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EXTRAORDINARY



Staatskooerant

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DEPARTMENT OF THE PRIME MINISTER.

No. 320]

[10th March, 1965.

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. 320]

[10 Maart 1965.

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. 8, 1965.]

ACT**To amend the Justices of the Peace and Commissioners of Oaths Act, 1963.***(English text signed by the State President.)
(Assented to 1st March, 1965.)***BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 2 of Act 16 of 1963.

1. Section *two* of the Justices of the Peace and Commissioners of Oaths Act, 1963, is hereby amended by the substitution for sub-section (1) of the following sub-section:“(1) The Minister may appoint for any ward referred to in section *one* so many justices of the peace as he may deem fit.”.

Short title.

2. This Act shall be called the Justices of the Peace and Commissioners of Oaths Amendment Act, 1965.

No. 9, 1965.]

ACT**To amend the Financial Relations Amendment Act, 1957.***(Afrikaans text signed by the State President.)
(Assented to 1st March, 1965.)***BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 2 of Act 38 of 1957, as amended by section 17 of Act 80 of 1959, section 1 of Act 3 of 1963 and section 15 of Act 83 of 1963.

1. Section *two* of the Financial Relations Amendment Act, 1957, is hereby amended—

(a) by the addition to paragraph (a) of the following sub-paragraphs:

- “(ix) in respect of the financial year 1965–1966, an amount equal to the amount payable under subparagraph (viii), plus six per cent of that amount;
- (x) in respect of the financial year 1966–1967, an amount equal to the amount payable under subparagraph (ix), plus six per cent of that amount;”;

(b) by the addition to paragraph (c) of the following sub-paragraphs:

- “(ix) in respect of the financial year 1965–1966, an amount of two million five hundred and fifty thousand one hundred and fifty-nine rand;
- (x) in respect of the financial year 1966–1967, an amount of two million seven hundred and three thousand one hundred and sixty-nine rand;”;

No. 8, 1965.]

WET

Tot wysiging van die Wet op Vrederegters en Kommissarisse van Ede, 1963.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Maart 1965.)

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

1. Artikel *twee* van die Wet op Vrederegters en Kommissarisse Wysiging van van Ede, 1963, word hierby gewysig deur sub-artikel (1) deur die artikel 2 van Wet 16 van 1963, volgende sub-artikel te vervang:

„(1) Die Minister kan vir 'n wyk vermeld in artikel *een* soveel vrederegters aanstel as wat hy goedvind.”.

2. Hierdie Wet heet die Wysigingswet op Vrederegters en Kort titel. Kommissarisse van Ede, 1965.

No. 9, 1965.]

WET

Tot wysiging van die Wysigingswet op Finansiële Verhoudings, 1957.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Februarie 1965.)

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

1. Artikel *twee* van die Wysigingswet op Finansiële Verhoudings, 1957, word hierby gewysig— Wysiging van artikel 2 van Wet 38 van 1957, soos gewysig deur artikel 17 van Wet 80 van 1959, artikel 1 van Wet 3 van 1963 en artikel 15 van Wet 83 van 1963.

(a) deur die volgende sub-paragrawe by paragraaf (a) te voeg:

„(ix) ten opsigte van die boekjaar 1965–1966, 'n bedrag gelyk aan die bedrag betaalbaar ingevolge sub-paragraaf (viii), tesame met 'n bedrag gelyk aan ses persent van daardie bedrag;

(x) ten opsigte van die boekjaar 1966–1967, 'n bedrag gelyk aan die bedrag betaalbaar ingevolge sub-paragraaf (ix), tesame met 'n bedrag gelyk aan ses persent van daardie bedrag;”;

(b) deur die volgende sub-paragrawe by paragraaf (c) te voeg:

„(ix) ten opsigte van die boekjaar 1965–1966, 'n bedrag van tweemiljoen vyfhonderd-en-vyftigduisend eenhonderd nege-en-vyftig rand;

(x) ten opsigte van die boekjaar 1966–1967, 'n bedrag van tweemiljoen sewehonderd-en-drieduisend eenhonderd nege-en-sestig rand;”;

(c) by the addition to paragraph (d) of the following subparagraphs:

- "(ix) in respect of the financial year 1965–1966, an amount of one million two hundred and seventy-five thousand and seventy-eight rand;
- (x) in respect of the financial year 1966–1967, an amount of one million three hundred and fifty-one thousand five hundred and eighty-three rand;";

(d) by the substitution for paragraph (e) of the following paragraph:

"(e) in respect of any of the financial years 1959–1960, 1960–1961, 1961–1962, 1962–1963, 1963–1964, 1964–1965, 1965–1966 and 1966–1967 to the provincial revenue fund of any province, in respect of such expenditure incurred by the province concerned as may be specified in the Estimates of Expenditure approved by Parliament, such an amount not exceeding one-half of such expenditure, as the Minister of Finance may determine;"; and

(e) by the substitution for the first proviso of the following proviso:

"Provided that if in respect of any of the financial years 1957–1958, 1958–1959, 1959–1960, 1960–1961, 1961–1962, 1962–1963, 1963–1964, 1964–1965, 1965–1966 and 1966–1967 any expenditure of the nature referred to in paragraph (a) of the proviso to sub-section (2) of section six of the principal Act is incurred by a province, there may, in the discretion of the Minister of Finance, be paid to that province, in addition to any other amount payable to it under this section, such an amount, not exceeding one-half of such expenditure, as the said Minister may determine.".

Short title.

2. This Act shall be called the Financial Relations Amendment Act, 1965.

- (c) deur die volgende sub-paragraawe by paragraaf (d) te voeg:
- „(ix) ten opsigte van die boekjaar 1965–1966, 'n bedrag van eenmiljoen tweehonderd vyf-en-sewentigduisend agt-en-sewentig rand;
- (x) ten opsigte van die boekjaar 1966–1967, 'n bedrag van eenmiljoen driehonderd een-en-vyftigduisend vyfhonderd drie-en-tigtyg rand;”;
- (d) deur paragraaf (e) deur die volgende paragraaf te vervang:
- „(e) ten opsigte van enige van die boekjare 1959–1960, 1960–1961, 1961–1962, 1962–1963, 1963–1964, 1964–1965, 1965–1966 en 1966–1967 aan die provinsiale inkomstefonds van enige provinsie, ten opsigte van sodanige uitgawes deur die betrokke provinsie aangegaan as wat in die Begrotings van Uitgawes goedgekeur deur die Parlement vermeld mag word, so 'n bedrag, nie die helfte van sodanige uitgawes te bowe gaan nie, as wat die Minister van Finansies mag bepaal;”; en
- (e) deur die eerste voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:
- „Met dien verstande dat indien ten opsigte van enige van die boekjare 1957–1958, 1958–1959, 1959–1960, 1960–1961, 1961–1962, 1962–1963, 1963–1964, 1964–1965, 1965–1966 en 1966–1967 uitgawes van die in paragraaf (a) van die voorbehoudsbepaling by sub-artikel (2) van artikel ses van die Hoofwet bedoelde aard deur 'n provinsie aangegaan word, daar na goed-dunke van die Minister van Finansies aan daardie provinsie, benewens enige ander bedrag ingevolge hierdie artikel aan daardie provinsie betaalbaar, 'n bedrag betaal kan word wat bedoelde Minister bepaal maar wat nie die helfte van bedoelde uitgawes te bowe gaan nie.”

2. Hierdie Wet heet die Wysigingswet op Finansiële Ver- Kort titel.
houdings, 1965.

No. 10, 1965.]

ACT

To amend the Insurance Act, 1943.

(*English text signed by the State President.*)
(Assented to 1st March, 1965.)

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

Amendment of section 1 of Act 27 referred to as the principal Act), is hereby amended—
of 1943, as amended by section 2 of Act 73 of 1951, section 39 of Act 24 of 1956, section 50 of Act 25 of 1956 and section 1 of Act 79 of 1959.

1. Section one of the Insurance Act, 1943 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the substitution for sub-paragraph (iii) of paragraph (a) of the definition of "approved reinsurances" in sub-section (1) of the following sub-paragraph: "(iii) in the case of short term insurance business and compulsory third party insurance business, any reinsurance effected under a policy or contract of reinsurance in terms of which the reinsurer maintains in the Republic moneys on which the insurer by whom such reinsurance was effected has a prior charge and lien as security against losses which may be occasioned by the failure of the reinsurer to discharge his obligations under the said policy or contract or by the termination of such policy or contract for any reason;";
 - (b) by the substitution in that sub-section for the definition of "approved securities" of the following definition: "'approved securities' means securities issued by the Government or such other securities as the registrar may have approved for the purposes of this Act, provided those securities and the dividends or interest payable thereon are payable in the Republic and in the currency of the Republic;";
 - (c) by the substitution in that sub-section for the definition of "class" of the following definition: "'class', in relation to insurance business, means any particular class of insurance business included in the definition of 'long term insurance business' or 'short term insurance business' and defined in this sub-section, and compulsory third party insurance business;";
 - (d) by the insertion in that sub-section after the definition of "class" of the following definition: "'compulsory third party business' or 'compulsory third party insurance business', in relation to a registered insurer other than an insurer who carries on only reinsurance business, means the business of insuring motor vehicles in terms of the Motor Vehicle Insurance Act, 1942 (Act No. 29 of 1942);";
 - (e) by the substitution in that sub-section for the definition of "court" of the following definition: "'court' means any provincial or local division of the Supreme Court having jurisdiction in respect of the matter in question;";
 - (f) by the insertion in that sub-section after the definition of "director" of the following definitions: "'domestic insurer' means a registered insurer whose head office is in the Republic;

No. 10, 1965.]

WET

Tot wysiging van die Versekeringswet, 1943.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Maart 1965.)*

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

1. Artikel *een* van die Versekeringswet, 1943 (hieronder die Hoofwet genoem), word hierby gewysig—
- (a) deur sub-paragraaf (iii) van paragraaf (a) van die omskrywing van „goedgekeurde herversekerings” in sub-artikel (1) deur die volgende sub-paragraaf te vervang:
„(iii) in die geval van korttermyn-versekeringsbesigheid en verpligte derdeparty-versekeringsbesigheid, enige herversekerings aangegaan onder ‘n herversekeringspolis of -kontrak ingevolge waarvan die herversekeraar geld in die Republiek hou waarop die versekeraar deur wie die herversekerings aangegaan is ‘n eerste aanspraak en pandreg het as sekuriteit teen verlies wat veroorsaak mag word ingeval die herversekeraar versuim om sy verpligtungs kragtens bedoelde polis of kontrak na te kom of ingeval bedoelde polis of kontrak om een of ander rede ten einde kom;”;
 - (b) deur in daardie sub-artikel die omskrywing van „goedgekeurde effekte” deur die volgende omskrywing te vervang:
„‘goedgekeurde effekte’ beteken skuldbrieve wat deur die Regering uitgegee is of sodanige ander effekte as wat die registrator vir die toepassing van hierdie Wet goedgekeur het, mits daardie effekte en die diwidende of rente wat daarop betaalbaar is, in die Republiek en in die betaalmiddel van die Republiek betaal moet word;”;
 - (c) deur in daardie sub-artikel die omskrywing van „soort” deur die volgende omskrywing te vervang:
„‘soort’ beteken, met betrekking tot versekerings, enige bepaalde soort versekeringsbesigheid wat binne die omskrywing van ‘langtermyn-versekeringsbesigheid’ of ‘korttermyn-versekeringsbesigheid’ val en in hierdie sub-artikel omskryf word, en verpligte derdeparty-versekeringsbesigheid;”;
 - (d) deur in daardie sub-artikel na die omskrywing van „soort” die volgende omskrywing in te voeg:
„‘verpligte derdeparty-besigheid’ of ‘verpligte derdeparty-versekeringsbesigheid’ beteken, met betrekking tot ‘n ander geregistreerde versekeraar as ‘n versekeraar wat slegs herversekeringsbesigheid doen, die besigheid van versekerings van motorvoertuie ingevolge die Motorvoertuigassuransiewet, 1942 (Wet No. 29 van 1942);”;
 - (e) deur in daardie sub-artikel die omskrywing van „hof” deur die volgende omskrywing te vervang:
„‘hof’ beteken ‘n provinsiale of plaaslike afdeling van die Hooggereghof wat ten opsigte van die betrokke saak regsheb is;”;
 - (f) deur in daardie sub-artikel na die omskrywing van „direkteur” die volgende omskrywings in te voeg:
„‘binnelandse versekeraar’ beteken ‘n geregistreerde versekeraar wie se hoofkantoor in die Republiek is;”;

Wysiging van
artikel 1
van Wet 27 van
1943, soos gewysig
deur artikel
2 van Wet 73
van 1951, artikel
39 van Wet 24
van 1956, artikel
50 van Wet 25
van 1956 en
artikel 1 van Wet
79 van 1959.

'domestic life policy' means a life policy which is a domestic policy;

'domestic policy' means any policy issued anywhere upon an application made or presented to a representative of the insurer concerned (or to any person on behalf of such a representative) at a place in the Republic, not being a life policy which has subsequent to the date of issue thereof been made payable at a place outside the Republic at the request of the owner and in respect of which the owner has also agreed in writing that it shall not be regarded as a domestic policy for the purposes of this Act, but includes any life policy issued outside the Republic which has subsequently been made payable in the Republic at the request of the owner, provided the owner has also agreed in writing that it shall be regarded as a domestic policy for the purposes of this Act;";

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

"foreign insurer" means a registered insurer other than a domestic insurer;"

- (h) by the insertion in that sub-section after the definition of "funeral policy" of the following definitions:

"guarantee business" means the business of assuming the obligations of an insurer under guarantee policies;

'guarantee policy' means any contract whereby a registered insurer assumes an obligation (in return for the payment or the promise of the payment of a sum or sums of money, and otherwise than incidentally to an insurance effected by means of some other class of policy) to discharge the debts or other obligations of any person in the event of the failure of that person to do so, and includes any statutory form of bond, guarantee or undertaking issued by such insurer in return for payment;";

- (i) by the addition at the end of the definition of "insurance business" in that sub-section of the following paragraph:

"(j) any guarantee given by a person who is not a registered insurer as defined in this section;"

- (j) by the substitution in that sub-section for the definition of "motor business" of the following definition:

"motor business" means the business of insuring persons against loss or damage or claims arising out of, or in connection with, the use or ownership of motor vehicles, but does not include compulsory third party business except in the case of a registered insurer who does not carry on any insurance business other than reinsurance business;"

- (k) by the deletion in that sub-section of the definition of "non-Union insurer";

- (l) by the substitution in that sub-section, with effect from the commencement of the principal Act, for the definition of "policy" of the following definition:

"policy" means any valid insurance contract, whatever may be the form in which the rights and obligations of the parties to the contract are expressed or created, and includes—

(a) a sinking fund policy; and

(b) any statutory form of bond, guarantee or undertaking issued by a registered insurer or any contract entered into by such an insurer in terms of which it binds itself as surety for the discharge of the debts or other obligations of any person in return for the payment or the promise of the payment of a sum or sums of money;"

- (m) by the substitution in that sub-section for the definition of "registered insurer" of the following definition:

"registered insurer" means a person registered under section *three bis*, *three ter* or *four* or deemed to be registered under section *three*;"

- ,binnelandse lewenspolis' beteken 'n lewenspolis wat 'n binnelandse polis is;
- ,binnelandse polis' beteken 'n polis wat waar ook al uitgereik is op 'n aansoek gemaak of aangebied aan 'n verteenwoordiger van die betrokke versekeraar (of aan iemand namens so 'n verteenwoordiger) op enige plek in die Republiek, behalwe 'n lewenspolis wat, na die datum van uitreiking daarvan, op versoek van die eienaar op 'n plek buite die Republiek betaalbaar gemaak is, en ten opsigte waarvan die eienaar ook skriftelik ingestem het dat dit nie by die toepassing van hierdie Wet as 'n binnelandse polis beskou sal word nie, maar omvat ook 'n lewenspolis buite die Republiek uitgereik wat daarna op versoek van die eienaar in die Republiek betaalbaar gemaak is, mits die eienaar ook skriftelik ingestem het dat dit by die toepassing van hierdie Wet as 'n binnelandse polis beskou sal word;";
- (g) deur in daardie sub-artikel na die omskrywing van „brandbesigheid” die volgende omskrywing in te voeg: „,buitelandse versekeraar’ beteken 'n geregistreerde versekeraar wat nie 'n binnelandse versekeraar is nie;”;
- (h) deur in daardie sub-artikel na die omskrywing van „begrafnispolis” die volgende omskrywings in te voeg: „,garansiebesigheid’ beteken die besigheid om die verpligtings van 'n versekeraar ingevolge garansiepolisse te aanvaar;
- ,garansiepolis' beteken 'n kontrak waarby 'n geregistreerde versekeraar, as teenprestasie vir die betaling of 'n belofte van betaling van 'n som of somme geld, en andersins as bykomend by 'n versekering deur middel van 'n ander soort polis aangegaan, 'n verpligting aanvaar om enigiemand se skulde of ander verpligtings na te kom in geval so iemand versuim om dit te doen, en ook enige statutêre vorm van verband, garansie of onderneming deur so 'n versekeraar teen betaling uitgereik;”;
- (i) deur aan die end van die omskrywing van „versekeringsbesigheid” in daardie sub-artikel die volgende paragraaf by te voeg:
- ,,(j) enige garansie gegee deur iemand wat nie 'n geregistreerde versekeraar is soos in hierdie artikel omskryf nie;”;
- (j) deur in daardie sub-artikel die omskrywing van „motorbesigheid” deur die volgende omskrywing te vervang: „,motorbesigheid’ beteken die besigheid van versekering van persone teen verlies of skade of eise wat ontstaan uit of in verband met die gebruik van of eiendomsreg op motorvoertuie, maar nie ook verpligte derdeparty-versekeringsbesigheid nie, behalwe in die geval van 'n geregistreerde versekeraar wat geen ander versekeringsbesigheid as herversekeringsbesigheid dryf nie;”;
- (k) deur in daardie sub-artikel die omskrywing van „buitelandse versekeraar” na die omskrywing van „motorbesigheid” te skrap;
- (l) deur in daardie sub-artikel die omskrywing van „polis” met ingang van die inwerkingtreding van die Hoofwet deur die volgende omskrywing te vervang:
- ,,polis’ beteken enige geldige versekeringsooreenkoms, ongeag die vorm waarin die regte en pligte van die partye by die ooreenkoms uitgedruk of tot stand gebring word, en ook—
- (a) 'n amortisasiepolis; en
- (b) enige statutêre vorm van verband, garansie of onderneming deur 'n geregistreerde versekeraar uitgereik of enige kontrak deur so 'n versekeraar aangegaan waarby hy hom verbind as borg vir die nakoming van die skulde of ander verpligtings van enige persoon teen betaling van 'n som of somme geld of 'n belofte om dit te betaal;”;
- (m) deur in daardie sub-artikel die omskrywing van „geregistreerde versekeraar” deur die volgende omskrywing te vervang:
- ,,geregistreerde versekeraar’ beteken 'n persoon wat kragtens artikel *drie bis, drie ter of vier* geregistreer is of wat kragtens artikel *drie* geag word geregistreer te wees;”;

- (n) by the insertion in that sub-section after the definition of "regulation" of the following definition:
"Republic' includes the Territory,";
- (o) by the substitution in that sub-section for the definition of "short term insurance business" of the following definition:
"short term insurance business' means any insurance business other than long term insurance business or compulsory third party insurance business;";
- (p) by the deletion in that sub-section of the definitions of "Union", "Union insurer", "Union life policy" and "Union policy";
- (q) by the insertion after sub-section (1) of the following sub-section:
"(1)*bis* Any person registered under this Act as an insurer authorized to carry on compulsory third party insurance business shall for the purposes of the Motor Vehicle Insurance Act, 1942 (Act No. 29 of 1942), be deemed to be entitled to carry on motor insurance business in the Republic within the meaning of that Act."; and
- (r) by the insertion in sub-section (2) after paragraph (b) of the following paragraph:
"(b)*bis* approved reinsurances referred to in subparagraph (iii) of paragraph (a) of the definition of 'approved reinsurance' in sub-section (1), shall not be deemed to cover the contingent liabilities under unmatured policies of the insurer by whom such reinsurance have been effected, to an amount exceeding the amount of the moneys maintained in the Republic by the reinsurer on which the insurer has a prior charge and lien as security against losses which may be occasioned by the failure of the reinsurer to discharge his obligations under the relevant policy or contract or by the termination for any reason of such policy or contract,".

