eindes van hierdie Wet die in hierdie sub-artikel beoogde kategorieë van motorvoertuie en gebiede bepaal en moet in elke kennisgewing wat ooreenkomstig hierdie artikel ten opsigte van 'n assuransiepremie in die *Staatskoerant* gepubliseer word, die kategorie van motor-voertuie, die gebied en die assuransietydperk of deel van 'n assuransietydperk waarop sodanige premie betrekking het, aandui.
- (4) Die Minister kan, nie later as die eerste dag van Julie in enige jaar nie, elke geregistreerde maatskappy, met inbegrip van 'n geregistreerde maatskappy wat dan gemagtig is om 'n spesiale tarief toe te pas, skriftelik in kennis stel dat vanaf die datum waarop die volgens sub-artikel (5) vereiste kennisgewing in die *Staatskoerant* ge-publiseer word—
- (a) die algemene tarief 'n hersiene tarief in die kennisgewing aan die maatskappy uiteengesit, is of op die wyse aldus uiteengesit, verander is; en
- (b) bedoelde hersiene of veranderde tarief, na gelang van die geval, van toepassing is ten opsigte van assuransie wat deur hom aangegaan word tensy hy ingevolge sub-artikel (6) aansoek doen en kragtens sub-artikel (7) gemagtig word om 'n spesiale tarief toe te pas of om voort te gaan om 'n spesiale tarief toe te pas, na gelang van die geval.
- (5) Die Minister moet in die maand Oktober in enige jaar waarin hy geregistreerde maatskappye kragtens sub-artikel (4) in kennis gestel het, in die *Staatskoerant* 'n kennisgewing publiseer waarin die ooreenkomstig die kennisgewing aan bedoelde maatskappye hersiene of veranderde algemene tarief en die name van alle geregistreerde maatskappye wat nie na die datum van laasgenoemde kennisgewing gemagtig is om 'n spesiale tarief toe te pas nie, uiteengesit word en waarin hy verklaar dat die tarief aldus uiteengesit van toepassing is ten opsigte van alle assuransie ingevolge hierdie Wet wat op of na die datum van publikasie van die kennisgewing in die *Staatskoerant* deur enige van gemelde maatskappye aangegaan word.
- (6) (a) 'n Geregistreerde maatskappy en 'n assuransiemaatskappy wat 'n geregistreerde maatskappy wil word, kan voor die eerste dag van Augustus in enige jaar by die Minister skriftelik aansoek doen om magtiging om 'n spesiale tarief toe te pas en moet die tarief wat hy voorstel om toe te pas, en sy redes waarom hy aldus gemagtig wil word, in sy aansoek aangee.
- (b) Indien die Minister na oorlegpleging met die premieskomitee oortuig is dat 'n spesiale tarief nie in die geval van sodanige maatskappy geregverdig is nie, weier hy die aansoek en stel hy sodanige maatskappy voor die vyftiende dag van September in die betrokke jaar skriftelik dienooreenkomsdig in kennis.
- (c) Indien die Minister na sodanige oorlegpleging oortuig is dat 'n spesiale tarief in die geval van sodanige maatskappy geregverdig is, bepaal hy

- (3) (a) Any tariff determined under sub-section (2) may provide for different premiums in respect of different classes of motor vehicles.
- (b) The premium payable in accordance with any such tariff for the insurance of a motor vehicle belonging to a particular class may differ according to the insurance period or duration of the insurance for which it is payable, or the area in which such motor vehicle is registered in terms of any law relating to the registration of motor vehicles or is used, or in which the owner of such motor vehicle resides or carries on business.
- (c) The Minister may from time to time, after consultation with the premiums committee, determine for the purposes of this Act the classes of motor vehicles and the areas contemplated in this sub-section and shall, in every notice published in the *Gazette* in accordance with this section in respect of any insurance premium, indicate the class of motor vehicles, the area and the insurance period or part of an insurance period to which such premium relates.
- (4) The Minister may not later than the first day of July in any year notify in writing each registered company, including any registered company then authorized to apply a special tariff, that as from the date on which the notice required in terms of sub-section (5) is published in the *Gazette*—
- (a) the general tariff shall be a revised tariff set out in the notification to the company or shall be altered in the manner so set out; and
- (b) such revised or altered tariff, as the case may be, shall apply in respect of insurance undertaken by it unless it applies under sub-section (6) for, and is authorized under sub-section (7) to apply or to continue applying a special tariff, as the case may be.
- (5) The Minister shall in the month of October in any year in which he has notified registered companies under sub-section (4) publish in the *Gazette* a notice setting out the general tariff revised or altered in accordance with the notification to the said companies and the names of all registered companies which have not after the date of the notification been authorized to apply a special tariff, and stating that the tariff so set out shall apply in respect of all insurance under this Act undertaken by any of the said companies on or after the date of the publication of the notice in the *Gazette*.
- (6) (a) Any registered company and any insurance company desiring to become a registered company may before the first day of August in any year apply in writing to the Minister for authority to apply a special tariff and shall in its application set out the tariff it proposes to apply together with its reasons for desiring to be so authorized.
- (b) If the Minister is satisfied, after consultation with the premiums committee, that a special tariff is not justified in the case of such company, he shall refuse the application and in writing inform such company accordingly before the fifteenth day of September in the year in question.
- (c) If the Minister is satisfied, after such consultation, that a special tariff is justified in the case of such company, he shall determine a special

kragtens sub-artikel (2) 'n spesiale tarief vir sodanige maatskappy en verwittig hy sodanige maatskappy skriftelik, voor die vyftiende dag van September in die betrokke jaar, van die aldus bepaalde tarief en dat, indien hy hom op of voor die laaste dag van daardie maand skriftelik in kennis stel dat hy gewillig is om die assuransie van motorvoertuie ingevolge hierdie Wet volgens daardie tarief aan te gaan, hy by kennisgewing volgens die bepalings van sub-artikel (7) in die *Staatskoerant* gepubliseer, gemagtig sal word om dit te doen.

(7) Wanneer 'n geregistreerde maatskappy of 'n assuransiemaatskappy wat 'n geregistreerde maatskappy wil word, na aanleiding van 'n mededeling ingevolge paragraaf (c) van sub-artikel (6) aan hom die Minister behoorlik in kennis gestel het dat hy gewillig is om motorvoertuie ingevolge hierdie Wet volgens die tarief waarop sodanige mededeling betrekking het, te verassureer, moet die Minister—

- (a) in die geval van 'n geregistreerde maatskappy, in 'n kennisgewing in die maand Oktober in die betrokke jaar in die *Staatskoerant* gepubliseer; en
- (b) in die geval van so 'n assuransiemaatskappy, in die kennisgewing ingevolge sub-artikel (1) van artikel *twoe* ten opsigte van bedoelde maatskappy in die *Staatskoerant* gepubliseer, die gemelde tarief en die naam van die betrokke maatskappy uiteensit en verklaar dat daardie tarief van toepassing is ten opsigte van alle assuransie ingevolge hierdie Wet wat op of na die datum van publikasie van die kennisgewing deur daardie maatskappy aangegaan word: Met dien verstande dat waar so 'n assuransiemaatskappy nie aldus gemagtig moet word om 'n spesiale tarief toe te pas nie, die Minister nie 'n kennisgewing ingevolge sub-artikel (1) van artikel *twoe* ten opsigte van bedoelde maatskappy publiseer nie tensy bedoelde maatskappy die Minister skriftelik in kennis gestel het dat hy gewillig is om sodanige assuransie volgens die algemene tarief aan te gaan en die Minister in die kennisgewing verklaar dat die algemene tarief aldus van toepassing is.

Voorwaarde
des van
registrasie
van
assuransie
maat-
skappye.

