



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuisblad by die Poskantoor Geregistreer

Price 20c Prys

Overseas 30c Oorsee

POST FREE—POSVRY

L. 156]

CAPE TOWN, 2 JUNE 1978

[No. 6039

KAAPSTAD, 2 JUNIE 1978

DEPARTMENT OF THE PRIME MINISTER

1154.

2 June 1978.

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

69 of 1978: Compulsory Motor Vehicle Insurance Amendment Act, 1978.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1154.

2 Junie 1978.

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

No. 69 van 1978: Wysigingswet op Verpligte Motorvoertuigversekering, 1978.

Wet No. 69, 1978

WYSIGINGSWET OP VERPLIGTE MOTORVOERTUIG-
VERSEKERING, 1978.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordeninge aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

WET

Tot wysiging van die Wet op Verpligte Motorvoertuigversekering, 1972, ten einde sekere uitdrukkings te omskryf of nader te omskryf; die verpligte versekering van sekere motorvoertuie en die oordrag van die eiendomsreg op versekerde motorvoertuie verder te reël; nuwe voorsiening te maak vir die verstrekking van sekere inligting aan derde partye en verskaffers van sekere dienste en goedere; die aanspreeklikheid van bevoegde versekeraars vir die betaling van vergoeding vir sekere verlies of skade wat onregmatiglik deur die bestuur van genoemde motorvoertuie veroorsaak word, verder te reël; ander voorsiening te maak vir die verjaring van eise om skadevergoeding kragtens genoemde Wet en vir die instelling van dié eise; en sekere teksveranderinge aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Mei 1978.)

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

Wysiging van
artikel 1 van
Wet 56 van 1972,
soos gewysig deur
artikel 1 van
Wet 22 van 1974.

1. Artikel 1 van die Wet op Verpligte Motorvoertuigversekering, 1972 (hieronder the Hoofwet genoem), word hierby gewysig— 5

- (a) deur in subartikel (1) paragraaf (a) van die omskrywing van „Bantoe-owerheid” deur die volgende paragraaf te vervang:
- „(a) **[die Regering van die Transkei, of]** die regering van 'n **[ander]** gebied wat by of kragtens die een of ander wet tot 'n selfregerende gebied binne die Republiek verklaar is of word;”;
- (b) deur in genoemde subartikel (1) na die omskrywing van „sleepwa” die volgende omskrywing in te voeg: 15
„„spesiale omstandighede’ nie ook enige nalate, versuim of onkunde nie;”;”;
- (c) deur in genoemde subartikel (1) die omskrywing van „vergoeding” deur die volgende omskrywing te vervang: 20
„„vergoeding’, met betrekking tot die vervoer van iemand in of op 'n motorvoertuig, nie ook vergoeding wat ingevolge 'n bepaling van die **[Motor-transportwet, 1930 (Wet No. 39 van 1930)]** Wet op Padvervoer, 1977 (Wet No. 74 van 1977), so- 25
danige vervoer onwettig maak nie;”;
- (d) deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang:
- „(a) By die toepassing van hierdie Wet word die vervoer van iemand ooreenkomstig die bepalings 30
van **[paragraaf (f) of (fA) van die omskrywing**

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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

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ACT

To amend the Compulsory Motor Vehicle Insurance Act, 1972, so as to define or further define certain expressions; to further regulate the compulsory insurance of certain motor vehicles and the transfer of the ownership in insured motor vehicles; to make new provision for the giving of certain information to third parties and suppliers of certain services and goods; to further regulate the liability of authorized insurers for the payment of compensation for certain loss or damage unlawfully caused by the driving of the said motor vehicles; to make other provision for the prescription of claims for compensation under the said Act and for the institution of those claims; and to effect certain textual changes; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 19 May 1978.)

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

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

Amendment of
section 1 of
Act 56 of 1972,
as amended by
section 1 of
Act 22 of 1974.

(a) by the substitution, in subsection (1), for paragraph (a) of the definition of "Bantu authority" of the following paragraph:

10 "(a) **[the Government of the Transkei, or]** the government of any **[other]** territory which by or under any law has been or is declared to be a self-governing territory within the Republic;"

15 (b) by the substitution in the said subsection (1) for the definition of "reward" of the following definition:

20 "‘reward’, with reference to the conveyance of any person in or upon a motor vehicle, does not include any reward rendering such conveyance illegal in terms of any provision of the **[Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930)]** Road Transportation Act, 1977 (Act No. 74 of 1977);”

(c) by the insertion, in the said subsection (1), after the definition of "Secretary" of the following definition:

25 "‘special circumstances’ does not include any neglect, omission or ignorance;” and

(d) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

30 "(a) For the purposes of this Act the conveyance of any person in accordance with the provisions of **[para-**
graph (f) or (fA) of the definition of “motor carrier

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van „motortransport” in artikel 1 van die
Motortransportwet, 1930 (Wet No. 39 van
1930)] artikel 1 (2) (h) of (i) van die Wet op
Padvervoer, 1977 (Wet No. 74 van 1977), geag
vervoer van daardie persoon teen vergoeding te
wees, mits die betrokke motorvoertuig ten opsigte
van bedoelde vervoer soos voorgeskryf ingevolge
hierdie Wet verseker is.”

Wysiging van
artikel 12 van
Wet 56 van 1972.