**Insertion of
section 3*ter* in
Act 27 of 1943.**

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

"**Provisions relating to existing insurers who carry on guarantee business and compulsory third party insurance business.** 3*ter.* (1) Any registered insurer who immediately before the commencement of this section was carrying on in the Republic guarantee business or compulsory third party insurance business, and who intends to continue to carry on such business, shall within a period of three months from such commencement apply for registration under this Act in respect of such business.

(2) Any application under sub-section (1) shall be accompanied by the appropriate documents prescribed by regulation for the purposes of section *four* as if it were an application under that section.

(3) The provisions of sub-section (4) of section *three bis* and sub-sections (3) and (3)*bis* of section *four*, except paragraphs (a) and (b) of the said sub-section (3)*bis*, shall apply *mutatis mutandis* in respect of an application for registration under sub-section (1) of this section, and in applying the said sub-section (4)—

(a) the reference therein to a co-operative insurer shall be construed as a reference to an applicant for registration under this section; and
(b) the reference therein to the commencement of that sub-section shall be construed as a reference to the commencement of this section.

(4) An insurer who is a registered company within the meaning of the Motor Vehicle Insurance Act, 1942 (Act No. 29 of 1942), shall not by reason only of the provisions of this section be deemed to have become incompetent to carry on motor insurance business for the purposes of sub-section (3) of section *two* of that Act, and the provisions of sections *three* and *five* of the said Act shall not apply in respect of such an insurer not registered under this Act."

- (n) deur in daardie sub-artikel na die omskrywing van „regulasie” die volgende omskrywing in te voeg: „,Republiek’ ook die Gebied.”;
- (o) deur in daardie sub-artikel die omskrywing van „korttermyn-versekeringsbesigheid” deur die volgende omskrywing te vervang: „,korttermyn-versekeringsbesigheid’ beteken ander versekeringsbesigheid as langtermyn-versekeringsbesigheid of verpligte derdeparty-versekeringsbesigheid.”;
- (p) deur in daardie sub-artikel die omskrywing van „Unie”, en die omskrywings van „binnelandse versekeraar”, „binnelandse lewenspolis” en „binnelandse polis” waar hulle na die omskrywing van „Unie” voorkom, te skrap;
- (q) deur na sub-artikel (1) die volgende sub-artikel in te voeg:
 - ,(1)*bis* Iemand wat ingevolge hierdie Wet geregistreer is as ’n versekeraar wat bevoeg is om verpligte derdeparty-versekeringsbesigheid te dryf, word by die toepassing van die Motorvoertuigassuransiewet, 1942 (Wet No. 29 van 1942), geag geregtig te wees om in die Republiek motorassuransiesbesigheid binne die bedoeling van daardie Wet te dryf.”; en
- (r) deur in sub-artikel (2) na paragraaf (b) die volgende paragraaf in te voeg:
 - ,(b)*bis* word goedgekeurde herversekerings in sub-paragraaf (iii) van paragraaf (a) van die omskrywing van „goedgekeurde herversekerings” in sub-artikel (1) bedoel, nie geag die voorwaardelike verbintenisse ingevolge nog lopende polisse van die versekeraar wat die herversekerings aangegaan het, te dek vir ’n groter bedrag as die bedrag van die geld wat die herversekeraar in die Republiek hou en waarop die versekeraar ’n eerste aanspraak en pandreg het as sekuriteit teen enige verliese wat weens versuum van die herversekeraar om sy verpligtigs ingevolge die betrokke polis of kontrak na te kom, of ingeval bedoelde polis of kontrak om enige rede ten einde kom, mag ontstaan nie.”.

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

Invoeging van artikel *3ter* in Wet 27 van 1943.

„Bepalings 3ter. (1) ’n Geregistreerde versekeraar wat onrakende bestaande versekeraars wat garansiesbesigheid en verpligte derdeparty-versekeringsbesigheid dryf.

(2) ’n Aansoek ingevolge sub-artikel (1) moet vergesel gaan van die toepaslike dokumente by regulasie vir die doeleindes van artikel *vier* voorgeskryf asof dit ’n aansoek ingevolge daardie artikel is.

(3) Die bepalings van sub-artikel (4) van artikel *drie bis* en sub-artikels (3) en (3)*bis* van artikel *vier*, behalwe paragrawe (a) en (b) van bedoelde sub-artikel (3)*bis*, is *mutatis mutandis* ten opsigte van ’n aansoek om registrasie ingevolge sub-artikel (1) van hierdie artikel van toepassing, en by die toepassing van bedoelde sub-artikel (4)—

(a) word die verwysing daarin na ’n koöperatiewe versekeraar as ’n verwysing na ’n applikant om registrasie ingevolge hierdie artikel uitgelê; en
 (b) word die verwysing daarin na die inwerkstreding van daardie sub-artikel as ’n verwysing na die inwerkstreding van hierdie artikel uitgelê.

(4) ’n Versekeraar wat ’n geregistreerde maatskappy is binne die bedoeling van die Motorvoertuigassuransiewet, 1942 (Wet No. 29 van 1942), word nie bloot uit hoofde van die bepalings van hierdie artikel by die toepassing van sub-artikel (3) van artikel *twoe* van daardie Wet, geag onbevoeg te geword het om motorassuransiesbesigheid te dryf nie, en die bepalings van artikels *drie* en *vyf* van bedoelde Wet, geld nie ten opsigte van so ’n versekeraar wat nie ingevolge hierdie Wet geregistreer is nie.”.

Amendment of section 4 of Act 27 of 1943, as amended by section 3 of Act 73 of 1951, section 4 of Act 79 of 1959 and section 10 of Act 64 of 1960.

3. Section four of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-sections:

"(3) If the registrar is satisfied that the manner in which the said person proposes to carry on the class of insurance business in question is not inconsistent with the provisions of this Act and is not otherwise undesirable, and such person has paid to the registrar a registration fee of two rand, the registrar shall, subject to the provisions of sub-section (3)*bis*, register such person under this Act as an insurer authorized to carry on the said class of insurance business and issue to him a certificate of registration.

(3)*bis* No person shall be registered under this section—

- (a) as a foreign insurer;
- (b) unless such person—

- (i) is a company incorporated and registered or deemed to have been incorporated and registered under the Companies Act, 1926 (Act No. 46 of 1926), or the Companies Ordinance, 1928 (Ordinance No. 19 of 1928), of the Territory, or a co-operative society or co-operative company registered under the Co-operative Societies Act, 1939 (Act No. 29 of 1939), or the Co-operative Societies Ordinance, 1946 (Ordinance No. 15 of 1946), of the Territory, or a corporate body established under the provisions of any other law; or

- (ii) is a corporate body not so established which was in existence at the commencement of the Friendly Societies Act, 1956 (Act No. 25 of 1956), and which is by virtue of the substitution of paragraph (a) of the proviso to the definition of 'insurance business' in sub-section (1) of section one by section fifty of that Act required to register as an insurer under this Act; or

- (iii) not being a corporate body in terms of any law, is a domestic insurer and was carrying on any class of insurance business before the commencement of the Insurance Amendment Act, 1965; or

- (iv) was immediately before the commencement of the Insurance Amendment Act, 1965, carrying on the class of insurance business in respect of which registration is required;

- (c) as an insurer authorized to carry on any class of long term insurance business other than funeral business, unless he has satisfied the registrar that he has deposited with the Treasury money or approved securities or money and approved securities having an aggregate value not less than one hundred thousand rand;

- (d) as an insurer authorized to carry on funeral business unless he has satisfied the registrar—

- (i) that he has deposited with the Treasury money or approved securities or money and approved securities having an aggregate value of not less than twenty thousand rand; and

- (ii) that the manner in which and the rules according to which he proposes to carry on business adequately provide for the issue of a receipt for every premium received which clearly indicates the due date of the premium in respect of which such payment is made;

- (e) unless he satisfies the registrar that such business will be in the public interest and complies with such conditions as the registrar may deem it desirable to impose in the public interest;

- (f) under the name of an insurer who is already registered or a name which so nearly resembles the name of an insurer who is already registered that the one is likely to be mistaken for the other, unless the registered insurer is being or is to be wound up and has consented to the registration of the person concerned under the name in question;

- (g) under a name which is, in the opinion of the registrar, calculated to mislead the public;

3. Artikel vier van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikels te vervang:
- „(3) Indien die registrator oortuig is dat die wyse waarop bedoelde persoon voornemens is om die betrokke soort versekeringsbesigheid te dryf, nie met die bepalings van hierdie Wet onbestaanbaar is nie en nie andersins ongewens is nie, en bedoelde persoon aan die registrator 'n registrasiegeld van twee rand betaal het, registreer hy bedoelde persoon, behoudens die bepalings van sub-artikel (3)*bis*, ingevolge hierdie Wet as 'n versekeraar wat gemagtig is om bedoelde soort versekeringsbesigheid te dryf, en reik hy aan hom 'n registrasiesertifikaat uit.
- (3)*bis* Niemand word ingevolge hierdie artikel geregistroer nie—
- (a) as 'n buitelandse versekeraar;
- (b) tensy so iemand—
- (i) 'n maatskappy is wat ingevolge die Maatskappywet, 1926 (Wet No. 46 van 1926), of die Maatskappye-Ordonnansie, 1928 (Ordonnansie No. 19 van 1928), van die Gebied, met regspersoonlikheid beklee en geregistroer is of geag word aldus met regspersoonlikheid beklee en geregistroer te wees, of 'n koöperatiewe vereniging of koöperatiewe maatskappy is wat ingevolge die Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939), of die Ordonnansie op Koöperatiewe Verenigings, 1946 (Ordonnansie No. 15 van 1946), van die Gebied geregistroer is, of 'n ingevolge 'n ander wetsbepaling ingestelde regspersoon is; of
 - (ii) 'n regspersoon is wat nie aldus ingestel is nie en wat by die inwerkingtreding van die Wet op Onderlinge Hulpverenigings, 1956 (Wet No. 25 van 1956), bestaan het, en wat uit hoofde van die vervanging deur artikel *yyftig* van daardie Wet van paragraaf (a) van die voorbehoudsbepaling by die omskrywing van 'versekeringsbesigheid' in sub-artikel (1) van artikel een, verplig is om hom as 'n versekeraar ingevolge hierdie Wet te laat registrator; of
 - (iii) indien hy nie 'n regspersoon ingevolge enige wet is nie, 'n binnelandse versekeraar is en voor die inwerkingtreding van die Wysigingswet op Versekering, 1965, enige soort versekeringsbesigheid gedryf het; of
 - (iv) onmiddellik voor die inwerkingtreding van die Wysigingswet op Versekering, 1965, die soort versekeringsbesigheid gedryf het ten opsigte waarvan registrasie vereis word;
- (c) as 'n versekeraar wat gemagtig is om enige ander soort langtermyn-versekeringsbesigheid as begrafnisbesigheid te dryf, tensy hy die registrator oortuig het dat hy geld of goedgekeurde effekte of geld en goedgekeurde effekte met 'n totale waarde van minstens honderduisend rand by die Tesourie gedeponeer het;
- (d) as 'n versekeraar wat gemagtig is om begrafnisbesigheid te dryf, tensy hy die registrator oortuig het—
- (i) dat hy geld of goedgekeurde effekte of geld en goedgekeurde effekte met 'n totale waarde van minstens twintigduisend rand by die Tesourie gedeponeer het; en
 - (ii) dat die wyse waarop en die reëls waarvolgens hy voornemens is om besigheid te dryf voldoende voorsiening maak vir die uitreiking ten opsigte van elke premie wat ontvang word van 'n kwitansie wat die vervaldag van die premie ten opsigte waarvan betaling geskied, duidelik aantoon;
- (e) tensy hy die registrator oortuig dat bedoelde besigheid in die openbare belang sal wees en voldoen aan die voorwaardes wat die registrator in die openbare belang nodig ag op te lê;
- (f) onder die naam van 'n versekeraar wat reeds geregistroer is of 'n naam wat soveel met die naam van 'n reeds geregistroerde versekeraar ooreenstem dat die een waarskynlik met die ander verwarr sal word, tensy die geregistroerde versekeraar gelikwideer word of staan te word en sy toestemming tot die registrasie van die betrokke persoon onder bedoelde naam verleen het;
- (g) onder 'n naam wat volgens die registrator se oordeel daarop bereken is om die publiek te mislei;

Wysiging van
artikel 4 van
Wet 27 van
1943, soos gewysig
deur artikel 3 van
Wet 73 van 1951,
artikel 4 van Wet
79 van 1959 en
artikel 10 van
Wet 64 van 1960.

(h) if the direct or indirect control over its affairs by virtue of shareholding, voting power, power to appoint directors, or otherwise, may, in the opinion of the registrar, react to the detriment of its policyholders.

(3)*ter* Notwithstanding the provisions of paragraph (a) or (b) of sub-section (3)*bis*, any registered insurer who is a foreign insurer within the meaning of that term as defined in sub-section (1) of section *one*, and who immediately before the commencement of the Insurance Amendment Act, 1965, was carrying on in the Republic any class of insurance business in respect of which he was registered, shall be deemed to be duly registered in terms of this Act as a foreign insurer authorized to carry on the business in respect of which he was so registered.”.

Amendment of section 4 *bis* of Act 27 of 1943, as inserted by section 5 of Act 79 of 1959.

4. Section *four bis* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) In considering any application for approval in terms of sub-section (1), the registrar shall observe the provisions of paragraphs (f) and (g) of sub-section (3)*bis* of section *four* as if he were considering an application for registration under that section.”.

Insertion of section 4*ter* in Act 27 of 1943.

5. The following section is hereby inserted in the principal Act after section *four bis*:

“Cancellation of registration. 4*ter*. When a registered insurer has satisfied the registrar that he has ceased to carry on in the Republic any class of insurance business, the registrar shall cancel the registration of the insurer in regard to the said class of insurance business.”.

Substitution of section 6 of Act 27 of 1943, as amended by section 5 of Act 73 of 1951 and section 6 of Act 79 of 1959.

6. The following section is hereby substituted for section *six* of the principal Act:

6. (1) The provisions of the First Schedule to this Act shall apply in connection with any money or approved securities deposited with the Treasury in terms of this section or section *four*.

(2) Every registered insurer who immediately before the commencement of the Insurance Amendment Act, 1965, was lawfully carrying on in the Republic any class of long term insurance business and who intends to continue to carry on such business shall, subject to the provisions of sub-section (6), within a period of three months from such commencement, or within such further period as the registrar may allow, deposit with the Treasury money or approved securities or money and approved securities having an aggregate value of not less than—

- (a) twenty thousand rand, if the insurer does not carry on any long term insurance business other than funeral business; or
- (b) one hundred thousand rand, if the insurer carries on any one or more classes of long term insurance business other than funeral business or in addition to funeral business.

(3) Any money or securities so deposited with the Treasury shall be made available for distribution to the owners of any life policies, industrial policies, funeral policies and sinking fund policies under which the insurer is liable and which have been issued in connection with the long term insurance business carried on by the insurer on or before the date on which an order is made by any court in the Republic that the whole or any part of the long term insurance business of such insurer be wound up in terms of section *thirty-two*.

(4) If as a result of any action taken under sub-section (3) the value of the deposit of a registered insurer in respect of any class or classes of long term insurance business to which the order in question does not apply is lower than the amount prescribed by sub-section (2), such insurer shall not issue any domestic policy in the class or classes of long term insurance business concerned until he has made

“Provisions relating to deposits.

(h) indien die direkte of indirekte beheer oor sy sake uit hoofde van aandelebesit, stemkrag, bevoegdheid om direkteure aan te stel, of andersins, volgens die registrator se oordeel tot nadeel van sy polishouers kan strek.

(3)^{ter} Ondanks die bepalings van paragraaf (a) of (b) van sub-artikel (3)^{bis}, word 'n geregistreerde versekeraar wat 'n buitelandse versekeraar is binne die bedoeling van daardie uitdrukking soos in sub-artikel (1) van artikel een omskryf, en wat onmiddellik voor die inwerkingtreding van die Wysigingswet op Versekerung, 1965, enige soort versekeringsbesigheid in die Republiek gedryf het ten opsigte waarvan hy geregistreer was, geag behoorlik ingevolge hierdie Wet geregistreer te wees as 'n buitelandse versekeraar wat gemagtig is om die besigheid te dryf ten opsigte waarvan hy aldus geregistreer was.”.

4. Artikel vier bis van die Hoofwet word hierby gewysig Wysiging van artikel 4^{bis} van Wet 27 van 1943, soos ingevoeg deur artikel 5 van Wet 79 van 1959.

„(2) By die oorweging van 'n aansoek om goedkeuring ooreenkomstig sub-artikel (1) moet die registrator die bepalings van parrawe (f) en (g) van sub-artikel (3)^{bis} van artikel vier nakom asof dit 'n aansoek om registrasie kragtens daardie artikel is wat hy oorweeg.”.

5. Die volgende artikel word hierby na artikel vier bis in die Hoofwet ingevoeg: Invoeging van artikel 4^{ter} in Wet 27 van 1943.

„Intrekking 4^{ter}. Wanneer 'n geregistreerde versekeraar die van registrasie. registrator daarvan oortuig het dat hy opgehoud het om enige soort versekeringsbesigheid in die Republiek te dryf, trek die registrator die versekeraar se registrasie ten opsigte van daardie soort versekeringsbesigheid in.”.

6. Artikel ses van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 6 van Wet 27 van 1943, soos gewysig deur artikel 5 van Wet 73 van 1951 en artikel 6 van Wet 79 van 1959.

„Bepalings met betrekking tot deposito's. 6. (1) Die bepalings van die Eerste Bylae by hierdie Wet is van toepassing in verband met geld of goedgekeurde effekte wat ingevolge hierdie artikel of artikel vier by die Tesourie gedeponeer word.

(2) Elke geregistreerde versekeraar wat onmiddellik voor die inwerkingtreding van die Wysigingswet op Versekerung, 1965, wettiglik enige soort langtermyn-versekeringsbesigheid in die Republiek gedryf het, en wat voornemens is om daardie besigheid voort te sit, moet, behoudens die bepalings van sub-artikel (6), binne 'n tydperk van drie maande vanaf bedoelde inwerkingtreding, of binne die verdere tydperk wat die registrator toelaat, by die Tesourie geld of goedgekeurde effekte of geld en goedgekeurde effekte deponeer met 'n totale waarde van minstens—

(a) twintigduisend rand indien die versekeraar geen ander langtermyn-versekeringsbesigheid as begrafnisbesigheid dryf nie; of

(b) honderdduisend rand indien die versekeraar een of meer soorte langtermyn-versekeringsbesigheid behalwe of benewens begrafnisbesigheid dryf.

(3) Geld of effekte aldus by die Tesourie gedeponeer, word beskikbaar gestel vir verdeling onder eienaars van lewenspolisse, nywerheidspolisse, begrafnispolisse en amortisasiefondspolisse waarvolgens die versekeraar aanspreeklik is en wat op of voor die datum waarop 'n bevel deur 'n hof in die Republiek uitgevaardig word ten effekte dat die langtermyn-versekeringsbesigheid van bedoelde versekeraar in die geheel of ten dele ingevolge artikel twee-en-dertig gelikwideer moet word, uitgereik is in verband met die langtermyn-versekeringsbesigheid wat die versekeraar gedryf het.