2ter. (1) Die Minister kan by regulasie voorwaarde voorskryf waaraan, behoudens die bepalings van hierdie artikel, elke geregistreerde maatskappy en elke assuransiemaatskappy wat 'n geregistreerde maatskappy wil word, moet voldoen.

(2) Bedoelde regulasies kan die Minister magtig om elke geregistreerde maatskappy en elke sodanige assuransiemaatskappy te verplig om ten genoë van die Minister sekuriteit of ander waarborg te verstrek vir die betaling, in geval die betrokke maatskappy die onderwerp van 'n kennisgewing ingevolge sub-artikel (3) van artikel *twoe* word, van eise vir skadevergoeding en terugbetaling van premiegeld en ander eise wat uit die bepalings van hierdie Wet voortspruit, en om 'n geregistreerde maatskappy, ondanks die bepalings van sub-artikel (4), te eniger tyd te verplig om die sekuriteit of ander waarborg aldus deur hom verstrek, te verhoog.

(3) (a) Te eniger tyd na die publikasie van die in sub-artikel (1) beoogde regulasies, kan die Minister deur skriftelike kennisgewing aan elke geregistreerde maatskappy hom aansê om voor 'n in die kennisgewing gemelde datum aan die bepalings van die gemelde regulasies te voldoen.

(b) So gou moontlik na die aldus gemelde datum moet die Minister in die *Staatskoerant* 'n kennisgewing publiseer waarin die name van alle geregistreerde maatskappye wat op die datum van publikasie van die kennisgewing aan die gemelde bepalings voldoen het, uiteengesit word.

(c) Vanaf die datum van publikasie van sodanige kennisgewing—

tariff for such company under sub-section (2) and, before the fifteenth day of September in the year in question, inform such company in writing of the tariff so determined and that, if it notifies him in writing on or before the last day of that month that it is willing to undertake the insurance of motor vehicles under this Act in accordance with that tariff, it will be authorized to do so by notice published in the *Gazette* as provided in sub-section (7).

(7) When a registered company or an insurance company desiring to become a registered company has in pursuance of a notification to it under paragraph (c) of sub-section (6), duly notified the Minister that it is willing to undertake the insurance of motor vehicles under this Act in accordance with the tariff to which such notification relates, the Minister shall—

- (a) in the case of a registered company, in a notice published in the *Gazette* in the month of October in the year in question; and
- (b) in the case of any such insurance company, in the notice published in the *Gazette* under sub-section (1) of section two in respect of such company,

set out the said tariff and the name of the company in question and state that such tariff shall apply in respect of all insurance under this Act undertaken by that company on or after the date of the publication of the notice: Provided that where any such insurance company is not to be so authorized to apply a special tariff, the Minister shall not publish a notice under sub-section (1) of section two in respect of such company unless such company has notified the Minister in writing that it is willing to undertake such insurance in accordance with the general tariff and the Minister states in the notice that the general tariff shall so apply.

**Conditions
of registration
of
insurance
companies.**

2ter. (1) The Minister may by regulation prescribe conditions with which, subject to the provisions of this section, every registered company and every insurance company desiring to become a registered company, shall comply.

(2) Such regulations may empower the Minister to require every registered company and every such insurance company to give security or other guarantee to the satisfaction of the Minister for the payment of claims for compensation and refund of premium moneys and other claims arising out of the provisions of this Act in the event of the company in question becoming the subject of a notice under sub-section (3) of section two and, notwithstanding the provisions of sub-section (4), to require any registered company at any time to increase the security or other guarantee so given by it.

- (3) (a) At any time after the publication of the regulations contemplated in sub-section (1) the Minister may by written notice to each registered company require it to comply, before a date specified in such notice, with the provisions of the said regulations.
- (b) As soon as possible after the date so specified, the Minister shall publish in the *Gazette* a notice setting out the names of all registered companies which at the date of the publication of the notice have complied with the said provisions.
- (c) As from the date of the publication of such notice—

(i) hou 'n assuransiemaatskappy wat onmiddellik voor daardie datum 'n geregistreerde maatskappy was en waarvan die naam nie in daardie kennisgewing verskyn nie, op om 'n geregistreerde maatskappy te wees behalwe vir die doeleinnes van assuransie wat voor daardie datum deur hom aangegaan is;

(ii) word geen kennisgewing ingevolge sub-artikel (1) van artikel *twee* ten opsigte van enige assuransiemaatskappy gepubliseer nie tensy sodanige maatskappy aan die gemelde bepalings voldoen het;

(iii) word geen voorwaarde wat by die gemelde regulasies voorgeskryf is, verander nie en geen nuwe voorwaarde aldus voorgeskryf nie dan alleen na skriftelike kennisgewing van minstens een maand aan elke geregistreerde maatskappy verstrek nie later nie as 'n maand voor die eerste dag van Oktober in enige jaar.

(4) Die Minister kan deur skriftelike kennisgewing nie later nie as 'n maand voor die eerste dag van Oktober in enige jaar 'n geregistreerde maatskappy aansê om op of voor die eerste dag van Oktober van die betrokke jaar of die later datum wat in die kennisgewing gemeld word of wat die Minister na aansoek deur sodanige maatskappy toelaat, te voldoen aan die verdere voorwaardes, nie by die gemelde regulasies voorgeskryf nie, of die voorskrifte wat die Minister in sy geval goedvind om op te lê of te gee in verband met die belegging en aanwending en die administrasie in die algemeen van gelde en rente op gelde deur hom by wyse van premies vir assuransie ingevolge hierdie Wet ontvang, en sodanige maatskappy moet aan die Minister se vereistes voldoen tensy hy in September van die betrokke jaar die Minister ingevolge sub-artikel (2) van artikel *twee* in kennis gestel het.

(5) Die Minister kan 'n assuransiemaatskappy wat 'n geregistreerde maatskappy wil word, skriftelik aansê om te voldoen aan die verdere voorwaardes, nie by regulasie voorgeskryf nie, of die voorskrifte wat die Minister in sy geval goedvind om op te lê of te gee in verband met die belegging en aanwending en die administrasie in die algemeen van gelde en rente op gelde deur hom by wyse van premies vir assuransie ingevolge hierdie Wet ontvang, en 'n kennisgewing word nie ingevolge sub-artikel (1) van artikel *twee* ten opsigte van sodanige maatskappy gepubliseer nie tensy hy aan die Minister se vereistes voldoen het of skriftelik onderneem het om op of voor 'n datum wat die Minister bepaal, aan gemelde vereistes te voldoen.

Instelling van Motorvoertuigassureerders-bydraefonds, en verpligte bydraes daaroe deur geregistreerde maatskappye.

2quat. (1) Die Minister kan by kennisgewing in die *Staatskoerant* 'n fonds instel met die naam die Motorvoertuigassureerders-bydraefonds (hieronder die bydraefonds genoem) met die doel om sover moontlik seker te maak dat, behoudens die bepalings van die regulasies, iemand wat verlies of skade ly as gevolg van liggaamlike besering aan homself of liggaamlike besering aan of die dood van iemand anders wat veroorsaak is deur of voortvloei uit die bestuur van 'n motorvoertuig, nie—

(a) weens die feit dat sodanige motorvoertuig, alhoewel dit ingevolge artikel *drie* of *vyf* verassureer moes gewees het, nie aldus verassureer was nie, ontdoen word nie van vergoeding vir sodanige verlies of skade waarop hy kragtens sub-artikel (1) van artikel *elf* geregtig sou gewees het as dit nie vir daardie feit was nie; of

(b) indien die besering of dood te wye is aan omstandighede wat die in daardie sub-artikel vermelde nalatigheid of ander onregmatige daad nie uitsluit nie, weens die feit dat die identiteit van die bestuurder of die eienaar van sodanige voertuig, of van 'n geregistreerde maatskappy wat moontlik sodanige motorvoertuig ingevolge hierdie Wet verassureer het,

- (i) any insurance company which immediately prior to that date was a registered company and whose name is not set out in such notice, shall cease to be a registered company except for the purposes of any insurance undertaken by it before that date;
- (ii) no notice shall be published under sub-section (1) of section *two* in respect of any insurance company unless such company has complied with the said provisions;
- (iii) no condition prescribed by the said regulations shall be altered and no new condition shall be so prescribed except after written notice of not less than one month given to each registered company not later than one month before the first day of October in any year.

