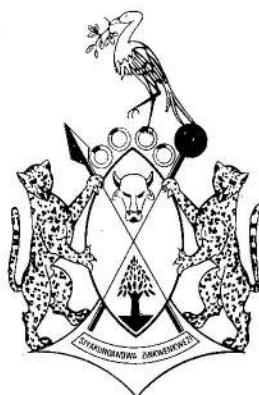


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<b>ISEBE LEZOTHUTHO</b>  <b>ISAZISO SIKARHULUMENTE SE-90 KU 1988</b>  <b>NGOKWENJENJE KUYAZISWA UKUBA UMO- NGAMELI UWUVUMILE UMTHETHO OLANDE- LAYO NOBHENGZWAYO APHA KUSAZISWA ULUNTU NGOKUBANZI:-</b>  <b>UMTHETHO OSISIHLOMELO WEENGOZI ZEZITHUTHI EZIZIMOTO, WOVE-1988</b>  <b>UMTHETHO NOMBOLO 29 WOVE-1988</b>			<b>DEPARTMENT OF TRANSPORT</b>  <b>GOVERNMENT NOTICE No. 90 OF 1988</b>  <b>IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY PUBLISHED FOR GENERAL INFORM- ATION</b>  <b><u>MOTOR VEHICLE ACCIDENTS AMENDMENT ACT, 1988</u></b>  <b>ACT No. 29 OF 1988</b>		

# UMTHETHO OSISIHLOMELO WEENGOZI ZEZITHUTHI EZIZIIMOTO WOWE-1988

## U M T H E T H O

Ukuhlomela uMthetho weeNgozi zeZithuthi eziziiMoto wowe-1986.

(Okubhalwe ngesiNgesi kusayinwe nguMongameli. Kwavunywa ngomhla we 9 Septemba 1988).

*MAKWENZIWE UMTHETHO yiNdlu yeNdibano yeSizwe yeRiphabliki yeCiskei, ngolu hlobo lulandelayo:*

1. Ukuhlonyelwa kweCandelo 1 loMthetho 28 wowe-1986 njengoko lihlonyelwe liCandelo 1 loMthetho 6 wowe-1987. - ICandelo 1 loMthetho weeNgozi zeZithuthi eziziiMoto wowe-1986 (ekubhekiselwe apho kulo Mthetho kamva njengoMthetho oyintloko) liyahlonyelwa ngoku —

(a) ngokufakela endaweni yenkcazelo-magama yeli gama "igunya lendawo" le nkcazelo-magama ilandelayo:

"igunya lendawo" lithetha igunya lendawo njengoko kuchaziwe kwiCandelo 1 loMthetho kaMasipala, wowe-1987 (uMthetho 17 wowe-1987); kwaye

(b) ngokufakelwa kwinkcazelo-magama yeli gama "imoto" le nkcazelo-magama ilandelayo:

"imoto" ithetha isithuthi esiyimoto esenzelwe okanye esilungiselelwe ukusa abantu abangekho ngaphezu kweshumi (kubandakanywa nomqhubi);".

2. Ukufakelwa kweCandelo 2 loMthetho 28 wowe-1986. - Eli candelo lilandelayo liyafakelwa ngoku ukuthatha indawo yecandelo 2 loMthetho oyintloko:

"2. Umqondiso wokuzazisa. - (1) (a) Kulawula amalungiselelo ecandelwana (2) akukho mntu uya kuqhuba isithuthi nakweyiphipina indawo ngaphandle kokuba umqondiso wokuzazisa okwifomu emiselweyo uncanyathiselwe kweso sithuthi ngendlela emiselweyo.

(b) Isicelo somqondiso wokuzazisa ekujongwe kuso kumhlathi (a) siya kwenziwa kwifomu emiselweyo kwiNgxowa-mali ye-CMVA eya kunikwa umqondiso onjalo kumceli, sizalisiwe ngokunjalo, ngaphandle kwentlawulo.

