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GOVERNMENT GAZETTE

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KAAPSTAD, 9 SEPTEMBER 1998

OFFICE OF THE PRESIDENT

No. 1161.

9 September 1998

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

No. 51 of 1998: Insurance Second Amendment Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 1161.

9 September 1998

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

No. 51 van 1998: Tweede Wysigingswet op Versekeringswet, 1998.

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To amend the Insurance Act, 1943, so as to provide for the circumstances under which a domestic insurer may hold shares in its holding company; and to provide that a domestic insurer may be converted into a public company having a share capital; and to provide for matters connected therewith.

*(English text signed by the President.)
(Assented to 9 September 1998.)*

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Insertion of section 19A in Act 27 of 1943

1. The following section is hereby inserted after section 19 of the Insurance Act, 1943:

“Circumstances under which domestic insurer may hold shares in its holding company 5

19A. (1) If the assets which a domestic insurer holds in respect of its long-term insurance business in any of its policyholder funds include shares in its holding company—

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| <ul style="list-style-type: none"> (a) such shares shall, for the purposes of section 39(2) of the Companies Act, 1973 (Act No. 61 of 1973), be deemed to be held by the said insurer in a representative capacity or as a trustee for the sole benefit of the owners of the policies for which the relevant policyholder fund exists; (b) such shares shall only be held by the said insurer with the prior approval of the registrar and subject to such conditions as the registrar may impose; and (c) the said insurer shall not have the right to vote at meetings of the relevant holding company or at meetings of any class of members thereof. | 10
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| (2) For the purposes of subsection (1)— | |
| <ul style="list-style-type: none"> (a) ‘holding company’ means a holding company as defined in section 1 of the Companies Act, 1973; and (b) ‘policyholder fund’ means a fund referred to in paragraph (a), (b) or (c) of section 29(4) of the Income Tax Act, 1962 (Act No. 58 of 1962). ”. | |

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
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WET

Tot wysiging van die Versekeringswet, 1943, ten einde voorsiening te maak vir die omstandighede waarin 'n binnelandse versekeraar aandele in sy houermaatskappy mag hou; en daarvoor voorsiening te maak dat 'n binnelandse versekeraar in 'n publieke maatskappy met 'n aandelekapitaal omskep kan word; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 9 September 1998.)*

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Invoeging van artikel 19A in Wet 27 van 1943

1. Die volgende artikel word hierby na artikel 19 van die Versekeringswet, 1943, 5 ingevoeg:—

"Omstandighede waarin binnelandse versekeraar aandele in sy houermaatskappy mag hou

- 10 **19A.** (1) Indien die bates wat 'n binnelandse versekeraar ten opsigte van sy langtermynversekeringsbesigheid in enige van sy polishouerfondse hou, aandele in sy houermaatskappy insluit—
- 15 (a) word sodanige aandele, by die toepassing van artikel 39(2) van die Maatskappywet, 1973 (Wet No. 61 van 1973), geag gehou te word deur bedoelde versekeraar in 'n verteenwoordigende hoedanigheid of as trustee vir die uitsluitlike voordeel van die eienaars van die polisse waarvoor die betrokke polishouerfonds bestaan;
- 20 (b) word sodanige aandele slegs deur bedoelde versekeraar gehou met die voorafgaande goedkeuring van die registrator en onderworpe aan die voorwaardes wat die registrator ople; en
- (c) het bedoelde versekeraar nie die reg om op vergaderings van die betrokke houermaatskappy of op vergaderings van enige klas lede daarvan te stem nie.
- (2) By die toepassing van subartikel (1) beteken—
- (a) 'houermaatskappy' 'n houermaatskappy soos in artikel 1 van die Maatskappywet, 1973, omskryf; en
- 25 (b) 'polishouerfonds' 'n fonds in paragraaf (a), (b) of (c) van artikel 29(4) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), bedoel.”.