(4) The Minister may by notice in writing given not later than one month before the first day of October in any year, require any registered company to comply, on or before the first day of October of the year in question or such later date as may be specified in the notice or as the Minister may on the application of such company allow, with such further conditions, not prescribed by the said regulations, or such directions as the Minister may deem fit to impose or give in its case in connection with the investment and application and the administration generally of moneys and interest on moneys received by it by way of premiums for insurance under this Act, and such company shall comply with the Minister's requirements unless it has in September of the year in question notified the Minister in terms of sub-section (2) of section *two*.

(5) The Minister may in writing require any insurance company desiring to become a registered company, to comply with such further conditions not prescribed by the said regulations, or such directions as the Minister may deem fit to impose or give in its case in connection with the investment and application and the administration generally of moneys and interest on moneys received by it by way of premiums for insurance under this Act, and a notice shall not be published under sub-section (1) of section *two* in respect of such company unless it has complied with the Minister's requirements or has undertaken in writing to comply with the said requirements on or before a date determined by the Minister.

Establishment of Motor Vehicle Insurers' contributions Fund, and compulsory contributions thereto by registered companies.

2quat. (1) The Minister may, by notice in the *Gazette*, establish a fund to be known as the Motor Vehicle Insurers' Contributions Fund (hereinafter referred to as the contributions fund) for the purpose of ensuring as far as possible that, subject to the provisions of the regulations, any person who suffers loss or damage as a result of bodily injury to himself or bodily injury to or the death of any other person, caused by or arising out of the driving of any motor vehicle, shall not—

- (a) be deprived, by reason of the fact that such motor vehicle, although required to be insured under section *three* or *five*, was not so insured, of compensation for such loss or damage to which he would, but for such fact, have been entitled under sub-section (1) of section *eleven*; or
- (b) if the injury or death is due to circumstances which do not exclude such negligence or other unlawful act as is referred to in that sub-section, be deprived, by reason of the fact that the identity of the driver or the owner of such motor vehicle or of any registered company which may have insured such motor vehicle under this Act, cannot be established, of

nie vasgestel kan word nie, ontdoen word nie van vergoeding vir sodanige verlies of skade waarop hy kragtens 'n bepaling van hierdie Wet geregtig sou gewees het as sodanige nalatigheid bewys was en sodanige identiteit vasgestel was.

(2) Elke geregistreerde maatskappy en elke assuransiemaatskappy wat 'n geregistreerde maatskappy wil word, moet op die by regulasie voorgeskrewe wyse 'n bydraer tot die bydraefonds word.

(3) Die Minister moet nie later nie as 'n maand na die datum van publikasie van die in sub-artikel (1) bedoelde kennisgewing, 'n verdere kennisgewing in die *Staatskoerant* publiseer waarin die name van alle geregistreerde maatskappye wat op die datum van publikasie van bedoelde verdere kennisgewing bydraers tot die bydraefonds is, uiteengesit word.

(4) Vanaf die datum van publikasie van sodanige verdere kennisgewing—

- (a) hou 'n assuransiemaatskappy wat onmiddellik voor daardie datum 'n geregistreerde maatskappy was en waarvan die naam nie in daardie kennisgewing verskyn nie, op om 'n geregistreerde maatskappy te wees behalwe vir die doeleindes van assuransie wat voor daardie datum deur hom aangegaan is;
- (b) word geen kennisgewing ingevolge sub-artikel (1) van artikel *twoe* ten opsigte van enige assuransiemaatskappy gepubliseer nie tensy sodanige maatskappy 'n bydraer tot die bydraefonds is;
- (c) onderneem geen assuransiemaatskappy die assuransie van 'n motorvoertuig ingevolge hierdie Wet nie tensy hy 'n bydraer tot die bydraefonds is;
- (d) hou geen geregistreerde maatskappy op om 'n bydraer tot die bydraefonds te wees nie tensy hy ingevolge hierdie Wet opgehou het om 'n geregistreerde maatskappy te wees.

(5) 'n Assuransiemaatskappy wat paragraaf (c) van sub-artikel (4) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand.

Verpligte lidmaatskap van 'The Motor Insurers' Association of Southern Africa'.

2quin. (1) Indien die Minister oortuig is—

- (a) dat die lidmaatskapvoorraades van die maatskappy geregistreer onder die naam 'The Motor Insurers' Association of Southern Africa' (hieronder die Vereniging genoem) sodanig is dat dit nie onregverdig sal wees om van 'n geregistreerde maatskappy of 'n assuransiemaatskappy wat 'n geregistreerde maatskappy wil word, te eis dat hy lid van die Vereniging word nie; en
- (b) dat die Vereniging regtens bevoeg is om die oogmerke van 'n bydraefonds uit te voer wat hy in enige ooreenkoms met die Minister onderneem om uit te voer,

kan die Minister, in plaas van 'n bydraefonds te stig, deur skriftelike kennisgewing elke geregistreerde maatskappy wat nie 'n lid van die Vereniging is nie, aansê om, indien hy 'n geregistreerde maatskappy wil bly, voor 'n in die kennisgewing gemelde datum so 'n lid te word.

(2) So gou moontlik na die aldus gemelde datum moet die Minister in die *Staatskoerant* 'n kennisgewing publiseer waarin die name van alle geregistreerde maatskappye wat op die datum van die publikasie van die kennisgewing lede van die Vereniging is, uiteengesit word.

(3) Vanaf die datum van die publikasie van sodanige kennisgewing—

- (a) hou 'n assuransiemaatskappy wat onmiddellik voor daardie datum 'n geregistreerde maatskappy was en waarvan die naam nie in daardie kennisgewing verskyn nie, op om 'n geregistreerde maatskappy te wees behalwe vir die doeleindes van assuransie wat voor daardie datum deur hom aangegaan is;
- (b) word geen kennisgewing ingevolge sub-artikel (1) van artikel *twoe* ten opsigte van enige assuransiemaatskappy gepubliseer nie tensy sodanige maatskappy 'n lid van die Vereniging is;

compensation for such loss or damage to which he would have been entitled under any provision of this Act if such negligence had been proved and such identity had been established.

(2) Every registered company and every other insurance company desiring to become a registered company shall, in such manner as may be prescribed by regulation, become a contributor to the contributions fund.

(3) The Minister shall, not later than one month after the date of the publication of the notice referred to in sub-section (1), publish a further notice in the *Gazette* setting out the names of all registered companies which at the date of the publication of such further notice are contributors to the contributions fund.

(4) As from the date of the publication of such further notice—

- (a) any insurance company which immediately prior to that date was a registered company and whose name is not set out in that notice, shall cease to be a registered company except for the purposes of any insurance undertaken by it before that date;
- (b) no notice shall be published under sub-section (1) of section two in respect of any insurance company unless such company is a contributor to the contributions fund;
- (c) no insurance company shall undertake the insurance of any motor vehicle under this Act unless it is a contributor to the contributions fund;
- (d) no registered company shall cease to be a contributor to the contributions fund unless it has in terms of this Act ceased to be a registered company.

(5) Any insurance company which contravenes paragraph (c) of sub-section (4) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand.

Compulsory membership of the Motor Insurers' Association of Southern Africa.

