

Mr. J. H. de Villiers

EXTRAORDINARY



BUITENGEWONE

THE UNION OF SOUTH AFRICA

Government Gazette

Staatskroerant

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OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 1966.]

[27th July, 1951.

It is hereby notified that His Excellency the Governor-General has been pleased to assent to the following Acts which are hereby published for general information:—

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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 1966.]

[27 Julie 1951.

Hierby word bekendgemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette wat hierby ter algemene inligting gepubliseer word:—

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No. 71, 1951.]

ACT

To consolidate and amend the laws relating to the immunities and privileges of representatives of other heads of states or governments, to provide for the immunities and privileges of delegates to international conferences and of members and officials of certain international organizations and institutions, and to provide for matters incidental thereto.

(Afrikaans text signed by the Governor-General.)
(Assented to 2nd July, 1951.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. In this Act, unless inconsistent with the context—

- (i) “diplomatic agent” means the public representative of any other head of state or government duly accredited to the Union as an ambassador, high commissioner, envoy extraordinary and minister plenipotentiary, a minister resident or a chargé d'affaires; (i)
- (ii) “family” means the wife or husband, as the case may be, the minor children, and any other relative approved by the Minister for the purposes of this Act, of any person mentioned in sub-section (1) of section two, or of a member of the staff of any such person; (ii)
- (iii) “local authority” means any such institution or body as is contemplated by paragraph (vi) of section eighty-five of the South Africa Act, 1909; (vi)
- (iv) “Minister” means the Minister of External Affairs; (iv)
- (v) “person” includes any public international organization or public international institution of which the Union is a member, and such an organization or institution shall, to the extent consistent with the instrument creating it, be vested in the Union with the legal capacities of a body corporate; (v)
- (vi) “staff” means counsellors, secretaries, attachés, advisers, chancellors, archivists, stenographers, typists and other persons approved by the Minister, who take part in the diplomatic work of a diplomatic mission, provided the aforementioned persons are employed exclusively for the purposes of the mission; (vii)
- (vii) “suite” in relation to any Head of State, diplomatic agent or other representative of or visitor from another sovereign or state means his family, the members of his staff and their families. (iii)

Immunity of heads of state, diplomatic agents and certain other persons from jurisdiction of courts.

2. (1) Save as provided in section three, the following persons shall be immune from the civil and criminal jurisdiction of the courts of the Union—

- (a) heads of state;
- (b) diplomatic agents;
- (c) any special envoy from another state, subject to the terms of any agreement governing the mission of such envoy;
- (d) any public international organization or public international institution of which the Union is a member, the members, agents or officers of and the delegates to such organizations or institutions, and the permanent representatives of other Governments to such organizations or institutions, together with their wives and minor children, to the extent prescribed in any Convention or Agreement to which the Union Government is a party;
- (e) representatives of any government attending any international conference; to the extent prescribed in any Convention or Agreement to which the Union Government is a party;

No. 71, 1951.]

WET

Tot samevatting en wysiging van die wette op die immuniteteit en voorregte van verteenwoordigers van ander hoofde van state of regerings, om voorsiening te maak vir die immuniteteit en voorregte van afgevaardigdes na internasionale konferensies en van lede en beampies van sekere internasionale organisasies en instellings, en om voorsiening te maak vir daarmee in verband staande aangeleenthede.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 2 Julie 1951.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Tensy dit met die samehang onbestaanbaar is, beteken in Woordbepaling hierdie Wet—

- (i) „diplomatieke agent” die openbare verteenwoordiger van 'n ander hoof van staat of regering behoorlik by die Unie geakkrediteer as 'n ambassadeur, 'n hoë kommissaris, 'n buitengewone gesant en gevollmachtige minister, 'n minister-resident of 'n saakgelastigde; (i)
- (ii) „familie” die eggenote of eggenoot, na gelang van die geval, die minderjarige kinders, en enige ander verwant deur die Minister vir die doeleinades van hierdie Wet goedgekeur, van 'n in sub-artikel (1) van artikel *twoe* vermelde persoon of van 'n lid van die staf van so 'n persoon; (ii)
- (iii) „gevolg”, met betrekking tot die hoof van 'n staat, 'n diplomatieke agent of ander verteenwoordiger of besoeker van 'n ander soewerein of staat, sy familie, en die lede van sy staf en hulle families; (vii)
- (iv) „Minister” die Minister van Buitelandse Sake; (iv)
- (v) „persoon” ook enige openbare internasionale organisasie of openbare internasionale instelling waarvan die Unie 'n lid is, en so 'n organisasie of instelling is, vir sover dit in ooreenstemming is met die dokument waardeur hy in die lewe geroep is, in die Unie met die regsbevoegdhede van 'n regspersoon beklee; (v)
- (vi) „plaaslike owerheid” enige sodanige instelling of liggaam as wat deur paragraaf (vi) van artikel *vyf-en-tigtig* van die „Zuid-Afrika Wet, 1909”, beoog word; (iii)
- (vii) „staf” rade, sekretarisse, attachés, adviseurs, kanselliers, argivarisse, snelskrywers, tikkers en ander persone deur die Minister goedgekeur wat deelneem aan die diplomatieke werk van 'n diplomatieke sending, mits die voormalde persone uitsluitlik vir die oogmerke van die sending geëmplojeer word. (vi)

2. (1) Behoudens die bepalings van artikel *drie*, is die Immunitet van hoofde van state, diplomatieke agente en sekere ander persone van Jurisdiksie van die howe van die Unie—

- (a) hoofde van state;
- (b) diplomatieke agente;
- (c) 'n spesiale gesant van 'n ander staat, onderworpe aan die voorwaardes van enige ooreenkoms wat die sending van so 'n gesant reël;
- (d) 'n openbare internasionale organisasie of openbare internasionale instelling waarvan die Unie 'n lid is, die lede, agente of amptenare van en die afgevaardigdes na sulke organisasies of instellings, asook die permanente verteenwoordigers van ander regerings by sulke organisasies of instellings, tesame met hulle vroue en minderjarige kinders, vir sover dit bepaal is in enige konvensie of ooreenkoms, waarby die Unie-regering 'n party is;
- (e) verteenwoordigers van 'n regering wat 'n internasionale konferensie bywoon, vir sover dit bepaal is in enige konvensie of ooreenkoms waarby die Unie-regering 'n party is;

(f) any other person who is recognized by the Minister as being entitled to diplomatic immunity, in accordance with the recognized principles of international law and practice, including in particular persons falling under the category of diplomatic agents who are the representatives of a sovereign or state with whom or which the Union is at peace and who are accredited to another Government, and persons falling under the categories set out in paragraphs (d) and (e), while such diplomatic agents or persons are travelling to or from the country where their official duties are to be carried out or have been carried out,

and all legal process sued out against the persons or property of such persons shall be void.

(2) The immunity attaching to any person mentioned in sub-section (1) shall extend also to his suite.

Immunity not to apply in certain cases.

3. (1) The provisions of section *two* shall not apply to any person mentioned therein in connection with any liability incurred by him for any tax on the incomes of persons levied by the state or any provincial administration or in connection with any transaction entered into by him in his private and personal capacity, for purposes of trade or in the exercise of any profession or calling.

(2) The provisions of section *two* shall not be construed so as to prohibit the waiver by—

(a) any person mentioned in paragraph (a), (b), (c), (e) or (f) of sub-section (1) of the said section of the immunity secured to himself or to any member of his suite; or

(b) any organization or institution mentioned in paragraph (d) of sub-section (1) of the said section of the immunity secured to such organization or institution or to any member, agent or officer of such organization or institution or to any member of the suite of any such member, agent or officer; or

(c) any other Government of the immunity secured to a permanent representative mentioned in the said paragraph (d) or to any member of the suite of any such representative.

(3) The Governor-General may withdraw the immunities granted by section *two* to any person, where the Government of such person fails to accord corresponding immunities to Union representatives or South African Citizens.

Register of persons entitled to diplomatic immunity.

4. (1) The Minister shall cause a register to be kept in which there shall be registered the names of all persons entitled to immunity under section *two* and every such registration shall be cancelled upon the person concerned ceasing to be so entitled.

(2) The Minister shall cause every registration or cancellation made under sub-section (1) to be published in the *Gazette*.

(3) At least once in each calendar year, the Minister shall cause to be published in the *Gazette*, a complete list of all persons on the register.

(4) A notice published in terms of this section or a certificate under the hand of the Secretary for External Affairs stating that any person mentioned in such certificate is covered by the provisions of any particular paragraph of sub-section (1) of section *two* specified in such certificate, and accordingly recognized by the Government of the Union to be entitled to diplomatic immunity, or stating that the immunity previously attaching to any such person as aforesaid no longer subsists, or has been cancelled or withdrawn from any particular date, shall be conclusive proof of the facts or conclusions stated therein in any court of law.

Exemption from taxation of persons entitled to diplomatic immunity.

5. (1) Subject to the provisions of sub-section (3), the Governor-General may exempt persons entitled to immunity under section *two* from taxes, duties, fees, rates or other charges levied by the State, a provincial administration, a local authority or a statutory public utility corporation upon—

(i) the person concerned; or

(ii) any movable property of such person; or

(iii) so much of the income of the person concerned as is derived directly from the holding of his office: Provided that any exemption granted to any person in terms of this sub-section shall not be construed as

(f) enige ander persoon wat deur die Minister erken word as geregtig op diplomatieke immuniteit ooreenkomsdig die erkende beginsels van die volkereg en gebruik, met inbegrip in besonder van persone in die kategorie dplomatieke agente wat die verteenwoordigers is van 'n soewerein of staat met wie of waarmee die Unie in 'n staat van vrede verkeer en wat by 'n ander regering geakkrediteer is, en persone in die kategorie uiteengesit in paragrawe (d) en (e), terwyl sodanige diplomatieke agente of persone op reis is na of van die land waar hulle ampspligte uitgevoer moet word of uitgevoer is,

en elke geregtelike prosesstuk uitgereik teen die persoon of eiendom van sulke persone is nietig.

(2) Die immuniteit wat geld vir 'n in sub-artikel (1) genoemde persoon geld ook vir sy gevolg.

3. (1) Die bepalings van artikel *twee* is nie van toepassing nie op enige daarin genoemde persoon in verband met 'n aanspreeklikheid deur hom aangegaan vir 'n belasting deur die Staat of 'n provinsiale administrasie gehef op die inkomstes van persone, of in verband met 'n handeling wat hy in sy private en persoonlike hoedanigheid aangegaan het vir handelsdoeleindes of in die uitoefening van 'n professie of beroep.

Immuniteit nie van toepassing te wees in sekere gevalle nie.

(2) Die bepalings van artikel *twee* word nie so vertolk nie dat dit die afstand belet deur—

- (a) 'n in paragraaf (a), (b), (c), (e) of (f) van sub-artikel (1) van genoemde artikel bedoelde persoon van die immuniteit wat aan homself of 'n lid van sy gevolg verseker word; of
- (b) 'n in paragraaf (d) van sub-artikel (1) van genoemde artikel bedoelde organisasie of instelling van die immuniteit wat aan so 'n organisasie of instelling of aan 'n lid, agent of amptenaar van so 'n organisasie of instelling of aan 'n lid van die gevolg van so 'n lid, agent of amptenaar verseker word; of
- (c) 'n ander regering van die immuniteit wat aan 'n permanente verteenwoordiger verme'd in genoemde paragraaf (d), of 'n lid van die gevolg van so 'n verteenwoordiger verseker word.

(3) Die Goewerneur-generaal kan die immuniteit wat deur artikel *twee* aan 'n persoon verleen is intrek, waar die Regering van so 'n persoon in gebreke bly om ooreenstemmende immuniteit aan Unie-verteenwoordigers of Suid-Afrikaanse burgers toe te staan.

Register van persone met diplomatieke immuniteit.

4. (1) Die Minister laat 'n register aanlê waarin die name van alle persone wat kragtens artikel *twee* op immuniteit geregtig is, aangeteken word en elke sodanige aantekening word gerooier wanneer die betrokke persoon nie langer aldus geregtig is nie.

(2) Die Minister laat elke aantekening of rojering kragtens sub-artikel (1) in die *Staatskoerant* publiseer.

(3) Ten minste eenkeer in elke kalenderjaar laat die Minister 'n volledige lys van alle persone op die register in die *Staatskoerant* publiseer.

(4) 'n Ingelyke hierdie artikel gepubliseerde kennisgewing, of 'n sertifikaat onderteken deur die Sekretaris van Buitelandse Sake wat verklaar dat 'n persoon vermeld in sodanige sertifikaat gedek is deur die bepalings van 'n bepaalde paragraaf van sub-artikel (1) van artikel *twee* wat in sodanige sertifikaat verme'd word, en gevvolglik deur die Regering van die Unie as geregtig op diplomatieke immuniteit erken word, of wat verklaar dat die immuniteit wat voorheen gegeld het vir so 'n voormalde persoon nie meer bestaan nie, of vanaf 'n bepaalde datum gekanselleer of ingetrek is, is in enige geregshof afdoende bewys van die feite of gevolgtrekkings daarin vermeld.

Vrystelling van belasting van persone geregtig op diplomatieke immuniteit.

5. (1) Behoudens die bepalings van sub-artikel (3), kan die Goewerneur-generaal persone wat kragtens artikel *twee* op immuniteit geregtig is, vrystel van enige belasting, regte, gelde, of ander aanslae wat deur die Staat, 'n provinsiale administrasie, 'n plaaslike overheid of 'n statutêre openbare utiliteitskorporasie gehef word, op—

- (i) die betrokke persoon; of
- (ii) enige roerende goed van so 'n persoon; of
- (iii) soveel van die inkomste van die betrokke persoon as wat regstreeks van die uitvoering van sy amp afkomstig is: Met dien verstaande dat 'n vrystelling aan iemand deur hierdie sub-artikel verleen nie op

exempting such person from the necessity of complying with any formalities in respect of the importation of goods which are prescribed in any law relating to customs.

(2) If a motor vehicle which has been imported or taken out of bond without payment of customs duty under sub-section (1) is sold or disposed of within two years of importation to a person not entitled to customs franchise privileges, the person who sells or disposes of the vehicle may be called upon to pay duty thereon at the rate required according to the law relating to the payment of customs duty.

(3) The Governor-General shall only grant exemption in terms of sub-section (1) to—

(a) any person mentioned in paragraph (a), (b) or (c) of sub-section (1) of section *two*, or to the members of the suite of any such person, if he is satisfied that reciprocal treatment is or would be accorded to Union representatives or South African citizens corresponding in rank or position to the person concerned by the Government of that person;

(b) any organization or institution mentioned in paragraph (d) of sub-section (1) of section *two* or any member, agent or officer of such organization or institution, or any representative of any other Government to such organization or institution, or to the wives or minor children of the foregoing persons, to an extent not greater than that prescribed in any Convention or Agreement to which the Union Government is a party.

(4) A certificate under the hand of the Secretary for External Affairs stating that the Governor-General has granted any exemption in terms of sub-section (1) or (2) or of sub-section (1) of section *six* shall be conclusive proof thereof in any court of law.

**Exemptions
which may be
granted by
Governor-General
to Governments.**

6. (1) The Governor-General may, subject to the provisions of sub-section (2), exempt any Government or international organization or institution from the payment of transfer duty or any other duties, fees, charges or other taxes payable to the Government of the Union or any provincial administration or local authority in connection with the transfer of any immovable property acquired by that Government or organization or institution for official purposes in the Union, as well as from the payment of rates, taxes, fees or other charges levied on or in connection with such property.

(2) The Governor-General shall only grant exemption in terms of sub-section (1) to a Government if he is satisfied that reciprocal treatment is or would be accorded to the Government of the Union by such Government.

**Adjustment of
loss of revenue
to local
authorities and
statutory
public utility
corporations.**

7. The loss of revenue caused to any local authority or statutory public utility corporation by reason of the provisions of sections *five* and *six* shall be made good to the local authority or statutory public utility corporation concerned, as the case may be, out of moneys provided by Parliament for that purpose.

**Recognition of
building occupied
by diplomatic
agent.**

8. The Governor-General may by notice in the *Gazette* recognize any building or premises occupied by a diplomatic agent for the purpose of a chancery or an official residence as an Embassy or Legation or a High Commissioner's Office or residence.

**Exemption from
special
restrictions on
acquisition or
occupation of
immovable
property.**

9. No law or condition in a title deed which prohibits the acquisition or occupation of immovable property by persons belonging to any particular racial group shall be construed to prohibit—

- (a) the acquisition, in the name of his Government of any immovable property by any diplomatic agent or political, career consular or trade representative; or
- (b) the occupation of immovable property by any person referred to in section *two*, or by the political, career consular or trade representative of another Government, and the family, staff and alien servants of such representative:

Provided such immovable property is acquired or occupied exclusively for the purposes of the chancery or residence of the person concerned.

so 'n wyse vertolk word nie dat dit so iemand sou vrystel van die vereiste om te voldoen aan die formaliteit insake die invoer van goedere wat deur enige wet betreffende doeane voorgeskryf is.

(2) Indien 'n motorvoertuig wat ingevolge sub-artikel (1) sonder betaling van doeanebelasting ingevoer is of uit die doeanepekhus gelos is, binne twee jaar na invoer verkoop word of van die hand gesit word aan iemand wat nie geregtig is op doeane-vrystellingsvoortregte nie, kan dit van die persoon wat die voertuig verkoop of van die hand sit, gëis word dat hy belasting daarop moet betaal teen die skaal vereis volgens die wet met betrekking tot die betaling van doeanebelasting.

(3) Die Goewerneur-generaal verleen slegs vrystelling ingevolge sub-artikel (1) aan—

(a) 'n in paragraaf (a), (b) of (c) van sub-artikel (1) van artikel *twoe* bedoelde persoon, of aan die lede van die gevolg van so 'n persoon, indien hy oortuig is dat wederkerige behandeling deur die Regering van daardie persoon aan Unie-verteenwoordigers of Suid-Afrikaanse burgers wat in rang of status ooreenstem met die betrokke persoon, toegestaan word of sou word;

(b) 'n in paragraaf (d) van sub-artikel (1) van artikel *twoe* bedoelde organisasie of instelling of 'n lid, agent of amptenaar van so 'n organisasie of instelling, of 'n verteenwoordiger van 'n ander regering by so 'n organisasie of instelling of aan die vroue of minderjarige kinders van die voorgaande persone, in 'n mate nie groter as dié waarvoor in 'n konvensie of ooreenkoms waarby die Unie-regering 'n party is, voorsiening gemaak is nie.

(4) 'n Sertifikaat onderteken deur die Sekretaris van Buite-landse Sake wat verblaas dat die Goewerneur-generaal 'n vrystelling ingevolge sub-artikel (1) of (2) of sub-artikel (1) van artikel *ses* verleen het, is in enige gereghof afdoende bewys daarvan.

6. (1) Behoudens die bepalings van sub-artikel (2) kan die Goewerneur-generaal enige Regering of internasionale organisasie of instelling vrystel van die betaling van hereregte of enige ander regte, gelde, aanslae of ander belastings wat aan die Regering van die Unie, 'n provinsiale administrasie of plaaslike owerheid betaalbaar is in verband met die transport van onroerende goed wat deur daardie Regering of organisasie of instelling vir amptelike doeleindes in die Unie verkry is, asook van die betaling van regte, belastings, gelde of ander aanslae wat op of in verband met sodanige goed gehef word.

Vrystellings wat deur Goewerneur-generaal aan regerings verleent kan word.

(2) Die Goewerneur-generaal verleen slegs vrystelling aan 'n Regering ingevolge sub-artikel (1), indien hy oortuig is dat wederkerige behandeling deur daardie Regering aan die Regering van die Unie toegestaan word of sou word.

7. Die verlies aan inkomste wat 'n plaaslike owerheid of 'n statutêre openbare utiliteitskorporasie ly as gevolg van die bepalings van artikels *vijf* en *ses*, word aan die betrokke plaaslike owerheid of statutêre openbare utiliteitskorporasie, na gelang van die geval, vergoed uit gelde deur die Parlement daartoe beskikbaar gestel.

Reëling van inkomsteverlies van plaaslike owerhede en openbare utiliteits-korporasies.

8. Die Goewerneur-generaal kan by kennisgewing in die *Staatskoerant* 'n gebou of perseel wat deur 'n diplomatieke agent vir die doel van 'n kanselary of 'n amptelike woning geokkupeer word, as 'n ambassade of gesantskapsgebou of die kantoor of woning van 'n hoë kommissaris erken.

Erkenning van gebou deur diplomatieke agent bewoon.

9. Geen wet of voorwaarde in 'n titelbewys wat die verkryging of okkupasie van onroerende goed deur persone wat tot 'n besondere rassegroep behoort, verbied, word so vertolk nie dat dit—

Vrystelling van spesiale beperkings op verkryging of okkupasie van onroerende goed.

(a) die verkryging, in naam van sy Regering, van onroerende goed deur 'n diplomatieke agent of politieke, beroepskonsulêre of handelsverteenvwoordiger verbied; of

(b) die okkupasie van onroerende goed deur 'n in artikel *twoe* bedoelde persoon, of deur die politieke, beroeps-konsulêre of handelsverteenvwoordiger van 'n ander regering, en die familie, staf en uitlanderbediendes van so 'n verteenwoordiger verbied:

Met dien verstande dat sodanige grond verkry of geokkupeer word uitsluitlik vir die doeleindes van die kanselary of woning van die betrokke persoon.

Application of immunity to Union citizens.

10. (1) The immunities, privileges and exemptions provided for in this Act shall not apply to or be extended to South African citizens: Provided that, if the Government of the Union has by agreement with an organization or institution referred to in paragraph (d) of sub-section (1) of section *two* undertaken to extend any immunities, privileges or exemptions to South African citizens who are representatives of another Government on such organization or institution, or who are members, agents or officers of such organization or institution, the said immunities, privileges and exemptions shall apply also to such South African citizens.

(2) Notwithstanding anything to the contrary contained in the South Africa Defence Act, 1912 (Act No. 13 of 1912), any officer, agent or representative of a public international organization or institution referred to in paragraph (d) of sub-section (1) of section *two* shall be exempt from service under the said Act as a citizen of the Union.

Offences and penalties.

11. (1) Any person who wilfully or without the exercise of reasonable care sues out, obtains or executes any legal process against a person who is entitled to immunity under section *two*, and whose name has been published in terms of sub-section (2) of section *four*, whether as party, as attorney or as an officer concerned in issuing or executing such process, shall be guilty of an offence.

(2) Any person who contravenes sub-section (1) or any person who wilfully or without the exercise of reasonable care, commits any other offence which has the effect of infringing the inviolability of a person entitled to immunity under section *two* or of his property or the premises occupied by him, shall be liable on conviction to a fine not exceeding five hundred pounds or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

Repeal of laws.

12. The Diplomatic Immunities Act, 1932 (Act No. 9 of 1932), the Diplomatic Immunities Act Amendment Act, 1934 (Act No. 19 of 1934), section *sixteen* of the Finance Act, 1941 (Act No. 43 of 1941), and sections *one* to *five* inclusive of the Diplomatic Immunities and Asiatic Land Tenure Amendment Act, 1944 (Act No. 9 of 1944), are hereby repealed.

Amendment of long title and short title of Act 9 of 1944.

13. The Diplomatic Immunities and Asiatic Land Tenure Amendment Act, 1944, is hereby amended—

- (a) by the deletion in the long title of the words “the Diplomatic Immunities Act, 1932 and”; and
- (b) by the deletion in section *seven* of the words “Diplomatic Immunities and”.

Short title.

14. This Act shall be called the Diplomatic Privileges Act, 1951.

10. (1) Die immuniteit, voorregte en vrystellings waarvoor in hierdie Wet voorsiening gemaak is, geld nie vir Suid-Afrikaanse burgers nie en word ook nie aan hulle verleen nie: Met dien verstande dat as die Regering van die Unie, by ooreenkoms met 'n in paragraaf (d) van sub-artikel (1) van artikel *twee* bedoelde organisasie of instelling, onderneem het om enige immuniteit, voorregte of vrystellings aan Suid-Afrikaanse burgers wat die verteenwoordigers van ander regerings in sodanige organisasie of instelling is, of wat lede, agente of amptenaar van sodanige organisasie of instelling is, te verleen, dan geld genoemde immuniteit, voorregte en vrystellings ook vir sulke Suid-Afrikaanse burgers.

(2) Ondanks andersluidende bepalings in „de Zuid-Afrika Verdedigings Wet, 1912” (Wet No. 13 van 1912), word 'n beampete, agent of verteenwoordiger van 'n publieke internasionale organisasie of instelling in paragraaf *twee* bedoel vrygestel van diens ingevolge genoemde Wet as 'n burger van die Unie.

11. (1) Iedereen wat opsetlik of sonder om redelike versigtigheid te beoefen 'n geregtelike prosesstuk uitreik, verkry of ten uitvoer lê teen iemand wat kragtens artikel *twee* op immuniteit geregtig is, en wie se naam ingevolge sub-artikel (2) van artikel *vier* gepubliseer is, hetsy as party, as prokureur of as amptenaar betrokke by die uitreiking of tenuitvoerlegging van sodanige prosesstuk, is aan 'n misdryf skuldig.

(2) Iedereen wat sub-artikel (1) oortree of wat opsetlik of sonder om redelike versigtigheid te beoefen 'n ander misdryf pleeg wat tot gevolg het dat inbreuk gemaak word op die onskendbaarheid van 'n persoon wat kragtens artikel *twee* op immuniteit geregtig is of van sy eiendom of die persele deur hom geokkupeer, is by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar of met beide sodanige boete en sodanige gevangenisstraf.

12. Die Wet op Diplomatieke Immuniteit, 1932 (Wet No. 9 van 1932), die Wet tot Wysiging van die Wet op Diplomatieke Immuniteit, 1934 (Wet No. 19 van 1934), artikel *sesien* van die Finansiewet, 1941 (Wet No. 43 van 1941), en artikels *een* tot *en met vyf* van die Wysigingswet op Diplomatieke Immuniteit en Grondbesit van Asiate, 1944 (Wet No. 9 van 1944), word hiermee herroep.

13. Die Wysigingswet op Diplomatieke Immuniteit en Grondbesit van Asiate, 1944, word hiermee gewysig—

- (a) deur in die lang titel die woorde „die Wet op Diplomatieke Immuniteit, 1932, en” te skrap; en
- (b) deur in artikel *sewe* die woorde „Diplomatieke Immuniteit en” te skrap.

14. Hierdie Wet heet die Wet op Diplomatieke Voorregte, Kort titel. 1951.

No. 72, 1951.]

ACT**To amend the Stock Exchanges Control Act, 1947.**

*(English text signed by the Governor-General.)
(Assented to 2nd July, 1951.)*

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of
section 1 of
Act 7 of 1947.