Substitution of section 25 of Act 27 of 1943, as amended by section 22 of Act 73 of 1951, section 8 of Act 39 of 1969, section 10 of Act 103 of 1979, section 11 of Act 99 of 1980, section 1 of Act 54 of 1991, section 4 of Act 83 of 1992 and section 8 of Act 104 of 1993

2. The following section is hereby substituted for section 25 of the Insurance Act, 5
1943:

"Amalgamation or transfer of insurance business or conversion of domestic insurer

25. (1) A proposed amalgamation of the whole or any part of any business carried on by a domestic insurer with the whole or any part of any business carried on by any other person (irrespective of whether that other person does [or does not] carry on insurance business or not) or a proposed transfer of the whole or any part of any business from a domestic insurer to such other person or the proposed transfer of the whole or any part of any business from such other person to a domestic insurer or a proposed conversion of a domestic insurer which is not a company having a share capital into a public company having a share capital shall not be of any force or effect unless the transaction in respect of the amalgamation, [or] transfer or conversion has been confirmed—

- (a) except in the case of a transfer contemplated in section 25A, by the court, if any party to the transaction in question is or was carrying on long-term insurance business in the Republic immediately before the commencement of or during the transaction;
- (b) by the registrar, if no party to the transaction is or was carrying on long-term insurance business in the Republic immediately before the commencement of or during the transaction;
- (c) in the case of a transfer contemplated in section 25A, by the registrar.

(2) A domestic insurer who is a party to a transaction to which subsection (1)(a) applies shall, before application is made to the court for the confirmation of the transaction, and a domestic insurer who is a party to a transaction to which subsection (1)(b) or [(1)](c) applies shall, prior to or simultaneously with the application to the registrar for confirmation of the transaction, furnish the registrar with a copy of the scheme for the proposed amalgamation, [or] transfer or conversion and with a copy of every report or statement upon on which the scheme is based or which is taken into account for the purposes of the scheme, and any party to the transaction in question shall thereafter at the request of the registrar furnish the latter with such other information particulars relating to the scheme as the registrar may specify require and as may be available to the relevant party [concerned].

(3) The registrar may appoint a competent person (who shall be an independent actuary if subsection (1)(a) or [(1)](c) applies to the transaction in question) to investigate and report upon on the said scheme. The parties to the transaction shall bear in equal shares the cost, or if there is only one party, that party shall bear the full cost, of that investigation and report and of any copy of the report which the registrar may have deemed consider desirable to send to the said parties or party, and the court or the registrar shall not confirm the transaction unless the said cost has been paid or guaranteed to the satisfaction of the registrar.

(4) On the direction of the registrar any party to the [proposed] transaction in question shall send to every owner of a policy under which the party is liable and to every shareholder or creditor of any business under

Vervanging van artikel 25 van Wet 27 van 1943, soos gewysig deur artikel 22 van Wet 73 van 1951, artikel 8 van Wet 39 van 1969, artikel 10 van Wet 103 van 1979, artikel 11 van Wet 99 van 1980, artikel 1 van Wet 54 van 1991, artikel 4 van Wet 83 van 1992 en artikel 8 van Wet 104 van 1993

5 2. Artikel 25 van die Versekeringswet, 1943, word hierby deur die volgende artikel vervang:

“Samesmelting of oordrag van versekeringsbesigheid of omskepping van binnelandse versekeraar

10 25. (1) 'n Voorgenome samesmelting van die geheel of 'n gedeelte van 'n besigheid gedryf deur 'n binnelandse versekeraar met die geheel of 'n gedeelte van die een of ander besigheid gedryf deur enige ander persoon ([onverskillig] ongeag of daardie ander persoon [al dan nie] versekeringsbesigheid dryf al dan nie) of 'n voorgenome oordrag van die geheel of 'n gedeelte van 'n besigheid van 'n binnelandse versekeraar aan so 'n ander persoon of die voorgenome oordrag van die geheel of 'n gedeelte van die een of ander besigheid van so 'n ander persoon aan 'n binnelandse versekeraar of 'n voorgenome omskepping van 'n binnelandse versekeraar wat nie 'n maatskappy met 'n aandelekapitaal is nie in 'n publieke maatskappy met 'n aandelekapitaal is van geen krag nie tensy die regshandeling ten opsigte van die samesmelting, [of] oordrag of omskeping bekragtig is—