(4) Indien as gevolg van optrede kragtens sub-artikel (3) die waarde van die bedrag ten opsigte van enige soort of soorte langtermyn-versekeringsbesigheid waarop die betrokke bevel nie van toepassing is nie, deur 'n geregistreerde versekeraar gedeponeer, tot benede die by sub-artikel (2) voorgeskrewe bedrag daal, mag daardie versekeraar geen binne-landse polis in die betrokke klas of klasse langtermyn-versekeringsbesigheid uitreik voordat hy die tekort

good the deficiency by a further deposit of money or approved securities or money and approved securities.

(5) Whenever a registered insurer has satisfied the registrar that he has ceased to carry on in the Republic the long term insurance business in respect whereof the insurer has made any deposit under section *four* or sub-section (2) of this section or that he will soon cease to carry on such business and that such deposit is required for the benefit of policy-holders, the registrar shall authorize the Treasury to return the deposit to the insurer and the Treasury shall thereupon return the deposit.

(6) At the request of a registered insurer the registrar may, if he is satisfied that the insurer—

- (a) has carried on in the Republic for a continuous period of not less than twenty years the class or classes of long term insurance business in respect whereof the deposit prescribed in section *four* or sub-section (2) of this section has been made; and
- (b) has been in a sound financial position throughout the period of ten years immediately preceding the date of the request,

on such conditions as the registrar may deem it desirable in the public interest to impose, authorize the return of the said deposit and the Treasury shall in that event return such deposit to the insurer.

(7) If the registrar is of the opinion that any registered insurer who carries on any long term insurance business in the Republic in respect of which no deposit is held by the Treasury is no longer in a sound financial position, he may require such insurer to deposit with the Treasury money or approved securities or money and approved securities having the aggregate value prescribed by sub-section (2), and thereupon the relevant provisions of this Act shall apply in respect of such deposit.”.

Amendment of
section 9 of Act
27 of 1943, as
amended by section
7 of Act 73 of
1951 and section 8
of Act 79 of 1959.

7. Section nine of the principal Act is hereby amended—

- (a) by the insertion after sub-section (1) of the following sub-section:

“(1)*bis* Where the auditor of an insurer or the local auditor of a foreign insurer is a partnership the appointment of such auditor shall not lapse by reason of a change in the composition of such partnership so long as not less than half the number of persons who were partners as at the date when the partnership was last appointed continue to be partners therein.”;

- (b) by the substitution for sub-sections (6), (7) and (8) of the following sub-sections:

“(6) The auditor of a registered insurer shall satisfy himself that every revenue account, profit and loss account and balance sheet prepared by the insurer in terms of section *eleven* is properly drawn up so as to exhibit truly and fairly the trading results or, as the case may be, the financial position of the insurer, according to the books of the insurer and any other information which may be necessary for that purpose, and shall, if he has so satisfied himself, attest the document in question accordingly, or, if he cannot so satisfy himself, attest it subject to such qualifications as he deems necessary.

(7) The auditor of a domestic insurer or local auditor of a foreign insurer shall satisfy himself that the statement of the insurer's liabilities, prepared by the insurer in terms of sections *twelve* and *thirteen*, is a true and fair statement thereof according to the books of the insurer and any other information which may be necessary for that purpose (including, in the case of a foreign insurer, any such information furnished to him by the auditor of the insurer), and

deur 'n verdere deposito van geld of goedgekeurde effekte of geld en goedgekeurde effekte aangesuiwer het nie.

(5) Wanneer 'n geregistreerde versekeraar die registrateur oortuig het dat hy nie meer die langtermyn-versekeringsbesigheid ten opsigte waarvan die versekeraar enige bedrag ingevolge artikel vier of sub-artikel (2) van hierdie artikel gedeponeer het, in die Republiek dryf nie, of dat hy binnekort sal ophou om sodanige besigheid te dryf en dat die gedeponeerde bedrag ten bate van polishouers benodig is, magtig die registrateur die Tesourie om die deposito aan die versekeraar terug te betaal, en die Tesourie moet daarop bedoelde deposito terugbetaal.

(6) Op versoek van 'n geregistreerde versekeraar kan die registrateur, indien hy oortuig is dat die versekeraar—

(a) vir 'n ononderbroke tydperk van minstens twintig jaar die soort of soorte langtermyn-versekeringsbesigheid ten opsigte waarvan die by artikel vier of sub-artikel (2) van hierdie artikel voorgeskrewe bedrag gedeponeer is, in die Republiek gedryf het; en

(b) gedurende die tydperk van tien jaar onmiddellik voor die datum van die versoek deurgaans in 'n geldelik gesonde toestand verkeer het, op die voorwaardes wat die registrateur in die openbare belang nodig ag om op te lê, magtig vir die terugbetaling van die betrokke deposito verleen, en in so 'n geval moet die Tesourie bedoelde deposito aan daardie versekeraar terugbetaal.

(7) Indien die registrateur van oordeel is dat 'n geregistreerde versekeraar wat langtermyn-versekeringsbesigheid ten opsigte waarvan geen deposito by die Tesourie gehou word nie, in die Republiek dryf, nie meer in 'n geldelik gesonde toestand verkeer nie, kan hy vereis dat die versekeraar geld of goedgekeurde effekte of geld en goedgekeurde effekte met 'n totale waarde gelyk aan die bedrag by sub-artikel (2) voorgeskryf by die Tesourie deponeer, en daarop is die ter sake dienende bepalings van hierdie Wet ten opsigte van sodanige deposito van toepassing.”.

7. Artikel nege van die Hoofwet word hierby gewysig—

(a) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis* Waar die ouditeur van 'n versekeraar of die plaaslike ouditeur van 'n buitelandse versekeraar 'n vennootskap is, verval die aanstelling van dié ouditeur nie op grond van 'n verandering in die samestellings van die vennootskap nie, solank minstens die helfte van die persone wat op die datum van die vennootskap se laaste aanstelling vennote was, nog vennote daarin bly.”;

(b) deur sub-artikels (6), (7) en (8) deur die volgende sub-artikels te vervang:

„(6) Die ouditeur van 'n geregistreerde versekeraar moet hom daarvan vergewis dat elke inkomsterekening, wins-en-verliesrekening en balansstaat ooreenkomsdig artikel elf deur die versekeraar opgemaak, behoorlik opgestel is sodat dit die bedryfsresultate of, na gelang van die geval, die finansiële toestand van die versekeraar, volgens die boeke van die versekeraar en ander inligting wat vir daardie doel nodig is op ware en billike wyse weergee, en moet, indien hy hom aldus vergewis het, die betrokke dokument dienooreenkomsdig waarmerk, of indien hy hom nie aldus kan vergewis nie, dit waarmerk onderworpe aan die voorbehoude wat hy nodig ag.

(7) Die ouditeur van 'n binnelandse versekeraar of plaaslike ouditeur van 'n buitelandse versekeraar moet hom daarvan vergewis dat die opgawe van die versekeraar se bates, soos ooreenkomsdig artikels twaalf en dertien deur die versekeraar opgemaak, 'n ware en billike weergawe bevat volgens die boeke van die versekeraar en ander inligting wat vir daardie doel nodig is (waarby inbegrepe, in die geval van 'n buitelandse versekeraar, inligting deur die ouditeur van die versekeraar aan die plaaslike ouditeur verstrek),

Wysiging van
artikel 9 van
Wet 27 van 1943,
soos gewysig
deur artikel 7 van
Wet 73 van
1951 en artikel 8
van Wet 79 van
1959.

shall, if he has so satisfied himself, attest such statement accordingly, or, if he cannot so satisfy himself, attest it subject to such qualifications as he may deem necessary, and shall, in attesting any such statement, indicate how he has satisfied himself as to the reasonableness of the insurer's estimates of his liabilities of the kinds mentioned in sub-paragraphs (ii) and (iii) of paragraph (a) of section *thirteen*.

- (8) The auditor of a domestic insurer or local auditor of a foreign insurer shall satisfy himself that the statement of the insurer's assets, prepared by the insurer in terms of sections *fourteen* and *fifteen*, is a true and fair statement thereof according to the books of the insurer and any other information which may be necessary for that purpose (including, in the case of a foreign insurer, any such information furnished to him by the auditor of the insurer), and shall, if he has so satisfied himself, attest the statement accordingly, or, if he cannot so satisfy himself, attest it subject to such qualifications as he may deem necessary.”; and
- (c) by the substitution for paragraph (c) of sub-section (9) of the following paragraph:
- “(c) how he has satisfied himself as to the reasonableness of any estimate made by the insurer in terms of paragraph (h) of section *fifteen*;”.

Amendment of
section 11 of Act
27 of 1943, as
substituted by
section 9 of Act
73 of 1951.

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

- (a) by the substitution for paragraph (a) of sub-section (1) of the following paragraph:
- “(a) a revenue account—
- (i) in respect of the insurance business carried on by him during that year, not being insurance business in respect of which sub-paragraph (ii) applies;
- (ii) if the regulations so prescribe, in respect of any class of short term insurance business or compulsory third party insurance business carried on by him during such period as may be so prescribed, including any such business carried on outside the Republic;”; and
- (b) by the substitution for sub-section (5) of the following sub-section:
- “(5) Every registered insurer shall furnish to the registrar—
- (a) within a period of six months as from the expiration of its financial year, or within such further period as the registrar may for good cause allow, a copy of any duly audited account or balance sheet or any other statement or report relating to its finances which it is in terms of the Companies Act, 1926 (Act No. 46 of 1926), or any other law under which it is incorporated, required to submit to an annual general meeting of shareholders or policyholders, whether or not such insurer has complied with the requirements of the said Act or such other law; and
- (b) within fourteen days of the sending or submission by the insurer or its valuator or auditor or local auditor, to shareholders or policyholders, of any other report or statement concerning its financial position, a copy of such report or statement.”.

Amendment of
section 12 of Act
27 of 1943, as
amended by section
10 of Act 73 of
1951.

9. Section twelve of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:

- “(3) Every domestic insurer who carries on either within or outside the Republic any short term insurance business or compulsory third party insurance business shall within a period of six months as from the expiration of every financial year of the said business prepare and furnish to the registrar such a statement as is mentioned in sub-section (1) in respect of the class of short term insurance business or the compulsory third party insurance business which he so carries on.”.

en moet, indien hy hom aldus vergewis het, bedoelde opgawe dienooreenkomsdig waarmerk, of, indien hy hom nie aldus kan vergewis nie, dit waarmerk onderworpe aan die voorbehoude wat hy nodig ag, en moet, wanneer hy so 'n opgawe waarmerk, aandui op watter wyse hy hom vergewis het van die redelikheid van die versekeraar se beramings ten opsigte van sy verbintenis van die soorte in sub-paragrafe (ii) en (iii) van paragraaf (a) van artikel *dertien* vermeld.

(8) Die ouditeur van 'n binnelandse versekeraar of plaaslike ouditeur van 'n buitelandse versekeraar moet hom daarvan vergewis dat die opgawe van die versekeraar se bates, soos ooreenkomsdig artikels *veertien* en *vyftien* deur die versekeraar opgemaak, 'n ware en billike weergawe daarvan bevat volgens die boeke van die versekeraar en ander inligting wat vir die doel nodig is (waarby inbegrepe, in die geval van 'n buitelandse versekeraar inligting deur die ouditeur van die versekeraar aan die plaaslike ouditeur verstrek), en moet, indien hy hom aldus vergewis het, bedoelde opgawe dienooreenkomsdig waarmerk, of, indien hy hom nie aldus kan vergewis nie, dit waarmerk onderworpe aan die voorbehoude wat hy nodig ag.";

- (c) deur paragraaf (c) van sub-artikel (9) deur die volgende paragraaf te vervang:
- „(c) op watter wyse hy hom vergewis het van die redelikheid van enige beraming ooreenkomsdig paragraaf (h) van artikel *vyftien* deur die versekeraar gemaak;”.

8. Artikel *elf* van die Hoofwet word hierby gewysig—

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

„(a) 'n inkomsterekening—

- (i) ten opsigte van die versekeringsbesigheid, behalwe versekeringsbesigheid ten opsigte waarvan sub-paragraaf (ii) van toepassing is, gedurende daardie jaar deur hom gedryf;
- (ii) indien die regulasies aldus voorskryf, ten opsigte van enige soort korttermyn-versekeringsbesigheid of verpligte derdeparty-versekeringsbesigheid gedurende 'n aldus voorgeskrewe tydperk deur hom gedryf, met inbegrip van sodanige besigheid wat hy buite die Republiek gedryf het;”; en

- (b) deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) Elke geregistreerde versekeraar moet—

- (a) binne 'n tydperk van ses maande na die verstryking van sy boekjaar, of binne die verdere tydperk wat die registrator om gegronde redes toelaat, aan die registrator 'n afskrif van 'n behoorlik geouditeerde rekening of balansstaat of enige ander opgawe of verslag met betrekking tot sy geldsake verstrek wat hy volgens voorskrif van die Maatskappywet, 1926 (Wet No. 46 van 1926), of 'n ander wetsbepaling ingevolge waarvan hy met regspersoonlikheid beklee is, aan 'n jaarlikse algemene vergadering van aandeelhouders of polishouers moet verstrek, hetsy bedoelde versekeraar aan die vereistes van daardie Wet of ander wetsbepaling voldoen het al dan nie; en
- (b) binne veertien dae na die versending of voorlegging deur die versekeraar of sy waardeerdeerder of ouditeur of plaaslike ouditeur van enige ander verslag of opgawe aangaande sy geldsake aan sy aandeelhouders of polishouers 'n afskrif van bedoelde verslag of opgawe aan die registrator verstrek.”.

9. Artikel *twaalf* van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:

- „(3) Elke binnelandse versekeraar wat in of buite die Republiek korttermyn-versekeringsbesigheid of verpligte derdeparty-versekeringsbesigheid dryf, moet binne 'n tydperk van ses maande vanaf die verstryking van elke boekjaar van daardie besigheid 'n opgawe soos in sub-artikel (1) bedoel met betrekking tot die soort korttermyn-versekeringsbesigheid of die verpligte derdeparty-versekeringsbesigheid wat hy aldus dryf, opmaak en aan die registrator verstrek.”.

Wysiging van artikel 11 van Wet 27 van 1943, soos vervang deur artikel 9 van Wet 73 van 1951.

Wysiging van artikel 12 van Wet 27 van 1943, soos gewysig deur artikel 10 van Wet 73 van 1951.

Amendment of section 13 of Act 27 of 1943, as substituted by section 11 of Act 73 of 1951.

Amendment of section 15 of Act 27 of 1943, as substituted by section 13 of Act 73 of 1951 and amended by section 10 of Act 79 of 1959.

10. Section thirteen of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of the following paragraph:

“(b) The statement shall contain particulars of any contingent liability relating to the insurance business and not referred to in paragraph (a), and of any guarantee given or other obligation assumed by the insurer with the approval of the registrar obtained in terms of paragraph (b) of sub-section (2) of section twenty.”; and

- (b) by the addition at the end of sub-paragraph (ii) of paragraph (e) of the word “or” and the insertion after that sub-paragraph of the following sub-paragraph:

“(iii) any compulsory third party insurance business carried on by the insurer, or any such insurance business carried on in the Republic by the insurer, on the one hand, and any other business carried on by him on the other hand.”.

11. Section fifteen of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of the following paragraph:

“(a) The statement shall not include any amount representing expenses of administration, organization or business extension, or the purchase price of any business (apart from the value of any property belonging thereto), or any goodwill or item of a similar nature or the value of any policy or contract of reinsurance which is the property of the insurer by whom the statement is prepared or the amount deposited with the Treasury under section four or six.”;

- (b) by the substitution for paragraph (c) of the following paragraph:

“(c) In respect of any long term insurance business, the statement shall not include any amount representing an outstanding premium or a premium debited to an insurance broker or an agent of the insurer or a deferred instalment of a premium.”;

- (c) by the substitution for paragraph (d) of the following paragraph:

“(d) In respect of any short term insurance business or compulsory third party insurance business, no outstanding premium (irrespective of whether or not it has been debited to an insurance broker or an agent of the insurer) shall be included in the statement if at the end of the financial year to which the statement relates more than six months have elapsed since the date on which such premium became due by the owner of the policy in question, and the value of any other outstanding premiums or premiums debited to insurance brokers or agents of the insurer shall be shown at an amount which in the aggregate does not exceed the full amount of such premiums reduced by—

(i) the amount or estimated amount of any commission which the insurer owes or for which he is likely to become liable in connection with the said premiums;

(ii) the amount or estimated amount of the corresponding outstanding premiums under any reinsurances of the policies in question (less the corresponding commission payable under those reinsurances) unless such amount has been or will be included as a liability in the statement of liabilities prepared under section thirteen;

(iii) a reserve, in an amount deemed by the registrar to be adequate, but not less than five per cent of the total value attached to all the premiums included in the statement, to cover the risk of loss arising from non-receipt by the insurer of any such premiums as aforesaid.”; and

- (d) by the substitution for paragraph (e) of the following paragraph:

10. Artikel *dertien* van die Hoofwet word hierby gewysig—

(a) deur paragraaf (b) deur die volgende paragraaf te vervang:

„(b) Die opgawe moet besonderhede bevat van enige voorwaardelike verbintenis wat op die versekeringsbesigheid betrekking het en wat nie in paragraaf (a) vermeld word nie, en van enige waarborg deur die versekeraar gegee of ander verbintenis deur hom aanvaar met die goedkeuring van die registerateur verkry ingevolge paragraaf (b) van sub-artikel (2) van artikel *twintig*”; en

(b) deur aan die end van sub-paragraaf (ii) van paragraaf (e) die woord „of” by te voeg en na daardie sub-paragraaf die volgende sub-paragraaf in te voeg:

„(iii) enige verpligte derdeparty-versekeringsbesigheid deur die versekeraar gedryf of andersyds sodanige versekeringsbesigheid deur die versekeraar in die Republiek gedryf, en andersyds enige ander besigheid deur hom gedryf.”.

11. Artikel *wyftien* van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) die opgawe sluit geen bedrag in wat koste van administrasie, organisasie of besigheidsuitbreiding, of die kooprys van 'n besigheid (afgesien van die waarde van goedere wat daarby behoort) of gewysig deur klandisiewaarde of 'n soortgelyke pos of die waarde van 'n herversekeringspolis of -kontrak wat die eiendom is van die versekeraar deur wie die opgawe opgestel word of die bedrag ingevolge artikel *vier* of *ses* by die Tesourie gedeponeer, verteenwoordig nie.”;

(b) deur paragraaf (c) deur die volgende paragraaf te vervang:

„(c) Ten opsigte van langtermyn-versekeringsbesigheid sluit die opgawe geen bedrag in wat 'n uitstaande premie of 'n premie aan 'n versekeringsmakelaar of 'n agent van die versekeraar gedebiteer of 'n uitgestelde paaiemant van 'n premie verteenwoordig nie.”;

(c) deur paragraaf (d) deur die volgende paragraaf te vervang:

„(d) In die geval van korttermyn-versekeringsbesigheid of verpligte derdeparty-versekeringsbesigheid word geen uitstaande premie (het sy dit teen 'n versekeringsmakelaar of 'n agent van die versekeraar gedebiteer is al dan nie) in die opgawe ingesluit nie, indien daar aan die end van die boekjaar waarop die opgawe betrekking het, meer as ses maande verloop het sedert die datum waarop die premie deur die eienaar van die betrokke polis verskuldig geword het, en word die waarde van ander uitstaande premies of premies wat teen versekeringsmakelaars of agente van die versekeraar gedebiteer is, aangegee teen 'n bedrag in die geheel hoogstens gelyk aan die volle bedrag van bedoelde premies, min—

(i) die bedrag of geraamde bedrag aan kommissie wat deur die versekeraar verskuldig is of waarskynlik verskuldig sal word ten opsigte van bedoelde premies;

(ii) die bedrag of geraamde bedrag van die ooreenstemmende uitstaande premies ten opsigte van herversekerings van die betrokke polisse (min die ooreenstemmende kommissie ten opsigte van daardie herversekerings verskuldig), tensy daardie bedrag in die ingevolge artikel *dertien* opgestelde opgawe van verbintenisse as 'n verbintenis ingesluit is of sal word;

(iii) 'n reserwe van 'n bedrag wat die registerateur toereikend ag, maar minstens vyf persent van die totale waarde geplaas op al die premies wat in die opgawe ingesluit is, om die risiko van verlies weens nie-ontvangs van bedoelde premies deur die versekeraar te dek.”; en

(d) deur paragraaf (e) deur die volgende paragraaf te vervang:

Wysiging van artikel 13 van Wet 27 van 1943, soos vervang deur artikel 11 van Wet 73 van 1951.