2quin. (1) If the Minister is satisfied—

- (a) that the conditions of membership of the company registered under the name "The Motor Insurers' Association of Southern Africa" (hereinafter referred to as the Association) are such that it will not be unjust to require any registered company or any other insurance company desiring to become a registered company, to become a member of the Association; and
 - (b) that the Association is legally competent to carry out such of the objects of a contributions fund as it may in any agreement with the Minister undertake to carry out,
- the Minister may, instead of establishing a contributions fund, by written notice require each registered company which is not a member of the Association, to become such a member before a date specified in the notice if it desires to remain a registered company.

(2) As soon as possible after the date so specified the Minister shall publish a notice in the *Gazette* setting out the names of all registered companies which at the date of the publication of the notice are members of the Association.

(3) As from the date of the publication of such notice—

- (a) any insurance company which immediately prior to that date was a registered company and whose name is not set out in that notice, shall cease to be a registered company except for the purposes of any insurance undertaken by it before that date;
- (b) no notice shall be published under sub-section (1) of section two in respect of any insurance company unless such company is a member of the Association;

- (c) onderneem geen assuransiemaatskappy die assuransie van 'n motorvoertuig ingevolge hierdie Wet nie tensy sodanige maatskappy 'n lid van die Vereniging is;
- (d) hou geen geregistreerde maatskappy op om 'n lid van die Vereniging te wees nie tensy hy ingevolge hierdie Wet opgehou het om 'n geregistreerde maatskappy te wees.

(4) 'n Assuransiemaatskappy wat paragraaf (c) van sub-artikel (3) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand.

(5) Na die datum van die publikasie van die in sub-artikel (2) vermelde kennisgewing, word geen verandering van 'n bepaling in die akte van oprigting of statute van die Vereniging wat die in paragraaf (a) van sub-artikel (1) vermelde lidmaatskapvoorraades of sy bevoegdheid om die in paragraaf (b) van laasgenoemde sub-artikel vermelde oogmerke uit te voer, raak, sonder die skriftelike goedkeuring van die Minister bewerkstellig nie.

(6) Die Minister kan te eniger tyd na die publikasie van 'n kennisgewing kragtens sub-artikel (2), by verdere kennisgewing in die *Staatskoerant* verklaar dat, vanaf 'n in die verdere kennisgewing genoemde datum, lidmaatskap van die Vereniging nie meer 'n vereiste is vir 'n geregistreerde maatskappy of 'n assuransiemaatskappy wat 'n geregistreerde maatskappy wil word nie."

Wysiging van artikel 3 van Wet 29 van 1942.

5. Artikel drie van die Hoofwet word hierby gewysig—

- (a) deur aan die end van sub-artikel (1) die woorde „of, in die geval van assuransie van 'n motorvoertuig wat ingevolge 'n spesiale permit gebruik word, indien die spesiale permit nie aan die maatskappy getoon word nie” by te voeg; en
- (b) deur in sub-artikels (4) en (5) die woorde „vyftig pond” deur die woorde „honderd rand” te vervang.

Wysiging van artikel 6 van Wet 29 van 1942, soos gewysig deur artikel 5 van Wet 31 van 1959.

6. Artikel ses van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (2) die woorde „vyftig pond” deur die woorde „honderd rand” te vervang; en
- (b) deur in sub-artikel (3) na die woorde „motorvoertuig”, waar dit vir die eerste keer voorkom, die woorde „wat nie ingevolge 'n spesiale permit gebruik word nie,” in te voeg.

Wysiging van artikel 7 van Wet 29 van 1942.

7. Artikel sewe van die Hoofwet word hierby gewysig deur in sub-artikel (6) die woorde „vyftig pond” deur die woorde „honderd rand” te vervang.

Wysiging van artikel 9 van Wet 29 van 1942.

8. Artikel nege van die Hoofwet word hierby gewysig deur in sub-artikel (3) die woorde „vyf-en-twintig pond” deur die woorde „vyftig rand” te vervang.

Wysiging van artikel 11 van Wet 29 van 1942, soos gewysig deur artikel 3 van Wet 27 van 1952 en artikel 6 van Wet 31 van 1959.

9. Artikel elf van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (ii) van die voorbehoudsbepaling by sub-artikel (1) deur die volgende paragraaf te vervang: „(ii) waar die verlies of skade gely word as gevolg van die liggaamlike besering of dood van 'n werknemer van die bestuurder of eienaar van die motorvoertuig en die derde party op skadeloosstelling ingevolge die Ongevallewet, 1941 (Wet No. 30 van 1941), ten opsigte van bedoelde besering of dood geregtig is—
 - (aa) die aanspreeklikheid van die geregistreerde maatskappy teenoor daardie derde party beperk word, behoudens die bepalings van sub-paragraaf (bb), tot die som wat die verskil uitmaak tussen die bedrag wat daardie derde party van die maatskappy sou kon eis as dit nie vir die bepalings van hierdie sub-paragraaf was nie of die bedrag van agtduisend rand (watter ook al die minste is) en enige mindere bedrag waarop daardie derde party by wyse van skadeloosstelling ingevolge die gemelde Wet geregtig is;
 - (bb) die totale aanspreeklikheid van die geregistreerde maatskappy in verband met een enkele voorval om skadevergoeding ingevolge

- (c) no insurance company shall undertake the insurance of any motor vehicle under this Act unless it is a member of the Association;
- (d) no registered company shall cease to be a member of the Association unless it has in terms of this Act ceased to be a registered company.

(4) Any insurance company which contravenes paragraph (c) of sub-section (3), shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand.

(5) After the date of the publication of the notice referred to in sub-section (2), no alteration of any provision in the memorandum or articles of association of the Association affecting the conditions of its membership referred to in paragraph (a) of sub-section (1), or its competency to carry out the objects referred to in paragraph (b) of the latter sub-section, shall be effected without the written approval of the Minister.

(6) The Minister may at any time after the publication of a notice under sub-section (2), by further notice in the *Gazette* declare that, as from a date specified in the further notice, membership of the Association shall no longer be a requirement for any registered company or any insurance company desiring to become a registered company.”.

5. Section three of the principal Act is hereby amended—

- (a) by the addition at the end of sub-section (1) of the words “or, in the case of the insurance of a motor vehicle operated under a special permit, if the specimen permit is not exhibited to the company”; and
- (b) by the substitution in sub-sections (4) and (5) for the words “fifty pounds” of the words “one hundred rand”.

Amendment of
section 3 of
Act 29 of 1942.

6. Section six of the principal Act is hereby amended—

- (a) by the substitution in sub-section (2) for the word “fifty pounds” of the words “one hundred rand” and
- (b) by the insertion in sub-section (3) after the word “vehicle”, where it occurs for the first time, of the words “not operated under a special permit”.

Amendment of
section 6 of
Act 29 of
1942, as
amended by
section 5 of
Act 31 of
1959.

7. Section seven of the principal Act is hereby amended by the substitution in sub-section (6) for the words “fifty pounds” of the words “one hundred rand”.

Amendment of
section 7 of
Act 29 of 1942.

8. Section nine of the principal Act is hereby amended by the substitution in sub-section (3) for the words “twenty-five pounds” of the words “fifty rand”.

Amendment of
section 9 of
Act 29 of
1942.

9. Section eleven of the principal Act is hereby amended—

- (a) by the substitution for paragraph (ii) of the proviso to sub-section (1) of the following paragraph:
- “(ii) where the loss or damage is suffered as a result of bodily injury to or the death of an employee of the driver or owner of the motor vehicle and the third party is entitled to compensation under the Workmen’s Compensation Act, 1941 (Act No. 30 of 1941), in respect of such injury or death—
- (aa) the liability of the registered company to that third party shall, subject to the provisions of sub-paragraph (bb), be limited to the sum representing the difference between the amount which that third party could, but for the provisions of this sub-paragraph, have claimed from the company or the amount of eight thousand rand (whichever is the lesser) and any lesser amount to which that third party is entitled by way of compensation under the said Act;
- (bb) the total liability of the registered company in connection with any one occurrence to pay compensation in terms of sub-paragraph (aa)

Amendment of
section 11 of
Act 29 of
1942, as
amended by
section 3 of
Act 27 of
1952 and
section 6 of
Act 31 of
1959.