1. Section *one* of the Stock Exchanges Control Act, 1947 (hereinafter referred to as the principal Act) is hereby amended—
 - (a) by the insertion, after the definition of "stockbroker", of the following definition:
“‘stock-exchange’ means, in relation to any premises, the one place in those premises which is recognized by the committee of a licensed stock exchange to be the place where dealings in stocks and shares may take place;”;
 - (b) by the substitution for the definition of “stocks” and “shares” of the following definition:
“‘stocks’ and ‘shares’ include debentures (whether issued by a limited liability company or any other body corporate or association of persons), notes, units of stocks or shares issued in place of stocks or shares, and options on stocks or shares or on such debentures, notes or units, and rights thereto, but do not include any shares which cannot be acquired or cannot be transferred without the consent or approval of the directors or of any representative of the company or body corporate concerned, or any options on or rights to such shares; and”;
 - (c) by the deletion of the word “and” at the end of the definition of “stock exchange licence”, and the addition, at the end of the section, of the following definition:
“‘Treasury’ means any officer of the Department of Finance authorized by the Minister to perform the functions assigned to the Treasury in this Act.”.

Amendment of
section 3 of
Act 7 of 1947.

2. Section *three* of the principal Act is hereby amended by the substitution in sub-section (3), for the word “Minister”, wherever it occurs, of the word “Treasury”.

Amendment of
section 4 of
Act 7 of 1947, as
amended by
section 1 of
Act 1 of 1948.

3. Section *four* of the principal Act is hereby amended by the insertion in sub-paragraph (v) of paragraph (b), after the word “excussion”, of the words “(at any time or within a stated period)”, and after the word “him”, of the words “while a member”.

Amendment of
section 5 of
Act 7 of 1947.

4. Section *five* of the principal Act is hereby amended by the insertion in paragraph (a) of sub-section (1), after the word “enforced”, of the words “or that the association has, during the said year, complied with the provisions of this Act or of the regulations made thereunder.”.

Substitution of
section 8 of
Act 7 of 1947.

5. The following section is hereby substituted for section *eight* of the principal Act:

“Alteration of rules of licensed associations.
8. (1) No addition to or alteration (other than a suspension) of the rules of an association which is the holder of a stock exchange licence shall be valid, unless it has been approved by the Minister: Provided that if the Minister does not disapprove of any such addition or alteration within a period of two months after the expiry of the period referred to in sub-section (3), he shall be deemed to have approved thereof.

(2) Upon receipt of an application for the Minister’s approval under sub-section (1), the Treasury shall cause to be published at the expense of the association, in English and in Afrikaans in three consecutive ordinary issues of the *Gazette*, a notice setting forth the proposed additions to or alterations of the rules.

No. 72, 1951.]

WET

Tot wysiging van die Wet op Beheer van Effektebeurse, 1947.

*(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 2 Julie 1951.)*

DIT WORD BEPAAL deur Sy Majestet die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

- 1.** Artikel *een* van die Wet op Beheer van Effektebeurse, Wysiging van 1947 (hieronder die Hoofwet genoem) word hiermee gewysig— artikel 1 van (a) deur na die woordbepaling van „effektemakelaar”, die volgende woordbepaling in te voeg:
„effektebeurs”, met betrekking tot ’n perseel, die een plek op daardie perseel wat deur die komitee van ’n gelisensieerde effektebeurs erken word as die plek waar met effekte en aandele sake gedoen kan word.”;
- (b) deur die woordbepaling van „effekte” en „aandele” te vervang deur die volgende woordbepaling:
„effekte” en „aandele” ook skuldbriewe (onverskillig of hul deur ’n maatskappy met beperkte aanspreeklikheid uitgegee is of deur ’n ander regspersoon of vereniging van persone), notas, eenhede van effekte of aandele wat in die plek van effekte of aandele uitgegee is, en opsies op effekte of aandele of op sulke skuldbriewe, notas of eenhede, asook regte daarop, maar nie ook aandele wat nie sonder die toestemming of goedkeuring van die direkteure of van ’n verteenwoordiger van die betrokke maatskappy of regspersoon verkry of oorgedra kan word nie, of opsies of regte op sulke aandele nie; en”; en
- (c) deur die woord „en”, aan die end van die woordbepaling van „effektebeurslisensie” te skrap, en aan die end van die artikel die volgende woordbepaling by te voeg:
„Tesourie”, ’n amptenaar van die Departement van Finansies wat deur die Minister gemagtig is om die werkzaamhede wat in hierdie Wet aan die Tesourie toegewys word, te verrig.”.
- 2.** Artikel *drie* van die Hoofwet word hiermee gewysig deur die woord „Minister”, oral waar dit in sub-artikel (3) voorkom, te vervang deur die woord „Tesourie”. Wysiging van artikel 3 van Wet 7 van 1947.
- 3.** Artikel *vier* van die Hoofwet word hiermee gewysig deur in sub-paragraaf (v) van paragraaf (b), na die woorde „betrokke lid”, die woorde „(te eniger tyd of binne ’n aangegewe tydperk)”, en na die woorde „hy”, die woorde „terwyl hy ’n lid is”, in te voeg. Wysiging van artikel 4 van Wet 7 van 1947, soos gewysig deur artikel 1 van Wet 1 van 1948.
- 4.** Artikel *vyf* van die Hoofwet word hiermee gewysig deur in paragraaf (a) van sub-artikel (1), na die woorde „afgedwing is nie”, die woorde „of dat die vereniging gedurende genoemde jaar die bepalings van hierdie Wet of van die regulasies uit hoofde daarvan uitgevaardig, nagekom het nie,”, in te voeg. Wysiging van artikel 5 van Wet 7 van 1947.
- 5.** Artikel *agt* van die Hoofwet word hiermee deur die volgende artikel vervang: Vervanging van artikel 8 van Wet 7 van 1947.
„Wysiging van reëls van gelisensieerde verenigings. 8. (1) ’n Toevoeging by of wysiging (behalwe ’n opskorting) van die reëls van ’n vereniging wat diehouer van ’n effektebeurslisensie is, is nie geldig nie, tensy dit deur die Minister goedgekeur is: Met dien verstande dat die Minister, indien hy so ’n toevoeging of wysiging nie binne ’n tydperk van twee maande na verloop van die in sub-artikel (3) bedoelde tydperk afkeur nie, geag word dit goed te gekeur het.
- (2) By ontvangs van ’n aansoek om die Minister se goedkeuring kragtens sub-artikel (1), laat die Tesourie, op koste van die vereniging, in drie agtereenvolgende gewone uitgawes van die Staatskoerant ’n kennisgewing in Afrikaans en in Engels publiseer, waarin die voorgestelde toevoegings by of veranderingen van die reëls aangegee word.

(3) The said notice shall call upon all interested persons who have any objections to the proposed additions or alterations, to lodge their objections with the Minister within a period of fourteen days from the date of the last publication in the *Gazette*.".

Insertion of section 8bis in Act 7 of 1947.

6. The following section is hereby inserted after section *eight* of the principal Act:

"Restriction on membership 8bis. As from the first day of January, 1951, no corporate body shall become a member of any association carrying on the business of a stock exchange.".

Substitution of section 9 of Act 7 of 1947.

7. The following section is hereby substituted for section *nine* of the principal Act:

"Lists of stocks and shares and of quotations of prices.

9. (1) The committee of a licensed stock exchange—

- (a) shall keep a list of the stocks and shares which may be dealt in on the stock exchange, and shall not permit dealings in stocks or shares not included in such list, either on the stock exchange or in any other place where the committee has authority to regulate or control dealings in stocks or shares: Provided that the committee may permit dealings on the stock exchange in stocks or shares in any company or corporate body not registered or incorporated in the Union which are listed or quoted on, or in respect of which permission to deal in has been granted and has not been withdrawn by, any stock exchange outside the Union which has been recognized under sub-section (6) of section *thirteen*;
- (b) shall receive, consider and grant, defer or refuse applications for the inclusion in such list of such stocks or shares;
- (c) shall revise such list at least once during every year and submit to the Treasury in each year a certificate by the chairman of the committee that the list has been revised during that year, and may, notwithstanding any arrangement entered into before or after the commencement of this Act, under which the stocks or shares may be dealt in on the stock exchange, charge such fees in respect of such revision as may be prescribed in the rules of the stock exchange; and
- (d) may, notwithstanding any arrangement entered into before or after the commencement of this Act, under which the stocks or shares in question may be dealt in on the stock exchange, if after investigation in accordance with its rules it is of opinion that it is desirable to do so, remove from such list any stocks or shares previously included therein, or suspend the inclusion in such list of any such stocks or shares, or omit from a list of quotations of prices of stocks or shares (including any supplementary section thereof) issued for publication on the authority of the stock exchange, the prices of any stocks or shares previously quoted in any such list.

(2) Whenever any committee refuses an application under paragraph (b) of sub-section (1), or removes any stocks or shares under paragraph (d) of the said sub-section from the list referred to in paragraph (a) thereof, or suspends, under the said paragraph (d), the inclusion of any stocks or shares in such list, it shall cause the committee of every other stock exchange in the Union to be notified thereof, and of the date of such refusal, removal or suspension, and thereupon no such other committee shall, during the period of six months after the said date, grant any application for the inclusion of those stocks or shares in the list kept by it under paragraph (a) of the said sub-section, unless an appeal against such refusal, removal or suspension

(3) Genoemde kennisgewing moet alle belanghebbendes wat beswaar het teen die voorgestelde toevoegings of veranderings, aansê om hul besware binne 'n tydperk van veertien dae vanaf die datum van die laaste publikasie in die *Staatskoerant*, by die Minister in te dien.”.

6. Die volgende artikel word hiermee na artikel *agt* van die Hoofwet ingevoeg:

„Beperking 8bis. Met ingang van die eerste dag van Januari, 1951, kan geen regspersoon 'n lid word van 'n vereniging wat die besigheid van 'n effektebeurs dryf nie.”.

Invoeging van artikel 8bis in Wet 7 van 1947.

7. Artikel *nege* van die Hoofwet word hiermee deur die volgende artikel vervang:

„Lyste van effekte en aandele en van prysnoterings.

9. (1) Die komitee van 'n gelisensieerde effektebeurs—

- (a) moet 'n lys hou van die effekte en aandele waarmee op die effektebeurs sake gedoen kan word en mag geen sake met effekte of aandele wat nie in die lys opgeneem is nie, toelaat nie, onverskillig of die sake gedoen word op die effektebeurs of op enige ander plek waar die komitee seggenskap het om die doen van sake met effekte of aandele te reël of te beheer: Met dien verstande dat die komitee kan toelaat dat sake op die effektebeurs gedoen word met effekte of aandele van 'n maatskappy of regspersoon wat nie in die Unie geregistreer of geïnkorporeer is nie, as die effekte of aandele op 'n kragtens sub-artikel (6) van artikel *dertien* erkende effektebeurs buite die Unie op die lys gebring is of genoteer word, of as so 'n effektebeurs verlof verleen het om daar mee sake te doen en die verlof nie ingetrek het nie;
- (b) moet aansoeke om opname van bedoelde effekte of aandele in bedoelde lys ontvang, oorweeg en toestaan, uitstel of van die hand wys;
- (c) moet bedoelde lys minstens eenmaal gedurende elke jaar hersien en elke jaar aan die Tesourie 'n sertifikaat voorlê deur die voorzitter van die komitee dat die lys gedurende daardie jaar hersien is, en kan ondanks enige reëling, voor of na die inwerkingtreding van hierdie Wet aangegaan, waarvolgens met die betrokke effekte of aandele op die effektebeurs sake gedoen mag word, ten opsigte van die hersiening die geldige bereken wat in die reëls van die effektebeurs voorgeskryf mag word; en
- (d) kan, ondanks enige reëling voor of na die inwerkingtreding van hierdie Wet aangegaan, waarvolgens met die betrokke effekte of aandele op die effektebeurs sake gedoen mag word, indien hy na ondersoek ooreenkomsdig sy reëls van mening is dat dit wenslik is sulks te doen, effekte of aandele wat tevore in bedoelde lys opgeneem is, daaruit verwyder, of die opname van bedoelde effekte of aandele in die lys opskort, of die prys van effekte of aandele wat tevore genoteer is op 'n lys prysnoterings van effekte of aandele (met inbegrip van 'n aanvullende afdeling daarvan), wat op gesag van die effektebeurs vir publikasie uitgereik word, uit so 'n lys weglaat.

(2) Wanneer 'n komitee 'n aansoek ingevolge paragraaf (b) van sub-artikel (1) van die hand wys, of effekte of aandele kragtens paragraaf (d) van genoemde sub-artikel uit die in paragraaf (a) daarvan bedoelde lys verwijder of die opname van effekte of aandele in bedoelde lys kragtens genoemde paragraaf (d) opgeskort, laat hy die komitee van elke ander effektebeurs in die Unie daarvan in kennis stel, asook van die datum van die van-die-hand-wysing, verwijdering of opskorting, en daarop mag geen sodanige ander komitee, gedurende die tydperk van ses maande na genoemde datum, 'n aansoek om die opname van daardie effekte of aandele in die lys wat hy ingevolge paragraaf (a) van genoemde sub-artikel hou, toestaan nie, tensy 'n appèl teen bedoelde van-die-hand-wysing, ver-

has been allowed under section *ten*: Provided that if such firstmentioned committee withdraws any such refusal, removal or suspension before the expiry of the said period of six months, it shall likewise cause the committee of every other stock exchange in the Union to be notified thereof, and thereupon the restriction upon the granting of any such application shall lapse.

(3) The provisions of this section shall not render it unlawful for the committee of a licensed stock exchange to include in the list referred to in paragraph (a) of sub-section (1), any shares which cannot be acquired or cannot be transferred without the consent or approval of the directors or of any representative of the company or body corporate concerned, or any options on or rights to such shares.”.

Amendment of
section 10 of
Act 7 of 1947.

8. Section *ten* of the principal Act is hereby amended.

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

“(1) If the committee of a licensed stock exchange—
(a) terminates the membership of any person; or
(b) under paragraph (b) or (d) of sub-section (1) of section *nine*, defers or refuses any application for the inclusion in, or removes any stocks or shares from, or suspends the inclusion of any stocks or shares in the list referred to in paragraph (a) of the said sub-section, or omits the price of any stocks or shares from a list of quotations referred to in the said paragraph (d),

such person, or the person who issued the stocks or shares, as the case may be, shall be entitled to be furnished with the reason for the termination, deferral, refusal, removal, suspension or omission, and may appeal against the decision of the committee to the board referred to in section *eleven*; and the board may confirm, vary or set aside the decision, and, whether or not the appeal is withdrawn, make such award as to costs as it may deem fit.”;

- (b) by the insertion in sub-section (2), after the word “removal”, of the word “suspension”; and
(c) by the insertion in sub-section (3), before the word “reviewed”, of the words “or the right of the committee to have the decision of the board”.

9. Section *twelve* of the principal Act is hereby amended—

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

“(5)*bis*. If at any time the value of the deposit made by a depositor is less than the relative amount referred to in paragraph (c) of sub-section (3), the Treasury may, by notice in writing, call upon the depositor to make good the deficiency by a further deposit in cash or in securities, approved by the Treasury, or in cash and in such securities, and if the depositor fails to comply with such notice within a period of thirty days as from the date thereof, or within such further period as the Minister may allow, the Minister may cancel the depositor’s licence to carry on the business of a stockbroker.”; and

(b) by the addition at the end thereof, of the following sub-sections:

“(8) If a depositor has ceased to carry on the business of a stockbroker for a period of not less than three months, or has become a member of a licensed stock exchange and has been a member for such a period, the Treasury shall, subject to the provisions of sub-sections (9), (10) and (11), return to him so much of any deposit made or deemed to have been made by him, as is held by the Treasury.

(9) Before returning any such deposit the Treasury shall cause to be published at the expense of the depositor, in the *Gazette* and in every province once in each of three consecutive weeks in an English and an Afrikaans newspaper approved by the Treasury, a notice calling upon all persons who have any claims against the depositor arising out of any transaction

Amendment of
section 12 of
Act 7 of 1947.

wydering of opskorting ingevolge artikel *tien* geslaag het: Met dien verstande dat indien eersbedoelde komitee so 'n van-die-hand-wysing, verwydering of opskorting voor verloop van genoemde tydperk van ses maande intrek, hy insgelyks die komitee van elke ander effektebeurs in die Unie daarvan in kennis laat stel, en die beperking op die toestaan van so 'n aansoek daarop verval.

(3) Die bepalings van hierdie artikel maak dit nie vir die komitee van 'n gelisensieerde effektebeurs onwettig om aandele wat nie sonder die toestemming of goedkeuring van die direkteure of van 'n verteenwoordiger van die betrokke maatskappy of regspersoon verkry of oorgedra kan word nie, of opsies of regte op sulke aandele, in die in paragraaf (a) van sub-artikel (1) bedoelde lys op te neem nie.”.

8. Artikel *tien* van die Hoofwet word hiermee gewysig—

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

Wysiging van
artikel 10 van
Wet 7 van 1947.

„(1) Indien die komitee van 'n gelisensieerde effektebeurs—

- (a) die lidmaatskap van enige persoon beëindig; of
- (b) kragtens paragraaf (b) of (d) van sub-artikel (1) van artikel *nege*, in aansoek om die opname van effekte of aandele in die lys in paragraaf (a) van genoemde sub-artikel bedoel, van die hand wys of uitstel, of effekte of aandele uit daardie lys verwijder of hul opname daarin opskort, of die prys van effekte of aandele uit 'n lys van prysnoterings in genoemde paragraaf (d) bedoel, weglaat,

dan het bedoelde persoon of die persoon wat die effekte of aandele uitgegee het, na gelang van die geval, die reg om voorsien te word van die rede vir die beëindiging, uitstel, van-die-hand-wysing, verwydering, opskorting of weglatting, en kan hy teen die besluit van die komitee na die in artikel *elf* bedoelde raad in hoër beroep gaan; en die raad kan die besluit bevestig, wysig of tot niet maak en kan, onverskillig of die appèl al dan nie teruggetrek word, die koste na goeddunke toewys.”;

- (b) deur in sub-artikel (2), na die woord „verwydering”, die woord „opskorting” in te voeg; en
- (c) deur in sub-artikel (3), voor die woord „deur”, die woorde „of die reg van die komitee om die besluit van die raad” in te voeg.

9. Artikel *twaalf* van die Hoofwet word hiermee gewysig—

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

Wysiging van
artikel 12 van
Wet 7 van 1947.

„(5)*bis*. Indien die waarde van die gedeponeerde te eniger tyd minder is dan die desbetreffende bedrag in paragraaf (c) van sub-artikel (3) bedoel, kan die Tesourie die deponeerder by skriftelike kennisgewing aansê om die tekort aan te suiwer deur verdere geld of geldwaardige papiere deur die Tesourie goedgekeur, of beide geld en sulke papiere, te deponeer, en indien die deponeerder versuim om aan die kennisgewing te voldoen binne 'n tydperk van dertig dae vanaf die datum daarvan of binne die verdere tydperk wat die Minister mag toestaan, kan die Minister die deponeerder se lisensie om die besigheid van 'n effektemakelaar te dryf, intrek.”; en

- (b) deur die volgende sub-artikels aan die end daarvan by te voeg:

„(8) Indien 'n deponeerder vir 'n tydperk van minstens drie maande opgehou het om die besigheid van 'n effektemakelaar te dryf, of lid van 'n gelisensieerde effektebeurs geword het en vir so 'n tydperk lid is, gee die Tesourie, behoudens die by sub-artikels (9), (10) en (11) bepaalde, aan hom soveel terug van wat deur hom gedeponeer is of geag word deur hom gedeponeer te wees, as wat deur die Tesourie gehou word.

(9) Alvorens bedoelde gedeponeerde terug te gee, laat die Tesourie op koste van die deponeerder in die *Staatskoerant* en in elke provinsie in elk van drie agtereenvolgende weke in 'n Afrikaanse en 'n Engelse nuusblad deur die Tesourie goedgekeur, 'n kennisgewing publiseer waarby alle persone met vorderings teen die deponeerder wat ontstaan uit transaksies wat

entered into by him in respect of stocks or shares, and who object against the return of such deposit to the depositor, to lodge their objections with the Treasury within a period specified in the notice not being less than thirty days as from the date of the last publication thereof.

(10) If any objection is lodged under sub-section (9) and the depositor admits the claim of the objector, the Treasury shall not return such deposit until the claim has been satisfied.

(11) If any objection is so lodged and the depositor does not admit the claim, the Treasury shall not return such deposit—

(a) unless the objector fails to institute legal proceedings against the depositor in pursuance of his claim within a period of two months after the expiry of the period referred to in sub-section (9) or within such further period as the Minister may allow; or

(b) if the objector does institute such proceedings within the said period, unless his claim is dismissed or withdrawn, or until any judgment given against the depositor has been satisfied.

(12) If a depositor dies or if his estate is sequestrated, the Treasury shall hand over so much of any deposit made or deemed to have been made by him, as is held by the Treasury, to the executor or trustee of his deceased or insolvent estate, as the case may be: Provided that whenever the estate of the depositor is insolvent, any deposit so handed over shall be applied towards the satisfaction of any claim arising out of any transaction entered into by the depositor in respect of stocks or shares, in priority to any other claim.”.

Amendment of
section 13 of
Act 7 of 1947.

10. Section *thirteen* of the principal Act is hereby amended by the substitution in sub-section (1) and in sub-section (3), for the word “fourteen” of the word “thirty”.

Amendment of
section 17 of
Act 7 of 1947.

11. Section *seventeen* of the principal Act is hereby amended by the substitution in sub-section (1) for the expression “(4), (5), (6) and (7)” of the expression “(4) to and including (12)”.

Insertion of
section 20bis in
Act 7 of 1947.

12. The following section is hereby inserted after section *twenty* of the principal Act:

‘Prohibition against return of stocks or shares deposited as minimum cover. **20bis.** (1) No stock-broker shall return any stocks or shares which have been deposited with him under section *thirteen*, or any part of such stocks or shares, and no stock-broker or carrier against shares shall return any stocks or shares held by him as security in respect of a loan, or any part of such stocks or shares, to the depositor or borrower, or deliver them to any other person to be held or dealt with for or on behalf of or for the benefit of the depositor or borrower, if the effect of the return or delivery of such stocks or shares would be to reduce the value of the stocks or shares held by such stock-broker or carrier in respect of the amount owing to him by the depositor or borrower, below the value necessary to provide the minimum cover in respect of the said amount.

(2) For the purposes of sub-section (1) the reference in the definition of “minimum cover” in section *one*, to the date on which the cover is provided, shall be deemed to be a reference to the date of the return or delivery of the stocks or shares, as the case may be.”.

Amendment of
section 22 of
Act 7 of 1947.

13. Section *twenty-two* of the principal Act is hereby amended by the substitution for the word “Minister”, wherever it occurs, of the word “Treasury”.

Amendment of
section 23 of
Act 7 of 1947.

14. Section *twenty-three* of the principal Act is hereby amended by the insertion in sub-section (1) after the words “carrier against shares”, of the words “or of any person who at any time after the commencement of this Act, was a stock-broker, a dealer in stocks and shares or a carrier against shares.”.

hy ten opsigte van effekte of aandele aangegaan het en met besware teen die teruggee van die gedeponerde aan die deponerde, aangesê word om hul besware binne 'n in die kennisgewing gémelde tydperk van minstens dertig dae vanaf die datum van die laaste publikasie daarvan, by die Tesourie in te dien.

(10) Indien 'n beswaar kragtens sub-artikel (9) ingedien word en die deponerde die vordering van die persoon wat beswaar maak, erken, gee die Tesourie die gedeponerde nie terug nie alvorens die vordering vereffen is.

(11) Indien 'n beswaar aldus ingedien word en die deponerde die vordering nie erken nie, gee die Tesourie die gedeponerde nie terug nie—

(a) tensy die persoon wat beswaar maak versuim om binne 'n tydperk van twee maande na verloop van die in sub-artikel (9) bedoelde tydperk of binne die verdere tydperk wat die Minister mag toestaan, 'n regsproses ingevolge sy vordering teen die deponerde in te stel; of

(b) indien die persoon wat beswaar maak wel binne genoemde tydperk so 'n proses instel, tensy sy vordering van die hand gewys of teruggetrek word of totdat voldoen is aan enige uitspraak wat teen die deponerde gegee is.

(12) Indien 'n deponerde sterf of sy boedel gesekevwestreer word, oorhandig die Tesourie soveel van wat deur hom gedeponeer is of geag word deur hom gedeponeer te wees, as wat deur die Tesourie gehou word, aan die eksekuteur of kurator van sy bestorre of insolvente boedel, na gelang van die geval: Met dien verstande dat indien die boedel van die deponerde insolvent is, enige aldus oorhandigde gedeponerde aangewend word ter vereffening van enige vordering wat ontstaan uit 'n transaksie wat die deponerde ten opsigte van effekte of aandele aangegaan het, met voorrang bo enige ander vordering.”.

10. Artikel dertien van die Hoofwet word hiermee gewysig Wysiging van deur in sub-artikel (1) en in sub-artikel (3) die woord „veertien” artikel 13 van te vervang deur die woord „dertig”. Wet 7 van 1947.

11. Artikel sewentien van die Hoofwet word hiermee gewysig Wysiging van deur in sub-artikel (1), die uitdrukking „(4), (5), (6) en (7)”, artikel 17 van te vervang deur die uitdrukking „(4) tot en met (12)”. Wet 7 van 1947.

12. Die volgende artikel word hiermee na artikel *twintig* van die Hoofwet ingevoeg:

Verbod 20bis. (1) Geen effektemakelaar mag effekte of op teruggawe van effekte of aandele wat ingevolge artikel *dertien* by hom gedeponeer is, of enige gedeelte van sulke effekte of aandele, en geen effektemakelaar of geldskieter teen aandele as minimum mag effekte of aandele wat hy as sekuriteit ten opsigte van 'n lening hou, of enige gedeelte van sulke effekte of aandele aan die deponerde of lener teruggee nie, of hul aan enige ander persoon lewer om hul vir of ten behoeve of ten voordele van die deponerde of lener te hou of om vir of ten behoeve of ten voordele van die deponerde of lener daarmee te handel nie, indien die teruggawe of lewering van die effekte of aandele die uitwerking sou hê dat die waarde van die effekte of aandele wat die effektemakelaar of geldskieter hou ten opsigte van die bedrag wat die deponerde of lener hom skuld, verminder sou word tot benede die waarde wat nodig is om die minimum dekking ten opsigte van genoemde bedrag te verstrek.

(2) By die toepassing van sub-artikel (1), word die verwysing in die woordbepaling van „minimum dekking” in artikel *een* na die datum waarop die dekking verstrek word, geag 'n verwysing te wees, na gelang van die geval, na die datum van die teruggawe of lewering van die effekte of aandele.”.

13. Artikel twee-en-twintig van die Hoofwet word hiermee, gewysig deur die woord „Minister”, oral waar dit voorkom te vervang deur die woord „Tesourie”. Wysiging van artikel 22 van Wet 7 van 1947.