15 (a) behalwe in die geval van 'n oordrag beoog in artikel 25A, deur die hof, indien enige party [in] by die betrokke regshandeling langtermynversekeringsbesigheid in die Republiek dryf of gedryf het onmiddellik voor die aanvang van of gedurende die regshandeling;

20 (b) deur die registrateur, indien geen party [in] by die regshandeling onmiddellik voor die aanvang van of gedurende die regshandeling langtermynversekeringsbesigheid in die Republiek dryf of gedryf het nie;

25 (c) in die geval van oordrag beoog in artikel 25A, deur die registrateur.

30 (2) 'n Binnelandse versekeraar wat 'n party is [in] by 'n regshandeling waarop subartikel (1)(a) van toepassing is, moet voordat by die hof aansoek gedoen word om bekragtiging van die regshandeling, en 'n binnelandse versekeraar wat 'n party is [in] by 'n regshandeling waarop subartikel (1)(b) of [(1)](c) van toepassing is, moet voordat by die registrateur aansoek gedoen word om bekragtiging van die regshandeling, of gelykydig met die aansoek, aan die registrateur 'n afskrif verstrek van die [plan van] skeema vir die voorgenome samesmelting, [of] oordrag of omskepping en 'n afskrif van elke verslag of staat waarop die [plan] skeema gegronde is of wat in verband met die [plan] skeema in aanmerking geneem word, en elke party [in] by die betrokke regshandeling moet daarna aan die registrateur op sy versoek [sodanige] die ander [gegewens] besonderhede met betrekking tot die [plan] skeema verstrek [as] wat die registrateur [mag bepaal] vereis en die betrokke party tot sy beskikking mag hê.

35 (3) Die registrateur kan 'n bevoegde persoon (wat 'n onafhanklike aktuaris moet wees [ingeval] indien subartikel (1)(a) of [(1)](c) op die betrokke regshandeling van toepassing is) aanstel om bedoelde [plan] skeema te ondersoek en daaroor verslag [uit te bring] te doen. Die partye [in] by die regshandeling dra gelykop die koste, of indien daar slegs een party is, dra daardie party die volle koste, van daardie ondersoek en verslag en van enige afskrif van die verslag wat die registrateur wenslik [geag het] ag om aan bedoelde partye of party te stuur, en die hof of die registrateur [mag] bekragtig nie die regshandeling nie [bekragtig nie] tensy bedoelde koste betaal of tot genoeë van die registrateur gewaarborg is.

40 (4) Op las van die registrateur moet enige party [in die voorgenome] by die betrokke regshandeling 'n afskrif van bedoelde [plan] skeema en van enige verklaring of verslag in subartikel (2) of (3) [bedoel] vermeld, stuur aan elke eienaar van 'n polis uit kragte waarvan die party aanspreek-

his control, to which the said scheme relates, a copy of the scheme and of any statement or report mentioned in subsection (2) or (3).

(5) The court or the registrar shall not confirm the transaction in question unless every party thereto who has a principal [office] or head office in the Republic has—

- (a) throughout the period of [twenty-one] 21 days which commenced not more than [ninety] 90 days and not less than [thirty] 30 days before the date upon which application is made to the court (if subsection (1) (a) applies in connection with the transaction); or
- (b) throughout any period of [twenty-one] 21 days which the registrar [deems] considers suitable (if subsection (1)(b) or [(1)](c) applies in connection with the transaction), made available, at the said office, free of charge, to any owner of a policy, shareholder or creditor mentioned in subsection (4), for his inspection, a copy of each of the documents mentioned in subsection (4). 10 15

(6) The court or the registrar shall not confirm the transaction in question unless any person who is a party thereto has, upon a date not less than ten days and not more than [thirty] 30 days before the commencement of the period of [twenty-one] 21 days mentioned in subsection (5), caused to be published in the *Gazette* and in such newspaper or newspapers as the 20 registrar may direct, a notice—