2. Artikel 12 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende 10
paragraaf te vervang:

„(a) ’n Bevoegde versekeraar is, behoudens die bepa-
lings van paragraaf (b) van hierdie subartikel en
artikel 17, verplig om ingevolge hierdie Wet elke
bepaalde motorvoertuig te verseker indien **[die** 15
eienaar daarvan] daar—

(i) by die bevoegde versekeraar in ’n voor-
geskrewe vorm aansoek **[doen]** gedoen word
om versekering van daardie motorvoertuig oor
’n hele versekeringstydperk vir daardie motor- 20
voertuig, of oor die oorblywende deel van so
’n versekeringstydperk, bereken van ’n datum
wat in die aansoek vermeld word, dog nie
vroëer as die datum waarop sodanige aansoek
werklik by die bevoegde versekeraar gedoen 25
word nie: en

(ii) aan die bevoegde versekeraar die premie vir
daardie versekering volgens die toepaslike
tarief betaal of **[aanbied]** aangebied word.”;

(b) deur die woord „en” aan die end van paragraaf (c) van 30
subartikel (3) by te voeg; en

(c) deur die volgende paragraaf by subartikel (3) te voeg:

„(d) die naam en adres bevat van die persoon wat in die
betrokke aansoek as die eienaar van die betrokke
voertuig aangedui is: Met dien verstande dat die 35
geldigheid van die verklaring nie geraak word
daardeur dat daardie persoon nie werklik die
eienaar van die voertuig is nie.”.

Wysiging van
artikel 15 van
Wet 56 van 1972.

3. Artikel 15 van die Hoofwet word hierby gewysig deur
paragraaf (a) van subartikel (1) deur die volgende paragraaf te 40
vervang:

„(a) **[aan die eienaar van ’n motorvoertuig wat spesifiek
verseker is]** moet hy **[aan daardie eienaar]** ten
opsigte van ’n motorvoertuig wat spesifiek verseker is
aan die aansoeker ’n behoorlik voltooide versekerings- 45
teken uitreik in ’n voorgeskrewe vorm vir die betrokke
versekeringstydperk;”.

Wysiging van
artikel 16 van
Wet 56 van 1972.

4. Artikel 16 van die Hoofwet word hierby gewysig deur
subartikel (1) deur die volgende subartikel te vervang:

„(1) Die eienaar van ’n motorvoertuig **[aan wie daar** 50
’n versekeringsteken wat op daardie voertuig betrekking
het] ten opsigte waarvan ’n versekeringsteken ingevolge
artikel 15 (1) (a) uitgereik is, moet die teken op die
voorgeskrewe wyse aan die motorvoertuig aanheg en moet
dit aldus aangeheg hou solank die versekering duur in 55
verband waarmee dit uitgereik is.”.

Wysiging van
artikel 17 van
Wet 56 van 1972.

5. Artikel 17 van die Hoofwet word hierby gewysig deur
subartikel (1) deur die volgende subartikel te vervang:

„(1) Wanneer **[die eienaar]** daar om die versekering
ingevolge hierdie Wet van ’n bepaalde motorvoertuig wat nie 60
ingevolge ’n spesiale permit of ’n tydelike permit gebruik
word nie, by ’n bevoegde versekeraar aansoek gedoen **[het**

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transportation" in section 1 of the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930)] section 1 (2) (h) or (i) of the Road Transportation Act, 1977 (Act No. 74 of 1977), shall be deemed to be conveyance of that person for reward, provided the motor vehicle concerned is insured in respect of such conveyance in terms of this Act as prescribed."

2. Section 12 of the principal Act is hereby amended—
(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

Amendment of
section 12 of
Act 56 of 1972.

"(a) Subject to the provisions of paragraph [(a)] (b) of this subsection and section 17, an authorized insurer shall be obliged to insure under this Act any particular motor vehicle if [its owner]—

(i) [applies] application is made in a prescribed form to the authorized insurer for the insurance of that motor vehicle over the whole of an insurance period for that motor vehicle or over the remaining part of such an insurance period reckoned as from a date specified in the application, not being earlier than the date on which such application is actually made to the authorized insurer; and

(ii) [pays or tenders to the authorized insurer] the premium for such insurance in accordance with the applicable tariff is paid or tendered to the authorized insurer."

(b) by the addition of the word "and" at the end of paragraph (c) of subsection (3); and

(c) by the addition of the following paragraph to subsection (3):

"(d) contain the name and address of the person indicated in the application in question as the owner of the vehicle concerned: Provided that the validity of the declaration shall not be affected by that person not being in fact the owner of the vehicle."

3. Section 15 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

Amendment of
section 15 of
Act 56 of 1972.

"(a) [to the owner of a specifically insured motor vehicle] he shall [issue to that owner] in respect of a specifically insured motor vehicle issue to the applicant a duly completed token of insurance in a prescribed form for the relevant insurance period;"

4. Section 16 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 16 of
Act 56 of 1972.

"(1) The owner of a motor vehicle [to whom a token of insurance relating to that vehicle] in respect of which a token of insurance has been issued in terms of section 15 (1) (a), shall attach the token to the motor vehicle in the prescribed manner and shall keep it so attached throughout the duration of the insurance in connection with which it was issued."