"(e) No claim which is overdue for a period of twelve months or longer and which does not consist of, or form part of any asset mentioned in paragraph (b) shall be included in the statement.".

Substitution of
section 17 of Act
27 of 1943, as
substituted by
section 15 of Act
73 of 1951 and
amended by section
11 of Act 79 of
1959.

12. The following section is hereby substituted for section *seventeen* of the principal Act:

17. (1) A domestic insurer who carries on long term insurance business shall in respect of such business—

- (a) hold assets having an aggregate value not less than the amount of his net liabilities in respect of such business; and
- (b) hold in the Republic assets of one or more of the kinds mentioned in the Third Schedule to this Act, having an aggregate value not less than the amount of his net liabilities in respect of such business carried on by him in the Republic,

and for the purposes of this sub-section money or approved securities deposited with the Treasury in terms of section *four* or *six* shall not be deemed to be assets held by the insurer.

(2) The assets referred to in paragraph (b) of sub-section (1) shall, subject to the provisions of sub-section (3), include assets of the kinds mentioned in Part I of the said Third Schedule having an aggregate value not less than twenty-five per cent. of the amount of the net liabilities referred to in paragraph (b) of sub-section (1).

(3) A domestic insurer may at any time request the registrar to accept, in addition to any statement of liabilities which the insurer is required to furnish to the registrar in terms of section *twelve*, a supplementary statement, attested by the valuator of the insurer as correct, showing what the amount or approximate amount of the liabilities of the insurer under unmatured policies in respect of the long term insurance business carried on by the insurer in the Republic, would be if such liabilities were calculated on the minimum basis described in the Second Schedule to this Act, and showing also the manner in which such amount or approximate amount has been calculated, and if the registrar is satisfied that the particulars contained or to be contained in the said supplementary statement are sufficient to enable an independent actuary to confirm the correctness of the aforesaid calculation, he shall authorize the insurer to furnish such supplementary statements, and so long as the insurer does so to the satisfaction of the registrar, the provisions of sub-section (2) shall apply as if the amount of the net liabilities therein referred to had been calculated, in so far as liabilities under unmatured policies are concerned, on the said minimum basis.

(4) A domestic insurer who carries on short term insurance business shall in respect of such business—

(a) hold assets having an aggregate value not less than the amount of his net liabilities in respect of such business, plus an additional amount equal to the greater of the following amounts, namely—

- (i) one hundred thousand rand; or
- (ii) one-tenth of his premium income (after deduction of approved reinsurance) in the previous financial year;

(b) hold in the Republic assets of one or more of the kinds mentioned in the Third Schedule to this Act having an aggregate value not less than the amount of his net liabilities in respect of such business carried on by him in the Republic, plus an additional amount equal to the greater of the following amounts, namely—

- (i) one hundred thousand rand; or

„(e) Geen vordering wat twaalf maande of langer agterstallig is en wat nie uit 'n in paragraaf (b) gemelde bate bestaan of deel daarvan uitmaak, word in die opgawe ingesluit nie.”.

12. Artikel sewentien van die Hoofwet word hierby deur die volgende artikel vervang:

„Bates wat deur binne-landse versekeraars ten opsigte van ver-sekerings-besigheid besit moet word.

17. (1) 'n Binnelandse versekeraar wat lang-termyn-versekeringbesigheid dryf, moet ten opsigte van daardie besigheid—

- (a) bates besit met 'n gesamentlike waarde minstens gelyk aan die bedrag van sy netto verbintenisste ten opsigte van bedoelde besigheid; en
- (b) in die Republiek bates besit van een of meer van die in die Derde Bylae van hierdie Wet gemelde soorte, met 'n gesamentlike waarde minstens gelyk aan die bedrag van sy netto verbintenisste ten opsigte van sodanige besigheid wat hy in die Republiek dryf,

en by die toepassing van hierdie sub-artikel word geld of goedgekeurde effekte ingevolge artikel vier of ses by die Tesourie gedeponeer, nie geag bates te wees wat die versekeraar besit nie.

(2) Die in paragraaf (b) van sub-artikel (1) bedoelde bates moet, behoudens die bepalings van sub-artikel (3), bates van die in Deel I van bedoelde Derde Bylae vermelde soorte insluit met 'n gesamentlike waarde gelyk aan minstens vyf-en-twintig persent van die bedrag van die in paragraaf (b) van sub-artikel (1) bedoelde netto verbintenisste.

(3) 'n Binnelandse versekeraar kan te eniger tyd die registrateur versoek om benewens 'n opgawe van verbintenisste wat die versekeraar ingevolge artikel *twaalf* verplig is om aan die registrateur te verstrek, 'n aanvullende opgawe aan te neem wat deur die waardeerdeer van die versekeraar as juis gewaarmerk is, aantonende wat die bedrag of die benaderde bedrag sou wees van die versekeraar se verbintenisste kragtens nog lopende polisse ten opsigte van langtermyn-versekeringbesigheid deur die versekeraar in die Republiek gedryf, indien daardie verbintenisste bereken sou word volgens die minimum grondslag in die Tweede Bylae van hierdie Wet beskryf, asook die wyse waarop bedoelde bedrag of benaderde bedrag bereken is, en indien die registrateur oortuig is dat die besonderhede wat in bedoelde aanvullende opgawe vervat is of sal word, voldoende is om 'n onafhanklike aktuaris in staat te stel om die juistheid van voormalde berekening te bepaal, moet hy die versekeraar magtig om sulke aanvullende opgawes te verstrek, en solank die versekeraar dit tot bevriddiging van die registrateur doen, geld die bepalings van sub-artikel (2) asof die bedrag van die daarin vermelde netto verbintenisste, vir sover dit verbintenisste kragtens nog lopende polisse betref, op bedoelde minimum grondslag bereken was.

(4) 'n Binnelandse versekeraar wat korttermyn-versekeringbesigheid dryf, moet ten opsigte van sodanige besigheid—

(a) bates besit met 'n gesamentlike waarde minstens gelyk aan die bedrag van sy netto verbintenisste ten opsigte van daardie besigheid, plus 'n bykomende bedrag gelyk aan die grootste van die volgende bedrae te wete—

- (i) honderdduisend rand; of
- (ii) een-tiende van sy inkomste uit premies (na aftrekking van goedgekeurde herversekering) in die vorige boekjaar;

(b) in die Republiek bates van een of meer van die in die Derde Bylae by hierdie Wet vermelde soorte besit met 'n gesamentlike waarde minstens gelyk aan die bedrag van sy netto verbintenisste ten opsigte van sodanige besigheid deur hom in die Republiek gedryf, plus 'n bykomende bedrag gelyk aan die grootste van die volgende bedrae te wete—

- (i) honderdduisend rand; of

Vervanging van artikel 17 van Wet 27 van 1943, soos vervang deur artikel 15 van Wet 73 van 1951 en gewysig deur artikel 11 van Wet 79 van 1959.

(ii) one-tenth of his premium income (after deduction of approved reinsurances) in respect of such business carried on by him in the Republic in the previous financial year.

(5) (a) The assets referred to in paragraph (b) of sub-section (4), excluding the additional assets required to be held in terms of sub-paragraph (i) or (ii) of that paragraph, shall include assets of the kinds mentioned in Part I of the Third Schedule having an aggregate value not less than thirty per cent of the amount of the net liabilities referred to in that paragraph.

(b) The additional assets required to be held in terms of sub-paragraph (i) or (ii) of paragraph (b) of sub-section (4) shall be assets of the kinds mentioned in Part I of the Third Schedule.

(6) The provisions of sub-sections (4) and (5) shall *mutatis mutandis* apply to every domestic insurer in respect of his compulsory third party insurance business.”.

Substitution of section 18 of Act 27 of 1943, as substituted by section 16 of Act 73 of 1951 and amended by section 12 of Act 79 of 1959.

13. The following section is hereby substituted for section eighteen of the principal Act:

“Assets to be held in respect of insurance business by foreign insurers.

18. (1) Every foreign insurer who carries on long term insurance business in the Republic shall in respect of such business hold assets in the Republic of one or more of the kinds mentioned in the Third Schedule to this Act, having an aggregate value not less than the amount of his net liabilities in respect of such business carried on in the Republic, and for the purposes of this sub-section money or approved securities deposited by him with the Treasury in terms of section four or six shall not be deemed to be assets held by the insurer:

(2) The Assets referred to in sub-section (1) shall, subject to the provisions of sub-section (3), include assets of the kinds mentioned in Part I of the said Third Schedule having an aggregate value not less than twenty-five per cent of the amount of the net liabilities referred to in sub-section (1).

(3) The provisions of sub-section (3) of section seventeen shall *mutatis mutandis* apply to every foreign insurer.

(4) Every foreign insurer who carries on short term insurance business in the Republic shall in respect of such business hold assets in the Republic of one or more of the kinds mentioned in the Third Schedule having an aggregate value not less than the amount of his net liabilities in respect of such business carried on by him in the Republic, plus an additional amount equal to the greater of the following amounts, namely—

(a) one hundred thousand rand; or

(b) one-tenth of his premium income (after deduction of approved reinsurances) in respect of such business carried on by him in the Republic in the previous financial year.

(5) (a) The assets referred to in sub-section (4), excluding the additional assets required to be held in terms of paragraph (a) or (b) of that sub-section, shall include assets of the kinds mentioned in Part I of the Third Schedule having an aggregate value not less than thirty per cent of the amount of the net liabilities referred to in that sub-section.

(b) The additional assets required to be held in terms of paragraph (a) or (b) of sub-section (4) shall be assets of the kinds mentioned in Part I of the Third Schedule.

(6) The provisions of sub-sections (4) and (5) shall *mutatis mutandis* apply to every foreign insurer in respect of his compulsory third party insurance business which he carries on in the Republic.”.

- (ii) een-tiende van sy inkomste uit premies (na aftrekking van goedgekeurde herversekerings) ten opsigte van sodanige besigheid gedurende die vorige boekjaar deur hom in die Republiek gedryf.
- (5) (a) Die bates in paragraaf (b) van sub-artikel (4) bedoel, uitgesonderd die bykomende bates wat ingevolge sub-paragraaf (i) of (ii) van daardie paragraaf besit moet word, sluit bates in van die soorte in Deel I van die Derde Bylae vermeld met 'n gesamentlike waarde gelyk aan minstens dertig persent van die bedrag van die in daardie paragraaf bedoelde netto verbintenis.
- (b) Die bykomende bates wat ingevolge sub-paragraaf (i) of (ii) van paragraaf (b) van sub-artikel (4) besit moet word, moet bates wees van die soorte in Deel I van die Derde Bylae vermeld.
- (6) Die bepalings van sub-artikels (4) en (5) is *mutatis mutandis* van toepassing op elke binnelandse versekeraar ten opsigte van sy verpligte derdeparty-versekeringsbesigheid.”.

13. Artikel agtien van die Hoofwet word hierby deur die Vervanging van artikel 18 van Wet 27 van 1943, soos vervang deur artikel 16 van Wet 73 van 1951 en gewysig deur artikel 12 van Wet 79 van 1959.

„Bates wat ten opsigte van versekeringsbesigheid deur buitelandse versekeraars gehou moet word.

18. (1) Elke buitelandse versekeraar wat langtermyn-versekeringsbesigheid in die Republiek dryf, moet ten opsigte van daardie besigheid bates in die Republiek besit van een of meer van die in die Derde Bylae van hierdie Wet vermelde soorte, met 'n gesamentlike waarde minstens gelyk aan die bedrag van sy netto verbintenisse ten opsigte van daardie besigheid wat hy in die Republiek dryf, en by die toepassing van hierdie sub-artikel word geld of goedgekeurde effekte ingevolge artikel vier of ses deur hom by die Tesourie gedeponeer, nie geag bates te wees wat die versekeraar besit nie.

(2) Die in sub-artikel (1) vermelde bates moet, behoudens die bepalings van sub-artikel (3), bates van die in Deel I van vermelde Derde Bylae bedoelde soorte insluit met 'n gesamentlike waarde gelyk aan minstens vyf-en-twintig persent van die bedrag van die netto verbintenisse in sub-artikel (1) bedoel.

(3) Die bepalings van sub-artikel (3) van artikel sewentien is *mutatis mutandis* op elke buitelandse versekeraar van toepassing.

(4) Elke buitelandse versekeraar wat korttermyn-versekeringsbesigheid in die Republiek dryf, moet ten opsigte van daardie besigheid bates in die Republiek besit van een of meer van die soorte in die Derde Bylae vermeld, met 'n gesamentlike waarde gelyk aan minstens die bedrag van sy netto verbintenisse ten opsigte van sodanige besigheid deur hom in die Republiek gedryf, plus 'n bykomende bedrag gelyk aan die grootste van die volgende bedrae, te wete—

(a) honderduisend rand; of
 (b) een-tiende van sy inkomste uit premies (na aftrekking van goedgekeurde herversekerings) ten opsigte van sodanige besigheid gedurende die vorige boekjaar deur hom in die Republiek gedryf.

(5) (a) Die in sub-artikel (4) bedoelde bates, uitgesonderd die bykomende bates wat ingevolge paragraaf (a) of (b) van daardie sub-artikel besit moet word, moet bates insluit van die soorte in Deel I van die Derde Bylae vermeld, met 'n gesamentlike waarde minstens gelyk aan dertig persent van die bedrag van die netto verbintenisse in daardie sub-artikel bedoel.

(b) Die bykomende bates wat ingevolge paragraaf (a) of (b) van sub-artikel (4) besit moet word, moet bates van die in Deel I van die Derde Bylae vermelde soorte wees.

(6) Die bepalings van sub-artikels (4) en (5) is *mutatis mutandis* van toepassing op elke buitelandse versekeraar ten opsigte van sy verpligte derdeparty-versekeringsbesigheid wat hy in die Republiek dryf.”

Insertion of
section 18bis in
Act 27 of 1943.

14. The following section is hereby inserted in the principal Act after section eighteen:

"Temporary modifications of sections 17 and 18. (1) The provisions of sections *seventeen* and *eighteen* shall *mutatis mutandis* apply in respect of the insurance business of any insurer who immediately before the commencement of the Insurance Amendment Act, 1965, was registered to carry on such business in the Republic, and for that purpose the said sections shall be construed as if the registrar were thereby empowered—

- (a) in the case of any such insurer who at the said commencement is unable to comply with the requirements thereof, to authorize compliance with those requirements in such a manner and within such a period, not exceeding five years, as the registrar may determine in any particular case where he is satisfied that the circumstances so require;
- (b) where authority has been granted by the registrar as provided in paragraph (a), and he is satisfied that the insurer has made every endeavour to comply with the relevant requirements and that there is a reasonable prospect that the insurer will be able so to comply, with the consent of the Minister from time to time to extend the said period of five years for further periods not exceeding in the aggregate a period of five years;
- (c) to authorize any such insurer to hold, in lieu of the assets required to be held by him in terms of paragraph (b) of sub-section (1) of section *seventeen* or in terms of sub-section (1) of section *eighteen*, and to such extent and subject to such conditions as the registrar may determine, in respect of any domestic long term insurance policy issued before the commencement of the said Act, in which the sum of money payable by that insurer is expressed in a currency other than the currency of the Republic, assets in the form of—
 - (i) bills, bonds or securities issued or guaranteed by the Government of or a local authority in any country other than the Republic; or
 - (ii) an asset representing any claim secured by a mortgage bond on immovable property in any country other than the Republic; or
 - (iii) stocks or shares in or any other claim against a company, building society or other institution incorporated in any country other than the Republic.

(2) The provisions of sections *fifteen*, *nineteen*, *twenty* and *twenty-one* shall *mutatis mutandis* apply with reference to assets referred to in paragraph (c) of sub-section (1) of this section.”.

Substitution of
section 19 of Act
27 of 1943, as
substituted by
section 17 of Act
73 of 1951.

15. The following section is hereby substituted for section *nineteen* of the principal Act:

19. (1) Every domestic insurer who immediately before the commencement of this section was carrying on—

- (a) long term insurance business; and
- (b) any other business,

 shall within a period of three months as from the commencement of this section, and any person who after the commencement of this section intends to carry on a particular class of long term insurance business in the Republic shall on the date of his registration to carry on such business, determine which of his assets shall be deemed for the purposes of this Act to be held in respect of his long term insurance business, and shall thereafter treat those assets and every amount by way of income or otherwise derived therefrom and all premiums received in respect of long term insurance business as assets held in respect of long term insurance business, and shall not deal with any such asset as if it were held

14. Die volgende artikel word hierby na artikel *agtien* in die Hoofwet ingevoeg:

„Tydelike aanpassing van artikels 17 en 18.

18bis. (1) Die bepalings van artikels *sewentien* en *agtien* is *mutatis mutandis* van toepassing ten opsigte van die versekeringsbesigheid van 'n versekeraar wat onmiddellik voor die inwerkingtreding van die Wysigingswet op Versekering, 1965, geregistreer was om daardie besigheid in die Republiek te dryf, en vir dié doel word bedoelde artikels uitgelê asof die registrator daarby gemagtig is—

- (a) om in die geval van so 'n versekeraar wat by bedoelde inwerkingtreding nie in staat is om aan die voorskrifte daarvan te voldoen nie, magtiging te verleen dat aan bedoelde voorskrifte voldoen word op 'n wyse en binne 'n tydperk (van hoogstens vyf jaar) wat die registrator in 'n bepaalde geval vasstel waar hy oortuig is dat omstandighede dit vereis;
- (b) om waar die registrator kragtens paragraaf (a) magtiging verleen het, en hy oortuig is dat die versekeraar alles in die werk gestel het om aan die betrokke voorskrifte te voldoen en dat daar 'n redelike vooruitsig is dat die versekeraar in staat sal wees om aldus te voldoen, met goedkeuring van die Minister bedoelde tydperk van vyf jaar van tyd tot tyd te verleng vir verdere tydperke wat gesamentlik nie vyf jaar te bowe gaan nie;
- (c) om so 'n versekeraar te magtig om, in plaas van die bates wat hy ingevolge paragraaf (b) van sub-artikel (1) van artikel *sewentien* of ingevolge sub-artikel (1) van artikel *agtien* moet besit, en vir sover en onderworpe aan die voorwaarde wat die registrator bepaal, ten opsigte van enige binnelandse langtermyn-versekeringspolis voor die inwerkingtreding van bedoelde Wet uitgereik, waarin die som geld deur daardie versekeraar betaalbaar in 'n ander betaalmiddel as dié van die Republiek uitgedruk word, bates te besit in die vorm van—
 - (i) wissels, skuldbriefe of effekte uitgereik of gewaarborg deur die Regering van of 'n plaaslike bestuur in 'n ander land as die Republiek; of
 - (ii) 'n bate verteenwoordigende 'n eis verskureer deur 'n verband op vaste eiendom in 'n ander land as die Republiek; of
 - (iii) effekte of aandele in of enige ander vordering teen 'n maatskappy, bouvereniging of ander inrigting wat in 'n ander land as die Republiek met regpersoonlikheid beklee is.