14. Artikel drie-en-twintig van die Hoofwet word hiermee gewysig deur in sub-artikel (1), na die woord „aandele”, die woorde „of van enige persoon wat te eniger tyd na die inwerking-treding van hierdie Wet 'n effektemakelaar, effekte- of aandele-handelaar of geldskieter teen aandele was”, in te voeg. Wysiging van artikel 23 van Wet 7 van 1947.

Amendment of
section 25 of
Act 7 of 1947.

15. Section *twenty-five* of the principal Act is hereby amended by the insertion in paragraph (b) of sub-section (1), after the word "eighteen", of the words "section *twenty bis*".

Amendment of
section 26 of
Act 7 of 1947.

16. Section *twenty-six* of the principal Act is hereby amended—

(a) by the substitution in sub-section (3), for the word "thereof", of the words "and the committee of any stock exchange of which such broker, dealer or carrier is a member, of such declaration or variation."; and

(b) by the addition, at the end thereof, of the following sub-section:

"(4) No declaration made under sub-section (1) shall affect any right on the part of the committee of a stock exchange to take disciplinary action against such broker, dealer or carrier."

Short title.

17. This Act shall be called the Stock Exchanges Control Amendment Act, 1951.

15. Artikel *vyf-en-twintig* van die Hoofwet word hiermee Wysiging van gewysig deur in paragraaf (b) van sub-artikel (1), na die woord artikel 25 van „agtien”, die woorde „artikel *twintig bis*” in te voeg.

16. Artikel *ses-en-twintig* van die Hoofwet word hiermee Wysiging van gewysig—

- (a) deur in sub-artikel (3), na die woord „Tesorie”, die woorde „asook die komitee van 'n effektebeurs waarvan bedoelde makelaar, handelaar of geldskieter 'n lid is,” in te voeg; en
- (b) deur die volgende sub-artikel aan die end daarvan by te voeg:
- „(4) 'n Verklaring kragtens sub-artikel (1) raak nie enige reg van die kant van die komitee van 'n effektebeurs om dissiplinêre stappe teen bedoelde makelaar, handelaar of geldskieter te doen nie.”

17. Hierdie Wet heet die Wysigingswet op Beheer van Kort titel.
Effektebeurse, 1951.

No. 73, 1951.]

ACT

To amend the Insurance Act, 1943.

(Afrikaans text signed by the Governor-General.)
(Assented to 2nd July, 1951.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definition.

**Amendment of
section 1 of Act
27 of 1943.**

1. In this Act the expression "the principal Act" means the Insurance Act, 1943 (Act No. 27 of 1943), and, unless the context otherwise indicates, any expression to which in that Act a meaning has been assigned, bears, when used in this Act, the meaning so assigned thereto.

2. Section one of the principal Act is hereby amended—

(a) by the insertion before the definition of "approved securities" of the following definition:

"'approved reinsurances' means—

(a) for the purpose of computing the contingent liabilities of an insurer under unmatured policies in respect of the business carried on by him in the Union—

(i) any reinsurances which in terms of paragraph (d) of sub-section (2) are deemed to form part of the business in the Union of the person with whom such reinsurances were effected;

(ii) in the case of life and sinking fund business, any reinsurances effected prior to the first day of January, 1952, and relating to policies issued before that date, and any other reinsurances specially approved by the registrar in exceptional circumstances at the request of the insurer concerned; and

(iii) in the case of short term insurance business, any reinsurances effected under a policy or contract of reinsurance in terms of which the reinsurer maintains in the Union moneys on which the insurer by whom such reinsurance was effected has a prior charge and lien as security against losses which may be occasioned by the failure of the reinsurer to discharge his obligations under the said policy or contract or by the termination of such policy or contract for any reason: Provided that such reinsurances shall not be deemed to cover the contingent liabilities under unmatured policies of the insurer by whom the said reinsurances were effected to an amount exceeding the amount of the said moneys;

(b) for the purpose of computing the contingent liabilities of an insurer under unmatured policies, in respect of the business which he carries on outside the Union, any reinsurances; and

(c) for the purpose of computing the liabilities of an insurer other than contingent liabilities under unmatured policies, any reinsurances;"

(b) by the addition at the end of the definition of "financial year" of the words "or, in the case of any particular insurer, a period ending on such a date in each year as the registrar may at any time, on the written request of that insurer, determine";

No. 73, 1951.]

WET

Tot wysiging van die Versekeringswet, 1943.

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 2 Julie 1951.)*

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. In hierdie Wet beteken die uitdrukking „die Hoofwet” Woordom die Versekeringswet, 1943 (Wet No. 27 van 1943), en het, skrywing tensy uit die samehang anders blyk, elke uitdrukking waaraan in daardie Wet 'n betekenis toegeskryf is, die aldus daaraan toegeskreve betekenis waar dit in hierdie Wet gesig word.

2. Artikel *een* van die Hoofwet word hierby gewysig—

(a) deur voor die omskrywing van „goedgekeurde effekte” die volgende omskrywing in te voeg:

„goedgekeurde herversekerings” beteken—

(a) by die berekening van die voorwaardelike verbintenisse van 'n versekeraar kragtens nog lopende polisse ten opsigte van die besigheid wat hy binne die Unie dryf—

(i) enige herversekerings wat ingevolge paragraaf (d) van sub-artikel (2) geag word deel uit te maak van die besigheid in die Unie van die persoon by wie daardie herversekerings aangegaan is;

(ii) in die geval van lewens- en amortisasiefondsbesigheid, enige herversekerings wat voor die eerste dag van Januarie 1952 aangegaan is en betrekking het op polisse voor daardie datum uitgereik, en ander herversekerings wat onder buitengewone omstandighede op versoek van die betrokke versekeraar spesiaal deur die registrator goedgekeur is; en

(iii) in die geval van korttermyn-versekeringsbesigheid, enige herversekerings aangegaan onder 'n herversekeringspolis of kontrak ingevolge waarvan die versekeraar geld in die Unie hou waarop die versekeraar deur wie die herversekerings aangegaan is 'n eerste aanspraak en pandreg het as sekuriteit teen verliese wat veroorsaak mag word ingeval die versekeraar versuim om sy verpligtings kragtens bedoelde polis of kontrak na te kom of ingeval bedoelde polis of kontrak om een of ander rede ten eindé kom: Met dién verstande dat sodanige herversekerings nie geag word die voorwaardelike verbintenisse, kragtens nog lopende polisse, van die versekeraar deur wie bedoelde herversekerings aangegaan is, tot 'n groter bedrag as die bedrag van daardie geld te dek nie;

(b) by die berekening van die voorwaardelike verbintenisse van 'n versekeraar kragtens nog lopende polisse, ten opsigte van die besigheid wat hy buite die Unie dryf, enige herversekerings; en

(c) by die berekening van ander verbintenisse van 'n versekeraar as voorwaardelike verbintenisse kragtens nog lopende polisse, enige herversekerings;”;

(b) deur aan die end van die omskrywing van „boekjaar” die woorde „of, in die geval van 'n bepaalde versekeraar, 'n tydperk eindigende op die datum in elke jaar wat die registrator te eniger tyd op skriftelike versoek van daardie versekeraar mag bepaal” by te voeg;

Wysiging van
artikel 1 van
Wet 27 van 1943.

(c) by the substitution for the definition of "funeral policy" of the following definition:

"'funeral policy' means a policy whereby the insurer assumes an obligation, in return for a premium or the promise of a premium, to provide, on the death of any person, benefits which involve amounts not exceeding in the aggregate one hundred pounds and which consist principally of—

(a) provision for the funeral of that person;
or

(b) the grant of some other non-monetary benefit to any person,

whether or not the policy provides for the payment, at the option of the insurer or any other person, of a sum of money in lieu of the provision of such funeral or the grant of such other non-monetary benefit, and whether or not it provides for the payment of a sum of money in addition to the provision of such funeral or the grant of such other non-monetary benefit;"

(d) by the insertion after paragraph (f) of the proviso to the definition of "insurance business" of the following paragraph:

"(f)*bis*. any transaction undertaken by a registered insurer for the purpose of giving effect, otherwise than by means of policies of insurance issued by that insurer, to a scheme or arrangement made by himself (either alone or in conjunction with other persons) to provide benefits for his former employees or their dependants on the cessation of the employment or the death of such employees;"

(e) by the deletion of paragraph (h) of the proviso to the definition of "insurance business";

(f) by the insertion after the definition of "life policy" of the following definition:

"'long term insurance business' means any life business, industrial business, funeral business or sinking fund business;"

(g) by the deletion of the definition of "market value";

(h) by the insertion after the definition of "regulation" of the following definition:

"'short term insurance business' means any insurance business other than long term insurance business;"

(i) by the deletion of the definition of "Union asset"; and

(j) by the addition of the following sub-sections, the existing section becoming sub-section (1):

"(2) For the purposes of this Act or any regulation, unless the context indicates otherwise—

(a) the amount of the net liabilities of a registered insurer shall be deemed to be the amount of such liabilities and contingent liabilities as are in terms of sections twelve and thirteen required to be included in any statement of liabilities prepared in terms of those sections, excluding liabilities or contingent liabilities of the kinds referred to in paragraph (b) of section thirteen, and after deducting the amount of any liabilities or contingent liabilities covered by approved reinsurances referred to in paragraph (c) of that section;

(b) the value of the assets of a registered insurer shall be deemed to be the value thereof as required to be shown in any statement of assets prepared in terms of section fifteen;

(c) a person shall, save in respect of business accepted by him by way of reinsurance, be deemed to be carrying on insurance business in the Union if he is liable under a Union policy;

(d) if an insurer reinsures any of the business carried on by him in the Union, and the person with whom such reinsurance is effected (hereinafter referred to as the reinsurer) executes the relevant

- (c) deur die omskrywing van „begrafnispolis” deur die volgende omskrywing te vervang:
- „begrafnispolis” beteken ‘n polis waarby die versekeraar ‘n verpligting aanvaar as teenprestasie vir ‘n premie of die belofte van ‘n premie om, by die dood van iemand, voordele te verskaf waarby bedrae wat in die geheel hoogstens honderd pond beloop, betrokke is en wat hoofsaaklik bestaan uit—
- (a) voorsiening vir die begraafnis van daardie persoon; of
- (b) die toestaan van ‘n ander nie-geldelike voordeel aan iemand,
- afgesien daarvan of die polis voorsiening maak vir die betaling, na keuse van die versekeraar of iemand anders, van ‘n som geld in plaas van die voorsiening van bedoelde begraafnis of die toestaan van bedoelde ander nie-geldelike voordeel, en afgesien daarvan of dit voorsiening maak vir die betaling van ‘n som geld benewens die voorsiening van bedoelde begraafnis of die toestaan van bedoelde ander nie-geldelike voordeel;”;
- (d) deur na paragraaf (f) van die voorbehoudsbepaling by die omskrywing van „versekeringsbesigheid” die volgende paragraaf in te voeg:
- ,,(f)*bis.* ‘n regshandeling deur ‘n geregistreerde versekeraar onderneem, om andersins as deur middel van versekeringspolisse deur daardie versekeraar uitgereik, gevvolg te gee aan ‘n skema of reëling deur hom aangegaan (het sy alleen of tesame met ander persone) om by die beëindiging van die diens of dood van sy gewese werknemers aan bedoelde werknemers of hul afhanglikes vodoele te verleen;”;
- (e) deur paragraaf (h) van die voorbehoudsbepaling by die omskrywing van „versekeringsbesigheid” te skrap;
- (f) deur na die omskrywing van „lewenspolis” die volgende omskrywing in te voeg:
- „langtermyn-versekeringsbesigheid” beteken lewensbesigheid, nywerheidsbesigheid, begraafnisbesigheid of amortisasiefondsbesigheid;”;
- (g) deur die omskrywing van „markwaarde” te skrap;
- (h) deur na die omskrywing van „regulasie” die volgende omskrywing in te voeg:
- „korttermyn-versekeringsbesigheid” beteken ander versekeringssbesigheid as langtermyn-versekeringsbesigheid;”;
- (i) deur die omskrywing van „binnelandse bate” te skrap; en
- (j) deur die volgende sub-artikels by te voeg, terwyl die bestaande artikel sub-artikel (1) word:
- ,,(2) By die toepassing van hierdie Wet of ‘n regulasie, en tensy uit die samehang anders blyk—
- (a) word die bedrag van die netto-verbintenis van ‘n geregistreerde versekeraar geag die bedrag van die verbintenis en voorwaardelike verbintenis te wees wat ooreenkomsdig artikels *twaalf* en *dertien* in enige volgens daardie artikels opgemaakte opgawe van verbintenis ingesluit moet word, uitgesonderd verbintenis of voorwaardelike verbintenis van die in paragraaf (b) van artikel *dertien* vermelde soorte, en na aftrekking van die bedrag van verbintenis of voorwaardelike verbintenis wat deur in paragraaf (c) van daardie artikel bedoelde goedgekeurde herversekerings gedek word;
- (b) word die waarde van die bates van ‘n geregistreerde versekeraar geag die waarde daarvan te wees soos in ‘n ooreenkomsdig artikel *vyftien* opgemaakte opgawe van bates aangetoon moet word;
- (c) word iemand geag, behalwe ten opsigte van besigheid by wyse van herversekering deur hom aangeenem, versekeringssbesigheid in die Unie te dryf indien hy kragtens ‘n binnelandse polis aanspreeklik is;
- (d) word, indien ‘n versekeraar van die besigheid wat hy in die Unie dryf, herverseker, en die persoon by wie hy dit herverseker (hieronder die herversekeraar genoem) die betrokke herversekerings-

policy or contract of reinsurance at any place within the Union, such reinsurance business shall be deemed to form part of the business of the reinsurer in the Union;

(e) any insurance business which is not in terms of paragraph (c) or (d) of this sub-section deemed to be carried on in the Union or to form part of the business carried on by an insurer in the Union, shall be deemed to be carried on outside the Union or to form part of the business carried on outside the Union by the insurer concerned, as the case may be;

(3) An insurer's financial year in respect of his business in the Union shall be the same as that in respect of his business outside the Union, except in so far as the registrar, at the request of the insurer otherwise directs, and subject, if he so directs, to such adjustments as regards the periods within which returns are required to be furnished under this Act, and as regards the periods or dates to which such returns relate, as he may deem fit.”.

Amendment of section 4 of Act 27 of 1943, as amended by section 1 of Act 19 of 1945.

3. Section four of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) of the words “before commencing to carry on such business”;
- (b) by the substitution in paragraph (b) of sub-section (3) for the words “life business or industrial business or funeral business or sinking fund business” of the words “long term insurance business”; and
- (c) by the addition of the following sub-section:

“(4) Different regulations may be made for the purposes of sub-sections (1) and (2) in respect of applicants already registered for any class of insurance business and applicants not so registered.”.

Amendment of section 5 of Act 27 of 1943.

4. Section five of the principal Act is hereby amended by the deletion of sub-section (2).

Amendment of section 6 of Act 27 of 1943.

5. Section six of the principal Act is hereby amended by the addition of the following sub-sections:

“(5) At the request of a registered insurer the registrar shall, if he is satisfied that the insurer—

- (a) has carried on long term insurance business in the Union for a continuous period of not less than ten years; and
- (b) has been in a sound financial position throughout the period of five years immediately preceding the date of the request,

authorize the return to the insurer of any money and approved securities deposited by him with the Treasury in respect of his long term insurance business, and the Treasury shall in that event return such money or approved securities to the insurer at his request, whereafter the provisions of this Act requiring the deposit of money or approved securities with the Treasury in respect of such insurance business shall cease to apply to the insurer.

(6) The provisions of sub-section (5) shall apply *mutatis mutandis* in connection with any short term insurance business carried on by a registered insurer.”.

Amendment of section 8 of Act 27 of 1943.

6. Section eight of the principal Act is hereby amended by the deletion of the proviso thereto.

Amendment of section 9 of Act 27 of 1943.

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

- (a) by the substitution in sub-section (1) for the words “Every Union insurer shall have an auditor for his insurance business, whether carried on in the Union or elsewhere, and every non-Union insurer shall have” of the words “Every registered insurer shall have an auditor for all his business as a whole, including any business other than insurance business, and if he is a non-Union insurer, also”; and
- (b) by the substitution for sub-sections (5) and (6) of the following sub-sections:

“(5) The auditor of a Union insurer shall report to the insurer any irregularity of which, in his capacity

polis of -kontrak op 'n plek in die Unie verly, die herversekeringsbesigheid geag deel van die herversekeraar se besigheid in die Unie uit te maak;

- (e) word enige versekeringsbesigheid wat nie volgens paragraaf (c) of (d) van hierdie sub-artikel geag word in die Unie gedryf te word, of deel van die besigheid deur 'n versekeraar in die Unie gedryf uit te maak nie, geag buite die Unie gedryf te word of, al na die geval, deel van die besigheid deur die betrokke versekeraar buite die Unie gedryf, uit te maak.

(3) 'n Versekeraar se boekjaar ten opsigte van sy besigheid in die Unie moet dieselfde wees as wat dit ten opsigte van sy besigheid buite die Unie is, behalwe vir sover die registrator op versoek van die versekeraar anders gelas en onderworpe, indien hy aldus gelas, aan sodanige aanpassings in verband met die tydperke waarbinne opgawes volgens voorskrif van hierdie Wet verstrek moet word, en in verband met die tydperke of datums waarop daardie opgawes betrekking het, as wat hy goedvind.”.

3. Artikel vier van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „aleer hy daardie besigheid begin te dryf” te skrap;
- (b) deur in paragraaf (b) van sub-artikel (3) die woorde „lewensbesigheid of nywerheidsbesigheid of begrafnisbesigheid of amortisasiebesigheid” deur die woorde „langtermyn-versekeringsbesigheid” te vervang; en
- (c) deur die volgende sub-artikel by te voeg:
„(4) By die toepassing van sub-artikels (1) en (2) kan verskillende regulasies uitgevaardig word ten opsigte van applikante wat reeds vir een of ander soort versekeringsbesigheid geregistreer is en applikante wat nie aldus geregistreer is nie.”.

Wysiging van artikel 4 van Wet 27 van 1943, soos gewysig deur artikel 1 van Wet 19 van 1945.

4. Artikel vyf van die Hoofwet word hierby gewysig deur sub-artikel (2) te skrap.

Wysiging van artikel 5 van Wet 27 van 1943.

5. Artikel ses van die Hoofwet word hierby gewysig deur die volgende sub-artikels by te voeg:

- „(5) Op versoek van 'n geregistreerde versekeraar moet die registrator, indien hy oortuig is dat die versekeraar—
- (a) langtermyn-versekeringsbesigheid vir 'n aaneenlopende tydperk van minstens tien jaar in die Unie gedryf het; en
- (b) wat sy finansiële toestand betref, solied was vir die hele tydperk van vyf jaar onmiddellik voor die datum van die versoek,

magtiging verleen vir die terugawe aan die versekeraar van enige geld en goedgekeurde effekte wat hy ten opsigte van sy langtermyn-versekeringsbesigheid by die Tesourie gedeponeer het, en die Tesourie moet in so 'n geval bedoelde geld of goedgekeurde effekte aan die versekeraar op sy versoek teruggee, en daarna is die bepalings van hierdie Wet waarvolgens geld of goedgekeurde effekte ten opsigte van sodanige versekeringsbesigheid by die Tesourie gedeponeer moet word, nie meer op die versekeraar van toepassing nie.

(6) Die bepalings van sub-artikel (5) is *mutatis mutandis* van toepassing in verband met korttermyn-versekeringsbesigheid wat deur 'n geregistreerde versekeraar gedryf word.”.

6. Artikel acht van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling daarby te skrap.

Wysiging van artikel 8 van Wet 27 van 1943.

7. Artikel nege van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „Elke binnelandse versekeraar moet 'n ouditeur vir sy versekeringsbesigheid hê (onverskillig of dit in die Unie dan wel elders gedryf word) en elke buitenlandse versekeraar moet” deur die woorde „Elke geregistreerde versekeraar moet 'n ouditeur hê vir al sy besigheid as geheel, met inbegrip van ander besigheid as versekeringsbesigheid, en, as hy 'n buitenlandse versekeraar is, ook” te vervang; en
- (b) deur sub-artikels (5) en (6) deur die volgende sub-artikels te vervang:

Wysiging van artikel 9 van Wet 27 van 1943.

„(5) Die ouditeur van 'n binnelandse versekeraar moet die versekeraar in kennis stel van elke onreël-

as auditor, he has cause to complain, and the local auditor of a non-Union insurer shall report to the insurer any irregularity in respect of the insurance business carried on by the insurer in the Union of which, in his capacity as local auditor, he has cause to complain, and if steps to rectify the irregularity in question are not taken to the satisfaction of the auditor or local auditor, he shall forthwith report such irregularity to the registrar.

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

(7) The auditor of a Union insurer or local auditor of a non-Union insurer shall satisfy himself that the statement of the insurer's liabilities, prepared by the insurer in terms of sections *twelve* and *thirteen*, is correct according to the books of the insurer and any other information which may be necessary for that purpose (including, in the case of a non-Union insurer, any such information furnished to him by the auditor of the insurer), and shall, if he has so satisfied himself, attest such statement accordingly, or, if he cannot so satisfy himself, attest it subject to such qualifications as he may deem necessary, and shall, in attesting any such statement, indicate whether he is satisfied as to the reasonableness of the insurer's estimates of his liabilities of the kinds mentioned in sub-paragraphs (ii) and (iii) of paragraph (a) of section *thirteen*.

(8) The auditor of a Union insurer or local auditor of a non-Union insurer shall satisfy himself that the statement of the insurer's assets, prepared by the insurer in terms of sections *fourteen* and *fifteen*, is correct according to the books of the insurer and any other information which may be necessary for that purpose (including, in the case of a non-Union insurer, any such information furnished to him by the auditor of the insurer), and shall, if he has so satisfied himself, attest the statement accordingly, or, if he cannot so satisfy himself, attest it subject to such qualifications as he may deem necessary.

(9) In attesting any statement under sub-section (8), the auditor or local auditor shall state—

- (a) by what means he has satisfied himself of the existence of the assets shown in the statement;
- (b) whether he is satisfied that the applicable provisions of paragraphs (b), (c), (d), (e), (f) and (g) of section *fifteen* have been complied with;
- (c) to what extent he is satisfied as to the reasonableness of any estimate made by the insurer in terms of paragraph (h) of section *fifteen*;
- (d) by what means he has satisfied himself that the applicable provisions of sub-sections (3) and (4) of section *twenty-one* have been complied with in respect of such of the assets of the kinds referred to in those sub-sections as are shown in the statement as being held in the Union.

(10) Notwithstanding the provisions of sub-sections (7) and (8), an auditor or a local auditor shall not be required to attest—

- (a) any statement of liabilities prepared by the insurer, in so far as the particulars contained

matigheid waarteen hy in sy hoedanigheid van ouditeur gegronde beswaar het, en die plaaslike ouditeur van 'n buitelandse versekeraar moet die versekeraar in kennis stel van elke onreëlmaticiteit in verband met die versekeringsbesigheid deur die versekeraar in die Unie gedryf, waarteen hy in sy hoedanigheid van plaaslike ouditeur gegronde beswaar het, en indien stappe om die betrokke onreëlmaticiteit reg te maak, nie tot bevrediging van die ouditeur of plaaslike ouditeur gedoen word nie, moet hy die onreëlmaticiteit onverwyld aan die registrateur mee-deel.

(6) Die ouditeur van 'n geregistreerde versekeraar moet homself daarvan vergewis dat elke inkomsterekkening, wins- en verliesrekkening en balansstaat ooreenkomstig artikel *elf* deur die versekeraar opgemaak, behoorlik opgestel is sodat dit die handelsresultate of, na gelang van die geval, die finansiële toestand van die versekeraar, volgens die boeke van die versekeraar en ander inligting wat vir daardie doel nodig mag wees, juis weergee, en moet, indien hy homself aldus vergewis het, die betrokke dokument dienooreenkomstig waarmerk, of, indien hy homself nie aldus kan vergewis nie, dit waarmerk onderworpe aan die voorbehoude wat hy nodig ag.

(7) Die ouditeur van 'n binnelandse versekeraar of plaaslike ouditeur van 'n buitelandse versekeraar moet homself daarvan vergewis dat die opgawe van die versekeraar se verbintenissoos ooreenkomstig artikels *twaalf* en *dertien* deur die versekeraar opgemaak, juis is volgens die boeke van die versekeraar en ander inligting wat vir daardie doel nodig mag wees (waarby inbegrepe, in die geval van 'n buitelandse versekeraar, inligting deur die ouditeur van die versekeraar aan die plaaslike ouditeur verstrek), en moet, indien hy homself aldus vergewis het, bedoelde opgawe dienooreenkomstig waarmerk, of, indien hy homself nie aldus kan vergewis nie, dit waarmerk onderworpe aan die voorbehoude wat hy nodig ag, en moet, wanneer hy so 'n opgawe waarmerk, aandui of hy oortuig is van die redelikheid van die versekeraar se beramings ten opsigte van sy verbintenissoos die soorte in sub-paragrawe (ii) en (iii) van paragraaf (a) van artikel *dertien* vermeld.

(8) Die ouditeur van 'n binnelandse versekeraar of plaaslike ouditeur van 'n buitelandse versekeraar moet homself daarvan vergewis dat die opgawe van die versekeraar se bates, soos ooreenkomstig artikels *veertien* en *vyftien* deur die versekeraar opgemaak, juis is volgens die boeke van die versekeraar en ander inligting wat vir daardie doel nodig mag wees (waarby inbegrepe, in die geval van 'n buitelandse versekeraar, inligting deur die ouditeur van die versekeraar aan die plaaslike ouditeur verstrek), en moet, indien hy homself aldus vergewis het, bedoelde opgawe dienooreenkomstig waarmerk, of, indien hy homself nie aldus kan vergewis nie, dit waarmerk onderworpe aan die voorbehoude wat hy nodig ag.

(9) Die ouditeur of plaaslike ouditeur moet, wanneer hy ingevolge sub-artikel (8) 'n opgawe waarmerk, vermeld—

- (a) op watter wyse hy homself daarvan vergewis het dat die in die opgawe aangetoonde bates wel bestaan;
- (b) of hy daarvan oortuig is dat die toepaslike bepalings van paragrawe (b), (c), (d), (e), (f) en (g) van artikel *vyftien* nagekom is;
- (c) in hoeverre hy oortuig is van die redelikheid van enige beraming ooreenkomstig paragraaf (h) van artikel *vyftien* deur die versekeraar gemaak;
- (d) op watter wyse hy homself daarvan vergewis het dat die toepaslike bepalings van sub-artikels (3) en (4) van artikel *een-en-twintig* nagekom is ten opsigte van sodanige bates van die in daardie sub-artikels vermelde soorte as wat volgens die opgawe in die Unie besit word.