5. Section 17 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 17 of
Act 56 of 1972.

"(1) When [the owner of a particular motor vehicle not operated under a special permit or a temporary permit has applied to an authorized insurer for the insurance under this Act of that motor vehicle] application is made

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om daardie motorvoertuig ingevolge hierdie Wet te laat verseker] word, kan die bevoegde versekeraar weier om daardie motorvoertuig te verseker indien hy 'n gegronde vermoede het dat dit nie padwaardig is nie, of, indien hy daaraan twyfel of dit wel padwaardig is, kan hy van die 5 aansoeker eis dat hy die motorvoertuig aan iemand deur die bevoegde versekeraar aangewys, beskikbaar stel om ondersoek en getoets te word op 'n plek by ooreenkoms deur die partye bepaal, of, by gebrek aan ooreenkoms, op 'n plek deur die bevoegde versekeraar aangewys in die stad of dorp 10 waarin die aansoeker woon, of indien hy buite 'n stad of dorp woon, op 'n plek deur die bevoegde versekeraar aangewys in die vernaamste stad van die distrik waarin die aansoeker woon."

Vervanging van
artikel 19 van
Wet 56 van 1972.

6. Artikel 19 van die Hoofwet word hierby deur die volgende 15 artikel vervang:

„Einde van
versekering
en oordrag
van motor-
voertuig.

19. (1) Die versekering van 'n motorvoertuig wat ingevolge hierdie Wet verseker is, eindig—

- (a) by verstryking van die lopende versekeringstydperk vir daardie motorvoertuig: Met dien ver- 20 stande dat, indien 'n motorvoertuig wat ingevolge 'n spesiale permit of 'n tydelike permit gebruik word en ingevolge hierdie Wet vir die geldigheidstydperk van sodanige permit verseker is, kragtens die wet ingevolge waarvan sodanige 25 permit uitgereik is, geregistreer word voor die verstryking van sodanige permit, die betrokke versekeringstydperk geag word by die bedoelde registrasie te verstryk het;
- (b) wanneer die versekerde motorvoertuig vir goed 30 ophou om bestuurbaar te wees;
- (c) wanneer die eienaar sy eiendomsreg op die motorvoertuig aan iemand anders oordra;
- (d) wanneer die omstandighede uit hoofde waar- 35 van iemand ingevolge die omskrywing van „eienaar” in artikel 1 (1) die eienaar van die motorvoertuig is, ophou om te bestaan sonder dat daardie persoon daardeur of onmiddellik daarna die werklike eienaar van die motor- 40 voertuig word].

(2) Wanneer die eienaar van 'n spesifiek versekerde motorvoertuig sy eiendomsreg op daardie motorvoertuig aan iemand anders oordra [of soos in subartikel 45 (1) (d) beoog, ophou om eienaar van die motorvoertuig te wees], moet hy, voordat hy dit lewer, [of 45 van die besit daarvan afstand doen, na gelang van die geval, die versekeringsteken wat volgens die bepalings van artikel 16 daaraan aangeheg is, daarvan verwyder en bedoelde versekeringsteken teruggee aan die bevoegde versekeraar deur wie 50 dit uitgereik is en] die bevoegde versekeraar wat die voertuig verseker het op die voorgeskrewe vorm in kennis stel van die naam en adres van die oordragnemer [of van die persoon aan wie die eienaar die besit 55 van die motorvoertuig afgestaan het, na gelang van die geval] en van die nommer van die versekerings- teken wat volgens die bepalings van artikel 16 aan die voertuig aangeheg is.

(3) Wanneer die versekering van 'n spesifiek versekerde motorvoertuig onder die omstandighede 60 genoem in subartikel (1) (b) [(c) of (d)] eindig, moet die betrokke bevoegde versekeraar, behoudens 'n ooreenkoms tussen hom en die eienaar van die motorvoertuig, aan daardie eienaar 'n bedrag terugbe- 65 taal wat tot die bedrag van die betaalde versekerings- premie in dieselfde verhouding staan as wat die tydperk bereken van die datum waarop die versekerings- teken aan daardie bevoegde versekeraar terug-

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to an authorized insurer for the insurance under this Act of a particular motor vehicle not operated under a special permit or a temporary permit, the authorized insurer may refuse to insure that motor vehicle if he has reasonable grounds to believe that it is not roadworthy, or, if he doubts its roadworthiness, he may demand that the applicant submit the motor vehicle for examination and testing to a person indicated by the authorized insurer at any place upon which the parties may agree, or failing such agreement, any place indicated by the authorized insurer in the town or village in which the applicant resides, or if he resides outside a town or village, at any place indicated by the authorized insurer in the principal town of the district in which the applicant resides."

6. The following section is hereby substituted for section 19 of the principal Act: Substitution of section 19 of Act 56 of 1972.

19. (1) The insurance of a motor vehicle which is insured under this Act shall terminate—

- “Termination of insurance and transfer of motor vehicle.”
- (a) on the expiration of the current insurance period for that motor vehicle: Provided that if a motor vehicle operated under a special permit or a temporary permit and insured under this Act for the period of validity of such permit, is before the expiration of such permit registered in terms of the law under which such permit was issued, the relevant insurance period shall be deemed to have expired on the registration in question;
 - (b) when the insured motor vehicle ceases permanently to be capable of being driven;
 - (c) when the owner transfers his ownership in the motor vehicle to another person;
 - (d) when the circumstances by virtue of which any person is in terms of the definition of “owner” in section 1 (1) the owner of the motor vehicle, cease to exist without that person thereby or immediately thereafter becoming the real owner of the motor vehicle.

(2) When the owner of a specifically insured motor vehicle transfers his ownership in that motor vehicle to another person **or ceases to be the owner of the motor vehicle as contemplated in subsection (1) (d)**, he shall, before delivering it, **or relinquishing possession of it, as the case may be, remove from it the token of insurance attached to it in accordance with the provisions of section 16, and return that token to the authorized insurer by whom it was issued and** inform the authorized insurer who insured the vehicle, on the prescribed form of the name and address of the transferee **or of the person to whom the owner has relinquished possession of the motor vehicle, as the case may be** and of the number of the token of insurance attached to the vehicle in accordance with the provisions of section 16.