- sub-paragraaf (*aa*) te betaal aan derde partye wat aldus geregtig is, beperk is tot die som van veertigduisend rand ongeag die getal sodanige werknemers wie se liggaamlike beserings of dood deur daardie voorval veroorsaak is of daaruit voortgevloeи het;
- (cc) die geregistreerde maatskappy nie ingevolge die gemelde Wet vir die bedrag van die skadeloosstelling waarop so 'n derde party kragtens die bepalings daarvan geregtig is, aanspreeklik is nie,
egter sonder dat enige aanspreeklikheid van die maatskappy om koste in 'n regsgeding teen hom toegeken, te betaal, deur die bepalings van hierdie paragraaf geraak word;”;
- (b) deur in paragraaf (iv) van gemelde voorbehoudsbepaling die woorde „vierduisend pond” en „twintigduisend pond” deur onderskeidelik die woorde „agtduisend rand” en „veertigduisend rand” te vervang;
- (c) deur die volgende voorbehoudsbepaling by sub-artikel (2) te voeg:
„Met dien verstande dat verjaring opgeskort word gedurende die tydperk van sestig dae vermeld in sub-artikel (2) van artikel *elf bis*; en
- (d) deur die volgende paragraaf by daardie sub-artikel te voeg, terwyl die bestaande sub-artikel paragraaf (*a*) word:
„(b) Ondanks die bepalings van artikel *agt* van die gemelde Ongevallewet, 1941, word geen regsgeding kragtens paragraaf (b) van sub-artikel (1) van daardie artikel vir die verhaal van 'n bedrag wat ingevolge daardie Wet in verband met die betrokke voorval aan die derde party betaal moet word, na die verstryking van die gemelde tydperk van twee jaar teen die geregistreerde maatskappy ingestel nie: Met dien verstande dat, indien die verhaal van so 'n bedrag ingevolge hierdie paragraaf belet is, skadevergoeding wat daarna ingevolge hierdie Wet aan die derde party toegeken word, met die betrokke bedrag verminder moet word.”.

Invoeging van artikel *11bis* in Wet 29 van 1942.

10. Die volgende artikel word hierby in die Hoofwet na artikel *elf* ingevoeg:

„Eisbrief en dagvaarding ten opsigte van eis om skadevergoeding. *11bis.* (1) 'n Eis om skadevergoeding kragtens artikel *elf* moet die besonderhede uiteengesit in 'n byregulasie voorgeskrewe vorm bevat en moet per aangegetekende pos gestuur of per hand afgelewer word aan die geregistreerde maatskappy by sy geregistreerde kantoor of plaaslike takkantoor, en die geregistreerde maatskappy moet, in die geval van aflewering per hand, die ontvangs daarvan en die datum van die ontvangs ten tyde van die aflewering skriftelik erken.

(2) So 'n eis kan nie gehandhaaf word deur middel van 'n regsgeding wat ingestel is deur 'n dagvaarding wat voor die verstryking van 'n tydperk van sestig dae vanaf die datum waarop die eis ooreenkomsdig sub-artikel (1) aan die geregistreerde maatskappy gestuur of afgelewer is, na gelang van die geval, aan die geregistreerde maatskappy bestel is nie.”.

Vervanging van artikel 12 van Wet 29 van 1942, soos vervang deur artikel 7 van Wet 31 van 1959.

11. Artikel *twaalf* van die Hoofwet word hierby deur die volgende artikel vervang:

„Regstreekse betaling en verhaal van sekere bykomende koste. *12.* (1) Waar die verpligting van 'n geregistreerde maatskappy om 'n derde party ingevolge artikel *elf* skadeloos te stel, 'n aanspreeklikheid vir koste wat aangegaan is ten opsigte van die huisvesting van iemand in 'n hospitaal of verpleeginrigting of van enige behandeling van of diens gelewer of goedere verskaf aan iemand, insluit—

(a) moet die geregistreerde maatskappy, indien die bedrag van die deur hom betaalbare vergoeding op enige wyse bepaal is, die deel van daardie bedrag wat sodanige koste verskuldig aan die persoon wat die huisvesting of behandeling voorsien of die diens gelewer of die goedere verskaf het (in hierdie artikel die verskaffer genoem), verteenwoordig, regstreeks betaal aan die verskaffer, wat bedoelde deel sonder sessie van aksie op die maatskappy kan verhaal;

to third parties so entitled shall be limited to the sum of forty thousand rand irrespective of the number of such employees whose bodily injuries or deaths were caused by or arose out of that occurrence;

(cc) the registered company shall not be liable under the said Act for the amount of the compensation to which any such third party is entitled thereunder,

without, however, any liability of the company to pay costs awarded against it in any legal proceedings being affected by anything in this paragraph contained;";

(b) by the substitution in paragraph (iv) of the said proviso for the words "four thousand pounds" and "twenty thousand pounds" of the words "eight thousand rand" and "forty thousand rand", respectively;

(c) by the addition to sub-section (2) of the following proviso:

"Provided that prescription shall be suspended during the period of sixty days referred to in sub-section (2) of section *eleven bis*"; and

(d) by the addition to the said sub-section of the following paragraph, the existing sub-section becoming paragraph (a):

"(b) Notwithstanding the provisions of section *eight* of the said Workmens' Compensation Act, 1941, no action under paragraph (b) of sub-section (1) of that section for the recovery of any amount which under that Act is required to be paid to the third party in connection with the occurrence in question shall after the expiration of the said period of two years be instituted against the registered company: Provided that if the recovery of any such amount has been debarred under this paragraph, any compensation thereafter awarded to the third party under this Act shall be reduced by the amount in question.".

10. The following section is hereby inserted in the principal Act after section *eleven*: Insertion of section 11bis in Act 29 of 1942.

Demand and summons in respect of claim for compensation. **11bis.** (1) A claim for compensation under section *eleven* shall contain the particulars set out in a form prescribed by regulation and shall be sent by registered post or delivered by hand to the registered company at its registered office or local branch office, and the registered company shall, in the case of delivery by hand, at the time of the delivery acknowledge receipt thereof and of the date of such receipt in writing.

(2) No such claim shall be enforceable by legal proceedings commenced by a summons served on the registered company before the expiration of a period of sixty days as from the date on which the claim was sent or delivered, as the case may be, to the registered company as provided in sub-section (1).".

11. The following section is hereby substituted for section *twelve* of the principal Act: Substitution of section 12 of Act 29 of 1942, as substituted by section 7 of Act 31 of 1959.

Direct payment and recovery of certain incidental expenses. **12.** (1) Where the obligation of a registered company to compensate any third party under section *eleven* includes a liability for costs which have been incurred in respect of the accommodation of any person in a hospital or nursing home or of any treatment of or service rendered or goods supplied to any person—

(a) the registered company shall, if the amount of the compensation payable by it has been determined in any manner, pay such part of that amount as represents such costs due to the person who provided the accommodation or treatment or rendered the service or supplied the goods (in this section referred to as the supplier), direct to the supplier who shall be entitled to recover the said part from the company without any cession of action;

(b) is die verskaffer geregtig om, indien die gemelde bedrag nie bepaal is nie en die geregistreerde maatskappy nie ingevolge 'n ooreenkoms van sy verpligting om die derde party weens sodanige koste skadeloos te stel, onthef is nie, sonder sessie van aksie soveel van die bedoelde koste aldus verskuldig op die geregistreerde maatskappy te verhaal as wat die derde party geregtig is om op hom te verhaal.