(2) Amalungiselelo ecandelwana (1) awayi kusebenza malunga nesithuthi esiyimoto —

(a) apho nawuphina umbuso okanye uRhulumente okanye uMongameli angumnini; okanye

(b) esibhaliswe kwindawo engaphandle kweRiphabliki ngokomthetho osebenzayo kuloo ndawo umntu oqhubayo okanye ovumela omnye ukuba aqhube isithuthi esinjalo wenze amalungiselelo anjalo njengoko kunokuba kumiselwe ukuqinisekisa ukuba imbuyekezo iya kuhlululwa nangayiphipina ilahleko enjalo okanye umonakalo njengoko kuchazwe kwiCandelo 8 enokubangelwa okanye ivele ngokuqhuba isithuthi esinjalo kwiRiphabliki; okanye

(c) esisetyenziswa ngokuphathelele kwilayisenisi yomthengisi-zimoto okanye ilayisenisi yothutho ngemoto njengoko kuchaziwe kumthetho onxulumene nokulayiseniswa kwezithuthi eziziiMoto, okanye

(d) esingafanelekanga ukuba silayiseniswe ngokomthetho onjalo.

(3) Nawuphina umntu owaphula amalungiselelo ecandelwana (1)(a) uya kuba netyala lolwaphulo-mthetho kwaye xa ethe wagwetywa uya kuthi ahlawule ifayini engekho ngaphezulu kwe-R100".

3. Isihlomelo seCandelo 6 loMthetho 28 wowe-1986, njengoko sihlonyelwa liCandelo 4 loMthetho wowe-1987. - ICandelo 6 loMthetho oyiNtloko ngoku liyahlonyelwa ngokufakelwa kwicandelwana (1) lomhlathi olandelayo:

"(a) iya kuphandwa okanye kuhlululwe, kujongwe kwimigaqo, ubizo-mbuyekezo olwenziwe kuyo ngelahleko okanye umonakalo ekubhekiselelwe kuyo kwiCandelo 8 olusuka ekuqhutyweni kwesithuthi kwimeko apho isazisi somnini okanye umqhubi waso ethe waziwa okanye kuqaliswe, ukwenziwa, ukukhuselwa okanye ukuyeka amanyathelo asemthethweni ngokuphathelele kumabango anjalo".

**4. Ukufakelwa kwaCandelo 8 loMthetho 28 wowe-1986, njengoko lihlonyelwe liCandelo 5 loMthetho 6 wowe-1987.** - Icandelo elilandelayo ukwenjenje liyafakelwa ukuthatha indawo yeCandelo 8 loMthetho oyiNtloko. —

**“8. Ubutyala beNgxowa-mali yeCMVA.** - (1) INgxowa-mali yeCMVA, iya kuthi kulawula amalungiselelo alo Mthetho nemigaqo, inyanzeleke ibuyekeze umntu nokuba ngubani (kulo Mthetho obizwa ngokuba ngumntu wesithathu) ngayo nayiphina ilahleko okanye umonakalo athe umntu wesithathu wawufumana ngenxa yako nakuphina ukwenzakala emzimbeni kuye okanye ukusweleka kwakhe okanye nakuphina ukwenzakala emzimbeni kwakhe nawuphina omnye umntu, kuyo nakweyiphina imeko ebangelwe okanye evele ekuqhutyweni kwesithuthi esiyimoto nguye nawuphina umntu nokuba ngubani kuyo nakweyiphina indawo kwiRiphabliki, ukuba ukwenzakala okanye ukusweleka kubangelwe kukungakhathali okanye esinye isenzo esingekho mthethweni somntu obeqhuba esi sithuthi siyimoto (kulo Mthetho obizwa ngokuba ngumqhubi) okanye sesomnini wesithuthi esiyimoto okanye umqeshwa wakhe esenza umsebenzi wakhe.