(3) When the insurance of a specifically insured motor vehicle terminates under the circumstances mentioned in subsection (1) (b), **[(c) or (d)]** the authorized insurer concerned shall, subject to any agreement between itself and the owner of the motor vehicle, refund to that owner an amount which bears to the amount of the insurance premium paid the same ratio as the period reckoned from the date on which the token of insurance is returned to that authorized

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gegee word tot die end van die betrokke versekerings-
tydperk, staan tot die hele versekeringstydperk: Met
dien verstande dat uit die bedrag wat aldus terugbetaal
moet word, hoogstens vyf-en-twintig sent by wyse
van kantoorgelde teruggehou kan word. 5

(4) Wanneer die eienaar van 'n spesifiek versekerde
motorvoertuig sy eiendomsreg op daardie motorvoer-
tuig aan iemand anders oordra, soos vermeld in
subartikel (2), moet die persoon aan wie die eien-
domsreg aldus oorgedra word die bevoegde verseke- 10
raar wat die voertuig verseker het onmiddellik op die
voorgeskrewe vorm in kennis stel van bedoelde
oordrag en van die nommer van die versekeringsteken
wat ingevolge artikel 16 aan die voertuig aangeheg is.

(5) Iemand wat versuim om aan die bepalings van 15
subartikel (2) of (4) te voldoen, is aan 'n misdryf
skuldig en by skuldigbevinding strafbaar met 'n boete
van hoogstens 50 rand."

Wysiging van
artikel 20 van
Wet 56 van 1972.

7. Artikel 20 van die Hoofwet word hierby gewysig deur in
subartikel (2) die woorde wat op paragraaf (c) volg deur die 20
volgende woorde te vervang:

„die **versekeringsverklaring waarby** voorgeskrewe
bewys van die versekering van die motorvoertuig ten tyde
van die betrokke voorval **verseker was** en 'n afskrif van
inligting wat bedoelde eienaar aan die betrokke bevoegde 25
versekeraar ingevolge subartikel (1) (a) van hierdie artikel
verstrek het, oorlê aan die persoon wat die versoek rig en
daardie persoon toelaat om 'n afskrif van of uittreksel uit
die versekeringsverklaring of sodanige inligting te 30
maak."

Wysiging van
artikel 21 van
Wet 56 van 1972,
soos gewysig deur
artikel 2 van
Wet 87 van 1976.

8. Artikel 21 van die Hoofwet word hierby gewysig deur na
subartikel (1) die volgende subartikels in te voeg:

„(1A) Geen rente is betaalbaar op die bedrag van
skadevergoeding wat 'n hof uit hoofde van die bepalings van
subartikel (1) aan 'n derde party toeken nie, tensy 14 dae 35
verloop het vanaf die datum van die hof se tersaaklike bevel.

(1B) By die uitreiking van 'n kostebevel by bedoelde
toekenning, kan die hof enige skriftelike aanbod tot skikking
van die betrokke eis teen hom deur die betrokke bevoegde 40
versekeraar gedoen voor die tersaaklike dagvaarding aan hom
beteken is, in aanmerking neem.

(1C) Waar 'n eis om skadevergoeding kragtens artikel
21—

(a) 'n eis om die koste van die toekomstige huisvesting van
iemand in 'n hospitaal of verpleeginrigting of behande- 45
ling van of lewering van 'n diens of verskaffing van
goedere aan hom insluit, is die betrokke bevoegde
versekeraar geregtig om, nadat hy 'n onderneming te
dien effekte aan die betrokke derde party verstrek het of 50
'n bevoegde hof hom gelas het om sodanige onderne-
ming te verstrek, die derde party weens genoemde koste
te vergoed nadat die koste aangegaan is en by bewys
daarvan;

(b) 'n eis om toekomstige verlies aan inkomste of van
onderhoud insluit, is die betrokke bevoegde versekeraar 55
geregtig om, nadat hy 'n onderneming te dien effekte
aan die betrokke derde party verstrek het of 'n bevoegde
hof hom gelas het om sodanige onderneming te verstrek,
die bedrag deur hom ten opsigte van genoemde verlies
betaalbaar, paaientengewys soos ooreengekom of deur 60
die hof gelas, te betaal."

Wysiging van
artikel 22 van
Wet 56 van 1972.

9. Artikel 22 van die Hoofwet word hierby gewysig—

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

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insurer to the termination of the insurance period in question, bears to the whole insurance period: Provided that of the amount to be so refunded not more than twenty-five cents may be retained by way of an office fee.

(4) When the owner of a specifically insured motor vehicle transfers his ownership in that motor vehicle to another person, as mentioned in subsection (2), the person to whom the ownership is so transferred shall forthwith inform the authorized insurer on the prescribed form of the said transfer and of the number of the token of insurance attached to the vehicle in terms of section 16.

(5) Any person who fails to comply with the provisions of subsection (2) or (4) shall be guilty of an offence and on conviction liable to a fine not exceeding 50 rand."

7. Section 20 of the principal Act is hereby amended by the substitution in subsection (2) for the words following upon paragraph (c) of the following words: Amendment of section 20 of Act 56 of 1972.