- (a) indicating the nature of the said scheme; and
- (b) stating that the relevant party or parties intend to apply to the court or to the registrar, as the case may be, for confirmation of the transaction; and
- (c) stating the date and hour when, and the place where, the application will be made (if subsection (1)(a) applies to the transaction); and
- (d) indicating the place or places where, and specifying the period during which, the documents mentioned in subsection (5) (which shall be specified in the notice) will be available for inspection [in terms of] in accordance with subsection (5). 30 25

(7) The registrar, or any person representing the registrar, and any owner of a policy, shareholder or creditor affected or likely to be affected by the said scheme, shall be entitled to appear and to be heard on any application to the court [under] in terms of this section, and may make an application to the court on any matter in connection with the scheme. 35

(8) (a) On an application to the court for confirmation of the transaction in question, the court may confirm the transaction as proposed or with such modifications as the court may think fit to make.

(b) If a domestic insurer which is not a company having a share capital applies to the court for confirmation of a transaction or combination of transactions in respect of a scheme which proposes or is in connection with the demutualisation of the said insurer, such scheme may include, and the court may confirm, the following matters, namely— 40 45

- (i) the allotment, issue or transfer to any person by any party to such scheme of shares in the said insurer or in a company which is to become the holding company of any such party, whether in substitution for membership of the said insurer or otherwise;
- (ii) the cessation of membership of the said insurer;
- (iii) the date on which such scheme takes effect, which date may be a date before or after the date of confirmation by the court. 50

(9) On an application to the registrar for confirmation of the transaction in question, the registrar may confirm the transaction as proposed, or he may suggest that the relevant party or parties [concerned] modify the

lik is, en aan elke aandeelhouer of skuldeiser van 'n besigheid onder sy beheer, waarop die [plan] skema betrekking het.

(5) Die hof of die registrator bekratig nie die betrokke regshandeling nie tensy elke party daarby betrokke [party] wat 'n hoofkantoor in die Republiek het—

(a) gedurende 'n tydperk van [een-en-twintig] 21 dae wat begin het [nie meer as negentig] hoogstens 90 dae en [nie minder as dertig dae nie] minstens 30 dae voor die datum waarop aansoek by die hof gedoen word ([ingeval] indien subartikel (1)(a) in verband met die regshandeling van toepassing is); of

(b) gedurende enige tydperk van [een-en-twintig] 21 dae wat die registrator geskik ag ([ingeval] indien subartikel (1)(b) of [(1)](c) in verband met die regshandeling van toepassing is),

'n afskrif van elk van die in subartikel (4) [bedoelde] vermelde dokumente [op] by bedoelde kantoor gratis ter insae beskikbaar gestel het aan enige in subartikel (4) [bedoelde] vermelde poliseienaar, aandeelhouer of skuldeiser.

(6) Die hof of die registrator bekratig nie die betrokke regshandeling nie tensy 'n persoon wat as party daarby betrokke is, op 'n datum [nie minder as] minstens tien dae en [nie meer as dertig dae nie] hoogstens 30 dae voor die begin van die tydperk van [een-en-twintig] 21 dae in subartikel (5) [bedoel] vermeld, 'n kennisgewing in die Staatskoerant en in ['n] die nuusblad of nuusblaie wat [deur] die registrator [voorgeskryf mag word] gelas, laat verskyn het waarin—

(a) die aard van bedoelde [plan] skema aangedui word; en

(b) verklaar word dat die betrokke party of partie voornemens is om by die hof of by die registrator, na gelang van die geval, aansoek te doen om bekratiging van die regshandeling; en

(c) vermeld word die dag en tyd wanneer, en die plek waar, die aansoek gedoen sal word (indien subartikel (1)(a) op die regshandeling van toepassing is); en

(d) vermeld word die plek of plekke waar, en die tydperk [gedurende welke] waartydens, die in subartikel (5) [bedoelde] vermelde dokumente (wat in die kennisgewing [opgenoem] vermeld moet word) ooreenkomsdig subartikel (5) ter insae beskikbaar sal wees.