(2) Die aksiereg by paragraaf (b) van sub-artikel (1) verleen, kan deur die verskaffer uitgeoefen word deur toe te tree tot 'n regsgeding deur die derde party ingestel, of, indien so 'n regsgeding nie ingestel is nie en onderworpe *mutatis mutandis* aan die bepalings van artikel *elf bis*, deur 'n regsgeding in te stel te eniger tyd wanneer 'n regsgeding deur die derde party ingestel kan word, en word nie, na dit aldus uitgeoefen is, deur 'n ooreenkoms waardeur die geregistreerde maatskappy onthef word van sy verpligting om die derde party ten opsigte van bedoelde koste skadeloos te stel, geraak nie.

(3) Waar—

- (a) enige persoon ingevolge artikel *elf* skadevergoeding van 'n geregistreerde maatskappy geëis het; en
- (b) die skadevergoeding geëis enige koste in sub-artikel (1) vermeld, kon ingesluit het indien die maatskappy vir die betaling daarvan aanspreeklik was; en
- (c) die maatskappy, sonder erkennung van aanspreeklikheid om sodanige persoon ingevolge daardie artikel skadeloos te stel, 'n ooreenkoms aangegaan het om 'n betaling ten opsigte van bedoelde eis te maak waardeur hy van enige sodanige verpligting onthef is; en
- (d) die verskaffer nie by die datum van bedoelde ooreenkoms sy reg ten opsigte van sodanige koste op die by sub-artikel (2) voorgeskrewe wyse uitgeoefen het nie,
moet die geregistreerde maatskappy, behoudens die bepalings van sub-artikels (3) en (4), die bedrag van sodanige koste voor gemelde datum aangegaan en aan die verskaffer verskuldig, of die bedrag van tweehonderd rand, watter ook al die minste is, aan die verskaffer betaal.

(4) Indien die geregistreerde maatskappy op die by regulasie voorgeskrewe wyse kennis gegee het dat hy die in sub-artikel (3) vermelde ooreenkoms aangegaan het, is hy nie ingevolge daardie sub-artikel verplig om enige bedrag ten opsigte van sodanige koste aan 'n verskaffer te betaal wat nie voor die verstryking van 'n tydperk van sestig dae na die datum van die kennisgewing 'n skriftelike eis by die geregistreerde maatskappy ingedien het nie.

(5) Indien eise waarvan die bedrae nie in geskil is nie en wat in die geheel die som van tweehonderd rand te bowe gaan, deur twee of meer verskaffers by die geregistreerde maatskappy ingedien is soos in sub-artikel (4) beoog, betaal die maatskappy aan elke eiser 'n bedrag wat in dieselfde verhouding tot die som van tweehonderd rand staan as die verhouding waarin die bedrag van sy eis staan tot die bedrag wat al die bedoelde eise gesamentlik verteenwoordig.

Wysiging van artikel 13 van Wet 29 van 1942.

12. Artikel dertien van die Hoofwet word hierby gewysig deur na die woord „het“ die woorde „of, indien daardie persoon die voertuig as werknemer in die uitvoering van sy pligte bestuur het, van sy werkewer,“ in te voeg.

Wysiging van artikel 15 van Wet 29 van 1942, soos gewysig deur artikel 6 van Wet 27 van 1952.

13. Artikel vyftien van die Hoofwet word hierby gewysig deur in sub-artikels (5) en (6) die woorde „vyftig pond“ deur die woorde „honderd rand“ te vervang.

Wysiging van artikel 17 van Wet 29 van 1942, soos gewysig deur artikel 7 van Wet 27 van 1952.

14. Artikel sewentien van die Hoofwet word hierby gewysig—

- (a) deur die volgende voorbehoudsbepaling by paragraaf (a) van sub-artikel (1) te voeg:
„Met dien verstande dat, indien 'n motorvoertuig wat ingevolge 'n spesiale permit gebruik word en

(b) the supplier shall, if the said amount has not been determined and the registered company has not in terms of any agreement been released from its obligation to compensate the third party in respect of such costs, be entitled without any cession of action to recover from the registered company so much of the said costs so due as the third party is entitled to recover from it.

(2) The right of action conferred by paragraph (b) of sub-section (1) may be exercised by the supplier by intervening in any legal proceedings instituted by the third party or, if no such proceedings have been instituted and subject *mutatis mutandis* to the provisions of section *eleven bis*, by instituting legal proceedings at any time at which such proceedings may be instituted by the third party, and shall not, after it has been so exercised, be affected by any agreement whereby the registered company is released from its obligation to compensate the third party in respect of such costs.

(3) Where—

- (a) any person has claimed compensation under section *eleven* from a registered company; and
- (b) the compensation claimed could, if the company were liable for the payment thereof, have included any costs referred to in sub-section (1); and
- (c) the company has, without admitting any obligation to compensate such person under that section, entered into an agreement to make any payment in respect of such claim whereby it has been released from any such obligation; and
- (d) the supplier has not, at the date of such agreement, exercised his right in respect of such costs in the manner prescribed by sub-section (2), the registered company shall, subject to the provisions of sub-sections (3) and (4), pay to the supplier the amount of such costs incurred prior to the said date and due to the supplier or the amount of two hundred rand, whichever is the lesser.

(4) If the registered company has in such manner as may be prescribed by regulation given notice that it has entered into the agreement referred to in sub-section (3), it shall not in terms of that sub-section be obliged to pay any amount in respect of such costs to any supplier who has not lodged a claim in writing with the registered company prior to the expiration of a period of sixty days after the date of the notice.

(5) If claims whereof the amounts are not in dispute and exceed in the aggregate the sum of two hundred rand, have been lodged with the company as contemplated in sub-section (4) by two or more suppliers, the company shall pay to each claimant an amount which bears the same ratio to the sum of two hundred rand as the amount of his claim bears to the amount representing the aggregate of the amounts of all such claims.”.

12. Section *thirteen* of the principal Act is hereby amended Amendment of by the insertion after the word “aforesaid” of the words “or section 13 of if that person drove the vehicle as a servant in the execution Act 29 of 1942, from his employer”.

13. Section *fifteen* of the principal Act is hereby amended by Amendment of the substitution in sub-sections (5) and (6) for the words “fifty section 15 of pounds” of the words “one hundred rand”. Act 29 of 1942, as amended by section 6 of Act 27 of 1952.

14. Section *seventeen* of the principal Act is hereby amended— Amendment of (a) by the addition to paragraph (a) of sub-section (1) section 17 of of the following proviso: Act 29 of 1942, as amended by

“Provided that if a motor vehicle operated under a special permit and insured under this Act for the section 7 of Act 27 of 1952.

Wysiging van artikel 19 van Wet 29 van 1942, soos gewysig deur artikel 8 van Wet 27 van 1952 en artikel 9 van Wet 31 van 1959.

Wysiging van artikel 20 van Wet 29 van 1942, soos gewysig deur artikel 10 van Wet 31 van 1959.

Wysiging van artikel 21 van Wet 29 van 1942, soos gewysig deur artikel 9 van Wet 27 van 1952 en artikel 11 van Wet 31 van 1959.

Wysiging van artikel 22 van Wet 29 van 1942.

Wysiging van artikel 23 van Wet 29 van 1942, soos gewysig deur artikel 10 van Wet 27 van 1952.

Vervanging van artikel 32 van Wet 29 van 1942.

ingevolge hierdie Wet vir die geldigheidstydperk van sodanige permit verassureer is, kragtens die wet ingevolge waarvan sodanige permit uitgereik is, geregistreer word voor die verstryking van sodanige permit, die betrokke assuransietydperk geag word met die bedoelde registrasie te verstryk het"; en

- (b) deur in sub-artikel (3) die woorde „twee sjielings en ses pennies” deur die woorde „vyf-en-twintig sent” te vervang.