(10) Ondanks die bepalings van sub-artikels (7) en (8), word die waarmerk van 'n ouditeur of plaaslike ouditeur nie vereis nie in die geval van—

- (a) 'n opgawe van verbintenissoos deur die versekeraar opgemaak, vir soover die besonderhede daarin

therein have been attested by the actuary of the insurer in terms of sub-section (6) of section *ten*;

- (b) any statement of assets prepared by the insurer, in so far as it relates to assets held by the insurer in respect of long term insurance business, if the actuary of the insurer has in relation to that statement performed the duties imposed upon such auditor or local auditor in terms of sub-sections (8) and (9), and the registrar has on application by the insurer directed that attestation by such auditor or local auditor is not necessary.”.

**Amendment of
section 10 of Act 27
of 1943.**

8. Section *ten* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words “life business, industrial business, funeral business or sinking fund business in the Union” of the words “long term insurance business”;
- (b) by the substitution in sub-section (3) for the words “Actuarial Society of America or of the American Institute of Actuaries” of the words “Society of Actuaries of America”; and
- (c) by the substitution for sub-section (6) of the following sub-sections:

“(6) The actuary of a registered insurer shall satisfy himself that the statement of the insurer's liabilities in respect of long term insurance business, prepared by the insurer in terms of sections *twelve* and *thirteen*, is correct in so far as it relates to liabilities under unmatured policies and to such further extent as may be directed by the registrar at the request of the insurer, and shall, if he has so satisfied himself, attest the statement accordingly, or, if he cannot so satisfy himself, attest it subject to such qualifications as he deems necessary.

(7) In attesting any statement under sub-section (6) the actuary shall state—

- (a) whether he has compared the number of deaths amongst the persons whose lives were insured by the insurer with the number of deaths which would have occurred had such persons been subject to the rates of mortality incorporated in the mortality table used for calculating the liabilities, and, if so, in respect of what period such comparison was made and the results of the comparison;
- (b) whether he has compared the rate of interest which the insurer earned in the past in respect of all the assets referred to in paragraph (a) of sub-section (1) of section *seventeen* (in the case of a Union insurer), or the assets referred to in sub-section (1) of section *eighteen* (in the case of a non-Union insurer), with the rate of interest used in calculating the liabilities, and, if so, the period in respect of which and the method by which the rate of interest earned by the insurer was calculated, and the result of the comparison; and
- (c) whether he has compared the expenses of conducting the classes of insurance business in question (including commissions and other expenses incurred in connection with the receipt of applications for policies or the collection of premiums) with the allowance for expenses made in calculating the liabilities, and, if so, the methods by which the comparison was made, and the results of the comparison,

or, if any of the comparisons referred to in paragraphs (a), (b) and (c) have not been made, in what manner he has satisfied himself of the suitability of the mortality table used, or, as the case may be, of the rate of interest used, or of the allowance for expenses made, in calculating the liabilities.”.

**Substitution of
section 11 of Act 27**

9. The following section is hereby substituted for section *eleven* of the principal Act:

“Accounts.

11. (1) Every registered insurer shall within a period of six months as from the expiration of each financial year of his insurance business prepare and furnish to the registrar—

vervat, ooreenkomstig sub-artikel (6) van artikel *tien* deur die aktuaris van die versekeraar gewaarmerk is;

- (b) 'n opgawe van bates deur die versekeraar opgemaak, vir sover dit betrekking het op bates deur die versekeraar ten opsigte van langtermyn-versekeringsbesigheid besit, indien die aktuaris van die versekeraar met betrekking tot bedoelde opgawe die pligte ingevolge sub-artikels (8) en (9) aan daardie ouditeur of plaaslike ouditeur opgedra, uitgevoer het, en die registrateur op aansoek van die versekeraar gelas het dat waarmarking deur bedoelde ouditeur of plaaslike ouditeur nie nodig is nie.”.

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

Wysiging van
artikel 10 van
Wet 27 van 1943.

- (a) deur in sub-artikel (1) die woorde „in die Unie lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiefondsbesigheid” deur die woorde „langtermyn-versekeringsbesigheid” te vervang;
 (b) deur in sub-artikel (3) die woorde „Actuarial Society” van Amerika of van die „American Institute of Actuaries” deur die woorde „Society of Actuaries of America” te vervang; en
 (c) deur sub-artikel (6) deur die volgende sub-artikels te vervang:

„(6) Die aktuaris van 'n geregistreerde versekeraar moet homself daarvan vergewis dat die opgawe van die versekeraar se verbintenis ten opsigte van langtermyn-versekeringsbesigheid, soos ooreenkomstig artikels *twaalf* en *dertien* deur die versekeraar opgemaak, juis is vir sover dit op verbintenis kragtens nog lopende polisse betrekking het, asook vir sover die registrateur op versoek van die versekeraar mag gelas, en moet, indien hy homself aldus vergewis het, die opgawe dienooreenkomstig waarmerk, of, indien hy homself nie aldus kan vergewis nie, dit waarmerk onderworpe aan die voorbehoude wat hy nodig ag.

(7) Die aktuaris moet, wanneer hy ingevolge sub-artikel (6) 'n opgawe waarmerk, vermeld—

- (a) of hy die aantal sterfgevalle onder persone wie se lewens deur die versekeraar verseker was, vergelyk het met die aantal sterfgevalle wat sou ontstaan het indien dit ooreengekom het met die sterftesyfer ingelyf by die sterftetabel wat vir die berekening van die verbintenis gebruik is, en, so ja, ten opsigte van watter tydperk die vergelyking gemaak is en wat die uitslag van die vergelyking was;
 (b) of hy die rentekoers wat die versekeraar met sy beleggings in die verlede verdien het ten opsigte van al die in paragraaf (a) van sub-artikel (1) van artikel *seventien* vermelde bates (in die geval van 'n binnelandse versekeraar), of die in sub-artikel (1) van artikel *achtien* vermelde bates (in die geval van 'n buitelandse versekeraar), vergelyk het met die rentekoers by die berekening van die verbintenis gebruik, en, so ja, die tydperk ten opsigte waarvan en die metode waarvolgens die rentekoers verdien deur die versekeraar bereken is, en wat die uitslag van die vergelyking was; en
 (c) of hy die koste om die betrokke soorte versekeringsbesigheid te dryf (met inbegrip van kommissiegeld en ander koste in verband met die ontvangs van aansoeke om polisse of die invordering van premies aangegaan), vergelyk het met die voorseening vir koste gemaak by die berekening van verbintenis, en, so ja, die metode waarvolgens die vergelyking gemaak is, en wat die uitslag van die vergelyking was,
 of, indien daar van die in paragrawe (a), (b) en (c) vermelde vergelykings nie gemaak is nie, op watter wyse hy homself vergewis het van die geskiktheid van die sterftetabel wat gebruik is, of, na gelang van die geval, van die rentekoers wat gebruik of die voorsiening wat vir koste gemaak is, by die berekening van die verbintenis.”.

9. Artikel *elf* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 11 van
Wet 27 van 1943.

- „Rekenings. 11. (1) Elke geregistreerde versekeraar moet binne 'n tydperk van ses maande na die verstryking van elke boekjaar van sy versekeringsbesigheid—

- (a) a revenue account in respect of the insurance business carried on by him during that year, including any such business carried on outside the Union;
- (b) a profit and loss account in respect of all his business as a whole, including any business other than insurance business, during that year; and
- (c) a balance sheet showing the financial position of all his business as a whole, including any business other than insurance business, at the close of that year:

Provided that a profit and loss account shall not be required to be furnished by a company or association which has no share capital, or by an insurer who carries on, either within or outside the Union, no business other than insurance business and only one class of insurance business or only life business and sinking fund business.

(2) The accounts and balance sheet referred to in sub-section (1) shall be prepared in accordance with regulations, which may prescribe different forms of revenue account for various classes of insurance business and may require information or documents to be furnished in regard to any matter affecting the said accounts or the said balance sheet, and may prescribe different requirements in respect of Union insurers and non-Union insurers.

(3) If the registrar is of the opinion that an account or balance sheet furnished by an insurer is not in conformity with the provisions of this Act or is incorrect, the registrar may request the insurer to amend the said account or balance sheet or to furnish a correct account or balance sheet, and may if the insurer fails to comply with such request to his satisfaction, either himself amend the document in question (and in that event he shall furnish particulars of the amendments to the insurer) or reject that document.

(4) An account or balance sheet which has been amended as provided in sub-section (3), either by the registrar or by the insurer concerned, shall be deemed to have been lodged with the registrar in its amended form, and if an account or balance sheet has in terms of that sub-section been rejected by the registrar, the insurer concerned shall be deemed not to have complied with the requirements of sub-section (1) in relation to that account or balance sheet unless and until another account or balance sheet has been furnished in substitution therefor in accordance with the registrar's directions.

(5) Every registered insurer shall furnish to the registrar a copy of any report or statement relating to his finances, which he or his auditor or local auditor has submitted to the shareholders or policyholders of the insurer, within one month after it has been so submitted.

(6) On the application of any owner of a Union policy which is a life policy, industrial policy, funeral policy or sinking fund policy, under which a registered insurer is liable, the insurer shall furnish to the applicant, free of charge, a copy of the last revenue account, profit and loss account or balance sheet prepared by the insurer under sub-section (1).".

Amendment of
section 12 of Act 27
of 1943.

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

(a) by the substitution in sub-section (1)—

- (i) for the words "in the Union life business, industrial business, funeral business or sinking fund business" of the words "either within or outside the Union any long term insurance business"; and
- (ii) for the words "any such insurance business as aforesaid (including his contingent liabilities under unmatured policies) and in that statement he shall set forth his liabilities in respect of all

- (a) 'n inkomsterekening ten opsigte van die versekeringsbesigheid gedurende daardie jaar deur hom gedryf, met inbegrip van sodanige besigheid wat hy buite die Unie gedryf het;
 - (b) 'n wins- en verliesrekening ten opsigte van sy besigheid as geheel, met inbegrip van ander besigheid as versekeringsbesigheid, gedurende daardie jaar; en
 - (c) 'n balansstaat aantonende die finansiële posisie van sy besigheid as geheel, met inbegrip van ander besigheid as versekeringsbesigheid, aan die end van daardie jaar;
- opmaak en aan die registrator verstrek: Met dien verstande dat 'n wins- en verliesrekening nie vereis word nie in die geval van 'n maatskappy of vereniging wat geen aandelekapitaal het nie, of van 'n versekeraar wat, hetsy in of buite die Unie, geen ander besigheid as versekeringsbesigheid en slegs een soort versekeringsbesigheid of slegs lewensbesigheid en amortisasiefondsbesigheid dryf nie.

(2) Die in sub-artikel (1) bedoelde rekenings en balansstaat word opgemaak volgens voorskrif van regulasies, wat verskillende vorms van inkomsterekening vir onderskeie soorte versekeringsbesigheid kan voorskryf en kan bepaal dat inligting of dokumente verstrek moet word in verband met 'n aangeleentheid wat bedoelde rekenings of bedoelde balansstaat raak, en verskillende vereistes vir binnelandse versekeraars en buitenlandse versekeraars kan voorskryf.

(3) Indien die registrator van mening is dat 'n rekening of balansstaat wat deur 'n versekeraar verstrek is, nie aan die bepalings van hierdie Wet voldoen nie of foutief is, kan hy die versekeraar versoek om so 'n rekening of balansstaat te wysig of 'n juiste rekening of balansstaat te verstrek, en indien die versekeraar in gebreke bly om tot bevrediging van die registrator aan so 'n versoek te voldoen, of self die betrokke dokument wysig (en in so 'n geval moet hy besonderhede van die wysigings aan die versekeraar verstrek) of daardie dokument verworp.

(4) 'n Rekening of balansstaat wat volgens voor-skrif van sub-artikel (3) gewysig is, hetsy deur die registrator of deur die betrokke versekeraar, word geag in die gewysigde vorm by die registrator ingedien te gewees het, en indien 'n rekening of balansstaat kragtens daardie sub-artikel deur die registrator verworp is, word die betrokke versekeraar geag met betrekking tot daardie rekening of balansstaat nie aan die vereistes van sub-artikel (1) te voldoen het nie, tensy en totdat 'n ander rekening of balansstaat ooreenkomsdig die registrator se voorskrifte in die plek daarvan verstrek is.

(5) Elke geregistreerde versekeraar moet ten opsigte van elke verslag of opgawe met betrekking tot sy finansies, wat hy of sy ouditeur of plaaslike ouditeur aan die versekeraar se aandeelhouers of polishouers voorgelê het, binne 'n maand nadat dit aldus voorgelê is, 'n afskrif aan die registrator verstrek.

(6) Op aansoek van 'n eienaar van 'n binnelandse polis uit kragte waarvan 'n geregistreerde versekeraar aanspreeklik is, en wat 'n lewenspolis, nywerheidspolis, begrafnispolis of amortisasiepolis is, moet die versekeraar 'n kopie van die jongste inkomsterekening, wins- en verliesrekening of balansstaat ingevolge sub-artikel (1) deur die versekeraar opgemaak, gratis aan die applikant verstrek."

10. Artikel twaalf van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (1)—

Wysiging van
artikel 12 van
Wet 27 van 1943.

- (i) die woorde „in die Unie lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiefondsbesigheid dryf“ deur die woorde „langtermyn-versekeringsbesigheid dryf, hetsy in of buite die Unie“ te vervang; en
- (ii) die woorde „voormalde versekeringsbesigheid (met inbegrip van sy voorwaardelike verbintenisse kragtens nog lopende polisse) opmaak en aan die registrator verstrek en in daardie opgaaf moet

such insurance business which he carried on in the Union separately from his liabilities in respect of all such business (if any) which he carried on outside the Union" of the words "such business, calculated as at the end of such financial year";

- (b) by the deletion in paragraph (b) of the proviso to that sub-section of all the words after the words "one year";
- (c) by the substitution in sub-section (2) for the words "any class of insurance business mentioned in sub-section (1)" of the words "either within or outside the Union, any long term insurance business"; and
- (d) by the substitution in sub-section (3) for the words "any class of insurance business other than a class of insurance business mentioned in sub-section (1)" of the words "either within or outside the Union, any short term insurance business".

Substitution of section 13 of Act 27 thirteen of the principal Act:

of 1943, as

amended by section 2 of Act 19

"Provisions relating to statement of liabilities.

11. The following section is hereby substituted for section

thirteen of the principal Act:

of 1945.

13. The following provisions shall apply in connection with any statement under section twelve:

- (a) The statement shall *inter alia* include—
 - (i) the amount of the contingent liabilities of the insurer concerned under unmatured policies, calculated in accordance with the provisions of the Second Schedule to this Act;
 - (ii) the estimated amount of the insurer's liabilities in respect of claims under policies which had been intimated to the insurer or to any agent of the insurer but which had not been paid by the insurer prior to the date of termination of the financial year referred to in section twelve;
 - (iii) the amount of any liability in respect of income tax or other taxes for the year concerned and for preceding years, and if any such tax has not been finally assessed, the estimated amount in respect of such taxes.
- (b) The statement shall contain particulars of any contingent liability relating to the insurance business and not referred to in paragraph (a) and of any guarantee given by the insurer, other than a guarantee to provide for fidelity or similar guarantee business.
- (c) The statement shall show the liabilities after deduction of any liabilities or contingent liabilities covered by approved reinsurances: Provided that, as respects long term insurance business, a liability of an insurer under an unmatured policy shall not be deemed to be covered by reinsurance to an extent exceeding the amount of the reinsurer's liability, calculated on a basis actuarially similar to that employed by the first-mentioned insurer.
- (d) Every statement shall be prepared in accordance with regulations, which may require information to be furnished in regard to any matter affecting the amount of the liabilities, and particulars to be furnished of the amount and distribution of profits arising under any long term insurance business, whether carried on in the Union or not, and which may prescribe different requirements in respect of Union insurers and non-Union insurers.
- (e) If any liability of an insurer is incapable of allocation between—
 - (i) the long term insurance business carried on by the insurer, or such business carried on in the Union by the insurer, on the one hand, and any other business carried on by him on the other hand; or

hy sy verbintenis in verband met alle sodanige versekeringsbesigheid wat hy in die Unie gedryf het, vermeld, afgesonder van sy verbintenis in verband met alle sodanige besigheid wat hy buite die Unie mag gedryf het" deur die woorde „daardie besigheid, soos aan die end van bedoelde boekjaar bereken, opmaak en aan die registrator verstrek" te vervang;

- (b) deur in paragraaf (b) van die voorbehoudsbepaling by daardie sub-artikel al die woorde na die woorde „een jaar is nie" te skrap;
- (c) deur in sub-artikel (2) die woorde „een of ander in sub-artikel (1) vermelde soort versekeringsbesigheid te dryf" deur die woorde „langtermyn-versekeringsbesigheid te dryf, hetsy in of buite die Unie" te vervang; en
- (d) deur in sub-artikel (3) die woorde „'n ander soort versekeringsbesigheid dryf as 'n soort versekeringsbesigheid vermeld in sub-artikel (1)" deur die woorde „in of buite die Unie korttermyn-versekeringsbesigheid dryf" te vervang.

11. Artikel dertien van die Hoofwet word hierby deur die volgende artikel vervang:

„Bepalings 13. Die volgende bepalings is ten opsigte van 'n wat betrekking het op opgawe ingevolge artikel twaalf van toepassing: opgawe van (a) Die opgawe moet onder meer insluit—

- (i) die bedrag van voorwaardelike verbintenis van die betrokke versekeraar kragtens nog lopende polisse, bereken ooreenkomsdig die bepalings van die Tweede Bylae van hierdie Wet;
- (ii) 'n beraming van die bedrag van die versekeraar se verbintenis ten opsigte van vorderings kragtens polisse wat voor die verstrekking van die in artikel twaalf bedoelde boekjaar aan die versekeraar of 'n agent van die versekeraar bekendgemaak was, maar nie deur die versekeraar betaal was nie;
- (iii) die bedrag van 'n verbintenis ten opsigte van inkomstebelasting of ander belastings vir die betrokke jaar, en vir vorige jare, en, indien so 'n belasting nog nie finaal aangeslaan is nie, 'n beraming van die bedrag van sodanige belastings.
- (b) Die opgawe moet besonderhede bevat van enige voorwaardelike verbintenis wat op die versekersbesigheid betrekking het en wat nie in paragraaf (a) vermeld word nie, en van enige waarborg deur die versekeraar gegee, behalwe 'n waarborg om voorsiening te maak vir eerlikheids- of dergelike waarborgbesigheid.
- (c) Die opgawe moet die verbintenis aantoon na aftrekking van verbintenisse of voorwaardelike verbintenisse wat deur goedgekeurde herversekerings gedeck word: Met dien verstande dat in die geval van langtermyn-versekeringsbesigheid, 'n verbintenis van 'n versekeraar kragtens 'n nog lopende polis nie geag word deur herversekerings gedeck te wees nie tot 'n groter bedrag as die bedrag van die verbintenis van die herversekerings, bereken volgens 'n grondslag wat aktuarieel ooreenstem met die wat deur eersgenoemde versekeraar gebruik is.
- (d) Elke opgawe word opgemaak volgens voorskrif van regulasies wat kan bepaal dat inligting verstrek moet word in verband met enige aangeleentheid wat die bedrag van die verbintenis raak, en dat besonderhede verstrek moet word van die bedrag en verdeling van winste wat in verband met langtermyn-versekeringsbesigheid, hetsy in of buite die Unie, ontstaan, en verskillende vereistes vir binnelandse versekeraars en buitelandse versekeraars kan voorskryf.
- (e) Indien 'n verbintenis van 'n versekeraar nie—
 - (i) aan die langtermyn-versekeringsbesigheid wat deur die versekeraar gedryf word, of aan sodanige besigheid wat deur die versekeraar in die Unie gedryf word, enersyds, en ander besigheid wat deur hom gedryf word, andersyds; of

Vervanging van artikel 13 van Wet 27 van 1943, soos gewysig deur artikel 2 van Wet 19 van 1945.

(ii) any short term insurance business carried on by the insurer, or carried on in the Union by the insurer, on the one hand, and any other business carried on by him on the other hand,

such liability shall be deemed, for the purposes of the statement, to be allocated between such classes or kinds of business as nearly as practicable in proportion to the net liabilities of the insurer in respect of such classes or kinds of business, or on such other basis as the insurer may with the approval of the registrar deem appropriate to the circumstances of the case, and the statement of liabilities shall be drawn up so as to reflect such proportionate or other basis of allocation as aforesaid.

(f) The provisions of sub-sections (3) and (4) of section eleven shall apply *mutatis mutandis* to every such statement."

**Amendment of
section 14 of Act 27
of 1942.**

12. Section fourteen of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words following the words "that business" of the words "drawn up as at the end of such financial year"; and
- (b) by the addition at the end of sub-section (2) of the words "and which are of the kinds specified in the Third Schedule to this Act".

**Substitution of
section 15 of Act
27 of 1943.**

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

"Provisions relating to connection with any statement under section fourteen:

- (a) The statement shall not include any amount representing expenses of administration, organization or business extension, or the purchase price of any business (apart from the value of any property belonging thereto), or any goodwill or item of a similar nature or the value of any policy or contract of reinsurance which is the property of the insurer by whom the statement is prepared.
- (b) The value of any asset consisting of a loan or advance made by the insurer on the sole security of a policy under which he is liable, shall be shown at an amount which does not exceed the lesser of the two amounts stated below, namely—
 - (i) the surrender value of the policy in question; or
 - (ii) the amount of such loan or advance (including the amount of interest due or accrued) less the amount of the commission which the insurer owes or for which he estimates he will become liable on any premiums constituting part of such loan or advance.
- (c) In respect of any long term insurance business the value of any asset consisting of an outstanding premium, or a premium debited to an agent of the insurer, or a deferred instalment of a premium, shall be shown at an amount which does not exceed the lesser of the two amounts stated below, namely—
 - (i) the amount of the net liability of the insurer under the policy in question; or
 - (ii) the amount of such premium or instalment less the amount of—
 - (aa) any commission which the insurer owes or for which he estimates he will become liable in connection with the said premium or instalment; and
 - (bb) the corresponding outstanding premium or instalment of premium under any reinsurance of the said policy, after deduction of the corresponding commission payable under that reinsurance.

(ii) aan korttermyn-versekeringsbesigheid wat deur die versekeraar gedryf word, of wat deur die versekeraar in die Unie gedryf word, enersyds, en ander besigheid wat deur hom gedryf word, andersyds, toegewys kan word nie, word bedoelde verbintenis vir die doeleindes van die opgawe geag aan bedoelde soorte of tipes besigheid toegewys te wees sover doenlik na verhouding van die netto-verbintenis van die versekeraar ten opsigte van daardie soorte of tipes besigheid, of op so 'n ander grondslag as wat die versekeraar met goedkeuring van die registrator volgens die omstandighede gepas ag, en word die opgawe van verbintenissoe so opgemaak dat dit die toewysing op so 'n proporsionele of ander grondslag aantoon.

(f) Die bepalings van sub-artikels (3) en (4) van artikel *elf* is *mutatis mutandis* op elke sodanige opgawe van toepassing."

12. Artikel *veertien* van die Hoofwet word hierby gewysig— Wysiging van artikel 14 van Wet 27 van 1943.

(a) deur in sub-artikel (1) die woorde na die woorde „besit” deur die woorde „bereken op die end van daardie boekjaar, opmaak en aan die registrator verstrek” te vervang; en

(b) deur in sub-artikel (2) na die woorde „bate” die woorde „van die soorte in die Derde Bylae van hierdie Wet vermeld” in te voeg.

13. Artikel *vyftien* van die Hoofwet word hierby deur die Vervanging van artikel 15 van Wet 27 van 1943.

„Bepalings wat betrekking het op opgawe van bates. 15. Die volgende bepalings is in verband met 'n opgawe ingevolge artikel *veertien* van toepassing:

(a) Die opgawe sluit geen bedrag in wat koste van administrasie, organisasie of besigheidsuitbreiding, of die koopprys van 'n besigheid (afgesien van die waarde van goedere wat daarby behoort) of klandisiwaarde of 'n soortgelyke pos of die waarde van 'n herversekeringspolis of kontrak wat die eiendom is van die versekeraar deur wie die opgawe opgestel word, verteenwoordig nie.

(b) Die waarde van 'n bate wat bestaan uit 'n lening of voorskot deur die versekeraar gemaak uitsluitlik teen sekuriteit van 'n polis uit hoofde waarvan hy aanspreeklik is, word aangegee teen 'n bedrag wat die mindere van ondervermelde twee bedrae nie te bowe gaan nie, te wete—

(i) die afkoopwaarde van die betrokke polis;
of
(ii) die bedrag van bedoelde lening of voor-skot (met inbegrip van verskuldigde of opgelöpe rente), min die bedrag aan kommissie wat deur die versekeraar verskuldig is of volgens sy beraming verskuldig sal word op premies wat deel van die lening of voorskot uitmaak.

(c) In die geval van langtermyn-versekeringsbesigheid word die waarde van 'n bate bestaande uit 'n uitstaande premie, of 'n premie wat teen 'n agent van die versekeraar gedebiteer is, of 'n uitgestelde paaiemant van 'n premie, aangegee teen 'n bedrag wat die mindere van ondervermelde twee bedrae nie te bowe gaan nie, te wete—

(i) die bedrag van die netto-verbintenis van die versekeraar kragtens die betrokke polis; of
(ii) die bedrag van so 'n premie of paaiemant, min die bedrag van—

(aa) kommissie wat in verband met bedoelde premie of paaiemant deur die versekeraar verskuldig is of volgens sy beraming verskuldig sal word; en

(bb) die ooreenstemmende uitstaande premie of premie-paaiemant ten opsigte van herversekering van bedoelde polis, na aftrekking van die ooreenstemmende kommissie wat kragtens daardie herversekering verskuldig is.

- (d) In respect of any short term insurance business, no outstanding premium (irrespective of whether or not it has been debited to an agent of the insurer) shall be included in the statement if at the end of the financial year to which the statement relates more than twelve months have elapsed since the date on which such premium became due by the owner of the policy in question, and the value of any other outstanding premiums or premiums debited to agents of the insurer shall be shown at an amount which in the aggregate does not exceed the full amount of such premiums reduced by—
- (i) the amount or estimated amount of any commission which the insurer owes or for which he is likely to become liable in connection with the said premiums;
 - (ii) the amount or estimated amount of the corresponding outstanding premiums under any reinsurances of the policies in question (less the corresponding commission payable under those reinsurances) unless such amount has been or will be included as a liability in the statement of liabilities prepared under section *thirteen*; and
 - (iii) a reserve, in an amount deemed by the registrar to be adequate, but not exceeding fifteen per cent. of the total value attached to all the premiums included in the statement, to cover the risk of loss arising from non-receipt by the insurer of any such premiums as aforesaid.
- (e) No claim which is overdue for a period of twelve months or longer and which does not consist of, or form part of any asset mentioned in paragraph (b) or (c), shall be included in the statement.
- (f) Every asset which a registered insurer holds in respect of long term insurance business and which is of a kind specified in paragraph 3, 4, 5 or 6 of the Third Schedule to this Act and which represents a debt redeemable on a certain date or between certain dates shall be shown in the statement at an amount not exceeding the value determined as follows, namely—
- (i) where such asset was purchased by the insurer concerned at a purchase price equal to the amount payable on redemption: a value equal to that amount;
 - (ii) where such asset was purchased by the insurer concerned at a purchase price exceeding the amount payable on redemption: a value arrived at by reducing that price to the amount payable on redemption by means of successive equal reductions, one such reduction being made as at the end of each financial year of the insurer, commencing with the financial year in which the purchase was made and ending with the last day of the financial year immediately preceding the date on which, or the earlier of the dates between which, the debt is redeemable; or
 - (iii) where such asset was purchased by the insurer concerned at a purchase price less than the amount payable on redemption: a value arrived at by increasing that price to the amount payable on redemption by means of successive equal additions, one such addition being made as at the end of each financial year of the insurer, commencing with the financial year in which the purchase was made and ending with the last day of the financial year immediately preceding the date on which, or the later of the dates between which, the debt is redeemable.