(7) Die registrator, of iemand wat die registrator verteenwoordig, en enige poliseienaar, aandeelhouer of skuldeiser wat deur bedoelde [plan] skema geraak word of waarskynlik geraak sal word, het die reg om by enige aansoek by die hof ingevolge hierdie artikel te verskyn en [verhoor] aangehoor te word, en kan 'n aansoek tot die hof rig omtrent enige met die [plan] skema verbonde aangeleenthed.

(8) (a) By 'n aansoek by die hof om bekratiging van die betrokke regshandeling kan die hof die regshandeling bekratig soos [voorgenome] voorgestel of met [sulke] die wysigings [as] wat die hof wenslik ag om aan te bring.

(b) Indien 'n binnelandse versekeraar wat nie 'n maatskappy met 'n aandelekapitaal is nie by die hof aansoek doen om bekratiging van 'n regshandeling of kombinasie regshandeling ten opsigte van 'n skema wat die demutualisering van bedoelde versekeraar voorstel of in verband daarmee is, kan so 'n skema die volgende aangeleenthede insluit, en kan die hof dit bekratig, naamlik—

(i) die toewysing, uitreiking of oordrag aan enige persoon deur enige party by so 'n skema van aandele in bedoelde versekeraar of in 'n maatskappy wat die houermaatskappy van so 'n party staan te word, hetsy ter vervanging van lidmaatskap van bedoelde versekeraar of andersins;

(ii) die beëindiging van lidmaatskap van bedoelde versekeraar;

(iii) die datum waarop so 'n skema van krag word, welke datum 'n datum voor of na die datum van bekratiging deur die hof mag wees.

(9) By 'n aansoek aan die registrator om bekratiging van die betrokke regshandeling, kan die registrator dit bekratig soos [voorgenome] voorgestel, of [hy] kan hy voorstel dat die betrokke party of partie die

[proposed] transaction in certain respects, and if [they] the party or parties do so, he may confirm the transaction as modified or he may decline to confirm it.

(10) If the registrar has declined to confirm the [proposed] transaction, the relevant party or parties [thereto] may make an application to the court for confirmation of the [proposed] transaction, and thereupon the provisions of subsections (7) and (8) shall apply.

(11) [A transaction confirmed by the court or by the registrar in accordance with this section shall be binding on all persons, and shall have effect] A domestic insurer may propose, conclude or give effect to any transaction or combination of transactions contemplated in this section notwithstanding anything provided or not provided in the law, memorandum or other document under which any party to the relevant transaction or transactions is constituted or in the articles of association or other rules of any such party, and the transaction or combination of transactions, if confirmed by the court or by the registrar under this section, shall have legal force and be binding on all persons.

(12) When a transaction has been confirmed as aforesaid, the person controlling the amalgamated business or the person to whom any business has been transferred by the transaction or the domestic insurer converted thereunder, as the case may be, shall within [sixty] 60 days as from the date of confirmation by the registrar or the date on which the transaction takes effect in terms of the order of court confirming it, as the case may be, furnish the registrar with—

(a) a statement of the assets and liabilities of every party to the transaction—

(i) as at the close of business immediately preceding the date on which [the amalgamation or transfer takes effect in terms of] the transaction takes effect; and

(ii) as at the commencement of business on [such] the said date, which statement shall be attested by the auditor of [the party concerned] any such party as exhibiting truly and fairly the said assets and liabilities according to the books and records of that party, and any other [information] particulars which may be necessary for that purpose; and

(b) a copy, certified by the registrar of the court, of the transaction as confirmed by the court and of the order of court confirming the transaction (if the transaction was confirmed by the court); and

(c) a declaration signed by the chairman of every such party, and, if a foreign insurer is such a party, by [his] its public officer in the Republic, that to the best of his belief every payment made or to be made or other valuable consideration given or to be given to any person whatsoever on account of the amalgamation, [or] transfer or conversion is fully set forth in the transaction as confirmed.

(13) Any arrangement entered into between two or more insurers whereby a liability of any one of such insurers towards owners of policies is to be substituted for a liability of any other such insurer towards such owners (whether or not the liability of the first-mentioned insurer is expressed in or created by the said policies or by new policies, or the terms of such new policies are the same as or different from the terms of the original policies), shall be deemed for the purposes of this section to be a scheme for the transfer of the insurance business in question, unless the registrar has expressed himself satisfied that the said owners of policies have been or will be made aware of the nature of [such] the substitution and have signified or will signify their consent thereto in writing.

