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DEPARTMENT OF THE PRIME MINISTER

No. 1107.

30 June 1976.

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

No. 87 of 1976: Compulsory Motor Vehicle Insurance Amendment Act, 1976.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1107.

30 Junie 1976.

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

No. 87 van 1976: Wysigingswet op Verpligte Motorvoertuigversekering, 1976.

Wet No. 87, 1976

WYSIGINGSWET OP VERPLIGTE
MOTORVOERTUIGVERSEKERING, 1976

WET

Tot wysiging van die bepalings van die Wet op Verpligte Motorvoertuigversekering, 1972, met betrekking tot die bevoegdhede van die Motorvoertuigassuransiefonds; om voorsiening te maak dat versekering wat ingevolge genoemde Wet in die Republiek uitgereik is onder sekere omstandighede van krag bly in gebiede wat dele van die Republiek uitgemaak het en onafhanklik geword het, en dat versekering wat in sodanige gebiede na onafhanklikwording uitgereik is, in die Republiek van krag sal wees; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Junie 1976.)

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

Wysiging van
artikel 7 van
Wet 56 van 1972.

1. (1) Artikel 7 van die Wet op Verpligte Motorvoertuigversekering, 1972 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur in subartikel (1) na paragraaf (a) die volgende paragraaf in te voeg:

„(aA) om, waar 'n bevoegde versekeraar onderneem het om op grond van die versekering deur hom van 'n motorvoertuig ingevolge hierdie Wet, vergoeding te betaal vir verlies of skade soos in artikel 21 bedoel, wat ontstaan het uit die bestuur van daardie motorvoertuig op enige plek buite die Republiek waar daardie versekering uit hoofde van daardie onderneming van krag is ingevolge die wet wat op daardie plek geld, die risiko's en verpligtinge van daardie bevoegde versekeraar wat uit bedoelde onderneming voortspruit te herverseker en sodanige verpligtinge te waarborg;” en

(b) deur na subartikel (2) die volgende subartikel in te voeg:

„(2A) Die bepalings van subartikel (2) is *mutatis mutandis* ook van toepassing ten opsigte van verlies of skade in daardie subartikel bedoel wat veroorsaak is deur of voortvloei uit die bestuur van 'n motorvoertuig in 'n gebied in subartikel (2) van artikel 21 bedoel, voor of gedurende 'n tydperk ten opsigte waarvan 'n ooreenkoms in laasgenoemde subartikel beoog, met betrekking tot daardie gebied aangegaan en van krag is.”

(2) Subartikel (1) (a) word geag op 2 Junie 1972 in werking te getree het, en die Motorvoertuigassuransiewet, 1942 (Wet No. 29 van 1942), deur die Hoofwet herroep, word geag te alle tersaaklike tye 'n bepaling soortgelyk aan dié wat by subartikel (1) (a) in die Hoofwet ingevoeg word, te bevat het.

COMPULSORY MOTOR VEHICLE INSURANCE AMENDMENT Act No. 87, 1976
ACT, 1976

ACT

To amend the provisions of the Compulsory Motor Vehicle Insurance Act, 1972, relating to the powers of the Motor Vehicle Assurance Fund; to provide that insurance issued in terms of the said Act in the Republic, shall remain effective under certain circumstances in territories which formed parts of the Republic and attained independence, and that insurance issued in such territories after independence shall be effective in the Republic; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 18 June 1976.)

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

1. (1) Section 7 of the Compulsory Motor Vehicle Insurance Act, 1972 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of
section 7 of
Act 56 of 1972.

(a) by the insertion in subsection (1) after paragraph (a) of the following paragraph:

“(aA) where any authorized insurer has undertaken to pay compensation, on the ground of insurance by it of any motor vehicle in terms of this Act, for such loss or damage as is contemplated in section 21 which arises out of the driving of that motor vehicle at any place outside the Republic where that insurance by virtue of that undertaking is of force and effect in terms of the law applicable at that place, to reinsure the risks and obligations of that authorized insurer arising out of such undertaking and to guarantee such obligations;”;

(b) by the insertion after subsection (2) of the following subsection:

“(2A) The provisions of subsection (2) shall *mutatis mutandis* apply also in respect of any loss or damage referred to in that subsection caused by or arising out of the driving of a motor vehicle in any territory referred to in subsection (2) of section 21, before or during any period in respect of which an agreement contemplated in the last-mentioned subsection has been entered into and is in force in respect of that territory.”.

(2) Subsection (1) (a) shall be deemed to have come into operation on 2 June 1972 and the Motor Vehicle Insurance Act, 1942 (Act No. 29 of 1942), repealed by the principal Act, shall be deemed to have contained at all relevant times a provision similar to that inserted by subsection (1) (a) in the principal Act.