- (d) In die geval van korttermyn-versekeringsbesigheid word geen uitstaande premie (hetsy dit teen 'n agent van die versekeraar gedebiteer is al dan nie) in die opgawe ingesluit nie, indien aan die end van die boekjaar waarop die opgawe betrekking het, meer as twaalf maande verloop het sedert die datum waarop die premie deur die eienaar van die betrokke polis verskuldig geword het, en word die waarde van ander uitstaande premies of premies wat teen agente van die versekeraar gedebiteer is, aangegee teen 'n bedrag in die geheel hoogstens gelyk aan die volle bedrag van bedoelde premies, min—
- (i) die bedrag of geraamde bedrag aan kommissie wat deur die versekeraar verskuldig is of waarskynlik verskuldig sal word ten opsigte van bedoelde premies;
 - (ii) die bedrag of geraamde bedrag van die ooreenstemmende uitstaande premies ten opsigte van herversekerings van die betrokke polisse (min die ooreenstemmende kommissie ten opsigte van daardie herversekerings verskuldig), tensy daardie bedrag in die ingevolge artikel *dertien* opgestelde opgawe van verbintenisse as 'n verbintenis ingesluit is of sal word; en
 - (iii) 'n reserwe van 'n bedrag wat die registrator toereikend ag, maar hoogstens vyftien persent van die totale waarde geplaas op al die premies wat in die opgawe ingesluit is, om die risiko van verlies weens nie-ontvangs van bedoelde premies deur die versekeraar te dek.
- (e) Geen vordering wat twaalf maande of langer agterstallig is en wat nie uit 'n in paragraaf (b) of (c) gemelde bate bestaan of deel daarvan uitmaak nie, word in die opgawe ingesluit nie.
- (f) Elke bate van 'n in paragraaf 3, 4, 5 of 6 van die Derde Bylae van hierdie Wet vermelde soort wat 'n geregistreerde versekeraar ten opsigte van langtermyn-versekeringsbesigheid besit en wat 'n skuld verteenwoordig wat op 'n bepaalde datum of tussen bepaalde datums aflosbaar is, word in die opgawe aangegee teen 'n bedrag hoogstens gelyk aan die waarde as volg bepaal, naamlik—
- (i) waar sodanige bate deur die betrokke versekeraar gekoop is teen 'n koopprys wat gelyk is aan die bedrag betaalbaar by aflossing: 'n waarde gelyk aan daardie bedrag;
 - (ii) waar sodanige bate deur die betrokke versekeraar gekoop is teen 'n koopprys groter as die bedrag by aflossing betaalbaar: 'n waarde verkry deur daardie prys tot die bedrag betaalbaar by aflossing te verminder deur middel van agtereenvolgende gelyke verminderinge waarvan een aan die end van elke boekjaar van die versekeraar gemaak word, beginnende met die boekjaar waarin die koop voltrek is en eindigende met die laaste dag van die boekjaar wat die datum waarop of die vroegste van die datums waartussen die skuld aflosbaar is, onmiddellik voorafgaan; of
 - (iii) waar sodanige bate deur die betrokke versekeraar gekoop is teen 'n koopprys minder as die bedrag by aflossing betaalbaar: 'n waarde verkry deur daardie prys tot die bedrag betaalbaar by aflossing te vermeerder deur middel van agtereenvolgende gelyke vermeerderings, waarvan een aan die end van elke boekjaar van die versekeraar gemaak word, beginnende met die boekjaar waarin die koop voltrek is en eindigende met die laaste dag van die boekjaar wat die datum waarop of die laatste van die datums waartussen die skuld aflosbaar is, onmiddellik voorafgaan.

For the purposes of this paragraph the term 'purchase price' shall mean the cost of acquisition of the asset in question, after making such adjustments (if any) in respect of accrued interest, brokerage, stamp duty and underwriting commission as may be required by the methods of book-keeping habitually applied by the insurer concerned: Provided that any such adjustment shall be subject to revision by the registrar.

(g) Save as respects assets to which the provisions of paragraph (f) apply, every asset the price of which was quoted on a stock exchange in the Union within a period of three months immediately preceding the date to which the statement relates, shall be shown in the statement at an amount not exceeding the value determined according to the price last so quoted: Provided that if such quotation relates to a date other than that to which the statement of assets relates, the amount shall be properly adjusted in the case of—

(i) any interest-bearing asset, in respect of the difference between the amount of the interest which had accrued from the last date on which interest was payable up to the date of the quotation in question and the corresponding amount of interest accrued up to the date to which the statement relates;

(ii) any share on which dividends have been declared, in respect of the difference between the amount of any dividend which had been declared but not paid on the date of the quotation in question and the amount of any dividend which had been declared but not paid on the date to which the statement relates:

Provided further that if the registrar is of the opinion that the values, determined in accordance with the foregoing provisions, of all the assets referred to in this paragraph and held by the insurer concerned in respect of long term insurance business are in the aggregate unduly low or unduly high so that they do not reflect the real aggregate value of the assets, he may with the consent of the Minister authorize or direct the insurer to show those assets at such other values as shall in the opinion of the registrar represent their real values.

(h) Every asset which is not of a kind referred to in the preceding paragraphs shall be valued at an amount not exceeding the price which would be obtained on a sale in the Union between a willing seller and a willing purchaser (between whom there is no other direct or indirect connection) as estimated by the insurer and approved by the registrar, or, if the registrar does not approve of an estimate made by the insurer, as estimated by the registrar.

(i) Every statement shall be prepared in accordance with regulations, which may require information or documents to be furnished in regard to any matter affecting the value of the assets and may require particulars to be furnished of any assets held on behalf of the insurer by any person, and of any pledge hypothecation or other encumbrance of any of the assets: Provided that, in respect of assets held in connection with any long term insurance business, the statement shall, on the occasions other than those on which a statement of liabilities in respect of such business is furnished to the registrar in accordance with the pro-

By die toepassing van hierdie paragraaf beteken 'koopprys' die verkrygingskoste van die betrokke bate, nadat ten opsigte van opgelope rente, makelaarsloon, seëlregte en onderskrywingskommissie die verrekenings (as daar is) gedoen is wat vereis word volgens die boekhou-metodes wat gewoonlik deur die betrokke versekeraar toegepas word: Met dien verstande dat so 'n verrekening onderhewig is aan hersiening deur die registerateur.

- (g) Behalwe wat bates betref waarop die bepalings van paragraaf (f) van toepassing is, moet elke bate waarvan die prys op 'n effektebeurs in die Unie genoteer is binne 'n tydperk van drie maande onmiddellik voor die datum waarop die opgawe betrekking het, in die opgawe aangegee word teen 'n bedrag hoogstens gelyk aan die waarde daarvan soos teen die laaste aldus genoteerde prys bepaal: Met dien verstande dat indien die notering betrekking het op 'n ander datum as die datum waarop die opgawe van bates betrekking het, daar by die bepaling van bedoelde bedrag behoorlik rekening gehou moet word, in die geval van—

- (i) rentedraende bates, met die verskil tussen die bedrag wat vanaf die laaste datum waarop rente betaalbaar was tot op die datum van die betrokke notering aan rente opgeloop het, en die ooreenstemmende bedrag aan opgelope rente tot op die datum waarop die opgawe betrekking het;
- (ii) 'n aandeel waarop diwidende verklaar is, met die verskil tussen die bedrag aan diwidende wat op die datum van die betrokke notering verklaar maar nog nie uitbetaal was nie, en die bedrag aan diwidende wat op die datum waarop die opgawe betrekking het, verklaar maar nog nie uitbetaal was nie:

Met dien verstande voorts dat indien die gesamentlike waarde van al die in hierdie paragraaf vermelde bates, wat die betrokke versekeraar ten opsigte van langtermyn-versekeringsbesigheid besit, soos ooreenkomsdig voorgaande bepalings vasgestel, volgens die oordeel van die registerateur uitermate laag of uitermate hoog is en dus nie die werklike totale waarde van daardie bates weergee nie, die registerateur met goedkeuring van die Minister die versekeraar kan magtig of beveel om daardie bates teen die ander waardes aan te gee wat na die registerateur se mening die werklike waardes daarvan verteenwoordig.

- (h) Elke bate wat nie van 'n in die voorafgaande paragrawe vermelde soort is nie, word gewaardeer teen 'n bedrag hoogstens gelyk aan die prys wat by 'n verkoping in die Unie tussen 'n gewillige koper en 'n gewillige verkoper (tussen wie daar geen ander regstreekse of onregstreekse verband bestaan nie) verkry sou word, soos deur die versekeraar beraam en deur die registerateur goedgekeur, of indien die registerateur nie 'n beraming deur die versekeraar gemaak, goedkeur nie, soos deur die registerateur beraam.

- (i) Elke opgawe word opgemaak volgens voorskrif van regulasies, wat kan bepaal dat inligting of dokumente verstrek moet word in verband met 'n aangeleentheid wat die waarde van die bates raak, en kan voorskryf dat besonderhede van bates wat deur iemand anders ten behoeve van die versekeraar besit word, en van 'n verpanding, verhipotekering of ander beswaring van bates, verstrek moet word: Met dien verstande dat die opgawe wat verstrek moet word ten opsigte van bates in verband met langtermyn-versekeringsbesigheid besit, by ander geleenthede as dié waarop opgawes van verbintenis ten opsigte van daardie besigheid ooreenkomsdig die bepalings van artikel twaalf

Amendment of
section 16 of
Act 27 of 1943.

Substitution of
section 17 of Act
27 of 1943, as
amended by
section 3 of Act 19
of 1945.

visions of section *twelve*, be furnished in an abridged form to be specified in such regulations.

(j) The provisions of sub-sections (3) and (4) of section *eleven* shall apply *mutatis mutandis* to the statement of assets.”.

14. Section sixteen of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words “or in respect of all his insurance business of any class which he carries on in the Union” of the words “or any part thereof”; and
- (b) by the substitution in sub-section (3) for the words “such a statement” of the words “any such statement”.

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

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

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

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

(2) The assets referred to in paragraph (b) of sub-section (1) shall, subject to the provisions of sub-section (3), include—

- (a) assets of the kinds mentioned in Part I of the said Third Schedule having an aggregate value not less than forty per cent. of the amount of the net liabilities referred to in paragraph (b) of sub-section (1); and
- (b) assets of the kinds mentioned in Parts I and II of that Schedule having an aggregate value not less than seventy-five per cent. of the amount of those net liabilities.

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

(4) The provisions of sub-sections (1) and (2) shall *mutatis mutandis* apply to every Union insurer in respect of his short term insurance business.”

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

Substitution of
section 18 of
Act 27 of 1943.

aan die registrator verstrek moet word, in 'n beknopte vorm, soos in bedoelde regulasies uiteengesit, moet wees.

(j) Die bepalings van sub-artikels (3) en (4) van artikel elf is *mutatis mutandis* op die opgawe van bates van toepassing.”.

14. Artikel sestien van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) die woorde „of met betrekking tot al sy versekeringsbesigheid van 'n soort wat hy in die Unie dryf” deur die woorde „of 'n deel daarvan” te vervang; en
- (b) deur in die Engelse teks van sub-artikel (3) die woorde „such a statement” deur die woorde „any such statement” te vervang.

Wysiging van artikel 16 van Wet 27 van 1943.

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

„Bates wat in verband met versekeringsbesigheid besit moet word deur binelandse versekeraars.

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

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

(2) Die in paragraaf (b) van sub-artikel (1) bedoelde bates moet, behoudens die bepalings van sub-artikel (3), insluit—

- (a) bates van die in Deel I van bedoelde Derde Bylae vermelde soorte met 'n gesamentlike waarde gelyk aan minstens veertig persent van die bedrag van die in paragraaf (b) van sub-artikel (1) bedoelde netto-verbintenisste; en
- (b) bates van die in Dele I en II van daardie Bylae vermelde soorte van 'n gesamentlike waarde gelyk aan minstens vyf-en-sewentig persent van die bedrag van bedoelde netto-verbintenisste.

(3) 'n Binelandse versekeraar kan te eniger tyd die registrator versoek om, benewens 'n opgawe van verbintenisste wat die versekeraar ingevolge artikel twaalf verplig is om aan die registrator te verstrek, 'n aanvullende opgawe aan te neem wat deur die aktuaris van die versekeraar as korrek gewaarmerk is, aantonende wat die bedrag of benaderde bedrag sou wees van die versekeraar se verbintenisste kragtens nog lopende polisse ten opsigte van langtermyn-versekeringsbesigheid deur die versekeraar in die Unie gedryf, indien daardie verbintenisste bereken sou word volgens die minimum grondslag in die Tweede Bylae van hierdie Wet beskryf, asook die wyse waarop bedoelde bedrag of benaderde bedrag bereken is, en indien die registrator oortuig is dat die besonderhede wat in bedoelde aanvullende opgawe vervat is of sal word, voldoende is om 'n onafhanklike aktuaris in staat te stel om die juistheid van voormalde berekening te bepaal, moet hy die versekeraar magtig om sulke aanvullende opgawes te verstrek, en solank as wat die versekeraar dit tot bevrediging van die registrator doen, geld die bepalings van paragraaf (a) van sub-artikel (2) asof die bedrag van die daarin vermelde netto-verbintenisste, vir sover dit verbintenisste kragtens nog lopende polisse betref, op bedoelde minimum grondslag bereken was: Met dien verstande dat in so 'n geval die bepalings van paragraaf (c) van artikel vyftien insgelyks van toepassing is asof die bedrag van bedoelde verbintenisste op bedoelde minimum grondslag bereken was.

(4) Die bepalings van sub-artikels (1) en (2) is *mutatis mutandis* van toepassing op elke binelandse versekeraar ten opsigte van sy korttermyn-versekeringsbesigheid.”.

Vervanging van artikel 17 van Wet 27 van 1943, soos gewysig deur artikel 3 van Wet 19 van 1945.

16. Artikel agtien van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 18 van Wet 27 van 1943.

"Assets to be held in respect of insurance business by non-Union insurers."

18. (1) Every non-Union insurer shall hold in the Union, in respect of the long term insurance business which he carries on in the Union, assets of one or more of the kinds mentioned in the Third Schedule to this Act having an aggregate value not less than the amount of the net liabilities of the insurer in respect of that business.

(2) The assets referred to in sub-section (1) shall, subject to the provisions of sub-section (3), include—

- (a) assets of the kinds mentioned in Part I of the said Third Schedule having an aggregate value not less than forty per cent. of the amount of the said net liabilities; and
- (b) assets of the kinds mentioned in Parts I and II of that Schedule having an aggregate value not less than seventy-five per cent. of the amount of those net liabilities.

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

(4) The provisions of sub-sections (1) and (2) of this section shall *mutatis mutandis* apply to every non-Union insurer in respect of the short term insurance business, which he carries on in the Union.”.

Substitution of section 19 of Act 27 of 1943.

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

"Assets in respect of long term insurance business and short term insurance business to be kept separately."

19. (1) Every Union insurer who carries on—
 (a) long term insurance business; and
 (b) any other business,
 shall from time to time determine which of his assets shall be deemed, for the purposes of this Act, to be held in respect of the said long term insurance business, and shall not deal with any such asset as if it were held partly in respect of that business and partly in respect of any other business: Provided that a Union insurer may maintain a combined banking account in respect of his long term insurance business on the one hand and any other business on the other hand, if he also maintains a record showing the extent to which the balance of such account is attributable to such long term insurance business.

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

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

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

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

- (a) every Union insurer who carries on any short term insurance business; and
- (b) every non-Union insurer who carries on in the Union any short term insurance business.”.

Substitution of section 20 of Act 27 of 1943.

18. The following section is hereby substituted for section twenty of the principal Act:

"Insurance assets not to be pledged or encumbered."

20. (1) For the purposes of section seventeen or eighteen, an asset shall not be deemed to be held by a registered insurer if it is, save with the consent of the registrar and to the extent authorized by him, held on behalf of such insurer by any person, or is pledged, hypothecated or otherwise encumbered in favour of any person, other than—

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

18. (1) Elke buitelandse versekeraar moet ten opsigte van die langtermyn-versekeringsbesigheid wat hy in die Unie dryf, bates in die Unie besit van een of meer van die in die Derde Bylae van hierdie Wet vermelde soorte, met 'n gesamentlike waarde minstens gelyk aan die bedrag van die versekeraar se netto-verbintenis ten opsigte van daardie besigheid.

(2) Die in sub-artikel (1) vermelde bates moet, behoudens die bepalings van sub-artikel (3), insluit—

(a) bates van die in Deel I van gemelde Derde Bylae vermelde soorte met 'n gesamentlike waarde gelyk aan minstens veertig persent van die bedrag van bedoelde netto-verbintenis; en

(b) bates van die in Dele I en II van daardie Bylae vermelde soorte met 'n gesamentlike waarde gelyk aan minstens vyf-en-sewentig persent van die bedrag van bedoelde netto-verbintenis.

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

(4) Die bepalings van sub-artikels (1) en (2) van hierdie artikel is *mutatis mutandis* van toepassing op elke buitelandse versekeraar ten opsigte van die korttermyn-versekeringsbesigheid wat hy in die Unie dryf.”.

17. Artikel *negentien* van die Hoofwet word hereby deur die *Vervanging van artikel 19 van Wet 27 van 1943*

volgende artikel vervang:

„Bates ten opsigte van (a) langtermyn-versekeringsbesigheid; en langtermyn- (b) enige ander besigheid, versekeraars- besigheid en dryf, moet van tyd tot tyd bepaal watter van sy korttermyn- bates vir die doeleindes van hierdie Wet geag moet versekeraars- word ten opsigte van bedoelde langtermyn- besigheid versekeraarsbesigheid besit te word, en mag nie moet apart gehou word. met so 'n bate handel asof dit gedeeltelik ten opsigte van daardie besigheid en gedeeltelik ten opsigte van ander besigheid besit word nie: Met dien verstande dat 'n binnelandse versekeraar 'n gesamentlike bankrekening ten opsigte van sy langtermyn-versekeringsbesigheid, enersyds, en ander besigheid, andersyds, in stand kan hou, mits hy ook 'n register aanhou wat aantoon in hoeverre die saldo van daardie rekening aan bedoelde langtermyn-versekeringsbesigheid toegegrys moet word.

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

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

(a) die langtermyn-versekeringsbesigheid wat deur 'n binnelandse versekeraar gedryf word; of

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

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

(a) elke binnelandse versekeraar wat korttermyn-versekeringsbesigheid dryf; en

(b) elke buitelandse versekeraar wat in die Unie korttermyn-versekeringsbesigheid dryf.”.

18. Artikel *twintig* van die Hoofwet word hereby deur die *Vervanging van artikel 20 van Wet 27 van 1943*

volgende artikel vervang:

„Versekeraarsbates mag nie verpand of beswaar word nie.

20. (1) By die toepassing van artikel *sewentien* of *agtien* word 'n bate nie geag deur 'n geregistreerde versekeraar besit te wees nie indien dit, behalwe met toestemming van die registrator, en vir sover deur hom veroorloof, ten behoeve van daardie versekeraar besit word deur, of verpand, verhipotekeer of andersins beswaar is ten gunste van, iemand anders as—

- (a) the Treasury or a person acting on behalf of the Treasury;
- (b) the Minister of Labour or the Workmen's Compensation Commissioner, or any person acting on behalf of such Minister or Commissioner, in accordance with the laws of the Union relating to workmen's compensation;
- (c) the Government of any country other than the Union in which the insurer carries on or intends to carry on insurance business, or any person acting on behalf of such a Government, if the insurer concerned is a Union insurer and has transferred those assets into the name of such Government or such person or has pledged, hypothecated or encumbered those assets in order to comply with the laws relating to insurance in force in that country;
- (d) an individual who is resident in the Union, or a company or other association which is incorporated in the Union, if the insurer is a non-Union insurer and has transferred such asset into the name of such individual, company or association or has created such pledge, hypothecation or other encumbrance in order to meet the requirements of sub-section (4) of section twenty-one; or
- (e) another insurer in terms of a contract of reinsurance between the said registered insurer and such other insurer:

Provided that if in the opinion of the registrar a pledge, hypothecation or other encumbrance as aforesaid is of limited extent so as to affect a part only of the value of the assets in question, the foregoing provisions shall apply only in respect of that part of the said value which in the opinion of the registrar is so affected.

(2) A Union insurer shall not, in connection with his insurance business, and a non-Union insurer shall not, in connection with the insurance business which he carries on in the Union—

- (a) borrow any sum which exceeds, or any sums which in the aggregate exceed, five per cent. of the aggregate value of the assets mentioned in section seventeen or eighteen, as the case may be, except with the consent of and to the extent permitted by the registrar; or
- (b) guarantee to discharge the liabilities of any other person in the event of the failure of that person to do so (unless such guarantee is incorporated in a policy issued by the insurer), except with the consent of and to the extent permitted by the registrar.”.

Substitution of
section 21 of
Act 27 of 1943.

19. The following section is hereby substituted for section twenty-one of the principal Act:

“Manner of holding assets in Union.

21. (1) A registered insurer shall, for the purposes of sub-section (2) of section fourteen, section seventeen or eighteen or sub-section (2) of section nineteen, be deemed to hold in the Union—

- (a) any moneys or securities held by the Treasury in terms of section three or four;
- (b) any securities deposited by the insurer with the Minister of Labour, the Workmen's Compensation Commissioner or the Union's High Commissioner in London (or with a person acting on behalf of that Minister or either of the said Commissioners) in accordance with the laws of the Union relating to workmen's compensation;
- (c) an asset consisting of corporeal property, if such property is in the Union;
- (d) an asset consisting of an amount standing to the credit of the insurer concerned in an account with a bank or a building society or with the National Finance Corporation of South Africa established under the National Finance Corporation Act, 1949 (Act No. 33 of 1949), if such account is with an office in the Union of such bank, building society or Corporation; and
- (e) an asset consisting of a loan or an advance on the sole security of a policy under which the

- (a) die Tesourie of iemand wat namens die Tesourie handel;
 - (b) die Minister van Arbeid of die Ongevallekommissaris, of iemand wat namens bedoelde Minister of Kommissaris handel, ooreenkomstig die wette van die Unie wat op werkliedeskadeloosstelling betrekking het;
 - (c) die Regering van 'n ander land as die Unie waarin die versekeraar versekeringsbesigheid dryf of voornemens is om te dryf, of iemand wat namens so 'n Regering handel, as die betrokke versekeraar 'n binnelandse versekeraar is en daardie bates op die naam van so 'n Regering of so iemand oorgedra het of dit verpand, verhipoteker of beswaar het ten einde aan die in daardie land geldende wette op versekering te voldoen;
 - (d) 'n indiwidu wat in die Unie woonagtig is, of 'n maatskappy of ander vereniging wat in die Unie met regspersoonlikheid beklee is, as die versekeraar 'n buitelandse versekeraar is en bedoelde bate op die naam van so 'n indiwidu, maatskappy of vereniging oorgedra het, of so 'n verpanding, verhipotekering of ander beswaring geskep het ten einde aan die vereistes van sub-artikel (4) van artikel *een-en-twintig* te voldoen; of
 - (e) 'n ander versekeraar kragtens 'n herversekeringskontrak tussen bedoelde geregistreerde versekeraar en sodanige ander versekeraar:
- Met dien verstande dat as 'n verpanding, verhipotekering of ander beswaring soos voormeld volgens die registrator se oordeel van beperkte omvang is sodat dit slegs 'n deel van die waarde van die betrokke bate raak, die voorgaande bepalings slegs vir daardie deel van bedoelde waarde geld wat volgens die registrator se oordeel aldus geraak word.
- (2) 'n Binnelandse versekeraar mag nie in verband met sy versekeringsbesigheid en 'n buitelandse versekeraar mag nie in verband met die versekeringsbesigheid wat hy in die Unie dryf—
- (a) 'n bedrag leen wat meer is, of bedrae leen wat gesamentlik meer is as vyf persent van die gesamentlike waarde van die bates vermeld in artikel *sewentien* of *agtien*, al na die geval, behalwe met toestemming van die registrator en vir sover hy dit veroorloof; of
 - (b) 'n waarborg gee om iemand anders se skuld te betaal nie ingeval so iemand in gebreke bly om dit te doen (tensy die waarborg ingelyf is by 'n polis wat deur die versekeraar uitgereik is), behalwe met toestemming van die registrator en vir sover hy dit veroorloof."

19. Artikel *een-en-twintig* van die Hoofwet word hierby Vervanging van deur die volgende artikel vervang:

"Wyse waarop bates in die Unie besit moet word.

21. (1) 'n Geregistreerde versekeraar word, by die toepassing van sub-artikel (2) van artikel *veertien*, artikel *sewentien* of *agtien* of sub-artikel (2) van artikel *negentien*, geag in die Unie te besit—
- (a) geld of effekte in besit van die Tesourie kragtens artikel *drie* of *vier*;
 - (b) effekte deur die versekeraar gedeponeer by die Minister van Arbeid, die Ongevallekommissaris of die Hoë Kommissaris van die Unie in Londen (of by iemand wat namens bedoelde Minister of een of ander van daardie Kommissaris handel), ooreenkomstig die wette van die Unie wat op werkliedeskadeloosstelling betrekking het;
 - (c) 'n bate wat uit liggaamlike goedere bestaan indien sulke goedere in die Unie is;
 - (d) 'n bate bestaande uit 'n saldo op rekening van die betrokke versekeraar by 'n bank of 'n bouvereniging of by die Nasionale Finansiekorporasie van Suid-Afrika, ingestel deur die Wet op die Nasionale Finansiekorporasie, 1949 (Wet No. 33 van 1949), indien so 'n rekening by 'n kantoor van daardie bank, bouvereniging of Korporasie in die Unie is; en
 - (e) 'n bate bestaande uit 'n lening of voorskot op die uitsluitlike sekuriteit van 'n polis waar-

Vervanging van artikel 21 van Wet 27 van 1943.

insurer concerned is liable, or any outstanding premium (including a premium debited to an agent of the insurer) or any deferred instalment of premium on such a policy, if the policy in question is a Union policy.