(2) Die bepalings van artikels *vyftien*, *negentien*, *twintig* en *een-en-twintig* is *mutatis mutandis* van toepassing met betrekking tot bates in paragraaf (c) van sub-artikel (1) van hierdie artikel bedoel.”.

15. Artikel *negentien* van die Hoofwet word hierby deur die volgende artikel vervang:

„Bates ten opsigte van langtermyn-, korttermyn- en verpligte derdeparty-versekeringsbesigheid moet apart gehou word.

19. (1) Elke binnelandse versekeraar wat onmiddellik voor die inwerkingtreding van hierdie artikel—

- (a) langtermyn-versekeringsbesigheid; en
- (b) enige ander besigheid,

gedryf het, moet binne 'n tydperk van drie maande vanaf die inwerkingtreding van hierdie artikel, en elke persoon wat na die inwerkingtreding van hierdie artikel 'n bepaalde soort langtermyn-versekeringsbesigheid in die Republiek wil dryf, moet op die datum waarop hy geregistreer word om sodanige besigheid te dryf, bepaal watter van sy bates vir die doeleindes van hierdie Wet geag moet word ten opsigte van bedoelde langtermyn-versekeringsbesigheid besit te word, en moet daarna daardie bates en elke bedrag by wyse van inkomste of andersins daarvan verkry en alle premies ten opsigte van langtermyn-versekeringsbesigheid ontvang, behandel as bates wat ten opsigte van langtermyn-versekeringsbesigheid besit word, en mag nie met so 'n bate handel asof dit gedeeltelik ten opsigte van

Invoeging van artikel 18bis in Wet 27 van 1943.

Vervanging van artikel 19 van Wet 27 van 1943, soos vervang deur artikel 17 van Wet 73 van 1951.

partly in respect of that business and partly in respect of any other business: Provided that a domestic insurer may—

- (i) at any time deal as he deems fit with such of the assets (in this section referred to as "excess assets") held in respect of long term insurance business as are surplus to the requirements of sub-sections (1) and (2) of section *seventeen*, subject to the condition that any transfer of excess assets shall be reported to the registrar in the manner prescribed by regulation;
- (ii) subject to the consent of the registrar, determine that one or more of the assets held by him in respect of long term insurance business shall be replaced by one or more of the assets held by him in respect of any other business;
- (iii) maintain a combined banking account in respect of his long term insurance business on the one hand and any other business on the other hand, if he also maintains a record showing the extent to which the balance of such account is attributable to such long term insurance business.

(2) The provisions of sub-section (1) shall apply *mutatis mutandis* in respect of any long term insurance business carried on in the Republic by a foreign insurer, in regard to assets held by such insurer in the Republic.

(3) The assets referred to in the preceding sub-sections shall be a security for the payment of debts relating to—

- (a) the long term insurance business carried on by a domestic insurer; or
 - (b) such business carried on by a foreign insurer in the Republic,
- as if the insurer carried on no other business, and, subject to the provisions of this Act, shall not be available for the payment of debts other than debts relating to such business.

(4) The provisions of the preceding sub-sections shall *mutatis mutandis* apply to—

- (a) every domestic insurer who carries on any short term insurance business;
- (b) every foreign insurer who carries on in the Republic any short term insurance business;
- (c) every domestic insurer who carries on compulsory third party insurance business; and
- (d) every foreign insurer who carries on in the Republic compulsory third party insurance business:

Provided that no part of the assets held by a registered insurer in the Republic in respect of compulsory third party insurance business shall be deemed to be excess assets in respect of a particular year so long as any right to claim compensation under the Motor Vehicle Insurance Act, 1942 (Act No. 29 of 1942), in respect of any event which may have occurred during that year, has not become prescribed in terms of sub-section (2) of section *eleven* of that Act.”.

Amendment of
section 20 of
Act 27 of 1943,
as substituted by
section 18
of Act 73 of 1951.

16. Section *twenty* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-sections:

“(2) A domestic insurer shall not—

- (a) borrow any money (whether or not secured by a pledge of assets) except with the consent of and to the extent permitted by the registrar; or
- (b) save with the consent of the registrar, guarantee to discharge or bind itself as surety for the discharge of the debts or other obligations of any person in the event of the failure of that person to do so or issue any statutory form of bond, guarantee or undertaking unless the insurer is registered to carry on guarantee business and the guarantee or other undertaking is incorporated in a guarantee policy.

(3) The provisions of sub-section (2) shall *mutatis mutandis* apply to every foreign insurer in respect of the business carried on by such an insurer in the Republic.”.

daardie besigheid en gedeeltlik ten opsigte van ander besigheid besit word nie: Met dien verstande dat 'n binnelandse versekeraar—

- (i) te eniger tyd na goeddunke met enige van die bates (in hierdie artikel „surplusbates” genoem) wat ten opsigte van langtermyn-versekeringsbesigheid besit word en wat die ingevolge sub-artikels (1) en (2) van artikel *sewentien* vereiste bedrag te bowe gaan, kan handel, onderworpe aan die voorwaarde dat enige oordrag van surplusbates op die by regulasie voorgeskrewe wyse aan die registrateur gerapporteer moet word;
- (ii) onderworpe aan die registrateur se toestemming kan bepaal dat een of meer van die bates ten opsigte van langtermyn-versekeringsbesigheid deur hom besit, vervang word deur een of meer van die bates ten opsigte van enige ander besigheid deur hom besit;
- (iii) 'n gesamentlike bankrekening ten opsigte van sy langtermyn-versekeringsbesigheid enersyds en enige ander besigheid andersyds in stand kan hou, mits hy ook 'n register hou wat aantoon in hoeverre die saldo van daardie rekening aan bedoelde langtermyn-versekeringsbesigheid toegewys moet word.

(2) Die bepalings van sub-artikel (1) is *mutatis mutandis* van toepassing ten opsigte van langtermyn-versekeringsbesigheid wat deur 'n buitelandse versekeraar in die Republiek gedryf word, vir sover dit bates betref wat deur so 'n versekeraar in die Republiek besit word.

(3) Die bates in voorgaande sub-artikels bedoel, dien as sekuriteit vir die betaling van skulde met betrekking tot—

- (a) die langtermyn-versekeringsbesigheid wat deur 'n binnelandse versekeraar gedryf word; of
- (b) sodanige besigheid wat deur 'n buitelandse versekeraar in die Republiek gedryf word, asof die versekeraar geen ander besigheid dryf nie, en is, behoudens die bepalings van hierdie Wet, nie vir die betaling van ander skulde as skulde met betrekking tot sodanige besigheid beskikbaar nie.

(4) Die bepalings van voorgaande sub-artikels is *mutatis mutandis* van toepassing op—

- (a) elke binnelandse versekeraar wat korttermyn-versekeringsbesigheid dryf;
- (b) elke buitelandse versekeraar wat korttermyn-versekeringsbesigheid in die Republiek dryf;
- (c) elke binnelandse versekeraar wat verpligte derde-party-versekeringsbesigheid dryf; en
- (d) elke buitelandse versekeraar wat verpligte derde-party-versekeringsbesigheid in die Republiek dryf:

Met dien verstande dat geen deel van die bates deur 'n geregistreerde versekeraar in die Republiek ten opsigte van verpligte derdeparty-versekeringsbesigheid besit, geag word surplusbates ten opsigte van 'n bepaalde jaar te wees nie solank enige reg om vergoeding ingevolge die Motorvoertuigassuransiewet, 1942 (Wet No. 29 van 1942), te eis ten opsigte van 'n gebeurtenis wat gedurende daardie jaar voorgeval het, nog nie ingeval sub-artikel (2) van artikel *elf* van daardie Wet verjaar het nie.”.

16. Artikel *twintig* van die Hoofwet word hierby gewysig deur Wysiging van sub-artikel (2) deur die volgende sub-artikels te vervang:

„(2) 'n Binnelandse versekeraar mag nie—
 (a) geld leen nie (het sy deur 'n verpanding van bates gedek al dan nie), behalwe met die toestemming van die registrateur en vir sover hy dit veroorloof; of

- (b) behalwe met die toestemming van die registrateur, 'n waarborg gee om iemand anders se skuld te delg ingeval so iemand in gebreke bly om dit te doen of hom as borg vir die delging van sodanige skuld verbind nie, of 'n statutêre vorm van verband, waarborg of onderneming uitrek nie, tensy die versekeraar geregistreer is om garansiebesigheid te dryf en die waarborg of ander onderneming in 'n garansiepolis beliggaam is.

(3) Die bepalings van sub-artikel (2) is *mutatis mutandis* van toepassing op elke buitelandse versekeraar ten opsigte van die besigheid deur so 'n versekeraar in die Republiek gedryf.”.

artikel 20
van Wet 27
van 1943,
soos vervang
deur artikel
18 van Wet
73 van 1951.

**Insertion of
section 20bis in
Act 27 of 1943.**

17. The following section is hereby inserted in the principal Act after section twenty:

"Agents to account for premiums to insurers. **20bis.** (1) No registered insurer shall, except as provided in sub-sections (2) and (3), authorize or permit an agent, broker or other person to retain or deal with any moneys in respect of premiums received or deemed to have been received in terms of sub-paragraph (iii) of paragraph (a) of sub-section (2) on behalf of such insurer and relating to short term insurance business or compulsory third party insurance business carried on by such insurer in the Republic.

(2) (a) Every such agent, broker or person who receives such premiums on behalf of such insurer shall—

- (i) within six days of receipt thereof transmit the amount thereof to such insurer; or
- (ii) forthwith deposit the amount thereof in a separate trust account, and within forty-five days from the end of the month during which such premiums were received by such agent, broker or person, transmit to such insurer all moneys so deposited; or
- (iii) pay the amount thereof to such insurer within ninety days of the end of the month during which such premiums were received by such agent, broker or person, and for the purposes of this sub-paragraph premiums not received on an earlier date shall be deemed to have been received on the date on which they became due to the insurer by the owners of the policies in question.

(b) Any such agent, broker or person who is a provisional taxpayer as defined in paragraph 1 of the Fourth Schedule to the Income Tax Act, 1962 (Act No. 58 of 1962), may before remitting any moneys in terms of sub-paragraph (i), (ii) or (iii) of paragraph (a) set off any moneys owing to him by such insurer.

(3) (a) Every such agent, broker or person shall forthwith upon the commencement of this section elect to remit in terms of either sub-paragraph (i) or sub-paragraph (ii) or sub-paragraph (iii) of paragraph (a) of sub-section (2), and shall immediately upon becoming indebted to any insurer, in writing advise such insurer of the election made by him, and any such agent, broker or person who desires to change his election shall give not less than ninety days' written notice of the change to every insurer to whom he has given notice of such election or of any such change.

(b) Any such agent, broker or person who intends to remit in terms of sub-paragraph (iii) of paragraph (a) of sub-section (2) shall furnish security for any amount which may become payable by him to insurers in terms of that sub-paragraph, and such security shall be in the form of a banker's guarantee issued by a commercial bank registered otherwise than provisionally in terms of the Banking Act, 1942 (Act No. 38 of 1942).

(c) Such guarantee shall be in favour of and in a form approved by the registrar for the benefit of all such insurers, and shall be for an amount certified by the auditor of the agent, broker or person concerned to be equal to not less than twenty-five per cent of the premiums which became due to registered insurers by such agent, broker or person in his last financial year after setting off any moneys which were owing to such agent, broker or person by such insurers, but shall not be for less than ten thousand rand or more than one hundred thousand rand.

17. Die volgende artikel word hierby na artikel *twintig* in die **Hoofwet** ingevoeg:

Invoeging van
artikel 20bis
in Wet 27
van 1943.

- „**Agente moet van premies aan versekeraars rekenkap gee.** **20bis.** (1) Behoudens die bepalings van sub-artikels (2) en (3), mag geen geregistreerde versekeraar 'n agent, makelaar of ander persoon magtig of toelaat om gelde wat ten opsigte van premies ten behoeve van die versekeraar ontvang is of ooreenkomsdig sub-paragraaf (iii) van paragraaf (a) van sub-artikel (2) geag word aldus ontvang te gewees het en wat betrekking het op korttermyn-versekeraarsbesigheid of verpligte derdeparty-versekeraarsbesigheid deur dié versekeraar in die Republiek gedryf, te behou of daarmee te handel nie.
- (2) (a) Elke sodanige agent, makelaar of persoon wat sodanige premies ten behoeve van so 'n versekeraar ontvang, moet—
- (i) binne ses dae na ontvangs daarvan die betrokke bedrag aan bedoelde versekeraar stuur; of
 - (ii) die bedrag daarvan onverwyld in 'n aparte trustrekening stort, en binne vyf-en-veertig dae vanaf die einde van die maand waarin sodanige premies deur bedoelde agent, makelaar of persoon ontvang is, al die aldus gestorte geld aan die betrokke versekeraar stuur; of
 - (iii) bedoelde bedrag aan die betrokke versekeraar betaal binne negentig dae vanaf die einde van die maand waarin sodanige premies deur bedoelde agent, makelaar of persoon ontvang is, en by die toepassing van hierdie sub-paragraaf word premies wat nie op 'n vroeër datum ontvang is nie, geag ontvang te gewees het op die datum waarop dit deur die eienaars van die betrokke polisie aan die versekeraar betaalbaar geword het.
- (b) So 'n agent, makelaar of persoon wat 'n voorlopige belastingpligtige is soos omskryf in paragraaf 1 van die Vierde Bylae by die Inkomsbelastingwet, 1962 (Wet No. 58 van 1962), kan, voordat hy enige gelde ingevolge sub-paragraaf (i), (ii) of (iii) van paragraaf (a) oorbetaal, enige gelde deur die versekeraar aan hom verskuldig in rekening bring.
- (3) (a) So 'n agent, makelaar of persoon moet onverwyld by die inwerkingtreding van hierdie artikel kies om ingevolge of sub-paragraaf (i) of sub-paragraaf (ii) of sub-paragraaf (iii) van paragraaf (a) van sub-artikel (2) oor te betaal, en moet onmiddellik wanneer geld deur hom aan 'n versekeraar verskuldig word daardie versekeraar van die keuse deur hom gedoen in kennis stel, en so 'n agent, makelaar of persoon wat sy keuse wil verander, moet van die verandering minstens negentig dae skriftelike kennis gee aan elke versekeraar aan wie hy van so 'n keuse of so 'n verandering kennis gegee het.
- (b) So 'n agent, makelaar of persoon wat voorneem is om ooreenkomsdig sub-paragraaf (iii) van paragraaf (a) van sub-artikel (2) oor te betaal, moet vir enige bedrag wat ingevolge daardie sub-paragraaf deur hom aan versekeraars verskuldig mag word, sekerheid stel wat in die vorm moet wees van 'n bankwaarborg uitgereik deur 'n handelsbank wat anders as voorlopig geregistreer is ingevolge die Bankwet, 1942 (Wet No. 38 van 1942).
- (c) So 'n waarrborg moet ten gunste van die registrator en in 'n deur hom goedgekeurde vorm wees ten bate van al die betrokke versekeraars, en wel vir 'n bedrag wat volgens die sertifikaat van die betrokke agent, makelaar of persoon se ouditeur gelyk is aan minstens vyf-en-twintig persent van die premies wat deur bedoelde agent, makelaar of persoon gedurende sy jongste boekjaar aan geregistreerde versekeraars verskuldig geword het, nadat gelde deur bedoelde versekeraars aan daardie agent, makelaar of persoon verskuldig in rekening gebring was, maar bedra nie minder as tienduisend of meer as honderduisend rand nie.

(4) The trust account referred to in sub-paragraph (ii) of paragraph (a) of sub-section (2) shall be opened and kept in the Republic with a commercial bank registered otherwise than provisionally in terms of the Banking Act, 1942, and shall bear an indication that it is being kept under this sub-section.

(5) No amount standing to the credit of any such trust account shall be regarded as forming part of the assets of the agent, broker or person concerned or be liable to attachment at the instance of any creditor of such agent, broker or person other than a registered insurer: Provided that any balance remaining in any such account after payment to the insurer or insurers concerned of all amounts owing to it or them out of such account, shall be deemed to form part of the assets of such agent, broker or person.

(6) A bank at which a trust account is kept in terms of sub-section (4) shall not by reason only of the name or style by which the account is distinguished, be deemed to have knowledge that the agent, broker or person concerned is not entitled absolutely to all moneys paid or credited to such account: Provided that nothing in this sub-section contained shall relieve a bank of any liability or obligation under which it would be apart from this sub-section.

(7) Notwithstanding anything in sub-section (6) contained, a bank at which any agent, broker or person keeps any such trust account shall not, in respect of any liability of such agent, broker or person to such bank, not being a liability arising out of or in connection with that account, have or obtain any recourse or right, whether by way of set-off, counter-claim, charge or otherwise, against moneys standing to the credit of any such account.

(8) Nothing in this section contained shall be construed as depriving any bank at which a trust account is kept in terms of sub-section (4) of any right existing at the commencement of this section.”.

Amendment of
section 21 of
Act 27 of 1943,
as substituted by
section 19 of
Act 73 of 1951
and amended by
section 13 of Act
79 of 1959.

18. Section twenty-one of the principal Act is hereby amended—

- (a) by the deletion of paragraphs (a) and (d)*bis* of sub-section (1);
- (b) by the substitution for paragraph (b) of that sub-section of the following paragraph:
“(b) any securities deposited by the insurer with the Minister of Labour or the Workmen’s Compensation Commissioner or the Ambassador of the Republic in London (or with a person acting on behalf of that Minister or the said Commissioner or the said Ambassador) in accordance with the laws of the Republic relating to workmen’s compensation;”;
- (c) by the substitution for paragraph (d) of that sub-section of the following paragraph:
“(d) an asset consisting of an amount standing to the credit of the insurer concerned in an account with a banking institution, other than a discount house, registered otherwise than provisionally in terms of the Banking Act, 1942 (Act No. 38 of 1942), or a building society registered otherwise than provisionally in terms of the Building Societies Act, 1934 (Act No. 62 of 1934), or with the National Finance Corporation of South Africa established under the National Finance Corporation Act, 1949 (Act No. 33 of 1949), if such account is with an office in the Republic of such banking institution, building society or Corporation;”;
- (d) by the substitution for paragraph (e) of that sub-section of the following paragraph:
“(e) an asset consisting of a loan or an advance on the sole security of a policy under which the insurer concerned is liable, if the policy in question is a domestic policy.”; and
- (e) by the deletion of paragraph (b) of sub-section (4).

(4) Die in sub-paragraaf (ii) van paragraaf (a) van sub-artikel (2) bedoelde trustrekening moet in die Republiek geopen en gehou word by 'n handelsbank wat anders as voorlopig geregistreer is ingevolge die Bankwet, 1942, en moet 'n aanduiding bevat dat dit ingevolge hierdie sub-artikel gehou word.

(5) 'n Bedrag wat op krediet van so 'n trustrekening staan, word nie geag deel van die bates van die betrokke agent, makelaar of persoon uit te maak nie, en is nie op versoek van 'n ander skuldeiser van daardie agent, makelaar of persoon as 'n geregistreerde versekeraar vir beslaglegging vatbaar nie: Met dien verstande dat enige saldo wat in so 'n rekening oorлы nadat alle bedrae deur hom of hulle verskuldig aan die betrokke versekeraar of versekeraars uit die rekening betaal is, geag word deel van die bates van bedoelde agent, makelaar of persoon uit te maak.