(14) (a) If [in terms of] in accordance with this section any business of any insurer has been amalgamated with any business of any other insurer or transferred to any other insurer, every officer (including any Registrar of Deeds, any Master of the Supreme Court and the Registrar of Companies)

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[voorgenome] regshandeling in sekere opsigte wysig, en indien [hulle] die party of partye dit doen, kan hy die regshandeling soos gewysig, bekragtig of [hy kan] kan hy weier om dit te bekragtig.

(10) Indien die registerieur geweier het om die [voorgenome] regshandeling te bekragtig, kan die betrokke party of partye by die hof aansoek doen om bekragtiging van die regshandeling, en in so 'n geval is die bepalings van subartikels (7) en (8) van toepassing.

(11) ['n Regshandeling wat deur die hof of deur die registerieur ooreenkomstig hierdie artikel bekragtig is, verbind iedereen, en is van krag] 'n Binnelandse versekeraar kan 'n regshandeling of kombinasie regshandelinge beoog in hierdie artikel voorstel, aangaan of uitvoer, ondanks enigiets bepaal of nie bepaal nie in die wet, akte van oprigting of ander dokument uit kragte waarvan 'n party [in die] by die betrokke regshandeling of regshandelinge opgerig is of in die statute of ander reglement van so 'n party, en die regshandeling of kombinasie regshandelinge, indien deur die hof of deur die registerieur kragtens hierdie artikel bekragtig, het regskrag en alle persone is daaraan gebonde.

(12) Wanneer 'n regshandeling soos voormeld bekragtig is, moet die persoon wat die saamgesmelte besigheid bestuur of die persoon aan wie 'n besigheid deur die regshandeling oorgedra is of die binnelandse versekeraar wat daarkragtens omskep is, na gelang van die geval, binne [sestig] 60 dae vanaf die datum van bekragtiging deur die registerieur of die datum waarop die regshandeling van krag word ingevolge die bevel van die hof waarby dit bekragtig word, na gelang van die geval, aan die registerieur verstrek—

(a) 'n staat van die bate en laste van elke [sodanige] party by die regshandeling—

(i) by die afsluiting van besigheid onmiddellik voor die datum waarop [die samesmelting of oordrag ingevolge] die regshandeling van krag word; en

(ii) by die aanvang van besigheid op bedoelde datum, en daardie staat moet deur die ouditeur van [die betrokke] so 'n party gewaarmerk wees as 'n ware en billike weergawe van [die] genoemde bate en laste volgens die boeke en rekords van daardie party, en enige ander [inligting] besonderhede wat vir daardie doel nodig is; en

(b) 'n deur die griffier van die hof gesertifiseerde afskrif van die regshandeling soos deur die hof bekragtig en van die [bevelskrif] bevel van die hof waarby die regshandeling bekragtig is (indien die regshandeling deur die hof bekragtig is); en

(c) 'n verklaring onderteken deur die voorsitter van elke sodanige party, en, indien 'n buitelandse versekeraar so 'n party is, deur sy openbare amptenaar in die Republiek, dat hy werklik glo dat elke betaling wat gemaak is of gemaak moet word of ander geldwaardige teenprestasie wat gegee is of gegee moet word aan wie ook al in verband met die samesmelting, [of] oordrag of omskepping, volledig uiteengesit word in die regshandeling soos bekragtig.

(13) Elke reëling tussen twee of meer versekeraars aangegaan, ingevolge waarvan 'n aanspreeklikheid van enige van daardie versekeraars teenoor eienaars van polisse in die plek van 'n aanspreeklikheid van 'n ander een van daardie versekeraars teenoor sodanige eienaars gestel staan te word (hetby die aanspreeklikheid van eersbedoelde versekeraar deur bedoelde polisse of nuwe polisse verklaar of geskep word, of die bepalings van [daardie] sodanige nuwe polisse dieselfde is as of verskil van die bepalings van die oorspronklike polisse, al dan nie), word by die toepassing van hierdie artikel geag 'n skema vir die oordrag van die betrokke versekeringsbesigheid te wees, tensy die registerieur homself daarvan oortuig verklaar het dat bedoelde eienaars van polisse omtrent die aard van die [oordrag] vervanging ingelig is of sal word en skriftelik hul instemming daarmee te kenne gegee het of sal gee.