"produce to the person making the request, the **[declaration of insurance by which]** prescribed proof of insurance of the motor vehicle **[was insured]** at the time of the occurrence in question, and a copy of any information which the said owner furnished in terms of subsection (1) (a) of this section to the authorized insurer concerned, and permit that person to make a copy of **[the declaration of insurance and of]** any such information or take an extract from it."

8. Section 21 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsections: Amendment of section 21 of Act 56 of 1972, as amended by section 2 of Act 87 of 1976.

"(1A) No interest shall be payable on the amount of any compensation which a court awards to any third party by virtue of the provisions of subsection (1), unless 14 days have elapsed from the date of the court's relevant order.

(1B) In issuing any order as to costs on making such award, the court may take into consideration any written offer in settlement of the claim in question against him, made by the authorized insurer before the relevant summons was served on him.

(1C) Where a claim for compensation under section 21—

(a) includes a claim for the costs of the future accommodation of any person in a hospital or nursing home or treatment of or rendering of a service or supplying of goods to him, the authorized insurer concerned shall be entitled, after furnishing the third party in question with an undertaking to that effect or a competent court has directed him to furnish such undertaking, to compensate the third party in respect of the said costs after the costs have been incurred and on proof thereof;

(b) includes a claim for future loss of income or support, the authorized insurer concerned shall be entitled, after furnishing the third party in question with an undertaking to that effect or a competent court has directed him to furnish such undertaking, to pay the amount payable by him in respect of the said loss, by instalments as agreed upon or directed by the court."

9. Section 22 of the principal Act is hereby amended—

(a) by the insertion of the following subparagraph after subparagraph (i) of paragraph (a) of subsection (1): Amendment of section 22 of Act 56 of 1972.

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- „(iA) onder die voorgeskrewe omstandighede terwyl hy ingevolge artikel 22 (3) (a) of 44 (3) van die Verdedigingswet, 1957 (Wet No. 44 van 1957), verplig was om gedurende sy eerste dienstdynerk van nie minder as 12 maande nie diens te doen of militêre opleiding te ondergaan; of”;
- (b) deur subparagraaf (ii) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:
- „(ii) in die loop van die besigheid van die **bestuurder of** eienaar van daardie motorvoertuig; of”;
- (c) deur subparagraaf (iii) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:
- „(iii) in die geval van ’n werknemer van **bedoelde bestuurder of eienaar** die bestuurder of eienaar van daardie motorvoertuig, ten opsigte van wie subartikel (2) nie van toepassing is nie, in die loop van sy diens; of”.

Wysiging van
artikel 23 van
Wet 56 van 1972.

10. (1) Artikel 23 van die Hoofwet word hierby gewysig—

- (a) deur die volgende subparagraaf na subparagraaf (i) van paragraaf (b) in te voeg:

„(iA) anders as onder die voorgeskrewe omstandighede, terwyl hy ingevolge artikel 22 (3) (a) of 44 (3) van die Verdedigingswet, 1957 (Wet No. 44 van 1957), verplig was om gedurende sy eerste dienstdynerk van nie minder as 12 maande nie diens te doen of militêre opleiding te ondergaan; en”;

- (b) deur subparagraaf (ii) van paragraaf (b) deur die volgende subparagraaf te vervang:

„(ii) anders as in die loop van die besigheid van die **bestuurder of** eienaar van die betrokke motorvoertuig; en”;

- (c) deur subparagraaf (iii) van paragraaf (b) deur die volgende subparagraaf te vervang:

„(iii) anders as in die loop van sy diens as werknemer van **daardie bestuurder of eienaar** die bestuurder of eienaar van die betrokke motorvoertuig;”;

- (d) deur die woord „of” aan die end van paragraaf (b) by te voeg; en

- (e) deur die volgende paragraawe by te voeg:

„(c) wat gely is as gevolg van die liggaamlike besering van iemand wat—

- (i) onredelik weier of versuim om hom op versoek van die bevoegde versekeraar op koste van dié versekeraar te onderwerp aan enige mediese ondersoek of ondersoek deur geneeshere aangewys deur genoemde versekeraar;

- (ii) weier of versuim om die bevoegde versekeraar op sy versoek en koste te voorsien van afskrifte van alle mediese verslae wat in sy besit is en wat betrekking het op die tersaaklike eis om skadevergoeding; of

- (iii) weier of versuim om die bevoegde versekeraar op sy versoek toe te laat om insae te hê in alle aantekeninge met betrekking tot homself wat in die besit van enige hospitaal of sy geneesheer is; of

- (d) indien die betrokke eis om skadevergoeding nie deur die eiser, of ten behoewe van die eiser deur—

- (i) iemand wat geregtig is om as prokureur in die Republiek te praktiseer; of

- (ii) iemand wat in diens is, of wat ’n verteenwoordiger is, van ’n staat of regering of ’n provinsiale administrasie of die administrasie van die gebied Suidwes-Afrika of ’n instelling

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- 5 “(iA) in the prescribed circumstances while he was in terms of section 22 (3) (a) or 44 (3) of the Defence Act, 1957 (Act No. 44 of 1957), liable to render service or undergo military training during his first period of service of not less than 12 months; or”;
- (b) by the substitution for subparagraph (ii) of paragraph (a) of subsection (1) of the following subparagraph:
 “(ii) in the course of the business of the **【driver or】** owner of that motor vehicle; or”;
- 10 (c) by the substitution for subparagraph (iii) of paragraph (a) of subsection (1) of the following subparagraph:
 “(iii) in the case of an employee of **【such driver or owner】** the driver or owner of that motor vehicle, in respect of whom subsection (2) does not apply,
- 15 in the course of his employment; or”.