15. Artikel negentien van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (4) die woorde „vyftig pond” deur die woorde „honderd rand” te vervang; en
- (b) deur in sub-artikel (5) die woorde „vyf-en-twintig pond” en „honderd pond” deur onderskeidelik die woorde „vyftig rand” en „tweehonderd rand” te vervang.

16. Artikel twintig van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „tien pond” deur die woorde „vyftig rand” te vervang.

17. Artikel een-en-twintig van die Hoofwet word hierby gewysig—

- (a) deur die woorde „twintigduisend pond” en „sesduisend pond”, oral waar dit voorkom, deur onderskeidelik die woorde „veertigduisend rand” en „twaalfduisend rand” te vervang;
- (b) deur in sub-artikel (1) die woorde „een pond” deur die woorde „twee rand” te vervang;
- (c) deur in sub-artikel (2) die woorde „twee sjielings en ses pennies” deur die woorde „vyf-en-twintig sent” te vervang;
- (d) deur in sub-artikel (5) die woorde „tien pond” deur die woorde „vyftig rand” te vervang; en
- (e) deur in sub-artikel (13) die woorde „vyf-en-twintig pond” deur die woorde „vyftig rand” te vervang.

18. Artikel twee-en-twintig van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (2) voor die woorde „die assuransieverklaring”, waar dit vir die eerste keer voorkom, die woorde „of van 'n verskaffer wat ingevolge paragraaf (b) van sub-artikel (1) van artikel twaalf geregtig is om die in daardie artikel vermelde koste op die geregistreerde maatskappy te verhaal, of die agent van sodanige verskaffer,” in te voeg; en
- (b) deur in sub-artikel (3) die woorde „vyf-en-twintig pond” deur die woorde „vyftig rand” te vervang.

19. Artikel drie-en-twintig van die Hoofwet word hierby gewysig—

- (a) deur die woorde „paragraaf (c) van” te skrap; en
- (b) deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:
„(2) Die Minister kan, behoudens die wette op die Staatsdiens, persone aanstel om as inspekteurs op te tree in verband met die administrasie van hierdie Wet en sodanige persone het die bevoegdhede, pligte en werksaamhede wat by regulasie voorgeskryf word.”

20. (1) Artikel twee-en-dertig van die Hoofwet word hierby deur die volgende artikel vervang:

„Regulasies. 32. (1) Die Minister kan regulasies uitvaardig—

- (a) wat die bevoegdhede en pligte in verband met die uitvoering van hierdie Wet voorskryf wat uitgeoefen kan of uitgevoer moet word deur iemand wat 'n gemagtigde amptenaar is soos omskryf in artikel een van die Motortransport-wet, 1930 (Wet No. 39 van 1930);
- (b) wat die wyse waarop 'n geregistreerde maatskappy of 'n assuransiemaatskappy wat 'n geregistreerde maatskappy wil word, 'n bydraer tot die bydraefonds kan word, die bydraes wat deur so 'n bydraer aan die bydraefonds betaal moet word en die wyse waarop sodanige bydraes bereken moet word, die tyd wanneer en die persoon of liggaaam aan wie sodanige bydraes betaal moet word, die bewaring, beheer

period of validity of such permit, is before the expiration of such permit registered in terms of the law under which such permit was issued, the relevant insurance period shall be deemed to have expired on the registration in question"; and

- (b) by the substitution in sub-section (3) for the words "two shillings and sixpence" of the words "twenty-five cents".

15. Section *nineteen* of the principal Act is hereby amended— Amendment of section 19 of

- (a) by the substitution in sub-section (4) for the words "fifty pounds" of the words "one hundred rand"; and
- (b) by the substitution in sub-section (5) for the words "twenty-five pounds" and "one hundred pounds" of the words "fifty rand" and "two hundred rand", respectively.

Act 29 of 1942, as amended by section 8 of Act 27 of 1952 and section 9 of Act 31 of 1959.

16. Section *twenty* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "ten pounds" of the words "fifty rand". Amendment of section 20 of

Act 29 of 1942, as amended by section 10 of Act 31 of 1959.

17. Section *twenty-one* of the principal Act is hereby amended— Amendment of section 21 of

- (a) by the substitution for the words "twenty thousand pounds" and "six thousand pounds", wherever they occur, of the words "forty thousand rand" and "twelve thousand rand", respectively;
- (b) by the substitution in sub-section (1) for the words "one pound" of the words "two rand";
- (c) by the substitution in sub-section (2) for the words "two shillings and sixpence" of the words "twenty-five cents";
- (d) by the substitution in sub-section (5) for the words "ten pounds" of the words "fifty rand"; and
- (e) by the substitution in sub-section (13) for the words "twenty-five pounds" of the words "fifty rand".

Act 29 of 1942, as amended by section 9 of Act 27 of 1952 and section 11 of Act 31 of 1959.

18. Section *twenty-two* of the principal Act is hereby amended— Amendment of section 22 of

- (a) by the insertion in sub-section (2) before the word "produce" of the words "or of any supplier entitled in terms of paragraph (b) of sub-section (1) of section twelve to recover the costs referred to in that section from the registered company, or of the agent of such supplier,"; and
- (b) by the substitution in sub-section (3) for the words "twenty-five pounds" of the words "fifty rand".

Act 29 of 1942.

19. Section *twenty-three* of the principal Act is hereby amended— Amendment of section 23 of

- (a) by the deletion of the words "paragraph (c) of"; and
 - (b) by the addition of the following sub-section, the existing section becoming sub-section (1):
- "(2) The Minister may, subject to the laws governing the public service, appoint persons to act as inspectors in connection with the administration of this Act and such persons shall have such powers, duties and functions as may be prescribed by regulation."

Act 29 of 1942, as amended by section 10 of Act 27 of 1952.

20. (1) The following section is hereby substituted for section *thirty-two* of the principal Act: Substitution of section 32 of

Act 29 of 1942.

"Regulations. **32.** (1) The Minister may make regulations—

- (a) prescribing the powers and duties in connection with the administration of this Act which may be exercised or shall be performed by any person who is an authorized officer as defined in section *one* of the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930);
- (b) prescribing the manner in which any registered company or any insurance company desiring to become a registered company may become a contributor to the contributions fund, the contributions to be paid to the contributions fund by any such contributor and the manner in which such contributions shall be assessed, the time when and the person or body to whom such contributions shall be paid, the custody,

en belegging van en verantwoording vir die gelde in die bydraefonds, die ouditering van die boeke en rekenings van die bydraefonds, en die wyse waarop verlies of skade vir die doeleindes van 'n betaling uit die bydraefonds bereken moet word, voorskryf; wat die reg van enigiemand op so 'n betaling beperk of beheer; en wat die voorwaardes waaraan voldoen moet word en die prosedure wat gevvolg moet word deur iemand wat so 'n betaling eis, voorskryf, en in die algemeen aangaande alle aangeleenthede wat redelikerwys nodig is vir die reëling en werking van die bydraefonds;