(2) Amalungiselelo ecandelwana (1) aya kusebenza kwakhona malunga nelahleko okanye umonakalo obangelwe okanye osukela ekuqhutyweni kwesithuthi esiyimoto kwiRiphabliki yoMzantsi Afrika okanye nakweliphina elinye ilizwe ebeliyinxalenye yaloo Riphabliki ngaphambili ukuba imvumelwano ibithe okanye kungenwe kuyo phakathi koRhulumente weRiphabliki norhulumente welo lizwe kubhekiselelwe kulo ngokuphathelele ekubeni iNgxowa-mali yeCMVA iyayamkela imfanelo yokusebenzisa amalungiselelo ecandelwana (1) kwelo lizwe kangangelo thuba nanjengoko ekunokuba okanye ekuvunyelwene ngalo.

(3) Akukho nzala iya kuhlawuleka kwisixa-mali sayo nayiphina imbuyekezo ethi inkundla iyinike nawuphina umntu wesithathu ngenxa yezibonelelo zecandelwana (1) ngaphandle kokuba iintsuku ezilishumi elinesine zigqithile ukususela kumhla wesigunyaziso esiphatheleleyo senkundla.

(4) Ekwenzeni nasiphina isigunyaziso ngokumayela neendleko zokwenza izabelo ezinjalo inkundla ingaqwalasela nawuphina umnikelo obhaliweyo ekuhlawuleni ubizo-mbuyekezo ekuthethwa ngalo kwiNgxowa-mali yeCMVA olwenziwe yiloo Ngxowa-mali phambi kokuba iisamani eziphathelele koko zinikezelwe kuyo.

(5) Apho ubizo-mbuyekezo phantsi kwecandelwana (1) —

(a) lubandakanya ubizo-mbuyekezo lweendleko zeendawo yokuhlala yexesha elizayo yakhe nawuphina umntu kwisibhedlele okanye kwikhaya lokonga okanye lonyango okanye zokunika uncdo okanye zokumbonelela ngempahla, iNgxowa-mali yeCMVA iya kuba negunya, emva kokunika umntu wesithathu ekuthethwa ngaye isithembiso esimayela noko okanye inkundla efanelekileyo iyalele ukuba iNgxowa-mali yeCMVA inike isithembiso esinjalo, ukubuyekeza umntu wesithathu malunga neendleko ezixeliweyo emva kokuba iindleko zenzekile kwaye kukho nobungqina boko.

(b) lubandakanya ubizo-mbuyekezo lwelahleko yengeniso yexesha elizayo okanye inkxaso, iNgxowa-mali yeCMVA iya kuba nelungelo, emva kokunika umntu wesithathu ekuthethwa ngaye isithembiso esimayela noko okanye inkundla efanelekileyo iyiyalelele ukuba inike isithembiso esinjalo, ukuhlawula isixa-mali esihlawulwa yiyo malunga nelahleko exeliweyo ngezavenge njengoko kuvunyelwene njalo.

(6) Apho umntu wesithathu anegunya kubizo-mbuyekezo ngokokweli candelo kwaye kwenzeke iindleko malunga nendawo yakhe yokuhlala okanye nawuphina omnye umntu kwisibhedlele okanye ikhaya lokonga okanye unyango okanye naluphina uncdo olunikiweyo okanye iimpahla azinikiweyo okanye nawuphina omnye umntu, umntu obonelele ngendawo yokuhlala okanye unyango okanye wanika uncdo okanye wabonelela ngeempahla (kule meko ubizwa ngokuba ngumboneleli) angabiza imbuyekezo yesixa-mali ngqo kwiNgxowa-mali yeCMVA kwifomu emiselweyo kwaye ubizo-mbuyekezo olunjalo luya kulawulwa *mutatis mutandis* ngamalungiselelo asebenzayo kubizo-mbuyekezo lomntu wesithathu ochaphazelekayo.

(7) INgxowa-mali yeCMVA ingenza intlawulo esisikhokeliso kumbizi-mbuyekezo kukhutshwa kwimbuyekezo njengoko kujongwe kwicandelwana (1), malunga neendleko zonyango nelahleko yengeniso”.

**5. Ukulungiswa kwaCandelo 9 loMthetho 28 wowe-1986, njengoko lihlonyelwe liCandelo 7 loMthetho 6 wowe-1987.** - ICandelo 9 loMthetho oyiNtloko ngokwenjenje liyalungiswa ngokufakelwa kwicandelwana (1) kwindawo yegama elithi “occurrence” kwitekisi yesiNgesi, naphina apho likho, kwegama elithi “occurrence”.