(6) 'n Bank waarby ingevolge sub-artikel (4) 'n trustrekening gehou word, word nie bloot op grond van die onderskeidende naam of titel van die rekening geag kennis te dra van die feit dat die betrokke agent, makelaar of persoon nie volkome geregtig is op alle geld wat in die rekening inbetaal of daarvan gekrediteer word nie: Met dien verstande dat die bepalings van hierdie sub-artikel nie 'n bank onthef van enige aanspreeklikheid of verpligting wat afgesien van hierdie sub-artikel op hom sou gerus het nie.

(7) Ondanks andersluidende bepalings van sub-artikel (6), het 'n bank waarby 'n agent, makelaar of persoon so 'n trustrekening hou, nie ten opsigte van enige verpligting van daardie agent, makelaar of persoon teenoor daardie bank, uitgesonderd 'n verpligting wat uit of in verband met daardie rekening ontstaan, enige verhaal of reg en kan so 'n bank geen sodanige verhaal of reg verkry, hetsy by wyse van skuldvergelyking, teeneis, vordering of andersins, teen geld wat op kredit van so 'n rekening staan nie.

(8) Die bepalings van hierdie artikel word nie so uitgelê dat 'n bank waarby 'n trustrekening ingevolge sub-artikel (4) gehou word, 'n reg ontnem word wat by die inwerkingtreding van hierdie artikel bestaan nie.”.

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

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| <ul style="list-style-type: none"> (a) deur paragrawe (a) en (d)<i>bis</i> van sub-artikel (1) te skrap; (b) deur paragraaf (b) van daardie sub-artikel deur die volgende paragraaf te vervang: <ul style="list-style-type: none"> „(b) effekte deur die versekeraar gedeponeer by die Minister van Arbeid of die Ongevallekommissaris of die Ambassadeur van die Republiek in Londen (of by iemand wat namens bedoelde Minister of bedoelde Kommissaris of bedoelde Ambassadeur handel) ooreenkomsdig die wette van die Republiek wat op ongevalle betrekking het;”; (c) deur paragraaf (d) van daardie sub-artikel deur die volgende paragraaf te vervang: <ul style="list-style-type: none"> „(d) 'n bate bestaande uit 'n saldo op rekening van die betrokke versekeraar by 'n bankinstelling, behalwe 'n diskontohuis, wat ooreenkomsdig die Bankwet, 1942 (Wet No. 38 van 1942), anders as voorlopig geregistreer is, of 'n bouvereniging wat ingevolge die Bouverenigingswet, 1934 (Wet No. 62 van 1934), anders as voorlopig geregistreer is, of by die Nasionale Finansiekorporasie van Suid-Afrika, ingestel deur die Wet op die Nasionale Finansiekorporasie, 1949 (Wet No. 33 van 1949), indien so 'n rekening by 'n kantoor van daardie bankinstelling, bouvereniging of Korporasie in die Republiek is;”; (d) deur paragraaf (e) van daardie sub-artikel deur die volgende paragraaf te vervang: <ul style="list-style-type: none"> „(e) 'n bate bestaande uit 'n lening of voorskot op die uitsluitlike sekuriteit van 'n polis waarkragtens die betrokke versekeraar aanspreeklik is indien die betrokke polis 'n binnelandse polis is.”; en (e) deur paragraaf (b) van sub-artikel (4) te skrap. | <small>artikel 21
van Wet 27
van 1943,
soos vervang
deur artikel
19 van Wet
73 van 1951
en gewysig
deur artikel
13 van Wet
79 van 1959.</small> |
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Amendment of section 24 of Act 27 of 1943, as amended by section 4 of Act 19 of 1945 and section 21 of Act 73 of 1951.

Substitution of section 26 of Act 27 of 1943, as amended by section 23 of Act 73 of 1951.

Amendment of section 27 of Act 27 of 1943, as amended by section 24 of Act 73 of 1951.

Insertion of section 27bis in Act 27 of 1943.

Insertion of section 29bis in Act 27 of 1943.

19. Section *twenty-four* of the principal Act is hereby amended by the substitution for sub-section (6) of the following sub-section:

"(6) A former insurer shall reinsure with a registered insurer all his liabilities under domestic policies or transfer those liabilities to a registered insurer.”.

20. The following section is hereby substituted for section *twenty-six* of the principal Act:

"**Amalgamation or transfer of insurance business:** **mutatis mutandis** apply in connection with—
 (a) an amalgamation of any insurance business which a foreign insurer carries on in the Republic with any business carried on by any person who is not a domestic insurer, whether or not that person is carrying on any insurance business; and
 (b) a transfer of any insurance business carried on in the Republic from a foreign insurer to any other person.”.

21. Section *twenty-seven* of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:

"(3) If the registrar is of the opinion that the acquisition of shares or an interest referred to in sub-section (1) is disadvantageous to the owners of domestic policies issued by any party to such transaction or to a substantial proportion of such owners, the registrar may apply to the court—
 (a) for an order placing any party to the transaction under judicial management, and thereupon the provisions of this Act shall apply as if the application were an application under sub-section (1) of section *thirty*; or
 (b) for the appointment of a curator to take control of and to manage the business of any party to the transaction, and thereupon the provisions of the Financial Institutions (Investment of Funds) Act, 1964 (Act No. 56 of 1964), shall apply as if the application were an application under section *six* of that Act.”

22. The following section is hereby inserted in the principal Act after section *twenty-seven*:

"**Acquisition 27bis.** (1) When any person other than a registered insurer acquires directly or indirectly or through a nominee or a holding company shares or any other interest in the business of a domestic insurer amounting to one-quarter or more of the value of all the shares or other interest in that business such person and, if he has knowledge thereof, also such insurer shall within a period of thirty days as from the date upon which the acquisition was completed, report the acquisition and the particulars thereof to the registrar.

(2) The provisions of sub-sections (2) and (3) of section *twenty-seven* shall *mutatis mutandis* apply in connection with an acquisition of shares or an interest mentioned in sub-section (1).”.

23. The following section is hereby inserted in the principal Act after section *twenty-nine*:

"**Prohibition on issuing policies.** **29bis.** (1) If any registered insurer fails to comply, within a period of thirty days after having been called upon in writing by the registrar to do so, with any requirement of the registrar in terms of sub-section (7) of section *six* or any provision of section *eleven, twelve, fourteen, seventeen or eighteen*, including any such provision as applied by section *eighteen bis*, the registrar may, with the consent of the Minister, by notice in writing prohibit such insurer, with effect from a date specified in the notice, from issuing any further policies other than paid-up policies in terms of sub-section (2) of section *sixty-two* and such other policies as the registrar may permit, or extending any existing policy by endorsement, until such time as such insurer has satisfied the registrar that he is complying with the said requirement or provisions, where-

19. Artikel *vier-en-twintig* van die Hoofwet word hierby gewysig deur sub-artikel (6) deur die volgende sub-artikel te vervang:

„(6) 'n Voormalige versekeraar moet al sy verpligtings kragtens binnelandse polisse by 'n geregistreerde versekeraar herverseker of daardie verpligtings aan 'n geregistreerde versekeraar oordra.”.

Wysiging van artikel 24 van Wet 27 van 1943, soos gewysig deur artikel 4 van Wet 19 van 1945 en artikel 21 van Wet 73 van 1951.

20. Artikel *ses-en-twintig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Samesmelting of oordrag van buitelandse versekeraars. **26.** (1) Die bepalings van artikel *vyf-en-twintig* is van toepassing in verband met—
(a) 'n samesmelting van 'n versekeringsbesigheid wat besigheid: 'n buitelandse versekeraar in die Republiek dryf en enige besigheid gedryf deur iemand wat nie 'n binnelandse versekeraar is nie, ongeag of so iemand enige versekeringsbesigheid dryf al dan nie; en

(b) 'n oordrag van 'n versekeringsbesigheid wat in die Republiek gedryf word, van 'n buitelandse versekeraar aan enige ander persoon.”.

Vervanging van artikel 26 van Wet 27 van 1943, soos gewysig deur artikel 23 van Wet 73 van 1951.

21. Artikel *sewe-en-twintig* van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Indien die registrator van oordeel is dat die verkryging van aandele of 'n in sub-artikel (1) bedoelde belang tot nadeel van die eienaars van binnelandse polisse deur 'n party by die transaksie uitgereik of van 'n wesenlike persentasie van sodanige eienaars strek, kan die registrator by die hof aansoek doen—

- (a) om 'n bevel wat enige party by die transaksie onder regtelike bestuur plaas, en daarop is die bepalings van hierdie Wet van toepassing asof die aansoek 'n aansoek ingevolge sub-artikel (1) van artikel *dertig* is; of
- (b) vir die aanstelling van 'n kurator om die besigheid van enige party by die transaksie te beheer en te bestuur, en daarop is die bepalings van die Wet op Finansiële Instellings (Belegging van Fondse), 1964 (Wet No. 56 van 1964), van toepassing asof die aansoek 'n aansoek ingevolge artikel *ses* van daardie Wet is.”.

Wysiging van artikel 27 van Wet 27 van 1943, soos gewysig deur artikel 24 van Wet 73 van 1951.

22. Die volgende artikel word hierby na artikel *sewe-en-twintig* in die Hoofwet ingevoeg:

„Verkryging 27bis. (1) Wanneer enige ander persoon as 'n deur 'n ander persoon as 'n versekeraar van 'n belang in die besigheid van 'n versekeraar geregistreerde versekeraar direk of indirek of deur 'n genomineerde of 'n beherende maatskappy aandele of enige ander belang in die besigheid van 'n binnelandse versekeraar verkry wat 'n kwart of meer beloop van die waarde van al die aandele of ander belang in daardie besigheid, dan moet sodanige persoon en, indien hy daarvan kennis dra, ook sodanige versekeraar binne 'n tydperk van dertig dae vanaf die datum waarop die verkryging voltooi is, die verkryging en die besonderhede daarvan aan die registrator meedeel.

Invoeging van artikel 27bis in Wet 27 van 1943.

(2) Die bepalings van sub-artikels (2) en (3) van artikel *sewe-en-twintig* is *mutatis mutandis* van toepassing in verband met 'n verkryging van aandele of 'n belang in sub-artikel (1) bedoel.”.

23. Die volgende artikel word hierby na artikel *negentiend* in die Hoofwet ingevoeg:

„Verbod op uitreiking van polisse. (1) Indien 'n geregistreerde versekeraar versuum om binne 'n tydperk van dertig dae nadat hy deur die registrator skriftelik daartoe aangesê is, aan 'n vereiste van die registrator ingevolge sub-artikel (7) van artikel *ses* of 'n bepaling van artikel *elf*, *twaalf*, *veertien*, *sewentien* of *agtien*, met inbegrip van so 'n bepaling soos by artikel *agtien bis* toegepas, te voldoen, kan die registrator met die toestemming van die Minister daardie versekeraar by skriftelike kennisgewing verbied om met ingang van 'n datum in die kennisgewing vermeld enige verdere polisse, behalwe opbetaalde polisse ingevolge sub-artikel (2) van artikel *twEE-en-seSTIG* en enige ander polisse wat die registrator toelaat, uit te reik, of 'n bestaande polis by endossement te verleng, tot tyd en wyl dié versekeraar die registrator oortuig het dat hy aan bedoelde vereiste of

Invoeging van artikel 29bis in Wet 27 van 1943.

upon the registrar shall forthwith in writing withdraw the prohibition.

(2) Any registered insurer who fails—

- (a) to observe any prohibition imposed upon him under sub-section (1); or
- (b) to satisfy the registrar within a period of sixty days from the date on which such prohibition was imposed, that he has complied with the requirements of the registrar or the relevant provisions of this Act,

shall be guilty of an offence, and such failure shall in addition be sufficient ground for an application to the court by the registrar in terms of section thirty.

(3) The provisions of sub-section (1) of section three and section five of the Motor Vehicle Insurance Act, 1942 (Act No. 29 of 1942), shall not apply in respect of any registered insurer in respect of whom any prohibition under sub-section (1) of this section is in force, and no such insurer shall, by reason only of any such prohibition, be deemed for the purposes of sub-section (3) of section two of the said Act, to be incompetent to carry on motor vehicle insurance business under that Act during the period during which the prohibition is in force.”.

Amendment of
section 31 of
Act 27 of 1943,
as amended by
section 26 of
Act 73 of 1951.

24. Section *thirty-one* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) In any arrangement for the transfer of obligations and rights under policies or for carrying on any business of a registered insurer under this section, the assets held in the Republic by the insurer in respect of the insurance business carried on by him shall be conserved—

- (a) in so far as those assets are held in respect of long term insurance business, for the benefit of owners of such of the life policies, industrial policies, funeral policies and sinking fund policies under which the insurer is liable, as have been issued in connection with the long term insurance business carried on by the insurer in the Republic;
- (b) in so far as those assets are held in respect of short term insurance business, for the benefit of owners of such of the policies in respect of short term insurance business under which the insurer is liable, as have been issued in connection with the short term insurance business so carried on; and
- (c) in so far as those assets are held in respect of compulsory third party insurance business, for the benefit of owners of or claimants or potential claimants in respect of such of the policies relating to compulsory third party insurance business under which the insurer is liable, as have been issued in connection with the compulsory third party insurance business so carried on:

Provided that, where the court is of the opinion—

- (i) that if the insurer had continued any particular class of long term insurance business or any part thereof, the profits or any portion of the profits derived therefrom would have become available for distribution amongst owners of policies in any other class of insurance business or part thereof, or amongst other creditors or amongst the shareholders or other proprietors; or
 - (ii) in respect of short term insurance business or compulsory third party insurance business, that there is a surplus of assets over liabilities,
- the court may order that an amount which in its opinion is equal to the present value of the said profits or portion thereof or to the amount of the said surplus in respect of short term insurance business or in respect of compulsory third party insurance business, as the case may be, or such lesser amount as the court deems equitable, be paid out of assets held by the insurer in respect of the said class of long term insurance business or part thereof or in respect of short term insurance business or in respect of compulsory third party insurance business, as the case may be, and be used for the benefit of owners of policies in any other class of long term insurance business or part thereof or in any class of short term insurance business or in compulsory

bepalings voldoen, waarop die registrator die verbod onverwyd skriftelik intrek.

(2) 'n Geregistreerde versekeraar wat versuim—

(a) om gehoor te gee aan 'n verbod hom kragtens sub-artikel (1) opgelê; of

(b) om die registrator binne 'n tydperk van sestig dae vanaf die datum waarop die verbod opgelê is, te oortuig dat hy aan die vereistes van die registrator of die betrokke bepalings van hierdie Wet voldoen het,

is aan 'n misdryf skuldig, en so 'n versuim is bowendien voldoende grond vir 'n aansoek by die hof deur die registrator ingevolge artikel *dertig*.

(3) Die bepalings van sub-artikel (1) van artikel *drie* en artikel *vijf* van die Motorvoertuigassuransiewet, 1942 (Wet No. 29 van 1942), is nie van toepassing ten opsigte van 'n geregistreerde versekeraar ten opsigte van wie 'n verbod ingevolge sub-artikel (1) van hierdie artikel van krag is nie, en so 'n versekeraar word nie bloot op grond van so 'n verbod by die toepassing van sub-artikel (3) van artikel *twee* van bedoelde Wet geag onbevoeg te wees om motorvoertuigassuransiebesigheid ingevolge daardie Wet te dryf gedurende die tydperk terwyl die verbod van krag is nie."

24. Artikel een-en-dertig van die Hoofwet word hierby gewysig deur sub-artikel (11) deur die volgende sub-artikel te vervang:

„(11) By 'n reëling vir die oordrag van verplittings en regte volgens polisse of vir die voortsetting van enige besigheid van 'n geregistreerde versekeraar ingevolge hierdie artikel, moet die bates deur die versekeraar in die Republiek besit ten opsigte van die versekeringsbesigheid deur hom gedryf, bewaar word—

(a) vir sover daardie bates ten opsigte van langtermyn-versekeringsbesigheid besit word, ten bate van eienaars van die lewenspolisse, nywerheidspolisse, begrafnispolisse en amortisasiepolisse waarvolgens die versekeraar aanspreeklik is en wat in verband met die langtermyn-versekeringsbesigheid deur die versekeraar in die Republiek gedryf, uitgereik is;

(b) vir sover daardie bates ten opsigte van korttermyn-versekeringsbesigheid besit word, ten bate van eienaars van polisse ten opsigte van korttermyn-versekeringsbesigheid waarvolgens die versekeraar aanspreeklik is en wat in verband met korttermyn-versekeringsbesigheid aldus gedryf, uitgereik is; en

(c) vir sover daardie bates ten opsigte van verpligte derde-party-versekeringsbesigheid besit word, ten bate van eienaars of eisers of potensiële eisers ten opsigte van dié polisse met betrekking tot verpligte derde-party-versekeringsbesigheid waarvolgens die versekeraar aanspreeklik is en wat in verband met verpligte derde-party-versekeringsbesigheid aldus gedryf, uitgereik is:

Met dien verstande dat, waar die hof bevind—

(i) dat indien die versekeraar 'n bepaalde soort langtermyn-versekeringsbesigheid of 'n onderdeel daarvan sou voortgesit het, die winste of 'n deel van die winste daaruit verkry, vir verdeling onder eienaars van polisse in 'n ander soort versekeringsbesigheid of 'n onderdeel daarvan of onder ander skuldeisers of onder die aandeelhouers of ander eienaars beskikbaar sou geword het; of

(ii) ten opsigte van korttermyn-versekeringsbesigheid of verpligte derde-party-versekeringsbesigheid, dat daar 'n oorskot van bates teenoor verbintenisse is, die hof kan beveel dat 'n bedrag wat na sy oordeel gelyk is aan die teenswoordige waarde van bedoelde winste of deel daarvan of aan die bedrag van bedoelde oorskot ten opsigte van korttermyn-versekeringsbesigheid of ten opsigte van verpligte derde-party-versekeringsbesigheid, al na die geval, of so 'n kleiner bedrag as wat die hof billik ag, uit die bates deur die versekeraar ten opsigte van bedoelde soort langtermyn-versekeringsbesigheid of onderdeel daarvan of, al na die geval, ten opsigte van korttermyn-versekeringsbesigheid of ten opsigte van verpligte derde-party-versekeringsbesigheid besit, uitbetaal word en ten bate van eienaars van polisse in enige ander soort langtermyn-versekeringsbesigheid of onderdeel daarvan of in enige soort korttermyn-versekeringsbesigheid of in verpligte

third party insurance business, or for the benefit of other creditors or of the shareholders or other proprietors.”.

Amendment of section 32 of Act 27 of 1943, as amended by section 27 of Act 73 of 1951 and section 17 of Act 79 of 1959.

25. Section *thirty-two* of the principal Act is hereby amended—

(a) by the insertion after sub-section (5) of the following sub-section:

“(5)*bis* The provisions of section *one hundred and fifty-six* of the Insolvency Act, 1936 (Act No. 24 of 1936), shall not be construed as conferring upon any third party referred to in that section any right to claim any amount by virtue of a contract of reinsurance entered into by any registered insurer to which that section relates.”; and

(b) by the insertion after sub-section (8) of the following sub-section:

“(8)*bis* (a) Any amount recovered by the liquidator under a contract of reinsurance in respect of long term insurance business shall form part of the assets of the estate of the insurer concerned and shall be distributable among long term policy-holders irrespective of whether or not any particular risk or portion of a particular risk was reinsured under such contract.

(b) The provisions of paragraph (a) shall apply *mutatis mutandis* in respect of short term insurance business and compulsory third party insurance business.”.

Substitution of section 50 of Act 27 of 1943, as amended by section 33 of Act 73 of 1951 and section 50 of Act 25 of 1956.

26. The following section is hereby substituted for section *fifty* of the principal Act:

“Restriction of payments on death of children under fourteen years of age.