(14) (a) Indien enige besigheid van 'n versekeraar [ingevolge] ooreenkomstig hierdie artikel met enige besigheid van 'n ander versekeraar saamgesmelt het of aan 'n ander versekeraar oorgedra is, moet elke amptenaar (met inbegrip van 'n Registrateur van Aktes, 'n Meester van die

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in charge of any office in which property or any mortgage or other right is registered in the name of or [by] in favour of the first-mentioned insurer or an appointment of or [in favour of] by the first-mentioned insurer was made or a licence was issued to or in favour of the first-mentioned insurer, upon production to him of a certificate in which the registrar states that he or the court, as the case may be, confirmed the amalgamation or transfer [in terms of] under this section and upon production to him of the title deed, mortgage bond, deed, certificate, letter of appointment, licence or other document in question, shall make such endorsement thereon and such entries in his registers or other books as may be necessary to effect or record the transfer of the property, mortgage, other right, appointment or licence in question to the amalgamated business or the insurer to whom any business was transferred, as the case may be, and no transfer or stamp duty or registration, licence or other fees shall be payable in respect of any endorsement or entry made as aforesaid.

(b) The provisions of paragraph (a) shall, with the necessary changes, apply in respect of a domestic insurer which has been converted in accordance with this section into a public company having a share capital.

(15) Any domestic insurer converted in accordance with this section shall continue its corporate existence in the form of a public company incorporated under the Companies Act, 1973 (Act No. 61 of 1973), and the Registrar of Companies shall register its memorandum and articles in accordance with section 63 of the said Act.”.

Short title

3. This Act shall be called the Insurance Second Amendment Act, 1998.

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Hooggeregshof en die Registrateur van Maatskappye) aan die hoof van 'n kantoor waarin goed of 'n verband of ander reg in die naam van of ten gunste van eersbedoelde versekeraar geregistreer is of 'n aanstelling van of deur eersbedoelde versekeraar gedoen is of 'n lisensie aan of ten gunste van eersbedoelde versekeraar uitgereik is, by voorlegging aan hom van 'n sertifikaat waarin die registrateur verklaar dat hy of die hof, [al] na gelang van die geval, die samesmelting of oordrag [ingevolge] kragtens hierdie artikel bekratig het en by voorlegging aan hom van die betrokke titelbewys, verbandakte, akte, sertifikaat, aanstellingsbrief, lisensie of ander dokument, die endossemente daarop maak en die inskrywings in sy registers of ander boeke maak wat nodig is om die oordrag van die betrokke goed, verband, ander reg, aanstelling of lisensie aan die saamgesmelte besigheid of die versekeraar aan wie enige besigheid oorgedra is, [al] na gelang van die geval, te bewerkstellig of aan te teken, en geen here-of seëlregte of registrasie-, lisensie- of ander gelde is betaalbaar ten opsigte van enige endossement of inskrywing wat aldus gemaak is nie.

(b) Die bepalings van paragraaf (a) is, met die nodige veranderinge, van toepassing ten opsigte van 'n binnelandse versekeraar wat ooreenkomstig hierdie artikel in 'n publieke maatskappy met 'n aandelekapitaal omskep is.

(15) Enige binnelandse versekeraar ooreenkomstig hierdie artikel omskep, behou sy regspersoonlikheid in die vorm van 'n publieke maatskappy wat kragtens die Maatskappylwet, 1973 (Wet No. 61 van 1973), ingelyf is, en die Registrateur van Maatskappye moet sy akte en statute ooreenkomstig artikel 63 van genoemde Wet registreer.”.

Kort titel

3. Hierdie Wet heet die Tweede Wysigingswet op Versekering, 1998.