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**6. Ukulungiswa kweCandelo 14 loMthetho 28 wowe-1986, njengoko lihlonyelwe liCandelo 9 loMthetho 6 wowe-1987.** - ICandelo 14 loMthetho oyiNtloko ngokwenjenje liyalungiswa ngokufakelwa kumhlathi (b)(ii) wecandelwana (1) endaweni yebinzana elithi "UMthetho weMpilo yeNgqondo, wowe-1973 (UMthetho Nombolo 18 wowe-1973)" kwebinzana elithi "UMthetho weMpilo yeNgqondo, wowe-1986 (UMthetho 23 wowe-1986)".

**7. Ukulungiswa kweCandelo 15 loMthetho 28 wowe-1986 njengoko lihlonyelwe liCandelo 10 loMthetho 6 wowe-1987.** - ICandelo 15 loMthetho oyiNtloko ngokwenjenje liyahlonyelwa ngokufakelwa kwicandelwana (2)(a) kwindawo yamagama athi "provided for" kwitekisi yesiNgesi, igama elithi "provided".

**8. Ukulungiswa kweCandelo 17 loMthetho 28 wowe-1986.** - ICandelo 17 loMthetho oyiNtloko ngokwenjenje liyahlonyelwa ngokufakelwa kumhlathi (d) wecandelwana (1) kwindawo yamagama athi "ii-arhente ezalathelweyo" ibinzana elithi "iNgxowa-mali yeCMVA".

**9. Intloko emfutshane.** - Lo Mthetho uya kubizwa ngokuba nguMthetho oSisihlomelo weeNgozi zeZithuthi eziziiMoto, wowe-1988.

# MOTOR VEHICLE ACCIDENTS AMENDMENT ACT, 1988

## ACT

To amend the Motor Vehicle Accidents Act, 1986.

(English text signed by the President. Assented to on 9 September 1988).

*BE IT ENACTED by the National Assembly of the Republic of Ciskei, as follows:*

**1. Amendment of section 1 of Act 28 of 1986, as amended by Section 1 of Act 6 of 1987.** - Section 1 of the Motor Vehicle Accidents Act, 1986 (hereinafter in this Act referred to as the principal Act) is hereby amended —

(a) by the substitution for the definition of "local authority" of the following definition:  
"local authority" means a local authority as defined in section 1 of the Municipal Act, 1987 (Act 17 of 1987);" and

(b) by the substitution for the definition of "motor car" of the following definition:  
"motor car" means a motor vehicle designed or adapted for the conveyance of not more than ten persons (including the driver);"

**2. Substitution of section 2 of Act 28 of 1986.** - The following section is hereby substituted for section 2 of the principal Act:

"2. **Token of identification.** - (1) (a) Subject to the provisions of subsection (2) no person shall drive a motor vehicle in any place unless a token of identification in the prescribed form and containing the prescribed particulars is attached to that motor vehicle in the prescribed manner.

(b) Application for the token of identification contemplated in paragraph (a) shall be made in the prescribed form to the CMVA Fund which shall supply such token to the applicant.

(2) The provisions of subsection (1) shall not apply in respect of a motor vehicle —

(a) of which any state or government or the President is the owner; or

(b) which is registered at a place outside the Republic in terms of a law in force at that place if the person who drives or permits another person to drive such motor vehicle has made such provision as may have been prescribed to ensure that compensation will be paid for any such loss or damage as is mentioned in section 8 which may be caused by or arises out of the driving of such motor vehicle in the Republic; or

(c) which is used in accordance with a motor dealer's licence or a motor transport licence as defined in the law relating to the licensing of motor vehicles; or

(d) which is not required to be licensed in terms of such law.

(3) Any person who contravenes the provisions of subsection (1)(a) shall be guilty of an offence and liable on conviction to a fine not exceeding R100."