- (c) in oorleg met die Minister van Volkswelsyn en Pensioene, wat die omstandighede waarin skadevergoeding wat ingevolge sub-artikel (1) van artikel *elf* aan iemand betaalbaar is, deur die betrokke geregistreerde maatskappy aan die Sekretaris van Volkswelsyn en Pensioene betaal moet word, en die wyse waarop met geld wat aldus aan gemelde Sekretaris betaal is, deur hom gehandel moet word, voorskryf;
- (d) na oorlegpleging met die Administrateurs van die vier provinsies en die gebied Suidwes-Afrika, die Mediese Vereniging van Suid-Afrika en die Tandheelkundige Vereniging van Suid-Afrika, wat die tarief voorskryf van gelde ten opsigte van die huisvesting van iemand in 'n hospitaal of verpleeginrigting of van enige behandeling van diens gelewer of goedere verskaf aan iemand, wat ingevolge sub-artikel (1) van artikel *elf* of artikel *twaalf* gevorder kan word van 'n geregistreerde maatskappy wat ingevolge daardie sub-artikel verplig is om iemand weens die koste van sodanige huisvesting of behandeling of van die lewering van sodanige diens of die verskaffing van sodanige goedere skadeloos te stel;
- (e) wat aangeleenthede ten opsigte waarvan statistieke deur geregistreerde maatskappye gehou moet word, die wyse waarop sodanige statistieke saamgestel moet word, en die liggaam of Staatsdepartement waaraan en die tyd wanneer statistieke aldus gehou en die inligting in verband daarmee wat die Minister van tyd tot tyd aanvra, verstrek moet word, voorskryf;
- (f) wat 'n assuransietydperk of 'n maand in hierdie Wet vermeld, deur 'n ander assuransietydperk of maand, of die in sub-artikels (3) en (5) van artikel *twaalf* gemelde bedrag deur 'n ander bedrag vervang;
- (g) wat die naam of beskrywing van 'n persoon, liggaam van persone, owerheid of inrigting onder paragraaf (a) van sub-artikel (2) van artikel *negentien* insluit ten einde hom van die bepalings van sub-artikel (1) van daardie artikel vry te stel;
- (h) wat enige vorm wat ingevolge 'n bepaling van hierdie Wet by regulasie voorgeskryf moet word, 'n vorm waarin 'n assuransieverklaring ingevolge artikel *drie* of *vyf* gemaak moet word, die vorm van 'n teken om 'n in paragraaf (a) of (b) van sub-artikel (2) van artikel *negentien* gemelde motorvoertuig uit te ken, en die wyse waarop sodanige teken aan so 'n motorvoertuig vasgeheg moet word, voorskryf,

of wat enige aangeleenthed wat ingevolge 'n bepaling van hierdie Wet by regulasie voorgeskryf kan word of waarmee ingevolge so 'n bepaling andersins by regulasie gehandel kan word, voorskryf of andersins daarmee handel.

(2) 'n Regulasie kragtens sub-artikel (1) uitgevaardig, kan voorsiening maak vir strawwe weens 'n oortreding daarvan of 'n versuim om daaraan of aan 'n bevel of opdrag daarkragtens gegee, te voldoen, wat 'n boete van vyftig rand of gevangenisstraf vir 'n tydperk van drie maande nie te bowe gaan nie."

(2) 'n Regulasie wat kragtens artikel *twee-en-dertig* van die Hoofwet voor die inwerkingtreding van hierdie artikel uitgevaardig is, word, behoudens die bepalings van artikel *twee* van die Hoofwet soos vervang by artikel *drie* van hierdie Wet, geag uitgevaardig te gewees het kragtens gemelde artikel *twee-en-dertig* soos vervang by sub-artikel (1) van hierdie artikel.

control and investment of and accounting for the moneys in the contributions fund, the auditing of the books and accounts of the contributions fund, and the manner in which loss or damage shall be assessed for the purpose of any payment from the contributions fund; limiting or controlling the right of any person to such payment; prescribing the conditions to be complied with and the procedure to be adopted by any person claiming such payment, and generally as to all matters reasonably necessary for the regulation and operation of the contributions fund;

- (c) in consultation with the Minister of Social Welfare and Pensions, prescribing circumstances under which compensation payable to any person under sub-section (1) of section *eleven* shall be paid by the registered company concerned to the Secretary for Social Welfare and Pensions, and the manner in which any moneys so paid to the said Secretary shall be dealt with by him;
- (d) after consultation with the Administrators of the four provinces and the territory of South-West Africa, the Medical Association of South Africa and the Dental Association of South Africa, prescribing the tariff of fees in respect of the accommodation of any person in a hospital or nursing home or of any treatment of or service rendered or goods supplied to any person, which may be claimed under sub-section (1) of section *eleven* or section *twelve* from any registered company obliged in terms of that sub-section to compensate any person for the costs of such accommodation or treatment or of the rendering of such service or the supply of such goods;
- (e) prescribing matters in respect of which statistics are to be kept by registered companies, the manner in which such statistics shall be compiled, and the body or State Department to which and the time when statistics so kept and such information in connection therewith as the Minister may call for from time to time, shall be made available;
- (f) substituting for any insurance period or any month specified in this Act, any other insurance period or month, or for the amount mentioned in sub-sections (3) and (5) of section *twelve*, any other amount;
- (g) including the name or description of any person, body of persons, authority or institution in paragraph (a) of sub-section (2) of section *nineteen* for the purpose of exempting him or it from the provisions of sub-section (1) of that section;
- (h) prescribing any form which in terms of any provision of this Act is required to be prescribed by regulation, a form in which a declaration of insurance has to be made in terms of section *three* or *five*, the form of a token to identify any motor vehicle referred to in paragraph (a) or (b) of sub-section (2) of section *nineteen* and the manner in which such token is to be attached to any such motor vehicle, or prescribing or otherwise dealing with any matter which may in terms of any provision of this Act be prescribed or otherwise dealt with by regulation.

(2) Any regulation made under sub-section (1) may provide for penalties not exceeding a fine of fifty rand or imprisonment for a period of three months for any contravention thereof or failure to comply therewith or with any order or direction given thereunder.”.

(2) Any regulation made under section *thirty-two* of the principal Act prior to the commencement of this section shall, subject to the provisions of section *two* of the principal Act as substituted by section *three* of this Act, be deemed to have been made under the said section *thirty-two* as substituted by sub-section (1) of this section.

Wysiging van artikel 34 van Wet 29 van 1942.

Vervanging in Wet 29 van 1942 van „Goewerneur-generaal” en „Unie” deur „Staatspresident” en „Republiek”.

Kort titel en inwerkingtreding.

21. Artikel vier-en-dertig van die Hoofwet word met ingang van die datum van inwerkingtreding van daardie Wet hierby gewysig deur na die woord „Wet” die woorde „en enige wysiging daarvan”, en na die woord „Suidwes-Afrika” die woorde „met inbegrip van dié gedeelte daarvan bekend as die Oostelike Caprivi Zipfel” in te voeg.

22. Behoudens die voorafgaande bepalings van hierdie Wet, word die Hoofwet hierby gewysig deur die woord „Goewerneur-generaal”, oral waar dit voorkom, deur die woord „Staats-president” en die woord „Unie”, oral waar dit voorkom, deur die woord „Republiek” te vervang.

23. (1) Hierdie Wet heet die Wysigingswet op Motorvoertuigassuransie, 1964, en tree, behoudens die bepalings van sub-artikel (2), in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan kragtens sub-artikel (1) bepaal word ten opsigte van verskillende bepalings van hierdie Wet.

21. Section *thirty-four* of the principal Act is hereby amended, Amendment of with effect from the date of commencement of that Act, by section 34 of the insertion after the word "Act" of the words "and any 1942. amendment thereof" and after the words "South-West Africa" of the words "including that portion thereof known as the Eastern Caprivi Zipfel,".

22. Subject to the preceding provisions of this Act, the Substitution in principal Act is hereby amended by the substitution for the word "Governor-General", wherever it occurs, of the words "State President" and for the word "Union", wherever it occurs, "Union" of the word "Republic".

23. (1) This Act shall be called the Motor Vehicle Insurance Short title Amendment Act, 1964, and shall, subject to the provisions of and commencement sub-section (2), come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may under sub-section (1) be fixed in respect of different provisions of this Act.