50. No insurer shall insure the life of a child which is under the age of fourteen years for any sum of money which exceeds or which, when added to any amount which to his knowledge is payable on the death of that child by any other insurer or by any friendly society, exceeds—

(a) fifty rand, if the child is under six years of age; or
 (b) one hundred rand, if the child is six years old or older, but is under fourteen years of age: Provided that the preceding provisions of this section shall not prohibit the issue of a policy providing for the payment, on the death of any child, of a sum not exceeding the aggregate of all the premiums paid in respect of the policy, plus interest on each premium at a rate not exceeding five per cent per annum, compounded yearly.”.

Repeal of sections 53, 54, 55 and 56 of Act 27 of 1943.

Amendment of section 60 of Act 27 of 1943, as amended by section 29 of Act 46 of 1944, section 5 of Act 19 of 1945 and section 39 of Act 73 of 1951.

Insertion of section 67*bis* in Act 27 of 1943.

27. Sections *fifty-three* to *fifty-six*, inclusive, of the principal Act are hereby repealed.

28. Section *sixty* of the principal Act is hereby amended—

(a) by the deletion in paragraph (b) of sub-section (1) of the expression “Part II of”; and

(b) by the deletion in paragraph (k) of that sub-section of the expression “paragraphs 2, 3, 4, 5, 6, and 7 of Part II of”.

29. The following section is hereby inserted in the principal Act after section *sixty-seven*:

“Circumstances under which compulsory third party insurance business may be dealt with as short term insurance business.

67*bis*. Notwithstanding anything contained in this Act, the registrar may, at the request of an insurer and subject to such conditions and limitations as the registrar may deem fit to impose from time to time, determine that the compulsory third party insurance business which the insurer carries on or intends to carry on in the Republic, shall be dealt with under this Act as short term insurance business, and shall so determine at the request of an insurer which has satisfied him that it does not carry on any insurance business other than reinsurance business in the Republic.”.

derdeparty-versekeringsbesigheid of ten bate van ander skuldeisers of van die aandeelhouers of ander eienaars aangewend word.”.

25. Artikel twee-en-dertig van die Hoofwet word hierby gewysig—

- (a) deur na sub-artikel (5) die volgende sub-artikel in te voeg:

„(5)*bis*. Die bepalings van artikel *honderd ses-en-vyftig* van die Insolvensiewet, 1936 (Wet No. 24 van 1936), word nie uitgelê asof dit aan 'n derde party in daardie artikel bedoel 'n reg verleen om enige bedrag te eis uit hoofde van 'n herversekeringskontrak aangegaan deur 'n geregistreerde versekeraar op wie daardie artikel betrekking het nie.”; en

- (b) deur na sub-artikel (8) die volgende sub-artikel in te voeg:

„(8)*bis*. (a) 'n Bedrag deur die likwidateur ingevolge 'n herversekeringskontrak ten opsigte van langtermyn-versekeringsbesigheid verhaal, maak deel van die bates in die betrokke versekeraar se boedel uit en kan onder houers van langtermyn-polisse verdeel word ongeag of 'n bepaalde risiko of deel van 'n bepaalde risiko ingevolge bedoelde kontrak herverseker was al dan nie.

- (b) Die bepalings van paragraaf (a) is *mutatis mutandis* van toepassing ten opsigte van korttermyn-versekeringsbesigheid en verpligte derdeparty-versekeringsbesigheid.”.

26. Artikel vyftig van die Hoofwet word hierby deur Vervanging van die volgende artikel vervang:

„Beperking van betalings by dood van kinders benede leeftyd van veertien jaar.

50. 'n Versekeraar mag nie die lewe van 'n kind wat benede die leeftyd van veertien jaar is, verseker nie vir 'n som geld wat meer bedra, of wat, tesame met 'n bedrag wat na sy wete by die dood van daardie kind deur enige ander versekeraar of deur 'n onderlinge hulpvereniging betaalbaar is, meer bedra as—

- (a) vyftig rand, indien die kind minder as ses jaar oud is; of

(b) honderd rand, indien die kind ses jaar oud of ouer, maar minder as veertien jaar oud is: Met dien verstande dat die voorgaande bepalings van hierdie artikel nie die uitreiking belet van 'n polis wat beding dat by die dood van 'n kind 'n bedrag betaal sal word wat nie groter is nie as die som van al die premies wat op die polis betaal is, plus rente op elke premie teen 'n koers van hoogstens vyf persent per jaar, jaarliks saamgestel.”.

27. Artikels drie-en-vyftig tot en met ses-en-vyftig van die Hoofwet word hierby herroep.

Herroeping van artikels 53, 54, 55 en 56 van Wet 27 van 1943.

28. Artikel sestig van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (b) van sub-artikel (1) die uitdrukking „Deel II van” te skrap; en

- (b) deur in paragraaf (k) van daardie sub-artikel die uitdrukking „paragrawe 2, 3, 4, 5, 6 en 7 van Deel II van” te skrap.

Wysiging van artikel 60 van Wet 27 van 1943, soos gewysig deur artikel 29 van Wet 46 van 1944, artikel 5 van Wet 19 van 1945 en artikel 39 van Wet 73 van 1951.

29. Die volgende artikel word hierby na artikel sewe-en-sestig in die Hoofwet ingevoeg:

Invoeging van artikel 67*bis* in Wet 27 van 1943.

„Omstandig hede waaronder met verpligte derdeparty-versekerings- besigheid soos met korttermyn-versekerings- besigheid gehandel kan word.

67*bis*. Ondanks enigets in hierdie Wet vervat, kan die registrateur op versoek van 'n versekeraar, en onderworpe aan die voorwaardes en beperkings wat die registrateur van tyd tot tyd goedvind om op te lê, bepaal dat die verpligte derdeparty-versekeringsbesigheid wat die versekeraar in die Republiek dryf of voornemens is om te dryf, as korttermyn-versekeringsbesigheid ingevolge hierdie Wet behandel word, en moet hy aldus bepaal op versoek van 'n versekeraar wat hom oortuig het dat hy geen ander versekeringsbesigheid as herversekeringsbesigheid in die Republiek dryf nie.”.

Amendment of section 71 of Act 27 of 1943, as amended by section 43 of Act 73 of 1951 and section 20 of Act 79 of 1959.

Amendment of section 73 of Act 27 of 1943.

Substitution of section 73^{ter} of Act 27 of 1943, as inserted by section 21 of Act 79 of 1959.

Amendment of section 75 of Act 27 of 1943.

Substitution of First Schedule to Act 27 of 1943.

30. Section *seventy-one* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words “two shillings and sixpence” of the words “twenty-five cents”;
- (b) by the deletion of paragraph (f) of that sub-section; and
- (c) by the substitution for sub-section (2) of the following sub-section:

“(2) The registrar shall furnish any applicant therefor with a photostatic or certified double-spaced typewritten copy of, or extract from, any such document as aforesaid, on payment by the applicant, of a fee of twenty-five cents for every single page or portion thereof of which the copy or extract consists.”.

31. Section *seventy-three* of the principal Act is hereby amended by the substitution for the words “one hundred pounds” wherever they occur of the words “two thousand rand”.

32. The following section is hereby substituted for section *seventy-three ter* of the principal Act:

73ter. Any person who fails to comply with the provisions of section *seventeen* or *eighteen*, or of either of those sections as applied by section *eighteen bis*, shall be liable to pay such penalty (if any) as the registrar may deem fit but not exceeding two hundred rand, and the registrar may by action in any competent court recover from such person such penalty or such portion thereof (if any) as he in his discretion considers the circumstances justify him in claiming.”.

33. Section *seventy-five* of the principal Act is hereby amended by the substitution for the words “fifty pounds” of the words “one thousand rand”.

34. The following Schedule is hereby substituted for the First Schedule to the principal Act:

“FIRST SCHEDULE.

1. Any money or approved security which the Treasury holds at the commencement of the Insurance Amendment Act, 1965, on behalf of a person who is obliged to make a deposit under section *four* or *six* of this Act, shall be deemed to be money or securities deposited by the said person under this Act.

2. Securities deposited or deemed to have been deposited with the Treasury under this Act shall be valued at their market value or their face value, whichever is the lower.

3. If at any time the value of any deposit made or deemed to have been made with the Treasury by any person (hereinafter called the depositor) under this Act, in respect of any long term insurance business, falls short of the amount mentioned in section *four* or *six* of this Act in respect of that business, the Treasury shall, by notice in writing, call upon the depositor to make good the deficiency by a deposit of money or further approved securities, or of both money and approved securities, at the option of the depositor, and the depositor shall comply with the said written notice of the Treasury within a period of thirty days as from the date thereof.

4. Once in any calendar year the Treasury shall, at the request of a depositor, furnish him with a certificate of the fact that the Treasury holds a deposit which he made under this Act, and of its value.

5. A depositor may at any time—

(a) withdraw any approved security or money which he has deposited with the Treasury in respect of any insurance business to the extent by which it is in excess of the value mentioned in section *four* or *six* of this Act in respect of that business; or

(b) substitute for any security so deposited any money or any other approved security of the requisite value.

30. Artikel *een-en-sewentig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „twee sjielings en ses pennies” deur die woorde „vyf-en-twintig sent” te vervang;
- (b) deur paragraaf (f) van daardie sub-artikel te skrap; en
- (c) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Die registrator verstrekk aan enige aansoeker daarom 'n fotostatiese of gesertifiseerde met dubbelspasiëring getikte afskrif van of uittreksel uit enige voormalde dokument teen betaling deur die aansoeker van leges van vyf-en-twintig sent vir elke enkele bladsy of deel daarvan waaruit die afskrif of uittreksel bestaan.”

31. Artikel *drie-en-sewentig* van die Hoofwet word hierby gewysig deur die woorde „honderd pond” waar hulle ook al voorkom deur die woorde „tweeduisend rand” te vervang.

32. Artikel *drie-en-sewentig ter* van die Hoofwet word hierby deur die volgende artikel vervang:

„Straf vir 73ter. Iemand wat in gebreke bly om aan die beversum om palings van artikel *sewentien* of artikel *agtien* of van finansiële bepalings van daardie artikels soos toegepas by artikel enige van daardie artikels soos toegepas by artikel *agtien bis* te voldoen, is onderhewig aan die boete (indien wel) wat die registrator goedvind maar wat tweehonderd rand nie oorskry nie, en die registrator kan daardie boete of soveel daarvan (indien enigiets) as wat hy na goeddunke in die omstandighede billik ag om te vorder, by aksie in 'n bevoegde hof op so iemand verhaal.”

33. Artikel *vyf-en-sewentig* van die Hoofwet word hierby gewysig deur die woorde „vyftig pond” deur die woorde „duisend rand” te vervang.

34. Die Eerste Bylae by die Hoofwet word hierby deur die volgende Bylae vervang:

Wysiging van artikel 73 van Wet 27 van 1943.

Vervanging van artikel 73ter van Wet 27 van 1943, soos ingevoeg deur artikel 21 van Wet 79 van 1959.

Wysiging van artikel 75 van Wet 27 van 1943.

Vervanging van Eerste Bylae by Wet 27 van 1943.

„EERSTE BYLAE.

1. Geld of goedgekeurde effekte by die inwerkingtreding van die Wysigingswet op Versekering, 1965, deur die Tesourie gehou ten behoeve van iemand wat ingevolge artikel *vier* of *ses* van hierdie Wet verplig is om 'n deposito te stort, word geag geld of effekte te wees wat so iemand ingevolge hierdie Wet gedeponeer het.

2. Effekte wat ingevolge hierdie Wet by die Tesourie gedeponeer is of geag word te wees, word teen die markwaarde of die sigwaarde daarvan gewaardeer, watter ook al die laagste is.

3. Indien die waarde van 'n deposito wat ingevolge hierdie Wet deur enigiemand (hieronder die deponeerder genoem) ten opsigte van langtermyn-versekeringsbesigheid by die Tesourie gestort is of geag word te wees, te eniger tyd minder as die by artikel *vier* of *ses* van hierdie Wet ten opsigte van daardie besigheid vermelde bedrag bedra, sê die Tesourie die deponeerder by skriftelike kennisgiving aan om die tekort deur die storting van geld of addisionele goedgekeurde effekte of van sowel geld as goedgekeurde effekte, na keuse van die deponeerder, aan te suiwer, en die deponeerder moet binne 'n tydperk van dertig dae vanaf die datum van die skriftelike kennisgiving van die Tesourie daaraan voldoen.

4. Die Tesourie moet een maal in 'n kalenderjaar op versoek van 'n deponeerder aan hom 'n sertificaat verstrekk ten effekte dat die Tesourie 'n deposito hou wat hy ingevolge hierdie Wet gestort het en van die waarde van die deposito.

5. 'n Deponeerder kan te eniger tyd—

- (a) goedgekeurde effekte of geld wat hy ten opsigte van versekeringsbesigheid by die Tesourie gedeponeer het, terugvorder vir sover dit meer bedra as die waarde in artikel *vier* of *ses* van hierdie Wet ten opsigte van daardie besigheid vermeld; of
- (b) geld of ander goedgekeurde effekte van die vereiste waarde in die plek stel van enige effekte aldus deponeer.

6. If a depositor has deposited any money under this Act, the Treasury shall invest it in approved securities which shall be deemed to have been deposited by the depositor under this Act.

7. A depositor shall be entitled to the income derived from any securities which he deposited or is deemed to have deposited with the Treasury under this Act.”.

Amendment of
Second Schedule
to Act 27 of 1943,
as substituted by
First Schedule
to Act 73 of 1951.

35. The Second Schedule to the principal Act is hereby amended—

(a) by the deletion of the word “and” at the end of paragraph (a) of section *three* and the addition at the end of that section of the following paragraph:

“(c) the provisions of section *six* shall apply.”;

(b) by the substitution for section *six* of the following section:

“6. (1) The aggregate amount of the liabilities under unmatured policies, calculated in the manner set forth in section *four* or in any other manner in accordance with section *two*, shall be reduced by the aggregate value of any outstanding premium or any premium debited to an insurance broker or an agent of the insurer or any deferred instalment of a premium.

(2) The value of any outstanding premium or any premium debited to an insurance broker or an agent of the insurer or any deferred instalment of a premium shall, for the purposes of sub-section (1) of this section, be taken at an amount not exceeding the lesser of the two amounts stated below, namely—

(a) the amount of the net liability of the insurer under the policy in question before deducting the value of such premium or instalment; or

(b) the amount of such premium or instalment less the amount of—

(i) any commission which the insurer owes or for which he estimates he will become liable in connection with the said premium or instalment; and

(ii) the corresponding outstanding premium or instalment of premium under any reinsurance of the said policy after deduction of the corresponding commission payable under that reinsurance.”;

(c) by the substitution in sub-section (1) of section *seven* for the words “*and five*” of the words “*five and six*”;

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

“(a) The insurer shall base his calculation on the mortality table known as the English Life Table No. 8 (Males), or such other mortality table as may, in the opinion of the registrar, more accurately represent the rate of mortality likely to be experienced in the future amongst the persons whose lives are insured by the insurer, and which the registrar has at the request of the insurer authorized the latter to use.”;

(e) by the substitution for paragraph (c) of sub-section (1) of that section of the following paragraph:

“(c) The provisions of paragraph (b) of section *five* shall not apply in connection with industrial policies, but for the purpose of calculating modified net premiums under such policies the insurance period of every industrial policy of a kind mentioned in an item in the first column of the table at the end of this paragraph shall be regarded as having commenced so many months after the date on which it actually commenced (or, in the case of a policy mentioned in paragraph (b) and dealt with under that paragraph, so many months after the date on which the insurance period is, in terms of the said paragraph, deemed to have commenced) as are stated in the second column of the said table opposite the item in question, with a corresponding reduction, in each case, in the stated period (if any) for which premiums are payable, or in the endowment period, namely—

6. Indien 'n deponeerder geld ingevolge hierdie Wet gedeponeer het, belê die Tesourie dit in goedgekeurde effekte wat geag word ingevolge hierdie Wet deur die deponeerder gedeponeer te wees.

7. 'n Deponeerder is geregtig op die inkomste verkry uit effekte wat hy ingevolge hierdie Wet by die Tesourie gedeponeer het of geag word te gedeponeer het.”.

**35. Die Tweede Bylae by die Hoofwet word hierby Wysiging van
gewysig— Tweede Bylae
by Wet 27 van
1943, soos
vervang deur
Eerste Bylae
by Wet 73 van
1951.**

(a) deur aan die end van paragraaf (a) van artikel *drie* die woord „en” te skrap en aan die end van daardie artikel die volgende paragraaf by te voeg:

„(c) is die bepalings van artikel *ses* van toepassing.”;

(b) deur artikel *ses* deur die volgende artikel te vervang:

„6. (1) Die totale bedrag van die verbintenis ingevolge nog lopende polisse, soos bereken op die wyse in artikel *vier* uiteengesit of op enige ander wyse ooreenkomsig artikel *twee*, word verminder met die totale waarde van enige uitstaande premie of enige premie wat aan 'n versekeringsmakelaar of 'n agent van die versekeraar gedebiteer is of enige uitgestelde premie-paaiemant.

(2) Die waarde van 'n uitstaande premie of 'n premie wat aan 'n versekeringsmakelaar of 'n agent van die versekeraar gedebiteer is of 'n uitgestelde premie-paaiemant word by die toepassing van sub-artikel (1) van hierdie artikel gereken teen 'n bedrag wat die minste van onderstaande twee bedrae nie te bove gaan nie, te wete—

(a) die bedrag van die versekeraar se netto verbintenis ingevolge die betrokke polis sonder aftrekking van die waarde van bedoelde premie of paaiemant; of

(b) die bedrag van bedoelde premie of paaiemant min die bedrag van—

(i) enige kommissie wat deur die versekeraar verskuldig is of waarvoor hy volgens sy skatting aanspreeklik sal word in verband met bedoelde premie of paaiemant; en

(ii) die ooreenstemmende uitstaande premie of premie-paaiemant ingevolge enige herversekering van bedoelde polis na aftrekking van die ooreenstemmende kommissie ingevolge daardie herversekering betaalbaar.”;

(c) deur in sub-artikel (1) van artikel *sewe* die woorde „en *vyf*” deur die woorde „*vyf* en *ses*” te vervang;

(d) deur paragraaf (a) van sub-artikel (1) van daardie artikel deur die volgende paragraaf te vervang:

„(a) Die versekeraar maak sy berekenings volgens die sterftetabel bekend as die 'English Life Table No. 8 (Males)' of so 'n ander sterftetabel as wat volgens die registrator se oordeel 'n meer getrouwe weergawe is van die sterfte wat waarskynlik in die toekoms onder die persone wie se lewens deur die versekeraar verseker is, ondervind sal word, en waarvan die toepassing deur die versekeraar op sy versoek deur die registrator gemagtig is.”;

(e) deur paragraaf (c) van sub-artikel (1) van daardie artikel deur die volgende paragraaf te vervang:

„(c) Die bepalings van paragraaf (b) van artikel *vyf* is nie ten opsigte van nywerheidspolisse van toepassing nie, maar by die berekening van verrekende netto premies kragtens so 'n polis moet die versekeringstydperk van elke nywerheidspolis van 'n aard vermeld in 'n item in die eerste kolom van die tabel aan die end van hierdie paragraaf geag word te begin het soveel maande na die datum waarop dit werklik begin het (of in die geval van 'n in paragraaf (b) bedoelde polis waarmee kragtens daardie paragraaf gehandel word, soveel maande na die datum waarop die versekerings-tydperk volgens daardie paragraaf geag word te begin het) as wat in die tweede kolom van voormalde tabel teenoor die betrokke item aangegee is, in elke geval met 'n ooreenstemmende verkorting van die bepaalde tydperk (as daar een is) waarvoor premies betaalbaar is of van die uitkerings-tydperk, te wete—

TABLE.