10. (1) Section 23 of the principal Act is hereby amended—

Amendment of
section 23 of
Act 56 of 1972.

- (a) by the insertion of the following subparagraph after subparagraph (i) of paragraph (b):
 “(iA) otherwise than in the prescribed circumstances,
- 20 while he was in terms of section 22 (3) (a) or 44 (3) of the Defence Act, 1957 (Act No. 44 of 1957), liable to render service or undergo military training during his first period of service of not less than 12 months; and”;
- 25 (b) by the substitution for subparagraph (ii) of paragraph (b) of the following subparagraph:
 “(ii) otherwise than in the course of the business of the **【driver or】** owner of that motor vehicle; and”;
- (c) by the substitution for subparagraph (iii) of paragraph (b) of the following subparagraph:
 “(iii) otherwise than in the course of his employment as servant of **【that driver or owner】** the driver or owner of that motor vehicle”;
- 30 (d) by the addition of the word “or” at the end of paragraph (b); and
- 35 (e) by the addition of the following paragraphs:
 “(c) suffered as a result of bodily injury to any person who—
- 40 (i) unreasonably refuses or fails to subject himself at the request of the authorized insurer and at the cost of that insurer, to any medical examination or examinations by medical practitioners designated by the said insurer;
- 45 (ii) refuses or fails to furnish the authorized insurer at his request and cost with copies of all medical reports in his possession, relating to the relevant claim for compensation; or
- 50 (iii) refuses or fails to allow the authorized insurer at his request to inspect all records relating to himself and in the possession of any hospital or his medical practitioner; or
- (d) if the claim in question has not been instituted by the claimant, or on behalf of the claimant by—
- 55 (i) any person entitled to practise as an attorney within the Republic; or
- (ii) any person who is in the service, or who is a representative, of a state or government or a provincial administration or the administration of the territory of South West Africa or any

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of liggaam beoog in artikel 84 (1) (f) van die
Grondwet van die Republiek van Suid-Afrika,
1961 (Wet No. 32 van 1961),
ingestel is nie."

(2) Paragraaf (d) van artikel 23 van die Hoofwet, soos deur 5
subartikel (1) (e) van hierdie artikel bygevoeg, is nie van
toepassing nie met betrekking tot 'n eis om skadevergoeding
kragtens artikel 21 van die Hoofwet wat ingestel word ten opsigte
van 'n liggaamlike besering of dood wat veroorsaak is deur 'n
gebeurtenis wat voor die inwerkingtreding van hierdie Wet 10
plaasgevind het.

Wysiging van
artikel 24 van
Wet 56 van 1972,
soos gewysig deur
artikel 50 van
Wet 94 van 1974.

11. (1) Artikel 24 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te
vervang:

„(1) (a) Ondanks die bepalings van enige ander wet 15
met betrekking tot verjaring, maar behoudens die
bepalings van paragraaf (b) van hierdie subartikel,
verjaar die reg om kragtens artikel 21 van 'n
bevoegde versekeraar skadevergoeding te eis **[ver-
jaar]** na die verloop van 'n tydperk van twee jaar 20
vanaf die dag waarop die eis ontstaan het: Met dien
verstande dat verjaring opgeskort word gedurende
die tydperk van negentig dae vermeld in artikel 25
(2).

(b) Verjaring van 'n eis om skadevergoeding kragtens 25
artikel 21 loop nie teen—

- (i) 'n minderjarige;
- (ii) iemand wat as 'n pasiënt ingevolge die
bepalings van die Wet op Geestesgesondheid,
1973 (Wet No. 18 van 1973), aangehou word; of 30
- (iii) 'n persoon onder kuratele,
nie."

(b) deur subparagraaf (i) van paragraaf (a) van subartikel
(2) deur die volgende subparagraaf te vervang:

„(i) waar die eis verjaar het voordat die derde party aan 35
die bepalings van artikel 25 (1) voldoen het, dat
daar op grond van spesiale omstandighede nie
redelikerwys van hom of, indien hy iemand anders
opdrag gegee het om namens hom aan daardie
bepalings te voldoen, van so iemand verwag kon 40
word om voor die datum waarop die eis verjaar het,
aan genoemde bepalings te voldoen nie; of"; en

(c) deur subparagraaf (ii) van paragraaf (a) van subartikel
(2) deur die volgende subparagraaf te vervang:

„(ii) waar die eis verjaar het nadat hy aan genoemde 45
bepalings voldoen het, dat daar op grond van
spesiale omstandighede nie redelikerwys van hom
of, indien hy iemand anders opdrag gegee het om
namens hom in dié verband op te tree, van so
iemand verwag kon word om prosesstukke waar- 50
deur die loop van die verjaring gestuit kon word,
voor daardie datum aan die bevoegde versekeraar te
beteken nie; en"

(2) Artikel 24 (1) van die Hoofwet, soos deur subartikel (1) van
hierdie artikel vervang, is nie van toepassing nie met betrekking 55
tot 'n eis om skadevergoeding kragtens artikel 21 van die Hoofwet
wat ingestel word ten opsigte van 'n liggaamlike besering of dood
wat veroorsaak is deur 'n gebeurtenis wat voor die inwerkingtre-
ding van hierdie Wet plaasgevind het.

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institution or body contemplated in section 84
(1) (f) of the Republic of South Africa
Constitution Act, 1961 (Act No. 32 of
1961).''.