(2) A registered insurer shall not, for the aforementioned purposes, be deemed to hold in the Union any asset of a kind mentioned in paragraph (c), (d) or (e) of sub-section (1) unless the applicable conditions as set out in those paragraphs are satisfied.

(3) A registered insurer shall not, for the aforementioned purposes, be deemed to hold in the Union any asset of a kind not mentioned in sub-section (1)—

- (a) unless every document which is the property of the insurer concerned and which essentially evidences the title of the insurer to such asset is in the Union; and
- (b) in the case of a non-Union insurer, unless the conditions specified in sub-section (4) are complied with.

(4) The conditions referred to in paragraph (b) of sub-section (3) shall be—

(a) as regards assets of the kinds specified in Parts I and II of the Third Schedule to this Act, that an individual who is resident in the Union, or a company or association which is incorporated in the Union, shall be empowered by the insurer to transfer title to a judgment creditor of the insurer in the event of such asset being attached under a writ of execution issued out of a competent court in the Union, or to a judicial manager appointed in terms of section *thirty-one*, or to a liquidator appointed in terms of section *thirty-two*; and

(b) as regards assets of the kinds specified in Part III of the said Schedule, that the insurer's right to such assets shall be pledged to an individual who is resident in the Union or to a company or association which is incorporated in the Union, as trustee for the owners of Union policies under which the insurer is liable, in accordance with the provisions of a trust which has been entered into for that purpose between the said insurer and the said individual, company or association, and which shall be subject to and revocable only on the conditions stated below, namely—

- (i) in the event of the value of the assets held by the trustee being in excess of the amount necessary to enable the insurer to comply with the provisions of section *eighteen*, assets to be selected by the insurer to a value not exceeding the amount of such excess shall, at the request of the insurer, be released to him by the trustee;
- (ii) the insurer shall at all times be entitled to substitute for an asset pledged some other asset, being of a kind specified in Part III of the Third Schedule to this Act, which is of equal or greater value, and in that event the trustee shall release to the insurer such first-mentioned asset;
- (iii) the trustee shall at all times accept the insurer's written statement as to the assets which may be released in terms of sub-paragraph (i) or (ii);
- (iv) in the event of all the assets being so released, the trust may be revoked, but a trust shall not otherwise be revocable and shall not be deemed to be revocable merely because it has not been accepted by the beneficiaries thereunder;

kragtens die betrokke versekeraar aanspreeklik is, of 'n uitstaande premie (met inbegrip van 'n premie gedebiteer teen 'n agent van die versekeraar) of 'n uitgestelde premie-paaiement kragtens so 'n polis, indien die betrokke polis 'n binnelandse polis is.

(2) 'n Geregistreerde versekeraar word nie vir voormalde doeleinades geag 'n bate van 'n in paraagraaf (c), (d) of (e) van sub-artikel (1) vermelde soort in die Unie te besit nie, tensy aan die toepaslike in daardie paragrawe gemelde voorwaardes voldoen word.

(3) 'n Geregistreerde versekeraar word nie vir voormalde doeleinades geag 'n bate van 'n soort wat nie in sub-artikel (1) vermeld word nie, in die Unie te besit nie—

(a) tensy elke dokument wat die eiendom van die betrokke versekeraar is en wat as wesentlike bewys van die versekeraar se eiendomsreg op so 'n bate dien, in die Unie is; en

(b) in die geval van 'n buitelandse versekeraar, tensy aan die voorwaardes uiteengesit in sub-artikel (4) voldoen word.

(4) Die in paragraaf (b) van sub-artikel (3) bedoelde voorwaardes is—

(a) wat betref bates van die in Dele I en II van die Derde Bylae van hierdie Wet vermelde soorte, dat iemand wat in die Unie woonagtig is, of 'n maatskappy of vereniging wat in die Unie met regspersoonlikheid beklee is, deur die versekeraar gemagtig moet wees om eiendomsreg oor te dra aan 'n vonnisskuldeiser van die versekeraar ingeval daar kragtens 'n lasbrief vir eksekusie, deur 'n bevoegde hof in die Unie uitgereik, op so 'n bate beslag geleë word, of aan 'n kragtens artikel *een-en-dertig* aangestelde geregtelike bestuurder of 'n kragtens artikel *twoe-en-dertig* aangestelde likwidateur; en

(b) wat betref bates van die in Deel III van bedoelde Bylae vermelde soorte, dat die versekeraar se reg op bedoelde bates aan 'n individu wat in die Unie woonagtig is of aan 'n maatskappy of ander vereniging wat in die Unie met regspersoonlikheid beklee is, as trustee ten behoeve van die eienaars van binnelandse polisse waar-kragtens die versekeraar aanspreeklik is, verpand moet word, ooreenkomsdig die bepalings van 'n trust wat vir daardie doel aangegaan is tussen bedoelde versekeraar en bedoelde individu, maatskappy of vereniging, en wat onderworpe is aan, en herroep kan word slegs op, die voorwaardes hieronder uiteengesit, te wete—

(i) ingeval die waarde van die bates in besit van die trustee die bedrag oorskry wat nodig is ten einde die versekeraar in staat te stel om aan die bepalings van artikel *agtien* te voldoen, moet op versoek van die versekeraar bates deur hom gekies, en waarvan die waarde nie groter as die bedrag van die oorskot is nie, deur die trustee aan hom vrygestel word;

(ii) die versekeraar is te alle tye geregtig om 'n verpande bate deur 'n ander bate van een of ander van die in Deel III van die Derde Bylae van hierdie Wet vermelde soorte, van gelyke of groter waarde, te vervang, en in so 'n geval moet eers bedoelde bate deur die trustee aan die versekeraar vrygestel word;

(iii) die trustee moet te alle tye die geskrewe verklaring van die versekeraar omtrent die bates wat kragtens sub-paragraaf (i) of (ii) vrygestel kan word, aanvaar;

(iv) die trust kan herroep word ingeval al die bates aldus vrygestel word, maar 'n trust kan nie andersins herroep word nie en word nie geag herroeplik te wees nie bloot omdat dit nie deur die bevoordeeldes daarkragtens aanvaar is nie;

(v) any income received by the trustee upon the assets pledged to him shall be paid to the insurer;

(vi) subject to the provisions of the preceding sub-paragaphs, the trustee shall not transfer title to any asset pledged under a trust otherwise than to a judgment creditor of the insurer pursuant to a writ of execution issued out of a competent court in the Union, or to a judicial manager appointed in terms of section *thirty-one* or to a liquidator appointed in terms of section *thirty-two*.

(5) Any instrument or document required solely for the purpose of giving effect to any provision of sub-section (4) shall be exempt from stamp duty.”.

Repeal of section 22 of Act 27 of 1943.

Amendment of section 24 of Act 27 of 1943, as amended by section 4 of Act 19 of 1945.

20. Section *twenty-two* of the principal Act is hereby repealed.

21. Section *twenty-four* of the principal Act is hereby amended—

(a) by the substitution in sub-section (3)—

(i) for the words “to and including *twenty-two*” of the expression “*to twenty*, inclusive, sub-section (4) of section *twenty-one*, and sections”; and

(ii) for the expression “provisions of sub-sections (5), (7) and (9)” of the words “following provisions of this section”;

(b) by the substitution for sub-section (7) of the following sub-section:

“(7) The provisions of sub-section (6) shall not apply—

(a) to a former insurer in respect of sinking fund business who is a registered insurer in respect of life business; or

(b) to a former insurer who has issued no policies in the Union after the thirty-first day of December, 1926:

Provided that if at any time the Minister is satisfied that the financial position of any such former insurer is not sound, he may direct that former insurer to comply with the provisions of the said sub-section within such period as the Minister may determine.”; and

(c) by the addition at the end of the section of the following sub-section:

“(10) At the request of a former insurer who satisfies the registrar—

(a) that the number of Union policies under which he is liable as a former insurer is less than one hundred; and

(b) that his financial position is sound, the registrar may in his discretion exempt such insurer from the obligation to furnish any return required in terms of section *eight*, *eleven*, *twelve*, *fourteen* or *sixteen*, but subject to such conditions and with such limitations as the registrar may impose: Provided that, if the former insurer is also a registered insurer, such exemption shall not apply in connection with the business in respect whereof he is registered.”.

Amendment of section 25 of Act 27 of 1943.

22. Section *twenty-five* of the principal Act is hereby amended—

(a) by the substitution in paragraph (a) of sub-section (1) for the words “life business, industrial business, funeral business or sinking fund business” of the words “long term insurance business”; and

(b) by the addition at the end of the section of the following sub-section:

“(13) Any arrangement entered into between two or more insurers whereby a liability of any 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

- (v) inkomste deur die trustee op aan hom verpande bates ontvang, moet aan die versekeraar betaal word;
 - (vi) onderworpe aan die bepalings van voorstaande sub-paragrafe, mag die trustee nie die eiendomsreg op 'n deur trust verpande bate oordra nie, behalwe aan 'n vonnisskuldeiser van die versekeraar ingevolge 'n lasbrief vir eksekusie wat deur 'n bevoegde hof in die Unie uitgereik is, of aan 'n kragtens artikel *een-en-dertig* aangestelde geregtelike bestuurder, of 'n kragtens artikel *twee-en-dertig* aangestelde likwidateur.
- (5) 'n Akte of dokument benodig uitsluitlik om aan 'n bepaling van sub-artikel (4) gevolg te gee, is vrygestel van seëlreg."

20. Artikel *twee-en-twintig* van die Hoofwet word hierby herroep. Herroeping van artikel 22 van Wet 27 van 1943.

21. Artikel *vier-en-twintig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (3)—
 - (i) die woord „*twee-en-twintig*” deur die woorde „*twintig*, sub-artikel (4) van artikel *een-en-twintig*, en artikels” te vervang; en
 - (ii) die uitdrukking „bepalings van sub-artikels (5), (7) en (9)” deur die woorde „volgende bepalings van hierdie artikel” te vervang;
- (b) deur sub-artikel (7) deur die volgende sub-artikel te vervang:

„(7) Die bepalings van sub-artikel (6) is nie van toepassing—

 - (a) op 'n voormalige versekeraar ten opsigte van amortisasiefondsbesigheid, wat 'n geregistreerde versekeraar ten opsigte van lewensbesigheid is nie; of
 - (b) op 'n voormalige versekeraar wat geen polisse in die Unie na die een-en-dertigste dag van Desember 1926 uitgereik het nie:

Met dien verstande dat as die Minister te eniger tyd oortuig is dat so 'n voormalige versekeraar nie finansieel solied is nie, hy daardie voormalige versekeraar kan beveel om binne sodanige tydperk as wat die Minister mag vasstel, aan die bepalings van genoemde sub-artikel te voldoen.”; en
- (c) deur aan die end van die artikel die volgende sub-artikel by te voeg:

„(10) Op versoek van 'n voormalige versekeraar wat die registrateur oortuig—

 - (a) dat die getal binnelandse polisse waarkragtens hy as voormalige versekeraar aanspreeklik is, minder as honderd is; en
 - (b) dat hy finansieel solied is, kan die registrateur daardie versekeraar na goeddunke vrystel van die verpligting om enige ingevolge artikel *agt*, *elf*, *twaalf*, *veertien* of *sestien* vereiste opgawe te verstrek, maar onderworpe aan die voorwaardes en met inagneming van die beperkings wat die registrateur mag ople: Met dien verstande dat, indien die voormalige versekeraar ook 'n geregistreerde versekeraar is, so 'n vrystelling nie in verband met die besigheid ten opsigte waarvan hy geregistreer is, van toepassing is nie.”.

22. Artikel *vyf-en-twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 25 van Wet 27 van 1943.

- (a) deur in paragraaf (a) van sub-artikel (1) die woorde „lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiebesigheid” deur die woord „langtermyn-versekeringsbesigheid” te vervang; en
- (b) deur aan die end van die artikel die volgende sub-artikel by te voeg:

„(13) Elke reëlling tussen twee of meer versekeraars aangegaan, ingevolge waarvan 'n aanspreeklikheid van enigeen 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 (hetsey die aanspreeklikheid van eersbedoelde versekeraar deur

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 substitution and have signified or will signify their consent thereto in writing.”.

Amendment of
section 26 of
Act 27 of 1943.

23. Section *twenty-six* of the principal Act is hereby amended by the substitution in sub-section (1)—

- (a) for the words “life business, industrial business, funeral business or sinking fund business” of the words “long term insurance business”; and
- (b) for the words “to a non-Union insurer any such business which that other person was carrying on in the Union” of the words “any business which he was carrying on in the Union to a non-Union insurer carrying on long term insurance business in the Union”.

Amendment of
section 27 of
Act 27 of 1943.

24. Section *twenty-seven* of the principal Act is hereby amended by the substitution in sub-section (1) for the words “life business, industrial business, funeral business or sinking fund business” of the words “long term insurance business.”

Amendment of
section 29 of
Act 27 of 1943.

25. Section *twenty-nine* of the principal Act is hereby amended—

- (a) by the deletion of paragraphs (d) and (e) of sub-section (1);
- (b) by the substitution in paragraph (f) of sub-section (1) for the words “any such return” of the words “any return furnished by the insurer to the registrar”; and
- (c) by the insertion in sub-section (3) after the word “is” of the words “or formerly was”.

Amendment of
section 31 of
Act 27 of 1943.

26. Section *thirty-one* of the principal Act is hereby amended—

- (a) by the substitution for sub-section (11) of the following sub-section:

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

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

Provided that, where the court is of the opinion—

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

bedoelde polisse of nuwe polisse verklaar of geskep word, of die bepalings van daardie nuwe polisse dieselfde is as of verskil van die bepalings van die oorspronklike polisse, al dan nie), word by die toe-passing van hierdie artikel geag 'n skema vir die oordrag van die betrokke versekeringsbesigheid te wees, tensy die registrateur homself daarvan oortuig verklaar het dat bedoelde eienaars van polisse omtrent die aard van die oordrag ingelig is of sal word en skriftelik hul instemming daarmee te kenne gegee het of sal gee.”.

23. Artikel ses-en-twintig van die Hoofwet word hierby gewysig deur in sub-artikel (1)—

- (a) die woorde „lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiebesigheid” deur die woorde „langtermyn-versekeringsbesigheid” te vervang; en
- (b) die woorde „sodanige besigheid wat daardie ander persoon in die Unie gedryf het, aan 'n buitelandse versekeraar” deur die woorde „enige besigheid wat hy in die Unie gedryf het aan 'n buitelandse versekeraar wat langtermyn-versekeringsbesigheid in die Unie dryf” te vervang.

24. Artikel sewe-en-twintig van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiebesigheid” deur die woorde „langtermyn-versekeringsbesigheid” te vervang.

25. Artikel nege-en-twintig van die Hoofwet word hierby gewysig—

- (a) deur paragrawe (d) en (e) van sub-artikel (1) te skrap;
- (b) deur in paragraaf (f) van sub-artikel (1) die woorde „indien uit so 'n opgaaf” deur die woorde „indien uit 'n deur die versekeraar aan die registrateur verstrekte opgawe” te vervang; en
- (c) deur in sub-artikel (3) na die woorde „is” die woorde „of voorheen was” in te voeg.

26. Artikel een-en-dertig van die Hoofwet word hierby gewysig—

- (a) deur sub-artikel (11) deur die volgende sub-artikel te vervang:

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

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

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

Met dien verstande dat waar die hof bevind—

- (i) dat indien die versekeraar 'n bepaalde soort langtermyn-versekeringsbesigheid of 'n onderdeel daarvan sou voortgesit het; die winste of 'n deel van die winste daaruit verkry, vir verdeling onder eienaars van polisse in 'n ander soort versekeringsbesigheid of onderdeel daarvan of onder ander skuldeisers of onder die aandeelhouers of ander eienaars beskikbaar sou geword het; of
- (ii) ten opsigte van korttermyn-versekeringsbesigheid, dat daar 'n oorskot van bates teenoor verbin-tenis is,

die hof kan beveel dat 'n bedrag wat na sy mening gelyk is aan die teenswoordige waarde van bedoelde winste of deel daarvan of die bedrag van bedoelde oorskot, al na die geval, of so 'n kleiner bedrag as wat die hof billik ag, uit die bates deur die versekeraar ten opsigte van bedoelde soort langtermyn-versekeringsbesigheid of onderdeel daarvan of, al na die

Wysiging van artikel 26 van Wet 27 van 1943.

Wysiging van artikel 29 van Wet 27 van 1943.

Wysiging van artikel 31 van Wet 27 van 1943.

of short term insurance business, as the case may be, and be used for the benefit of owners of policies in any other class of long term insurance business or part thereof or in any class of short term insurance business, or for the benefit of other creditors or of the shareholders or other proprietors.”; and

- (b) by the substitution in sub-section (12) for the words following the word “Union” where it occurs the third time of the words “and such class of insurance business carried on by the insurer in the said country shall, notwithstanding the provisions of paragraph (e) of sub-section (2) of section one, be deemed to form part of the insurer’s business in the Union”.

Amendment of
section 32 of
Act 27 of 1943.

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

- (a) by the substitution in sub-section (8) for the words “life business or industrial business or funeral business or sinking fund business” of the words “long term insurance business”; and
- (b) by the addition at the end of sub-section (9) of the words “and the available funds shall be distributed among the owners of such policies on such basis as the court may deem equitable”.

Amendment of
section 34 of
Act 27 of 1943.

28. Section *thirty-four* of the principal Act is hereby amended by the addition at the end of sub-section (2) of the words “together with a copy of a report by an actuary stating that such table or statement is actuarially sound”.

Repeal of
section 35 of
Act 27 of 1943.

29. Section *thirty-five* of the principal Act is hereby repealed*

Amendment of
section 36 of
Act 27 of 1943.

30. Section *thirty-six* of the principal Act is hereby amended by the insertion in sub-section (1) before the word “any” where it occurs the first time of the words “and has requested that such policies shall be deemed for the purposes of this Act to be life policies only”.

Amendment of
section 37 of
Act 27 of 1943.

31. Section *thirty-seven* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (2) for the words following the word “may” of the words “with the consent of his guardian, cede, pledge or surrender the policy while he is a minor”; and
- (b) by the substitution in sub-section (3) for the words preceding the words “the insurer” of the words “If any money becomes payable to a minor who has attained the age of eighteen years under a policy effected by himself on his own life”.

Amendment of
section 49 of
Act 27 of
1943.

32. Section *forty-nine* of the principal Act is hereby amended by the addition at the end thereof of the following proviso:

“Provided that if the registrar is satisfied that the actuarial nature of policies of any particular kind is such as to render the application of the foregoing provisions inequitable, he may direct the insurer to apply, in respect of policies of the said kind, such other method of making adjustments in respect of mis-statements of the said age as may appear to the registrar to be equitable.”.

Amendment of
section 50 of
Act 27 of 1943.

33. Section *fifty* of the principal Act is hereby amended by the insertion after the word “amount” of the words “which to his knowledge is”.

Amendment of
section 53 of
Act 27 of 1943.

34. Section *fifty-three* of the principal Act is hereby amended by the deletion in the definition of “deficiency” of the words “in the balance sheet and”.

Amendment of
section 54 of
Act 27 of 1943.

35. Section *fifty-four* of the principal Act is hereby amended by the deletion in the second proviso of the words “if during any financial year the funeral insurance fund of the insurer decreases in amount”, and the addition at the end of that proviso of the words “on the ground of a decrease in the funeral insurance fund of the insurer during any financial year”.

Amendment of
section 55 of
Act 27 of 1943.

36. Section *fifty-five* of the principal Act is hereby amended by the deletion in paragraph (b) of the words “sub-section (1) of” and the words “of section eighteen, and of sub-section (2) of section nineteen”.

geval, ten opsigte van korttermyn-versekeringsbesigheid besit, uitbetaal word en ten bate van eienaars van polisse in enige ander soort langtermyn-versekeringsbesigheid of onderdeel daarvan of in enige soort korttermyn-versekeringsbesigheid, of ten bate van ander skuldeisers of van die aandeelhouers of ander eienaars aangewend word.”; en

- (b) deur in sub-artikel (12) die woorde na die woorde „besit” waar dit die tweede maal voorkom deur die woorde „en bedoelde soort versekeringsbesigheid deur die versekeraar in bedoelde land gedryf, word, ondanks die bepalings van paragraaf (e) van sub-artikel (2) van artikel een, geag deel van die versekeraar se besigheid in die Unie uit te maak” te vervang.

27. Artikel twee-en-dertig van die Hoofwet word hierby Wysiging van gewysig— artikel 32 van Wet 27 van 1943.

- (a) deur in sub-artikel (8) die woorde „lewensbesigheid of nywerheidsbesigheid of begrafnisbesigheid of amortisasiefondsbesigheid” deur die woorde „langtermyn-versekeringsbesigheid” te vervang; en
- (b) deur aan die einde van sub-artikel (9) die woorde „en word die beskikbare fondse onder die eienaars van bedoelde polisse verdeel op so ’n basis as wat die hof billik ag” by te voeg.

28. Artikel vier-en-dertig van die Hoofwet word hierby Wysiging van gewysig deur aan die end van sub-artikel (2) die woorde artikel 34 van „tesame met ’n afskrif van ’n verslag deur ’n aktuaris waarin verklaar word dat bedoelde tabel of staat op ’n soliede aktuariële grondslag berus” by te voeg. Wet 27 van 1943.

29. Artikel vyf-en-dertig van die Hoofwet word hierby Herroeping van herroep. artikel 35 van Wet 27 van 1943.

30. Artikel ses-en-dertig van die Hoofwet word hierby Wysiging van gewysig deur in sub-artikel (1) na die woorde „reik” die woorde artikel 36 van „en versoek het dat bedoelde polisse by die toepassing van hierdie Wet geag word slegs lewenspolisse te wees” in te voeg. Wet 27 van 1943.

31. Artikel sewe-en-dertig van die Hoofwet word hierby Wysiging van gewysig— artikel 37 van Wet 27 van 1943.

- (a) deur in sub-artikel (2) die woorde na die woorde „mag” deur die woorde „terwyl hy minderjarig is, die polis met toestemming van sy voog sedeer, verpand of laat afkoop” te vervang; en
- (b) deur in sub-artikel (3) die woorde wat die woorde „moet” voorafgaan deur die woorde „Indien geld aan ’n minderjarige wat die leeftyd van agtien jaar bereik het, betaalbaar word kragtens ’n polis deur hom op sy eie lewe gesluit” te vervang.

32. Artikel nege-en-veertig van die Hoofwet word hierby Wysiging van gewysig deur aan die end daarvan die volgende voorbehoudsbepaling by te voeg: artikel 49 van Wet 27 van 1943.

„Met dien verstande dat indien die registrator oortuig is dat die aktuariële aard van polisse van ’n bepaalde klas sodanig is dat die toepassing van voorafgaande bepalings onbillik sou wees, hy die versekeraar kan gelas om ten opsigte van polisse van bedoelde klas so ’n ander metode van verrekening ten opsigte van verkeerde opgawes van bedoelde ouderdom toe te pas as wat die registrator billik ag.”.

33. Artikel vyftig van die Hoofwet word hierby Wysiging van gewysig deur na die woorde „bedrag wat” die woorde „na sy wete” artikel 50 van in te voeg. Wet 27 van 1943.

34. Artikel drie-en-vyftig van die Hoofwet word hierby Wysiging van gewysig deur in die omskrywing van „tekort” die woorde „in artikel 53 van die balansstaat en” te skrap. Wet 27 van 1943.

35. Artikel vier-en-vyftig van die Hoofwet word hierby Wysiging van gewysig deur in die tweede voorbehoudsbepaling die woorde artikel 54 van „as die begrafnisversekeringsfonds van die versekeraar gedurende een of ander boekjaar in bedrag verminder” te skrap. Wet 27 van 1943.

36. Artikel vyf-en-vyftig van die Hoofwet word hierby Wysiging van gewysig deur in paragraaf (b) die woorde „van sub-artikel artikel 55 van (1)” en die woorde „van artikel agtien en van sub-artikel (2) van artikel negentien” te skrap. Wet 27 van 1943.

Substitution of
section 58 of
Act 27 of 1943.

37. The following section is hereby substituted for section *fifty-eight* of the principal Act:

Application of
certain
provisions
to funeral
business.

58. (1) The provisions of sections *thirty-four*, *thirty-six* to *forty-eight*, inclusive, and *fifty* shall apply *mutatis mutandis* in connection with funeral business: Provided that for the purpose of the application in connection with such business—

- (a) of the provisions of section *thirty-four*, the benefits of a policy shall be deemed to include any option of the kind referred to in sub-section (1) of section *fifty-seven* which is exercisable by the owner of that policy;
- (b) of the provisions of section *thirty-eight*, the said section shall be read as if for the words following the word 'equal' in sub-section (5) there had been substituted the words 'to one-half of the sum insured mentioned in sub-section (4) of section *fifty-seven* and applicable to the deceased person'.

(2) If after the issue of a funeral policy it is proved that such policy is based upon an incorrect statement of the age of the person whose life is insured, the benefits under the policy shall not be affected thereby, but the premiums payable under the policy from the date on which such person became insured shall be deemed to be those which would have been required had the said age been correctly stated, and the insurer concerned shall be entitled to recover from the owner of the policy any resultant shortfall in the premiums actually paid, or, as the case may be, shall refund to the owner of the policy any resultant overpayment of premiums.”.

Amendment of
section 59 of
Act 27 of 1943.

38. Section *fifty-nine* of the principal Act is hereby amended by the deletion of the word "thirty-five".

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

39. Section *sixty* of the principal Act is hereby amended by the insertion in paragraph (g) of sub-section (1) after the word "auditor" of the word "appointed", and the addition at the end of that paragraph of the words "as being correct according to the books of the person concerned and any other information in the possession of the auditor".

Amendment of
section 62 of
Act 27 of 1943.

40. Section *sixty-two* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) of the words "funeral policy";
- (b) by the substitution for sub-sections (2) and (3) of the following sub-sections:

"(2) If any premium under a Union policy which is—

- (a) a life policy under which at least three years' premiums have been paid; or
- (b) an industrial policy under which at least five years' premiums have been paid; or
- (c) a sinking fund policy under which at least three years' premiums have been paid,

has not been paid within the period specified in sub-section (1), the insurer who is liable under that policy shall, in accordance with rules made by him and approved by the registrar, either issue, in return for and in lieu of the said policy, a paid-up policy which shall be free from the obligation to pay any premiums thereunder, or (unless the policy is a sinking fund policy) apply the non-forfeiture value of the policy in maintaining the policy in force for a period and by a method to be determined in accordance with such rules: Provided that—

- (i) the said rules shall specify the basis on which and the methods by which the amount of any such non-forfeiture value and the amount of any such paid-up policy is to be calculated, and whether any such paid-up policy shall entitle the owner to any future bonuses thereon; and

37. Artikel agt-en-vyftig van die Hoofwet word hierby Vervanging van
deur die volgende artikel vervang:
artikel 58 van
Wet 27 van 1943.