<i>Kind of Insurance.</i>	<i>Number of Months.</i>
Whole life policy at uniform premiums payable throughout life or for a stated period of not less than 25 years ..	Eighteen months
Whole life policy at uniform premiums payable for a stated period of less than 25 years but not less than 15 years ..	Twelve months
Whole life policy at uniform premiums payable for a stated period of less than 15 years ..	Six months
Endowment insurance policy for a period of not less than 15 years, at uniform premiums	Twelve months
Endowment insurance policy for a period of less than 15 years, at uniform premiums	Six months:
Provided that the provisions of paragraphs (a) and (b) of sub-section (1) of section <i>eighteen bis</i> of this Act shall apply in respect of an insurer who upon the commencement of this paragraph does not comply with the provisions of section <i>seventeen</i> or <i>eighteen</i> of this Act.";	
(f) by the deletion of sub-section (2) of that section;	
(g) by the substitution in section <i>nine</i> for the words "and five" of the words "five and six"; and	
(h) by the substitution for Part II of the following part:	

“PART II.

SHORT TERM INSURANCE BUSINESS AND COMPULSORY
THIRD PARTY INSURANCE BUSINESS.

10. The liability on any particular date of an insurer under unmatured policies in any particular class of short term insurance business or in compulsory third party insurance business shall be the amount that the insurer requires to hold to meet claims and expenses arising in connection with those policies after that date, and shall, subject to the provisions of section *twelve*, be deemed to be the amount arrived at by means of a calculation as follows:

- (a) The amount of the premium to which the insurer was entitled under each policy (after deducting the amount of any refund of premium, discount or other allowance made to the owner of the policy in his capacity as owner, but without making any deduction in respect of commission, brokerage or other remuneration to any insurance broker or to any agent of the insurer) shall be reduced by such a proportion thereof, not exceeding 20 per cent, as may in the opinion of the registrar properly represent the expenses incurred by the insurer in conducting the class or kind of insurance business in question.
- (b) There shall be deducted from the amount computed in accordance with the provisions of paragraph (a) such an amount as bears the same ratio thereto as the expired part of the insurance period covered by such premium bears to the whole of the said period.

11. The extent to which any liability of the kind mentioned in section *ten* is covered by approved reinsurance or by any particular kind of approved reinsurance, shall, unless such approved reinsurance covers the whole or a specified proportion of the original risk, be calculated in a manner similar to that set out in the said section.

TABEL.

Aard van Versekering.	Aantal maande.
Lewenspolis vir lewensduur teen egale premies betaalbaar vir lewenstyd of vir 'n bepaalde tydperk van minstens 25 jaar	Agtien maande.
Lewenspolis vir lewensduur teen egale premies betaalbaar vir 'n bepaalde tydperk van minder as 25 jaar maar nie minder as 15 jaar nie .. .	Twaalf maande.
Lewenspolis vir lewensduur teen egale premies betaalbaar vir 'n bepaalde tydperk van minder as 15 jaar .. .	Ses maande.
Uitkeringspolis teen egale premies betaalbaar vir 'n tyd- perk van minstens vyftien jaar .. .	Twaalf maande.
Uitkeringspolis teen egale premies betaalbaar vir 'n tyd- perk van minder as 15 jaar	Ses maande:
Met dien verstande dat die bepalings van para- grawe (a) en (b) van sub-artikel (1) van artikel <i>agtien bis</i> van hierdie Wet van toepassing is ten opsigte van 'n versekeraar wat by die inwerking- treding van hierdie paragraaf nie aan die be- paling van artikel <i>seventien</i> of <i>agtien</i> van hierdie Wet voldoen nie.";	
(f) deur sub-artikel (2) van daardie artikel te skrap;	
(g) deur in artikel <i>nege</i> die woorde „en <i>vyf</i> “ deur die woorde „ <i>vyf</i> en <i>ses</i> “ te vervang; en	
(h) deur Deel II deur die volgende deel te vervang:	

,,DEEL II.

KORTTERMYN-VERSEKERINGSBESIGHEID EN VERPLIGTE
DERDEPARTY-VERSEKERINGSBESIGHEID.

10. Die verbintenis van 'n versekeraar op een of ander bepaalde datum kragtens nog lopende polisse in een of ander bepaalde soort korttermyn-versekeringsbesigheid of in verpligte derdeparty-versekeringsbesigheid is die bedrag wat die versekeraar moet besit om eise en uitgawes te dek wat na daardie datum in verband met daardie polisse ontstaan en word, behoudens die bepalings van artikel *twaalf*, geag die bedrag te wees wat op die volgende wyse bereken word:

- (a) Die bedrag van die premie waarop die ver- sekeraar kragtens elke polis geregtig was (na aftrekking van die bedrag van terugbetaalbare premies, diskonto of ander korting aan die eienaar van die polis in sy hoedanigheid as eienaar toe- gestaan, maar sonder aftrekking van enige bedrag ten opsigte van kommissie, makelaarsloon of ander vergoeding aan 'n versekeringsmakelaar of aan 'n agent van die versekeraar) moet met so 'n persentasie daarvan, maar hoogstens 20 persent, verminder word as wat volgens die registrateur se oordeel 'n behoorlike weergawe is van die koste deur die versekeraar aangegaan om die betrokke soort of type versekeringsbesigheid te dryf.
- (b) Van die bedrag ooreenkomsdig paragraaf (a) bereken, word 'n bedrag afgetrek wat in dieselfde verhouding tot daardie bedrag staan as die ver- houding waarin die verstrekke deel van die ver- sekeringsstyelperk deur so 'n premie gedek tot die hele bedoelde tydperk staan.

11. Die mate waarin 'n verbintenis van die aard in artikel *tien* bedoel deur goedgekeurde herversekering of deur 'n besondere soort goedgekeurde herverske- ring gedek is, word bereken op 'n dergelike wyse as wat in bedoelde artikel uiteengesit is, tensy bedoelde goedgekeurde herversekering die hele oorspronklike risiko of 'n bepaalde persentasie daarvan dek.

12. Notwithstanding the provisions of sections *ten* and *eleven*, the registrar may authorize or direct an insurer in writing to adopt for the purposes of calculating his net liabilities under all unmatured policies in any particular class of insurance business or part thereof, such stricter basis or method which in the opinion of the registrar places a proper value upon such liabilities, and the insurer shall thereupon adopt no other basis or method in calculating such liabilities without the consent in writing of the registrar.”.

Amendment of
Third Schedule
to Act 27 of
1943, as sub-
stituted by
Second Schedule
to Act 73 of
1951 and amen-
ded by section
24 of Act 79
of 1959.

36. The Third Schedule to the principal Act is hereby amended—

(a) by the substitution for Parts I and II of the following parts:

“PART I.

1. Money in hand in the Republic.

2. Any amount standing to the credit of the insurer concerned in an account with an office in the Republic of a banking institution, other than a discount house, registered otherwise than provisionally in terms of the Banking Act, 1942 (Act No. 38 of 1942), or a building society registered otherwise than provisionally in terms of the Building Societies Act, 1934 (Act No. 62 of 1934), or the National Finance Corporation of South Africa established under the National Finance Corporation Act, 1949 (Act No. 33 of 1949).

3. Bills, bonds or securities issued or guaranteed by the Government of the Republic.

4. Bills, bonds or securities issued or guaranteed by any local authority in the Republic authorized by law to levy rates upon immovable property.

5. Bills, bonds or securities issued or guaranteed by the Rand Water Board or the Electricity Supply Commission or the Land and Agricultural Bank of South Africa.

6. Bills, bonds or securities (except such as may in the opinion of the registrar represent a proprietary interest) issued or guaranteed by any other institution which is, in the opinion of the registrar, similar to and financially as sound as any institution mentioned in paragraph 4 or 5 and which has been approved by him.

PART II.

7. Loans or advances on the sole security of domestic policies under which the insurer is liable.

8. In respect of short term insurance business and compulsory third party insurance business: outstanding premiums (including premiums debited to an insurance broker or an agent of the insurer) on domestic policies under which the insurer is liable.

9. Any claim secured by a mortgage bond on immovable property in the Republic.

10. Any other claim against—

(a) a company or other association incorporated in the Republic or an individual resident in the Republic; or

(b) a foreign insurer, if the amount of the said claim forms part of the net liabilities of such foreign insurer in respect of the insurance business carried on by him in the Republic.

11. Any stocks or shares in a company, building society or other institution incorporated in the Republic.

12. Any corporeal property in the Republic.

13. Any other claim against and any stocks or shares in a company which is not incorporated in the Republic but which in the opinion of the registrar carries on its business mainly in the Republic and which he has approved for the purposes of the application of this Schedule: Provided that if at any time it appears to the registrar that a company which he has

12. Ondanks die bepalings van artikels *tien* en *elf*, kan die registrator 'n versekeraar skriftelik magtig of gelas om by die berekening van sy netto verbintenisse kragtens alle nog lopende polisse in 'n besondere soort versekeringsbesigheid of onderdeel daarvan, so 'n strenger grondslag of metode toe te pas as wat volgens die registrator se oordeel 'n behoorlike waarde op daardie verbintenisse stel, en die versekeraar pas daarop sonder skriftelike toestemming van die registrator geen ander grondslag of metode by die berekening van bedoelde verbintenisse toe nie.".

36. Die Derde Bylae by die Hoofwet word hierby gewysig—

(a) deur Dele I en II deur die volgende dele te vervang:

Wysiging van
Derde Bylae by
Wet 27 van
1943, soos
vervang deur
Tweede Bylae
by Wet 73 van
1951 en
gewysig deur
artikel 24
van Wet 79
van 1959.

„DEEL I.“

1. Geld in kas in die Republiek.

2. 'n Saldo op kredit van die betrokke versekeraar in 'n rekening by 'n kantoor in die Republiek van 'n bankinstelling, behalwe 'n diskontohuis, ooreenkomsdig die Bankwet, 1942 (Wet No. 38 van 1942), anders as voorlopig geregistreer, of 'n bouvereniging ooreenkomsdig die Bouverenigingswet, 1934 (Wet No. 62 van 1934), anders as voorlopig geregistreer, of die Nasionale Finansiekorporasie van Suid-Afrika, ingestel deur die Wet op die Nasionale Finansiekorporasie, 1949 (Wet No. 33 van 1949).

3. Wissels, skuldbriewe of effekte deur die Regering van die Republiek uitgereik of gewaarborg.

4. Wissels, skuldbriewe of effekte uitgereik of gewaarborg deur 'n plaaslike bestuur in die Republiek wat regtens bevoeg is om belastings op onroerende goed te hef.

5. Wissels, skuldbriewe of effekte uitgereik of gewaarborg deur die Randwaterraad of die Elektrisiteitsvoorsieningskommissie of die Land- en Landboubank van Suid-Afrika.

6. Wissels, skuldbriewe of effekte (behalwe dié wat volgens die registrator se oordeel 'n eiendomsbelang verteenwoordig) uitgereik of gewaarborg deur 'n ander instelling wat volgens die registrator se oordeel soortgelyk is aan en finansieel net so solied is as een van die instellings in paragraaf 4 of 5 vermeld, en wat hy goedgekeur het.

DEEL II.

7. Lenings of voorskotte uitsluitlik teen sekuriteit van binnelandse polisse waarkragtens die versekeraar aanspreeklik is.

8. Ten opsigte van korttermyn-versekeringsbesigheid en verpligte derdeparty-versekeringsbesigheid: uitstaande premies (met inbegrip van premies teen 'n versekeringsmakelaar of 'n agent van die versekeraar gedepteer) op binnelandse polisse waarkragtens die versekeraar aanspreeklik is.

9. 'n Vordering gedek deur 'n verband op onroerende goed in die Republiek.

10. 'n Ander vordering teen—

(a) 'n maatskappy of ander vereniging wat in die Republiek met regspersoonlikheid beklee is of 'n individu wat in die Republiek woonagtig is; of

(b) 'n buitelandse versekeraar, indien die bedrag van bedoelde vordering deel van die netto verbintenis van daardie buitelandse versekeraar ten opsigte van die versekeringsbesigheid deur hom in die Republiek gedryf, uitmaak.

11. Stock of aandele van 'n maatskappy, bouvereniging of ander instelling wat in die Republiek met regspersoonlikheid beklee is.

12. Liggaamlike goed in die Republiek.

13. Enige ander vordering teen en enige stock of aandele in 'n maatskappy wat nie in die Republiek met regspersoonlikheid beklee is nie, maar wat volgens die registrator se oordeel sy besigheid hoofsaaklik in die Republiek dryf en wat hy vir die toepassing van hierdie Bylae goedgekeur het: Met dien verstande dat indien dit vir die registrator te eniger tyd blyk dat 'n

so approved has ceased to carry on its business mainly in the Republic, he may withdraw his approval of that company.”; and

(b) by the deletion of Part III.

Substitution of certain expressions in Act 27 of 1943.

37. The principal Act is hereby amended—

- (a) by the substitution for the word “Governor-General” wherever it occurs of the words “State President”;
- (b) by the substitution for the word “non-Union” wherever it occurs of the word “foreign”; and
- (c) by the substitution for the word “Union” wherever it occurs before the word “insurer” or “policy” or “policies” or before the words “life policy” or “life policies” of the word “domestic” and, wherever it occurs in any other context, of the word “Republic”.

Disposal of certain amounts deposited in respect of short term insurance business.

38. The provisions of the principal Act relating to any amount deposited with the Treasury under section *three, three bis* or *four* of that Act prior to the commencement of this Act in respect of short term insurance business carried on by any registered insurer or any co-operative insurer referred to in the said section *three bis* shall continue to apply as if such amounts were required to be so deposited in terms of the principal Act as amended by this Act and as if the provisions of the principal Act with reference to such amounts were not so amended: Provided that the Treasury shall, subject to the approval of the registrar, upon application by any such insurer or co-operative insurer which complies with the requirements of section *seventeen* or *eighteen* or of either of the said sections as applied by section *eighteen bis*, whichever may be applicable, return to such insurer or co-operative insurer the amount such insurer or co-operative insurer has so deposited.

Application of Act to South-West Africa.

39. This Act shall, to the same extent as the principal Act, apply also in the territory of South-West Africa.

Short title and commencement.

40. (1) This Act shall be called the Insurance Amendment Act, 1965, and shall, subject to the provisions of sub-section (2), come into operation upon a date to be fixed by the State President by proclamation in the *Gazette*.

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

maatskappy wat hy aldus goedgekeur het, nie meer sy besigheid hoofsaaklik in die Republiek dryf nie, hy sy goedkeuring van daardie maatskappy kan intrek.”; en
(b) deur Deel III te skrap.

37. Die Hoofwet word hierby gewysig—

- (a) deur die woord „Goewerneur-generaal” waar dit ook al voorkom deur die woord „Staatspresident” te vervang;
- (b) deur in die Engelse teks die woord „non-Union” waar dit ook al voorkom deur die woord „foreign” te vervang; en
- (c) deur die woord „Union” waar dit ook al voor die woord „insurer” of „policy” of „policies” of voor die woorde „life policy” of „life policies” in die Engelse teks voorkom deur die woord „domestic”, en die woord „Unie” waar dit ook al voorkom deur die woord „Republiek” te vervang.

Vervanging van sekere uitdrukkingen in Wet 27 van 1943.

38. Die bepalings van die Hoofwet met betrekking tot enige bedrag ingevolge artikel *drie, drie bis* of *vier* van daardie Beskikking oor Wet voor die inwerkingtreding van hierdie Wet by die Tesourie sekere bedrae ten opsigte gedeponeer ten opsigte van korttermyn-versekeringsbesigheid deur 'n geregistreerde versekeraar of 'n in gemelde artikel *drie bis* bedoelde koöperatiewe versekeraar gedryf, bly van toe- gedingedeponeer.

passing asof daardie bedrae ingevolge die Hoofwet soos by hierdie Wet gewysig aldus gestort moet word en asof die bepalings van die Hoofwet met betrekking tot sodanige bedrae nie aldus gewysig is nie: Met dien verstande dat die Tesourie, onderworpe aan die registrateur se goedkeuring, op aansoek deur so 'n versekeraar of koöperatiewe versekeraar wat voldoen aan die vereistes van artikel *sewentien* of *agtien* of van enige van daardie artikels soos by artikel *agtien bis* toegepas, watter ook al van toepassing is, die aldus deur bedoelde versekeraar of koöperatiewe versekeraar gedeponeerde bedrag aan hom moet terugbetaal.

39. Hierdie Wet is in dieselfde mate as die Hoofwet ook in die gebied Suidwes-Afrika van toepassing.

Toepassing van Wet op Suidwes-Afrika.

40. (1) Hierdie Wet heet die Wysigingswet op Versekering, 1965, en tree, behoudens die bepalings van sub-artikel (2), in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerkingtreding.

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

No. 11, 1965.]

ACT

To apply a sum not exceeding three hundred and seventy-five million rand towards the service of the Republic for the financial year ending on the thirty-first day of March, 1966.

*(Afrikaans text signed by the State President.)
(Assented to 2nd March, 1965.)*

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

Consolidated Revenue Fund charged with R278,000,000 on Revenue Account, R7,000,000 on Bantu Education Account and R90,000,000 on Loan Account.

Sums issued under this Act to be advances in anticipation.

Short title.

1. On and after the first day of April, 1965, there may be issued out of the Consolidated Revenue Fund such sums of money not exceeding in the aggregate the sum of two hundred and seventy-eight million rand for revenue services, seven million rand for Bantu education and ninety million rand for loan services as may from time to time be required for the service of the Republic for the financial year ending on the 31st day of March, 1966, until such time as provision is made therefor by Parliament in an Appropriation Act.

2. All sums issued under the provisions of this Act shall be deemed to be advances on account of grants to be made by Parliament in an Appropriation Act for the financial year ending on the thirty-first day of March, 1966, and upon the commencement of such Appropriation Act, this Act shall cease to have effect and issues already made hereunder shall be deemed to be issues under that Appropriation Act, and shall be accounted for in accordance with the provisions thereof: Provided that no services upon which expenditure has not been duly authorized under an Appropriation Act during the financial year ending on the thirty-first day of March, 1965, or for which there is no statutory authority, shall be deemed to be authorized under section *one* of this Act.

3. This Act shall be known as the Part Appropriation Act, 1965.

No. 11, 1965.]

WET

Tot aanwending van 'n som van hoogstens driehonderd vyf-en-sewentigmiljoen rand vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1966 eindig.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Maart 1965.)*

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

1. Op en na die eerste dag van April 1965 mag die somme Gekonsolideerde geld gesamentlik ten bedrae van hoogstens tweehonderd Inkomstefonds agt-en-sewentigmiljoen rand vir inkomstediens, sewemiljoen belas met rand vir Bantoe-onderwys en negentigmiljoen rand vir leningsdienste wat van tyd tot tyd nodig mag wees vir die diens van die Republiek vir die boekjaar wat op die een-en-dertigste dag van Maart 1966 eindig uit die Gekonsolideerde Inkomstefonds uitgereik word, totdat die Parlement in 'n Begrotingswet daarvoor voorsiening maak.
2. Alle somme kragtens die bepalings van hierdie Wet uitgereik, word beskou as voorskotte op rekening van geld wat deur die Parlement in 'n Begrotingswet toegestaan sal word vir die boekjaar wat op die een-en-dertigste dag van Maart 1966 eindig, en by die inwerkingtreding van daardie Begrotingswet tree hierdie Wet buite werking en word gelde wat kragtens hierdie Wet reeds uitgereik is, beskou as uitreikings kragtens daardie Begrotingswet en moet sodanige uitreikings ooreenkomsdig die bepalings daarvan verantwoord word: Met dien verstande dat daar nie beskou word dat dienste waarvoor geen uitgawe gedurende die boekjaar wat op die een-en-dertigste dag van Maart 1965 eindig, behoorlik kragtens 'n Begrotingswet gemagtig is nie, of waarvoor geen wetlike magtiging bestaan nie, deur artikel *een* van hierdie Wet gemagtig word nie.
3. Hierdie Wet heet die Gedeeltelike Begrotingswet, 1965. Kort titel.