- 5 (2) Paragraph (d) of section 23 of the principal Act, as added
by subsection (1) (e) of this section, shall not apply with reference
to any claim for compensation under section 21 of the principal
Act which is instituted in respect of any bodily injury or death
caused by an occurrence which took place prior to the com-
10 mencement of this Act.

11. (1) Section 24 of the principal Act is hereby amended—

Amendment of
section 24 of
Act 56 of 1972,
as amended by
section 50 of
Act 94 of 1974.

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

15 ''(1) (a) Notwithstanding the provisions of any other
law relating to prescription, but subject to the
provisions of paragraph (b) of this subsection, the
right to claim compensation under section 21 from
an authorized insurer shall become prescribed upon
the expiration of a period of two years from the
20 date upon which the claim arose: Provided that
prescription shall be suspended during the period of
ninety days referred to in section 25 (2).

- (b) Prescription of a claim for compensation under
section 21 shall not run against—
25 (i) a minor;
(ii) any person detained as a patient in terms of
the provisions of the Mental Health Act, 1973
(Act No. 18 of 1973); or
(iii) a person under curatorship.'';

- 30 (b) by the substitution for subparagraph (i) of paragraph (a)
of subsection (2) of the following subparagraph:
''(i) where the claim became prescribed before com-
pliance by the third party with the provisions of
section 25 (1), that by reason of special circum-
stances he or, if he instructed any other person to
35 comply with those provisions on his behalf, such
person could not reasonably have been expected to
comply with the said provisions before the date on
which the claim became prescribed; or''; and

- 40 (c) by the substitution for subparagraph (ii) of paragraph (a)
of subsection (2) of the following subparagraph:
''(ii) where the claim became prescribed after com-
pliance by him with the said provisions, that by
reason of special circumstances he or, if he
45 instructed any other person to act on his behalf in
this connection, such person could not reasonably
have been expected to serve any process, by which
the running of prescription could have been in-
terrupted, on the authorized insurer before that
50 date; and''.

- (2) Section 24 (1) of the principal Act, as substituted by
subsection (1) of this section, shall not apply with reference to
any claim for compensation under section 21 of the principal Act
which is instituted in respect of any bodily injury or death caused
55 by an occurrence which took place prior to the commencement of
this Act.

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Wysiging van
artikel 25 van
Wet 56 van 1972.

12. (1) Artikel 25 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) (a) 'n Eis om skadevergoeding kragtens artikel 21 moet op die voorgeskrewe wyse uiteengesit word op 'n voorgeskrewe vorm wat ook voorsiening moet maak vir 'n mediese verslag of verslae in verband met die oorsaak van die dood of die aard en behandeling van die liggaamlike besering ten opsigte waarvan die eis ingestel word en vir die voorgeskrewe stawende bewyse en besonderhede, en bedoelde eis moet per aangetekende pos gestuur of per hand afgelewer word aan die bevoegde versekeraar by sy geregistreerde kantoor of plaaslike takkantoor, en die bevoegde versekeraar moet in die geval van aflewering per hand, die ontvangs daarvan en die datum van die ontvangs ten tyde van die aflewering skriftelik erken.

(b) Indien 'n bevoegde versekeraar nie binne 60 dae na ontvangs van 'n eis aldus uiteengesit wat binne ses maande na die datum van die gebeurtenis wat die tersaaklike liggaamlike besering of dood veroorsaak het, ingevolge paragraaf (a) aan die bevoegde versekeraar gestuur of afgelewer is, beswaar maak teen die geldigheid daarvan nie, word die eis geag in alle opsigte regsgeldig te wees.”; en

(b) deur die volgende voorbehoudsbepaling by subartikel (2) te voeg:

„Met dien verstande dat indien die bevoegde versekeraar voor die verstryking van genoemde tydperk aanspreeklikheid vir die eis skriftelik ontken, die eiser te eniger tyd na bedoelde ontkenning 'n dagvaarding aan die bevoegde versekeraar kan beteken.”.

(2) Subartikel (1) van artikel 25 van die Hoofwet, soos deur subartikel (1) (a) van hierdie artikel vervang, is nie van toepassing nie met betrekking tot 'n eis om skadevergoeding kragtens artikel 21 van die Hoofwet wat ingestel word ten opsigte van 'n liggaamlike besering of dood wat veroorsaak is deur 'n gebeurtenis wat voor die inwerkingtreding van hierdie Wet plaasgevind het.

Wysiging van
artikel 26 van
Wet 56 van 1972.

13. Artikel 26 van die Hoofwet word hierby gewysig deur die volgende paragraaf by subartikel (2) te voeg, terwyl die bestaande subartikel paragraaf (a) daarvan word:

„(b) Waar 'n verskaffer uit hoofde van 'n ooreenkoms met 'n hospitaalowerheid belet word om die koste verskuldig aan hom ten opsigte van die behandeling van of 'n diens gelewer of goedere verskaf aan iemand op 'n derde party te verhaal, is die verskaffer, behoudens, *mutatis mutandis*, die bepalings van artikel 25, geregtig om soveel van bedoelde koste op die betrokke bevoegde versekeraar te verhaal as wat die derde party geregtig sou wees om op dié versekeraar te verhaal indien bedoelde beletsel nie bestaan het nie, en die aksiereg hierby verleen, kan deur die verskaffer uitgeoefen word deur 'n regsgeding in te stel te eniger tyd wanneer so 'n regsgeding deur die derde party ingestel sou kon word.”.