Wet No. 87, 1976

WYSIGINGSWET OP VERPLIGTE
MOTORVOERTUIGVERSEKERING, 1976Wysiging van
artikel 21 van
Wet 56 van 1972.

2. Artikel 21 van die Hoofwet word hierby gewysig deur die volgende subartikels by te voeg terwyl die bestaande artikel subartikel (1) word:

„(2) By die toepassing van subartikel (1) word 'n gebied wat deel van die Republiek uitgemaak het en ingevolge 'n Parlements wet 'n onafhanklike Staat geword het, geag 'n deel van die Republiek te wees—

(a) vir sover dit die versekering van 'n motorvoertuig betref wat voor die datum waarop daardie gebied aldus onafhanklik geword het, ingevolge hierdie Wet verseker was ten opsigte van die versekeringstydperk waarin daardie gebied aldus onafhanklik geword het; en

(b) vir sover dit die versekering van 'n motorvoertuig betref wat ingevolge hierdie Wet in die Republiek verseker is na bedoelde datum, indien daar op die datum waarop die versekering aangegaan is 'n ooreenkoms bestaan het en in die *Staatskoerant* gepubliseer is wat tussen die Regering van die Republiek en die Regering van die betrokke Staat aangegaan is en waarvolgens bevoegde versekeraars ten opsigte van die versekerings-tydperk waarvoor die betrokke versekering aangegaan is, die bevoegdhede en werksaamhede kan uitoefen of verrig wat, ingevolge die wet wat in daardie Staat van krag is, verleen of opgedra word aan persone wat ingevolge daardie wet bevoeg is om motorvoertuie in en ten opsigte van daardie gebied te verseker vir die doeleindes in hierdie Wet beoog.

(3) Die versekering van 'n motorvoertuig deur 'n bevoegde versekeraar in 'n gebied en uit hoofde van 'n ooreenkoms in subartikel (2) bedoel, is in die Republiek van krag asof dit versekering ingevolge hierdie Wet in die Republiek is.”

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Verpligte Motorvoertuigversekering, 1976.

COMPULSORY MOTOR VEHICLE INSURANCE AMENDMENT Act No. 87, 1976
ACT, 1976

2. Section 21 of the principal Act is hereby amended by the addition of the following subsections, the existing section becoming subsection (1):

Amendment of
section 21 of
Act 56 of 1972.

“(2) In the application of subsection (1), a territory which formed part of the Republic and became an independent State in terms of a law passed by Parliament shall be deemed to be part of the Republic—

(a) in so far as it concerns the insurance of a motor vehicle which is insured in terms of this Act prior to the date on which that territory so became independent, in respect of the insurance period during which that territory so became independent; and

(b) in so far as it concerns the insurance of a motor vehicle which is insured in terms of this Act in the Republic after the said date, if, on the date on which the insurance has been effected, an agreement existed and has been published in the *Gazette* which has been entered into between the Government of the Republic of South Africa and the Government of the State concerned and in accordance with which authorized insurers may exercise and perform in respect of the insurance period for which the insurance in question has been effected, the powers and functions which, in terms of the law applicable in that State, are conferred upon or assigned to persons who in terms of that law are authorized to insure motor vehicles in and in respect of that territory for such purposes as are contemplated in this Act.

(3) The insurance of a motor vehicle effected by an authorized insurer in a territory and by virtue of an agreement contemplated in subsection (2), shall be effective in the Republic as if it were insurance under this Act in the Republic.”.

3. This Act shall be called the Compulsory Motor Vehicle Short title.
Insurance Amendment Act, 1976.

COMPULSORY MOTOR VEHICLE INSURANCE ACT, 1936

2. Section 2 of the principal Act is hereby amended by the addition of the following subsections, the existing section becoming subsection (1):

(2) In the application of subsection (1) a territory which formed part of the Republic and became an independent State in terms of a law passed by Parliament shall be deemed to be part of the Republic.

(3) In so far as it concerns the insurance of a motor vehicle which is insured in terms of this Act prior to the date on which that territory so became independent, in respect of the insurance period during which that territory so became independent, and

(4) in so far as it concerns the insurance of a motor vehicle which is insured in terms of this Act in the Republic after the said date, if on the date on which the insurance has been effected, an agreement existed and has been published in the Gazette which has been entered into between the Government of the Republic of South Africa and the Government of the State concerned and in accordance with which authorized insurers may exercise and perform in respect of the insurance period for which the insurance in question has been effected, the powers and functions which, in terms of the law applicable in that State, are conferred upon or assigned to persons who in terms of that law are authorized to insure motor vehicles in and in respect of that territory for such purposes as are contemplated in this Act.

(5) The insurance of a motor vehicle effected by an authorized insurer in a territory and by virtue of an agreement contemplated in subsection (4), shall be effective in the Republic as if it were insurance under this Act in the Republic.

3. This Act shall be called the Compulsory Motor Vehicle Insurance Amendment Act, 1936.