„Toepassing van sekere bepalings op begrafnisbesigheid.

58. (1) Die bepalings van artikels *vier-en-dertig*, *ses-en-dertig* tot en met *agt-en-veertig*, en *vyftig* is *mutatis mutandis* van toepassing in verband met begrafnisbesigheid: Met dien verstande dat by die toepassing in verband met sodanige besigheid—

- (a) van die bepalings van artikel *vier-en-dertig*, die voordele van 'n polis geag word 'n keuse soos bedoel in sub-artikel (1) van artikel *sewe-en-vyftig* in te sluit wat deur die eienaar van daardie polis uitgeoefen kan word;
- (b) van die bepalings van artikel *agt-en-dertig*, daardie artikel vertolk word asof in sub-artikel (5) die woorde na die woorde „gelyk aan' deur die woorde „die helfte van die in sub-artikel (4) van artikel *sewe-en-vyftig* vermelde versekerde bedrag, wat in die geval van die oorlede persoon geld, uitbetaal vervang was.

(2) Indien na uitreiking van 'n begrafnispolis bewys word dat daardie polis berus op 'n foutiewe opgawe van die ouerdom van die persoon wie se lewe verseker is, word die voordele kragtens die polis nie daardeur geraak nie, maar word die premies kragtens die polis betaalbaar vanaf die datum waarop die versekering van daardie persoon begin het, geag sodanig te wees as wat vereis sou gewees het indien bedoelde ouerdom reg opgegee was, en is die betrokke versekeraar geregtig om 'n gevolglike tekort op die werlik betaalde premies op die eienaar van die polis te verhaal, of, na gelang van die geval, verplig om aan die eienaar van die polis 'n gevolglike oorbetaling van premies terug te betaal.”.

38. Artikel nege-en-vyftig van die Hoofwet word hierby Wysiging van
gewysig deur die woord „*vyf-en-dertig*” te skrap.
artikel 59 van
Wet 27 van 1943.

39. Artikel sestig van die Hoofwet word hierby gewysig deur in paragraaf (g) van sub-artikel (1) die woorde „ouditeur gewaarmerk ooreenkomstig paragraaf (l)” deur die woorde „kragtens paragraaf (l) aangestelde ouditeur gewaarmerk ten effekte dat dit huis is volgens die boeke van die betrokke persoon en die ander inligting in besit van die ouditeur” te vervang.

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

40. Artikel twee-en-sestig van die Hoofwet word hierby Wysiging van
gewysig—
artikel 62 van
Wet 27 van 1943.

(a) deur in sub-artikel (1) die woorde „begrafnispolis” te skrap;

(b) deur sub-artikels (2) en (3) deur die volgende sub-artikels te vervang:

„(2) Indien 'n premie kragtens 'n binnelandse polis wat—

(a) 'n lewenspolis is waarop minstens drie jaar se premies betaal is; of

(b) 'n nywerheidspolis is waarop minstens vyf jaar se premies betaal is; of

(c) 'n amortisasiepolis is waarop minstens drie jaar se premies betaal is,

nie binne die in sub-artikel (1) vermelde tydperk betaal is nie, moet die versekeraar wat kragtens daardie polis aanspreeklik is, ooreenkomstig reëls deur hom opgestel en deur die registrator goedkeur, of 'n opbetaalde polis, vry van die verpligting om verdere premies daarop te betaal, teen teruggawe en in die plek van bedoelde polis uitrek, of (tensy die polis 'n amortisasiepolis is) die instandhoudingswaarde van die polis aanwend om die polis in stand te hou vir 'n tydperk en op 'n wyse wat volgens voorskrif van bedoelde reëls bepaal word: Met dien verstande dat—

(i) bedoelde reëls die grondslag waarop en die metodes waarvolgens die bedrag van so 'n instandhoudingswaarde en die bedrag van so 'n opbetaalde polis bereken moet word, moet uiteensit, en moet vermeld of die eienaar van so 'n opbetaalde polis op toekomstige bonusse daarop geregtig sal wees; en

(ii) the owner of a policy may waive any of his rights under this sub-section.

(3) The provisions of sub-section (2) shall not apply in connection with any particular kind of life policy or industrial policy which an insurer has issued or proposes to issue if the registrar is satisfied that the actuarial nature of such policies prevents the insurer from accumulating, in respect of policies of that kind, sufficient funds to enable him to grant any substantial benefit of a kind described in that sub-section.

(3)*bis*. If any premium under a funeral policy which is a Union policy has not been paid on its due date, the insurer who is liable under that policy shall, notwithstanding any agreement to the contrary between the parties to the policy, maintain the policy in force for the full value of the benefits—

(a) if the insurer is bound by an express or tacit undertaking to send a person from time to time to the owner of the policy or to his residence or place of work to collect the premiums, for a period of one month as from the due date of the first unpaid premium; and

(b) if paragraph (a) does not apply, for a period expiring on a date specified for that purpose in a written notice which the insurer has served on the owner of the policy at least fourteen days before such date,

and if such premium is paid within the relevant period, the insurer shall renew the policy, and if a claim under the policy occurs during that period, the insurer shall be entitled to require the owner of the policy to pay the amount of such premium.”; and

(c) by the substitution in sub-section (4) for the words “specified in sub-section (1)” of the words “mentioned in sub-section (3)*bis*”.

Amendment of
section 65 of
Act 27 of 1943.

41. Section sixty-five of the principal Act is hereby amended—

(a) by the insertion in paragraph (a) after the word “document” where it occurs the third time of the words “is attested in the manner provided in section nine or ten, in so far as attestation is required in terms of either of those sections, and”;

(b) by the insertion in paragraph (c) after the word “copies” of the words “one of which has been certified as correct by the insurer or by an officer of the insurer”, and the deletion of the proviso to that paragraph; and

(c) by the addition at the end of the section of the following proviso:

“Provided that the registrar may allow an insurer to furnish a lesser number of copies of any document than is provided for in the preceding provisions, and may, in respect of any document referred to in paragraph (a) or (b), exempt the insurer from the obligation to furnish any such copy.”.

Amendment of
section 66 of
Act 27 of 1943.

42. Section sixty-six of the principal Act is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

“(2) The registrar may in special circumstances extend any such specified period after it has expired.”.

Amendment of
section 71 of
Act 27 of 1943.

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

(a) by the substitution in sub-section (1) for the word “document” of the words “of the undermentioned documents”, and the addition at the end of that sub-section of the following paragraphs:

“(a) any documents or particulars referred to in any regulations made for the purposes of section four;

(ii) die eienaar van 'n polis van sy regte kragtens hierdie sub-artikel afstand kan doen.

(3) Die bepalings van sub-artikel (2) is nie ten opsigte van 'n lewenspolis of nywerheidspolis van 'n besondere klas wat 'n versekeraar uitgereik het of voornemens is om uit te reik, van toepassing nie indien die registrateur oortuig is dat weens die aard van bedoelde polisse dit uit 'n aktuariële oogpunt vir die versekeraar nie doenlik is om ten opsigte van polisse in daardie klas voldoende fondse op te hoop ten einde hom in staat te stel om aansienlike voordele van die aard in daardie sub-artikel beskryf, toe te staan nie.

(3)*bis*. Indien 'n premie op 'n begrafnispolis wat 'n binnelandse polis is, nie op sy vervaldag betaal is nie, is die versekeraar wat kragtens daardie polis aanspreeklik is, ondanks 'n andersluidende ooreenkoms tussen die by die polis betrokke partye, verplig om die polis vir die volle waarde van die voordele in stand te hou—

(a) as die versekeraar deur 'n uitdruklike of stilswyende onderneming gebind is om van tyd tot tyd 'n persoon na die eienaar van die polis of sy woning of werkplek te stuur om premies in te vorder, vir 'n tydperk van een maand vanaf die vervaldatum van die eerste onbetaalde premie; en

(b) as paragraaf (a) nie van toepassing is nie, vir 'n tydperk wat verstryk op 'n datum vir daardie doel vermeld in 'n skriftelike kennisgewing wat minstens veertien dae voor daardie datum deur die versekeraar op die eienaar van die polis gedien is,

en indien die premie binne bedoelde tydperk betaal word, moet die versekeraar die polis hernu, en as 'n vordering kragtens die polis gedurende bedoelde tydperk ontstaan, is die versekeraar geregtig om betaling van die bedrag van die premie deur die eienaar van die polis te vorder"; en

(c) deur in sub-artikel (4) die woorde „in sub-artikel (1) bepaalde" deur die woorde „in sub-artikel (3)*bis* gemelde" te vervang.

41. Artikel vyf-en-sestig van die Hoofwet word hierby gewysig—

Wysiging van artikel 65 van Wet 27 van 1943.

(a) deur in paragraaf (a) na die woorde „dokument" waar dit die derde maal voorkom die woorde „op die in artikel *nege* of *tien* bepaalde wyse gewaarmerk is vir sover waарmerking ingevolge een of ander van daardie artikels vereis word, en" in te voeg;

(b) deur in paragraaf (c) na die woorde „daardie dokument" die woorde „waarvan een deur die versekeraar of 'n amptenaar van die versekeraar as huis gesertifiseer is" in te voeg, en die voorbehoudsbepaling by daardie paragraaf te skrap; en

(c) deur aan die end van die artikel die volgende voorbehoudsbepaling by te voeg:

„Met dien verstande dat die registrateur 'n versekeraar kan veroorloof om 'n kleiner getal afskrifte van 'n dokument te verstrek as wat in voorgaande bepalings voorgeskryf word, en, ten opsigte van 'n in paragraaf (a) of (b) bedoelde dokument, die versekeraar van die verpligting om so 'n afskrif te verstrek, kan vrystel.”

42. Artikel ses-en-sestig van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg terwyl die bestaande artikel sub-artikel (1) word:

Wysiging van artikel 66 van Wet 27 van 1943.

„(2) Die registrateur kan onder spesiale omstandighede so 'n bepaalde tydperk na die verstryking daarvan verleng.”

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

Wysiging van artikel 71 van Wet 27 van 1943.

(a) deur in sub-artikel (1) die woorde „dokument" deur die woorde „van ondervermelde dokumente" te vervang, en aan die end van die sub-artikel die volgende paragrawe by te voeg:

„(a) dokumente of besonderhede vermeld in regulasies vir die doeleindes van artikel vier uitgevaardig;

- (b) any statement furnished to the registrar under section *eight*;
 - (c) any return furnished to the registrar under sub-section (1) of section *eleven* or under section *twelve*, *fourteen* or *sixteen*, together with any attestation of such a return by the auditor, local auditor or actuary of the insurer concerned;
 - (d) any copy of any report or statement furnished to the registrar under sub-section (5) of section *eleven*;
 - (e) any copy of any table, statement or report referred to in section *thirty-four*;
 - (f) any report made by an actuary in terms of the second proviso to paragraph (a) of section *fifty-five*;
 - (g) any rules referred to in sub-section (2) of section *sixty-two*;
 - (h) any document furnished to the Treasury in accordance with the provisions of the Insurance Act, 1923 (Act No. 37 of 1923), together with any changes to any such document which the insurer concerned has been required to notify to the registrar.”; and
 - (b) by the addition at the end thereof of the following sub-section:
- “(4) The registrar shall, without payment of any fee, furnish an applicant therefor with the following particulars in regard to any registered insurer or former insurer, namely—
- (a) the names of the principal officer in the Union, the auditor, the local auditor (if any) and the actuary (if any); and
 - (b) the address of the principal office in the Union.”.

**Insertion of
section 77bis
and 77ter in
Act 27 of 1943.**

44. The following sections are hereby inserted in the principal Act after section *seventy-seven*:

“Exemption 77bis. The Trust Moneys Protection Act, 1934, from Act 34 of 1934. shall not apply in connection with any scheme or arrangement (whether executed under a trust deed or otherwise) under which benefits are provided or are to be provided to any person, if the benefits which, in the opinion of the Master referred to in the said Act, are the principal benefits afforded by such scheme or arrangement, are guaranteed by policies under which a registered insurer is liable.

**Application
of Act in
relation to
certain
reinsurers.**

77ter. (1) In the case of a Union insurer who satisfies the registrar that he carries on no form of insurance business except reinsurance business and that the persons from whom he accepts business by way of reinsurance are not confined or largely confined to a particular insurer or small group of insurers with whom he is specially associated—

- (a) the statement of liabilities referred to in sections *twelve* and *thirteen* shall reflect the liabilities of the reinsurer only in respect of the reinsurance business carried on by him in the Union;
- (b) the statement of assets referred to in sections *fourteen* and *fifteen* shall reflect only the assets which the reinsurer holds in the Union in connection with the reinsurance business carried on by him in the Union and which are of the kinds specified in the Third Schedule to this Act;
- (c) the provisions of section *seventeen* shall apply only in respect of the reinsurance business carried on by the reinsurer in the Union;
- (d) the provisions of section *nineteen* shall apply as if after the words—
 - (i) ‘insurance business’ wherever they occur in sub-section (1);
 - (ii) ‘carried on’ in paragraph (a) of sub-section (3); and
 - (iii) ‘carries on’ in paragraph (a) of sub-section (4);
 there had been inserted the words ‘in the Union’;
- (e) the provisions of sub-section (3) of section *thirty* shall apply as if for the words ‘the insurer is liable’ there had been substituted the words

- (b) 'n opgawe ingevolge artikel *agt* aan die registrator verstrekk;
- (c) 'n opgawe ingevolge sub-artikel (1) van artikel *elf* of ingevolge artikel *twaalf, veertien of sestien* aan die registrator verstrekk, tesame met 'n waarmerking van so 'n opgawe deur die ouditeur, plaaslike ouditeur of aktuaris van die betrokke versekeraar;
- (d) 'n afskrif van 'n verslag of opgawe ingevolge sub-artikel (5) van artikel *elf* aan die registrator verstrekk;
- (e) 'n afskrif van 'n tabel, staat of verslag in artikel *vier-en-dertig* vermeld;
- (f) 'n verslag deur 'n aktuaris ingevolge die tweede voorbehoudsbepaling by paragraaf (a) van artikel *vijf-en-vyftig*;
- (g) reëls in sub-artikel (2) van artikel *twee-en-sestig* vermeld;
- (h) 'n dokument ooreenkomsdig die bepalings van die „Verzekeringswet, 1923“ (Wet No. 37 van 1923), aan die Tesourie verstrekk, tesame met verandering aan so 'n dokument waarvan die betrokke versekeraar aan die registrator kennis moes gegee het.“; en
- (b) deur aan die end daarvan die volgende sub-artikel by te voeg:
 - „(4) Die registrator moet aan iemand wat daarom aansoek doen, sonder betaling onderstaande besonderhede met betrekking tot 'n geregistreerde versekeraar of voormalige versekeraar verstrekk, te wete—
 - (a) die name van die hoofampenaar in die Unie, die ouditeur, die plaaslike ouditeur (as daar een is) en die aktuaris (as daar een is); en
 - (b) die adres van die hoofkantoor in die Unie.“.

44. Die volgende artikels word hierby na artikel *sewe-en sewentig* in die Hoofwet ingevoeg:

„Vrystelling van Wet 34 van 1934. **77bis.** Die Trustelde Beskermingswet, 1934 is nie in verband met 'n skema of reëling (hetself) kragtens 'n trustakte of andersins verly) ingevolge waarvan voordele aan iemand verskaf word of moet word, van toepassing nie, indien die voordele wat, volgens die oordeel van die in daardie Wet bedoelde Meester, die vernaamste voordele is waarvoor die skema of reëling voorsiening maak, deur polisse waarkragtens 'n geregistreerde versekeraar aanspreeklik is, gewaarborg word.

Toepassing van Wet met betrekking tot sekere herversekerers. **77ter.** (1) In die geval van 'n binnelandse versekeraar wat die registrator oortuig dat hy geen vorm van versekeringsbesigheid behalwe herversekeringsbesigheid dryf nie en dat die persone van wie hy besigheid by wyse van herversekeringsaanneem, nie beperk of grotendeels beperk is tot 'n besondere versekeraar of 'n klein groep versekeraars aan wie hy spesial verbonde is nie—

- (a) moet die opgawe van verbintenisse vermeld in artikels *twaalf en dertien* die verbintenisse van die herversekeraar slegs ten opsigte van die herversekeringsbesigheid deur hom in die Unie gedryf, weergee;
- (b) moet die opgawe van bates vermeld in artikels *veertien en vyftien* slegs die bates wat die herversekeraar in die Unie besit ten opsigte van die herversekeringsbesigheid deur hom in die Unie gedryf en wat van die in die Derde Bylae van hierdie Wet vermelde soorte is, weergee;
- (c) is die bepalings van artikel *sewentien* slegs van toepassing ten opsigte van die herversekeringsbesigheid deur die herversekeraar in die Unie gedryf;
- (d) is die bepalings van artikel *negentien* van toepassing asof daar na die woord—
 - (i) „langtermyn-versekeringsbesigheid“ orals waar dit in sub-artikel (1) voorkom;
 - (ii) „versekeraar“ in paragraaf (a) van sub-artikel (3); en
 - (iii) „korttermyn-versekeringsbesigheid“ in paragraaf (a) van sub-artikel (4), die woorde „in die Unie“ ingevoeg was;
- (e) is die bepalings van sub-artikel (3) van artikel *dertig* van toepassing asof die woorde „die versekeraar aanspreeklik is“ deur die woorde

Invoeging van artikels 77bis en ter in Wet 27 van 1943.

'persons to whom the reinsurer has issued policies or contracts of reinsurance are liable';

(f) the provisions of sub-section (9) of section *thirty-one* shall apply as if—

(i) for the words 'the insurer concerned is liable' there had been substituted the words 'persons to whom the reinsurer concerned has issued policies or contracts of reinsurance are liable'; and

(ii) the word 'such' had been deleted wherever it occurs; and

(g) the provisions of paragraph (c) of sub-section (1) of section *twenty*, sub-section (12) of section *thirty-one*, section *thirty-four* and section *sixty-two* shall not apply.

(2) If in respect of an insurer to whom the provisions of sub-section (1) apply the registrar ceases at any time to be satisfied regarding the matters mentioned in that sub-section, he shall notify accordingly the insurer concerned, and thereafter the said provisions shall cease to apply to that insurer.”.

Substitution of
Second Schedule
of Act 27 of 1943.

45. The First Schedule to this Act is hereby substituted for the Second Schedule to the principal Act.

Substitution of
Third Schedule to
Act 27 of 1943.

46. The Second Schedule to this Act is hereby substituted for the Third Schedule to the principal Act.

Alterations in
certain documents
to be furnished
to registrar.

47. If any document furnished to the Treasury under the provisions of the Insurance Act, 1923, is of a nature described in the Annexure below, or contains particulars such as are referred to in that Annexure, and any changes have been effected to the said documents or in regard to the said particulars since they were furnished to the Treasury as aforesaid, the registered insurer concerned shall furnish to the registrar full particulars as to such changes within three months from the first day of January, 1952.

ANNEXURE.

(a) A copy[¶] of the act, charter, deed of settlement, memorandum of association or other document by which the insurer is constituted;

(b) a copy of the articles of association, bye-laws or other rules in accordance with which the insurer conducts his business;

(c) in the case of a Union insurer, the names of the directors at the head office of such insurer;

(d) in the case of a non-Union insurer, the situation of the head office of such insurer.

Short title and
date of com-
mencement.

48. This Act shall be called the Insurance (Amendment) Act, 1951, and shall come into operation on the first day of January, 1952, but shall not apply in relation to any return required to be furnished to the registrar in terms of section *eight*, *eleven*, *twelve*, *thirteen*, *fourteen*, *fifteen* or *thirty-five* of the principal Act in respect of any financial year of an insurer which terminated before the said day.

,persone aan wie die herversekeraar herversekeringspolisse of -kontrakte uitgereik het, aanspreeklik is', vervang was;

(f) is die bepalings van sub-artikel (9) van artikel *een-en-dertig* van toepassing asof—

- (i) die woorde ,die betrokke versekeraar aanspreeklik is' deur die woorde ,persone aan wie die betrokke herversekeraar herversekeringspolisse of -kontrakte uitgereik het, aanspreeklik is' vervang was; en
- (ii) die woorde ,sulke' oral waar dit voorkom geskrap was; en

(g) is die bepalings van paragraaf (c) van sub-artikel (1) van artikel *twintig*, sub-artikel (12) van artikel *een-en-dertig*, artikel *vier-en-dertig* en artikel *twee-en-sestig* nie van toepassing nie.

(2) As die registrator ten opsigte van 'n versekeraar op wie die bepalings van sub-artikel (1) van toepassing is te eniger tyd nie meer ten opsigte van die sake in daardie sub-artikel vermeld, oortuig is nie, moet hy die betrokke versekeraar dienoorenkomstig in kennis stel, en daarna hou die bedoelde bepalings op om op daardie versékeraar van toepassing te wees.”.

45. Die Tweede Bylae van die Hoofwet word hierby deur die Eerste Bylae van hierdie Wet vervang.

Vervanging van Tweede Bylae van Wet 27 van 1943.

46. Die Derde Bylae van die Hoofwet word hierby deur die Tweede Bylae van hierdie Wet vervang.

Vervanging van Derde Bylae van Wet 27 van 1943.

47. Ingeval 'n dokument ingevolge die bepalings van die „Verzekeringswet, 1923”, aan die Tesourie verstrek, van die aard is wat in die Aanhangsel hieronder beskryf word of besonderhede bevat waarna in daardie Aanhangsel verwys word, en veranderings aan bedoelde dokumente of in verband met bedoelde besonderhede aangebring is sedert dit soos voormeld aan die Tesourie verstrek is, moet die betrokke geregistreerde versekeraar binne drie maande vanaf die eerste dag van Januarie 1952 volledige besonderhede van die veranderings aan die registrator verstrek.

Veranderings aan sekere dokumente moet aan registrator verstrek word.

AANHANGSEL.

- (a) 'n Afskrif van die wet, oktrooi, akte van ooreenkoms, akte van oprigting of ander dokument waarby die versekeraar opgerig is;
- (b) 'n afskrif van die statute, verordeninge of ander reglement waarvolgens die versekeraar sy besigheid dryf;
- (c) in die geval van 'n binnelandse versekeraar, die name van die direkteure by die hoofkantoor van die versekeraar;
- (d) in die geval van 'n buitelandse versekeraar, die ligging van die hoofkantoor van die versekeraar.

48. Hierdie Wet heet die Wysigingswet op Versekering, 1951, en tree in werking op die eerste dag van Januarie 1952, maar is nie van toepassing met betrekking tot enige opgawe wat ingevolge artikel *agt, elf, twaalf, dertien, veertien, vyftien* of *vyf-en-dertig* van die Hoofwet ten opsigte van 'n versekeraar se boekjaar wat voor bedoelde dag verstryk het, aan die registrator verstrek moet word nie.

Kort titel en datum van inwerkingtreding.

First Schedule.

(To replace Second Schedule to Act 27 of 1943.)

Second Schedule.**CALCULATION OF LIABILITIES UNDER UNMATURED POLICIES FOR THE PURPOSES OF SECTION TWELVE, READ WITH SUB-PARAGRAPH (i) OF PARAGRAPH (a) OF SECTION THIRTEEN OF THE ACT.****PART I.****LONG TERM INSURANCE BUSINESS.***Definitions.*

1. For the purpose of this Part—

- (a) a calculation of the liabilities of an insurer shall be deemed to be a calculation on the minimum basis if the applicable requirements of sections *four* to and including *nine* of this Schedule have been complied with in making the calculation; and
- (b) "date of calculation" in relation to a policy means the date as at which the liability under that policy is determined.

Method of Calculating Liabilities.

2. (1) In calculating liabilities under unmatured policies for the purposes of sub-paragraph (i) of paragraph (a) of section *thirteen* of this Act, an insurer may adopt any reasonable basis which he thinks fit to adopt, provided it places a proper value upon the liabilities having regard to—

- (a) the rate of mortality amongst persons whose lives he has insured which has been experienced in the past and which he estimates will be experienced in the future; and
- (b) the average rate of interest which he has earned in the past and which he estimates he will earn in the future in respect of such of his assets as relate to the long term insurance business in question; and
- (c) the expenses of the conduct of the class of insurance business in question, including commissions and other expenses incurred in connection with the receipt of applications for policies or the collection of premiums,

and provided the liabilities as determined by means of such calculations are not lower than they would have been had they been calculated on the minimum basis.

(2) Any estimate made by the insurer in terms of paragraph (a) or (b) of sub-section (1) shall be subject to revision by the registrar.

3. In the calculation on any basis of liabilities under this Part—

- (a) no policy shall be treated as an asset; and
- (b) the capitalized value of any bonuses standing to the credit of the owner of an unmatured policy on the date of calculation, and the capitalized value of any reduction of premiums which has been granted as a bonus or which has been obtained by the surrender of a bonus or by the giving of any valuable consideration or in any other way, shall be included in the liability of the insurer under the policy in question.

Minimum Basis for Liabilities under Life Policies.

4. In calculating liabilities under unmatured life policies on the minimum basis an insurer shall comply with the following requirements:

- (a) In the case of annuity policies, the calculation shall be based on the applicable ultimate mortality table for the years 1900 to 1920 in respect of which monetary tables were published on behalf of the Institute of Actuaries of England and the Faculty of Actuaries in Scotland: Provided that, in respect of the period of deferment under deferred annuity policies, the calculation shall be based on the assumption that the mortality to be experienced during such period will be according to the table referred to in paragraph (b).
- (b) In the case of life policies other than annuity policies, the calculation shall be based on the mortality table known as the A 1924-'29 Ultimate Table, reflecting the mortality of insured lives for the years 1924 to 1929, in respect of which monetary tables were published in Volume I of the tables issued on behalf of the said Institute and the said Faculty.
- (c) If the date of calculation is less than ten years after the commencement of this Act, the calculation shall be based on an assumed rate of interest of 4 per cent. per annum.
- (d) If the date of calculation is ten years or longer after the said date of commencement, the calculation shall be based on an assumed rate of interest of $3\frac{1}{2}$ per cent. per annum.
- (e) In the case of whole life policies or endowment insurance policies at uniform premiums, other than policies which provide for bonuses according to a guaranteed scale—
 - (i) the liability under each policy (exclusive of the capitalized value of any bonus or reduction of premiums) shall be deemed to be the difference between the capitalized value of the sum insured on the date of calculation (according to the contingencies upon which that sum is payable) and the capitalized value on the said date of all future premiums payable under the policy in question, if those premiums were modified net premiums as defined in section *five*; and

Eerste Bylae.

(Ter vervanging van Tweede Bylae van Wet 27 van 1943.)

Tweede Bylae.

BEREKENING VAN VERBINTENISSE KRAGTENS NOG LOPENDE POLISSE VIR DIE DOELEINDES VAN ARTIKEL TWAAALF, GELEES MET SUB-PARAGRAAF (i) VAN PARAGRAAF (a) VAN ARTIKEL DERTIEN VAN DIE WET.