Wysiging van
artikel 28 van
Wet 56 van 1972.

14. Artikel 28 van die Hoofwet word hierby gewysig deur subparagraaf (iii) van paragraaf (a) en subparagraaf (iii) van paragraaf (b) van subartikel (2) te skrap.

Wysiging van
artikel 32 van
Wet 56 van 1972.

15. Artikel 32 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) wat die bevoegdheid en pligte in verband met die uitvoering van hierdie Wet voorskryf wat uitgeoefen kan

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12. (1) Section 25 of the principal Act is hereby amended—
(a) by the substitution for subsection (1) of the following subsection:

Amendment of
section 25 of
Act 56 of 1972.

5 “(1) (a) A claim for compensation under section 21
shall be set out in the prescribed manner on a
prescribed form which shall include provision for a
medical report or reports in regard to the cause of
the death or the nature and treatment of the bodily
injury in connection with which the claim is
10 instituted and for the prescribed supporting proof
and particulars, and shall be sent by registered post
or delivered by hand to the authorized insurer at its
registered office or local branch office, and the
authorized insurer shall, in the case of delivery by
15 hand, at the time of the delivery acknowledge
receipt thereof and of the date of such receipt in
writing.

(b) If an authorized insurer does not within 60 days
20 after receipt of a claim so set out which was sent or
delivered to the authorized insurer in terms of
paragraph (a) within six months after the date of
the occurrence causing the relevant bodily injury or
death, object to the validity thereof, the claim shall
be deemed to be valid in law in all respects.”; and

- 25 (b) by the addition of the following proviso to subsection
(2):

30 “Provided that if the authorized insurer repudiates in
writing liability for the claim before the expiration of the
said period, the claimant may at any time after such
repudiation serve summons on the authorized insurer.”.

- (2) Subsection (1) of section 25 of the principal Act, as
substituted by subsection (1) (a) of this section, shall not apply
with reference to any claim for compensation under section 21 of
the principal Act which is instituted in respect of any bodily injury
35 or death caused by an occurrence which took place prior to the
commencement of this Act.

13. Section 26 of the principal Act is hereby amended by the
addition of the following paragraph to subsection (2), the existing
subsection becoming paragraph (a) thereof:

Amendment of
section 26 of
Act 56 of 1972.

40 “(b) Where a supplier is by virtue of an agreement with a
hospital authority precluded from recovering from a
third party the costs due to him in respect of the
treatment of or any service rendered or goods supplied
45 to any person, the supplier shall, subject *mutatis*
mutandis to the provisions of section 25, be entitled to
recover from the authorized insurer concerned so much
of such costs as the third party would have been entitled
to recover from that insurer if the said impediment had
not existed, and the right of action hereby conferred may
50 be exercised by the supplier by instituting legal
proceedings at any time when such legal proceedings
could have been instituted by the third party.”.

14. Section 28 of the principal Act is hereby amended by the
deletion of subparagraph (iii) of paragraph (a) and subparagraph
55 (iii) of paragraph (b) of subsection (2).

Amendment of
section 28 of
Act 56 of 1972.

15. Section 32 of the principal Act is hereby amended by the
substitution for paragraph (a) of subsection (1) of the following
paragraph:

Amendment of
section 32 of
Act 56 of 1972.

60 “(a) prescribing the powers and duties in connection with the
administration of this Act, which may be exercised or

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word of verrig moet word deur iemand wat 'n
gemagtigde amptenaar is soos omskryf in artikel 1 van
die **[Motortransportwet, 1930 (Wet No. 39 van
1930)]** Wet op Padvervoer, 1977 (Wet No. 74 van
1977):

5

Kort titel en
inwerkingtreding.

16. Hierdie Wet heet die Wysigingswet op Verpligte Motor-
voertuigversekering, 1978, en tree in werking op 'n datum wat die
Staatspresident by proklamasie in die *Staatskoerant* bepaal.

13. Section 36 of the principal Act is hereby amended by the
addition of the following paragraph to subsection (2), the existing
subsection becoming paragraph (a) thereof:
- (6) Where a supplier is by virtue of an agreement with a
third party the costs due to him in respect of the
payment of or any service rendered or goods supplied
to any person, the supplier shall, subject to the
provisions of section 32, be entitled to recover from the
third party as the third party would have been entitled
to recover from the insured motor vehicle owner, had
not the right of action hereby conferred may
be exercised by the supplier by instituting legal
proceedings at any time when such legal proceedings
could have been instituted by the third party.
14. Section 38 of the principal Act is hereby amended by the
deletion of paragraph (a) of paragraph (b) and subparagraph
(ii) of paragraph (c) of subsection (2).
15. Section 32 of the principal Act is hereby amended by the
substitution for paragraph (a) of the following
paragraph:
- (a) prescribing the powers and duties in connection with the
administration of this Act which may be exercised or

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shall be performed by any person who is an authorized officer as defined in section 1 of the **Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930)** Road Transportation Act, 1977 (Act No. 74 of 1977);''.

- 5 16. This Act shall be called the Compulsory Motor Vehicle Insurance Amendment Act, 1978, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

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shall be defined by any person who is an authorized
person as defined in section 1 of the Motor Vehicle
Transportation Act, 1936 (Act No. 39 of 1936) Road
Transportation Act, 1977 (Act No. 4 of 1977).

3. In this Act shall be called the Compulsory Motor Vehicle
Insurance Amendment Act, 1973, and shall come into operation
on a day fixed by the State President by proclamation in the
Gazette.