**3. Amendment of section 6 of Act 28 of 1986, as amended by section 4 of Act 6 of 1987.** - Section 6 of the principal Act is hereby amended by the insertion in subsection (1) of the following paragraph:

"(a) shall investigate or settle, subject to the regulations, claims made against it for loss or damage referred to in section 8 arising from the driving of a motor vehicle in the case where the identity of the owner or driver thereof has been established or to commence, conduct, defend or abandon legal proceedings in connection with such claims."

**4. Substitution of section 8 of Act 28 of 1986, as amended by section 5 of Act 6 of 1987.** - The following section is hereby substituted for section 8 of the principal Act. —

"8. **Liability of CMVA Fund.** - (1) The CMVA Fund shall, subject to the provisions of this Act and the regulations, be obliged to compensate any person whomsoever (in this Act called the third party) for any loss or damage which the third party has suffered as a result of any bodily injury to himself or the death of or any bodily injury to any other person, in either case caused by or arising out of the driving of a motor vehicle by any person whomsoever at any place in the Republic, if the injury or death is due to the negligence or other unlawful act of the person who drove the motor vehicle (in this Act called the driver) or of the owner of the motor vehicle or his servant in the execution of his duty.

## MOTOR VEHICLE ACCIDENTS AMENDMENT ACT, 1988

(2) The provisions of subsection (1) shall also apply in respect of loss or damage resulting from or arising out of the driving of a motor vehicle in the Republic of South Africa or in any other state which previously formed part of that Republic if an agreement has been or is entered into between the Government of the Republic and the government of the state concerned in accordance with which the CMVA Fund accepts liability to apply the provisions of subsection (1) in that state for such period as may have been or may be agreed upon.

(3) 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 fourteen days have elapsed from the date of the relevant order of the court.

(4) In making 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 the CMVA Fund made by that Fund before the relevant summons was served on it.

(5) Where a claim for compensation under subsection (1) —

(a) includes a claim for the costs of the future accommodation of any person in a hospital or nursing home or of treatment of or rendering of a service or of supplying goods to him, the CMVA Fund shall be entitled, after furnishing the third party in question with an undertaking to that effect or a competent court has directed the CMVA Fund 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 CMVA Fund shall be entitled, after furnishing the third party in question with an undertaking to that effect or a competent court has directed it to furnish such undertaking, to pay the amount payable by it in respect of the said loss in instalments as agreed upon.

(6) Where a third party is entitled to compensation in terms of this section and has incurred costs in respect of accommodation of himself or any other person in a hospital or nursing home or the treatment of or any service rendered or goods supplied to himself or any other person, the person who provided the accommodation or treatment or rendered the service or supplied the goods (in this case called the supplier) may claim the amount direct from the CMVA Fund in the prescribed form and such a claim shall be subject *mutatis mutandis* to the provisions applicable to the claim of the third party concerned.

(7) The CMVA Fund may make an advance payment to the claimant, out of the compensation contemplated in subsection (1), in respect of medical costs and loss of income."

**5. Amendment of section 9 of Act 28 of 1986, as amended by section 6 of Act 6 of 1987.** - Section 9 of the principal Act is hereby amended by the substitution in subsection (1) for the word "occurence", wherever it occurs, of the word "occurrence".

**6. Amendment of section 14 of Act 28 of 1986, as amended by section 9 of Act 6 of 1987.** - Section 14 of the principal Act is hereby amended by the substitution in paragraph (b)(ii) of subsection (1) for the expression "Mental Health Act, 1973 (Act No. 18 of 1973)" of the expression "Mental Health Act, 1986 (Act 23 of 1986)".

**7. Amendment of section 15 of Act 28 of 1986, as amended by section 10 of Act 6 of 1987.** - Section 15 of the principal Act is hereby amended by the substitution in subsection (2)(a) for the words "provided for" of the word "provided".

**8. Amendment of section 17 of Act 28 of 1986.** - Section 17 of the principal Act is hereby amended by the substitution in paragraph (d) of subsection (1) for the words "appointed agents" of the expression "the CMVA Fund".

**9. Short title.** - This Act shall be called the Motor Vehicle Accidents Act, 1988.

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