DEEL I.**LANGTERMYN-VERSEKERINGSBESIGHEID.***Woordomskrywings.*

1. By die toepassing van hierdie Deel—

- (a) word 'n berekening van die verbintenis van 'n versekeraar geag 'n berekening op die minimum grondslag te wees indien daar by die berekening aan die toepaslike vereistes van artikels vier tot en met nege van hierdie Bylae voldoen is; en
- (b) beteken „berekeningsdatum”, met betrekking tot 'n polis, die datum waarop die verbintenis kragtens daardie polis bepaal word.

Wyse van Berekening van Verbintenis.

2. (1) By die berekening van verbintenis kragtens nog lopende polisse vir die doeleindeste van sub-paragraaf (i) van paragraaf (a) van artikel dertien van hierdie Wet, kan 'n versekeraar enige redelike grondslag toepas wat hy goedvind, mits dit 'n behoorlike waardasie van die verbintenis is, met inagneming van—

- (a) die sterftesyfer wat in die verlede ondervind is en wat volgens sy beraming in die toekoms ondervind sal word onde persone wie se lewens hy verseker het; en
 - (b) die gemiddelde koers waarteen hy in die verlede rente verdien het en waarteen hy volgens sy beraming in die toekoms rente sal verdien ten opsigte van sodanige van sy bates as wat op die betrokke langtermyn-versekeringsbesigheid betrekking het; en
 - (c) die koste verbonde aan die dryf van die betrokke soort versekeringsbesigheid, met inbegrip van kommissiegeld en ander koste in verband met die ontvangs van aansoek om polisse of die invordering van premies aangegaan,
- en mits die verbintenis soos volgens so 'n berekening bepaal, nie laer is as wat dit sou gewees het as dit op die minimum grondslag bereken was nie.

(2) 'n Beraming ooreenkomsdig paragraaf (a) of (b) van sub-artikel (1) deur die versekeraar gemaak, is onderhewig aan hersiening deur die registrateur.

3. By die berekening op enige grondslag van verbintenis ingevolge hierdie Deel—

- (a) mag geen polis as 'n bate behandel word nie; en
- (b) moet die gekapitaliseerde waarde van bonusse wat tydens die berekeningsdatum op krediet van die eienaar van 'n nog lopende polis staan, en die gekapitaliseerde waarde van enige premiekorting wat as 'n bonus toegestaan of deur afstand van 'n bonus of deur 'n geldwaardige vergoeding te gee of andersins verkry is, by die verbintenis van die versekeraar kragtens die betrokke polis ingerekend word.

Minimum Grondslag vir Verbintenis kragtens Lewenspolisse.

4. By die berekening van verbintenis kragtens nog lopende lewenspolisse op die minimum grondslag, moet 'n versekeraar aan die volgende vereistes voldoen:

- (a) By lyfrentepolisse moet die berekening geskied volgens die toepaslike „ultimate” sterftetabel vir die jare 1900 tot 1920 ten opsigte waarvan geldelike tabelle uitgegee is namens die „Institute of Actuaries” van Engeland en die „Faculty of Actuaries” van Skotland: Met dien verstande dat die berekening ten opsigte van die tydperk van uitsel kragtens uitgestelde lyfrentepolisse moet geskied op die veronderstelling dat die sterftesyfer wat gedurende genoemde tydperk ondervind sal word volgens die in paragraaf (b) bedoelde tabel sal wees.
- (b) By ander lewenspolisse as lyfrentepolisse moet die berekening geskied volgens die sterftetabel wat bekend staan as die „A1924-'29 Ultimate”-tabel, wat die sterfte van versekerde lewensweergawe gedurende die jare 1924 tot 1929, ten opsigte waarvan geldelike tabelle uitgegee is in Deel I van die tabelle wat namens bedoelde „Institute” en bedoelde „Faculty” uitgereik is.
- (c) Indien die berekeningsdatum binne minder as tien jaar na die inwerkingtreding van hierdie Wet val, moet die berekening volgens 'n veronderstelde rentekoers van 4 persent per jaar geskied.
- (d) Indien die berekeningsdatum tien jaar of langer na die bedoelde inwerkingtredingsdatum val, moet die berekening volgens 'n veronderstelde rentekoers van $3\frac{1}{2}$ persent per jaar geskied.
- (e) In die geval van lewenspolisse vir lewensduur of uitkeringsversekeringspolisse teen egalige premies, behalwe polisse wat vir bonusse volgens 'n gewaarborgde skaal voorsiening maak—
 - (i) word die verbintenis kragtens elke polis (uitsluitende die gekapitaliseerde waarde van 'n bonus of korting van premies) geag die verskil te wees tussen die gekapitaliseerde waarde van die versekerde bedrag op die berekeningsdatum (volgens die gebeurlikhede waarop die bedrag betaalbaar is), en die gekapitaliseerde waarde op daardie datum van alle toekomstige premies wat kragtens die betrokke polis betaalbaar is, as daardie premies verrekende netto-premies was soos in artikel vyf omskryf; en

- (ii) the calculation shall be based on the exact age of each person whose life is insured on the date of commencement of the insurance period and on the date of calculation, and on an exact determination of all relevant periods; or
- (iii) the calculation shall be based, with reference to all the persons whose lives are insured, on such ages and periods mentioned in sub-paragraph (ii) as will produce a result which approximates in the aggregate the result which would have been obtained by means of a calculation made in accordance with that sub-paragraph.

(f) In the case of any life policies not mentioned in the preceding provisions of this sub-section, the calculation shall be made as nearly as practicable in conformity with those provisions

5. In sub-paragraph (i) of paragraph (e) of section *four*—

- (a) “net premiums” means premiums each of such an amount that, if all premiums payable under the policy in question had been net premiums, their value, capitalized on the date of commencement of the insurance period under that policy, would have equalled the capitalized value on the said date of the sum insured (exclusive of any bonus) according to the contingencies upon which that sum is payable under the policy, provided that the capitalization in either case is calculated on the basis of the mortality table and assumed rate of interest which are applicable to the policy in question in terms of paragraphs (b), (c) and (d) of section *four*; and
- (b) “modified net premiums” means net premiums which have been modified in accordance with the following provisions:
 - (i) In the case of whole life policies at uniform premiums payable throughout life, the insurance period of each policy shall be deemed to have commenced one year later than it actually commenced.
 - (ii) In the case of whole life policies at uniform premiums payable for a stated number of years, or in the case of endowment insurance policies at uniform premiums, either sub-paragraph (aa) or sub-paragraph (bb) below shall apply, whichever produces the higher liability under the particular policy in question, namely—
 - (aa) the insurance period of each policy shall be deemed to have commenced one year later than it actually commenced, and the period for which premiums are payable under the policy or the endowment period shall be reduced by one year; or
 - (bb) each of the net premiums shall be increased by an amount which, on the date of commencement of the insurance period, equals $1\frac{1}{2}$ per cent. of the sum insured, commuted over the whole period for which premiums are payable.

6. Notwithstanding anything contained in section *four* or *five*, a Union insurer—

- (a) who was registered under this Act in respect of life business on the thirty-first day of December, 1951, may, until the thirty-first day of December, 1958, apply the provisions of paragraph (b) (ii) (bb) of section *five* as if for the percentage of $1\frac{1}{2}$ mentioned therein there were substituted the percentage of $1\frac{1}{4}$;
- (b) who was not so registered on the thirty-first day of December, 1951, may, during a period of seven years from the subsequent date on which he became so registered, similarly apply the said provisions as if for the ssid percentage of $1\frac{1}{2}$ there were substituted the percentage of $1\frac{1}{4}$.

Minimum Basis for Liabilities under Industrial Policies.

7. (1) In calculating liabilities under unmatured industrial policies on the minimum basis, an insurer shall comply with the applicable requirements of sections *four* and *five*, but subject to the following modifications:

- (a) The insurer shall not base his calculation on the mortality table mentioned in section *four*, but shall base it on the mortality table known as the English Life Table No. 3 (Persons), or such other mortality table as may, in the opinion of the registrar, more accurately represent the rate of mortality likely to be experienced in the future amongst the persons whose lives are insured by the insurer, and which the registrar has at the request of the insurer authorized the latter to use.
- (b) A whole life policy at uniform premiums payable throughout life or at uniform premiums payable for a stated period of not less than twenty-five years, may, where the insurance period commenced on a date when the person whose life was insured was under nine years of age, be dealt with as a policy in respect of which the insurance period commenced on the anniversary of the said date when the said person was between nine and ten years of age, and if such a policy is dealt with as aforesaid the stated period (if any) for which premiums are payable, shall be reduced by a period equal to the period by which the commencement of the insurance period is postdated, as aforesaid.
- (c) The provisions of paragraph (b) of section *five* shall not apply in connection with industrial policies, but for the purpose of calculating modified net premiums under such policies the insurance period of every industrial policy of a kind mentioned in an item in the first column of the table at the end of this paragraph shall be regarded as having commenced so many months after the date on which it actually commenced (or, in the case of a policy mentioned in paragraph (b) and dealt with under that paragraph, so many months after the date on

- (ii) moet die berekening geskied volgens die juiste ouderdom van elke persoon wie se lewe verseker is op die aanvangs-dag van die versekeringsstydperk en op die berekenings-datum, en op 'n juiste bepaling van alle betrokke tydperke; of
 - (iii) moet die berekening, met betrekking tot alle persone wie se lewens verseker is, geskied volgens sodanige ouderdomme en tydperke in sub-paragraaf (ii) vermeld as wat 'n resultaat sal lewer wat in die geheel naasteby gelyk staan met die resultaat wat deur middel van 'n berekening ooreenkomstig daardie sub-paragraaf verkry sou geword het.
 - (f) In die geval van lewenspolisse wat nie in voorgaande bepalings van hierdie sub-artikel vermeld word nie, moet die berekening so na doenlik in ooreenstemming met daardie bepalings geskied.
5. In sub-paragraaf (i) van paragraaf (e) van artikel vier—
- (a) beteken „netto-premies”, premies wat elk van so 'n bedrag is dat, as alle kragtens die betrokke polis betaalbare premies netto-premies was, die waarde daarvan, gekapitaliseer op die aanvangsdatum van die versekeringsstydperk kragtens daardie polis, gelyk sou gewees het aan die gekapitaliseerde waarde op daardie datum van die versekerde bedrag (bonusse uitgesluit) volgens die gebeurlikhede waarop daardie bedrag kragtens die polis betaalbaar is, mits die kapitalisering in beide gevalle bereken word op grondslag van die sterftetabel en veronderstelde rentekoers wat ooreenkomstig paragrawe (b), (c) en (d) van artikel vier op die betrokke polis van toepassing is; en
 - (b) beteken „verrekende netto-premies”, netto-premies wat ooreenkomstig die volgende bepalings verreken is:
 - (i) By lewenspolisse vir lewensduur teen egalige premies wat gedurende die lewenstyd betaalbaar is, moet die versekeringsstydperk van elke polis geag word een jaar later te begin het as wat dit werklik begin het.
 - (ii) By lewenspolisse vir lewensduur teen egalige premies wat vir 'n bepaalde aantal jare betaalbaar is, of by uitkeringsversekeringspolisse teen egalige premies, is sub-paragraaf (aa) of sub-paragraaf (bb) hieronder van toepassing, na gelang watter een op die grootste verbintenis kragtens die besondere polis neerkom, te wete—
 - (aa) die versekeringsstydperk van elke polis word geag een jaar later te begin het as wat dit werklik begin het, en die tydperk waarvoor premies kragtens die polis betaalbaar is of die uitkeringsstydperk word met een jaar verminder; of
 - (bb) elke netto-premie word vermeerder met 'n bedrag wat op die aanvangsdag van die versekeringsstydperk gelyk is aan $1\frac{1}{2}$ persent van die versekerde bedrag, omgeset oor die hele tydperk waarvoor premies betaalbaar is.

6. Ondanks andersluidende bepalings van artikel vier of vyf, kan 'n binnelandse versekeraar—

- (a) wat op die een-en-dertigste dag van Desember 1951 kragtens hierdie Wet ten opsigte van lewensbesigheid geregistreer was, tot op die een-en-dertigste dag van Desember 1958 die bepalings van paragraaf (b) (ii) (bb) van artikel vyf toepas asof die daarin vermelde persentasie van $1\frac{1}{2}$ deur die persentasie van $1\frac{1}{4}$ vervang was;
- (b) wat nie op die een-en-dertigste dag van Desember 1951 aldus geregistreer was nie, vir 'n tydperk van sewe jaar vanaf die latere datum waarop hy aldus geregistreer is, insgelyks bedoelde bepalings toepas asof daardie persentasie van $1\frac{1}{2}$ deur die persentasie van $1\frac{1}{4}$ vervang was.

Minimum Grondslag vir Verbintenis kragtens Nywerheidspolisse.

7. (1) By die berekening van verbintenis kragtens nog lopende nywerheidspolisse volgens die minimum grondslag, moet 'n versekeraar aan die toepaslike voorskrifte van artikels vier en vyf voldoen, dog onderworpe aan die volgende afwykings:

- (a) Die versekeraar maak nie sy berekenings volgens die in artikel vier vermelde sterftetabel nie, maar wel volgens die sterftetabel bekend as die „English Life Table No. 3 (Persons)” of so 'n ander sterftetabel as wat volgens die registrateur se oordeel 'n meer getrouwe weergawe is van die sterfte wat waarskynlik in die toekoms onder die persone wie se lewens deur die versekeraar verseker is, ondervind sal word, en waarvan die toepassing deur die versekeraar op sy versoek deur die registrateur gemagtig is.
- (b) 'n Lewenspolis vir lewensduur teen egalige premies wat gedurende die hele lewenstyd betaalbaar is, of teen egalige premies wat vir 'n bepaalde tydperk van minstens vyf-en-twintig jaar betaalbaar is, kan, waar die versekeringsstydperk begin het op 'n datum toe die persoon wie se lewe verseker is minder as nege jaar oud was, behandel word as 'n polis waarvan die versekeringsstydperk begin het op die verjaardag van bedoelde datum toe daardie persoon tussen nege en tien jaar oud was, en as so 'n polis aldus behandel word, dan word die bepaalde tydperk (as daar een is) waaroor premies betaalbaar is, verminder met 'n tydperk gelyk aan die tydperk waarvoor die begindatum van die versekeringsstydperk soos vermeld uitgestel is.
- (c) Die bepalings van paragraaf (b) van artikel vyf is nie ten opsigte van nywerheidspolisse van toepassing nie, maar by die berekening van verrekende netto-premies kragtens so 'n polis moet die versekeringsstydperk van elke nywerheidspolis van 'n aard vermeld in 'n item in die eerste kolom van die tabel aan die end van hierdie paragraaf, geag word te begin het soveel maande na die datum waarop dit werklik begin het (of in die geval van 'n in paragraaf (b) bedoelde polis waarmee kragtens daardie paragraaf gehandel word, soveel maande na die datum waarop

which the insurance period is, in terms of the said paragraph, deemed to have commenced) as are stated in the second column of the said table opposite the item in question, with a corresponding reduction, in each case, in the stated period (if any) for which premiums are payable or in the endowment period, namely—

TABLE.

<i>Kind of Insurance.</i>	<i>Number of Months.</i>
Whole life policy at uniform premiums payable throughout life or for a stated period of not less than 25 years	Thirty months.
Whole life policy at uniform premiums payable for a stated period of less than 25 years but not less than 15 years	Eighteen months.
Whole life policy at uniform premiums payable for a stated period of less than 15 years	Six months.
Endowment insurance policy for a period of not less than 15 years, at uniform premiums	Eighteen months.
Endowment insurance policy for a period of less than 15 years, at uniform premiums	Six months.

(2) The provisions of section six shall not apply in connection with industrial policies.

Minimum Basis for Liabilities under Funeral Policies.

8. In calculating liabilities under unmatured funeral policies on the minimum basis, an insurer shall deal, in accordance with the applicable provisions of the preceding sections, with every policy insuring the life of one person only, as if it were an industrial policy, and in connection with other funeral policies he shall adopt a method of calculation which corresponds as nearly as possible with the method of calculation which he would have been obliged to adopt under the provisions of the preceding sections if those policies had been industrial policies.

Minimum Basis for Liabilities under Sinking Fund Policies.

9. In calculating liabilities under unmatured sinking fund policies on the minimum basis, an insurer shall comply as far as possible with the applicable requirements of sections four and five as if those policies were endowment insurance life policies, but without reference to any mortality table, and with such modifications of the said requirements as may be necessary to adapt them to the valuation of liabilities under unmatured sinking fund policies.

PART II.

SHORT TERM INSURANCE BUSINESS.

10. The liability on any particular date of an insurer under an unmatured policy in any particular class of short term insurance business shall be deemed to be the amount arrived at by means of a calculation as follows:

(a) The amount of the premium to which the insurer was entitled under that policy (after deducting the amount of any refund of premium, discount, or other allowance made to the owner of the policy in his capacity as owner, but without making any deduction in respect of commission, brokerage or other remuneration to any agent of the insurer) shall be reduced by such a proportion thereof, not exceeding 20 per cent., as may in the opinion of the registrar properly represent the expenses incurred by the insurer in conducting the class or kind of insurance business in question.

(b) There shall be deducted from the amount computed in accordance with the provisions of paragraph (a) such an amount as bears the same ratio thereto as the expired part of the insurance period covered by such premium bears to the whole of the said period.

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

12. Notwithstanding the provisions of sections ten and eleven, an insurer may, in calculating the amount of his net liabilities under all unmatured policies in any particular class of insurance business or part thereof, adopt any basis or method which in the opinion of the registrar produces a result which approximates to or is not less than the result which a calculation made in accordance with the said provisions would have produced.

Second Schedule.

(To replace Third Schedule to Act 27 of 1943.)

Third Schedule.

(KINDS OF ASSETS TO BE HELD BY INSURERS IN TERMS OF SECTIONS SEVENTEEN AND EIGHTEEN.)

PART I.

1. Money in hand in the Union, including any money held by the Treasury in terms of section three or four.

die versekeringsstydperk volgens daardie paragraaf geag word te begin het) as wat in die tweede kolom van voormalde tabel teenoor die betrokke item aangegee is, in elke geval met 'n ooreenstemmende verkorting van die bepaalde tydperk (as daar een is) waarvoor premies betaalbaar is of van die uitkerings-tydperk, te wete—

TABEL.

Aard van Versekering.

Getal Maande.

Lewenspolis vir lewensduur teen egale premies betaalbaar vir lewenstyd of vir 'n bepaalde tydperk van minstens 25 jaar	Dertig maande.
Lewenspolis vir lewensduur teen egale premies betaalbaar vir 'n bepaalde tydperk van minder as 25 jaar maar nie minder as 15 jaar nie	Agtien maande.
Lewenspolis vir lewensduur teen egale premies betaalbaar vir 'n bepaalde tydperk van minder as 15 jaar	Ses maande.
Uitkeringsversekeringspolis teen egale premies vir 'n tydperk van minstens 15 jaar	Agtien maande.
Uitkeringsversekeringspolis teen egale premies vir 'n tydperk van minder as 15 jaar	Ses maande.

(2) Die bepalings van artikel *ses* is nie in verband met nywerheidspolisse van toepassing nie.

Minimum Grondslag vir Verbintenis kragtens Begrafnispolisse.

8. By die berekening van verbintenis kragtens nog lopende begrafnispolisse op die minimum grondslag, moet 'n versekeraar met elke polis wat die lewe van slegs een persoon verseker, ooreenkomsdig voorgaande artikels handel vir sover dit toepaslik is, asof die polis 'n nywerheidspolis was, en in die geval van ander begrafnispolisse moet ny 'n metode van berekening toepas wat so na moontlik ooreenkommel met die metode van berekening wat hy ooreenkomsdig voorgaande artikels sou moes toegepas het as daardie polisse nywerheidspolisse was.

Minimum Grondslag vir Verbintenis kragtens Amortisasiepolisse.

9. By die berekening van verbintenis kragtens nog lopende amortisasiepolisse op die minimum grondslag, moet 'n versekeraar sover moontlik aan die toepaslike voorskrifte van artikels *vier* en *vyf* voldoen asof daardie polisse uitkeringslewensversekeringspolisse was, dog sonder verwysing na 'n sterftetabel en met die afwykings van voormalde voorskrifte wat nodig mag wees om dit by die waardering van verbintenis kragtens nog lopende amortisasiepolisse te kan aanpas.

DEEL II.

KORTTERMYN-VERSEKERINGSBESIGHEID.

10. Die verbintenis van 'n versekeraar op een of ander bepaalde datum kragtens 'n nog lopende polis in een of ander bepaalde soort korttermyn-versekeringsbesigheid, word geag 'n bedrag te wees wat op die volgende wyse bereken word:

(a) Die bedrag van die premie waarop die versekeraar kragtens daardie polis geregtig was (na aftrekking van die bedrag van terugbetaalbare premies, diskonto of ander korting aan die eienaar van die polis in sy hoedanigheid as eienaar toegestaan, maar sonder aftrekking van enige bedrag ten opsigte van kommissie, makelaarsloon of ander vergoeding aan 'n agent van die versekeraar) moet met so 'n persentasie daarvan, maar hoogstens 20 persent, verminder word as wat volgens die registrator se oordeel 'n behoorlike weergawe is van die koste deur die versekeraar aangegaan om die betrokke soort of tipe versekeringsbesigheid te dryf.

(b) Van die bedrag ooreenkomsdig die bepalings van paragraaf (a) bereken, word 'n bedrag afgerek wat in dieselfde verhouding tot daardie bedrag staan as die verhouding waarin die verstreke deel van die versekeringsstydperk deur so 'n premie gedek tot die hele bedoelde tydperk staan.

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

12. Ondanks die bepalings van artikels *ien* en *elf*, kan 'n versekeraar, by die berekening van die bedrag van sy netto-verbintenis kragtens alle nog lopende polisse in 'n besondere soort versekeringsbesigheid of onderdeel daarvan, enige grondslag of metode toepas wat volgens die registrator se oordeel 'n resultaat lever wat by benadering ooreenkommel met of nie minder is nie as die resultaat wat deur middel van 'n berekening volgens bedoelde bepalings verkry sou gewees het.

Tweede Bylae.

(Ter vervanging van Derde Bylae van Wet 27 van 1943.)

Derde Bylae.

(SOORTE BATES INGEVOLGE ARTIKELS SEVENTIEN EN AGTIEN DEUR VERSEKERAARS BESIT TE WORD.)

DEEL I.

1. Geld in kas in die Unie, met inbegrip van geld ooreenkomsdig artikel *drie* of *vier* deur die Tesourie gehou.

2. Any amount standing to the credit of the insurer concerned in an account with an office in the Union of a commercial bank as defined in the Banking Act, 1942 (Act No. 38 of 1942), or a building society or the National Finance Corporation of South Africa established under the National Finance Corporation Act, 1949 (Act No. 33 of 1949).
3. Bills, bonds or securities issued or guaranteed by the Government of the Union.
4. Bills, bonds or securities issued or guaranteed by any local authority in the Union authorized by law to levy rates upon immovable property.
5. Bills, bonds or securities (not representing a proprietary interest) issued or guaranteed by the Rand Water Board or the Electricity Supply Commission.
6. Bills, bonds or securities (not representing a proprietary interest) issued or guaranteed by any other institution which is, in the opinion of the Minister, similar to and financially as sound as any institution mentioned in paragraph 4 or 5, and which has been approved by him.
7. Loans or advances on the sole security of Union policies under which the insurer is liable.
8. In respect of long term insurance business: outstanding premiums (including premiums debited to an agent of the insurer) or deferred instalments of premiums on Union policies under which the insurer is liable.

PART II.

9. In respect of short term insurance business: outstanding premiums (including premiums debited to an agent of the insurer) on Union policies under which the insurer is liable.
10. Any claim secured by a mortgage bond on immovable property in the Union.
11. Any other claim against—
 - (a) a company or other association incorporated in the Union or an individual resident in the Union; or
 - (b) a non-Union insurer, if the amount of the said claim forms part of the net liabilities of such non-Union insurer in respect of the insurance business carried on by him in the Union.
12. Any stocks or shares in a company, building society or other institution incorporated in the Union.
13. Any corporeal property in the Union.

PART III.

14. Bills, bonds or securities issued or guaranteed by the Government of any territory (other than the Union) which forms part of the British Commonwealth or of any other territory approved by the Minister for the purposes of the application of this Schedule.
15. Bills, bonds or securities issued or guaranteed by a local authority in any territory referred to in paragraph 14.
16. Any claim secured by a mortgage bond on immovable property in any territory referred to in paragraph 14.
17. Any other claim against a company or other association incorporated in any territory referred to in paragraph 14, other than a claim of the kind referred to in sub-paragraph (b) of paragraph 11.
18. Any stocks or shares in a company, building society or other institution incorporated in any territory referred to in paragraph 14.

2. 'n Saldo op krediet van die betrokke versekeraar in 'n rekening by 'n kantoor in die Unie van 'n handelsbank soos in die Bankwet, 1942 (Wet No. 38 van 1942), omskryf, of 'n bouvereniging, of die Nasionale Finansiekorporasie van Suid-Afrika, ingestel deur die Wet op die Nasionale Finansiekorporasie, 1949 (Wet No. 33 van 1949).

3. Wissels, skuldbriefe of effekte deur die Unie-regering uitgereik of gewaarborg.

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

5. Wissels, skuldbriefe of effekte (wat nie 'n eiendomsbelang verteenwoordig nie) uitgereik of gewaarborg deur die Randwaterraad of die Elektriesiteitsvoorsieningskommissie.

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

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

8. Ten opsigte van langtermyn-versekeringsbesigheid: uitstaande premies (met inbegrip van premies teen 'n agent van die versekeraar gedebiteer) of uitgestelde paaiente premies op binnelandse polisse waarkragtens die versekeraar aanspreeklik is.

DEEL II.

9. Ten opsigte van korttermyn-versekeringsbesigheid: uitstaande premies (met inbegrip van premies teen 'n agent van die versekeraar gedebiteer) op binnelandse polisse waarkragtens die versekeraar aanspreeklik is.

10. 'n Vordering gedek deur 'n verband op onroerende goed in die Unie.

11. 'n Ander vordering teen—

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

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

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

13. Liggaamlike goed in die Unie.

DEEL III.

14. Wissels, skuldbriefe of effekte uitgereik of gewaarborg deur die Regering van 'n ander gebied as die Unie, wat deel uitmaak van die Britse Gemenebes, of van ander gebiede deur die Minister goedgekeur vir die doeleindes van die toepassing van hierdie Bylae.

15. Wissels, skuldbriefe of effekte uitgereik of gewaarborg deur 'n plaaslike bestuur in 'n in paragraaf 14 vermelde gebied.

16. 'n Vordering gedek deur 'n verband op onroerende goed in 'n in paragraaf 14 vermelde gebied.

17. 'n Ander vordering teen 'n maatskappy of ander vereniging wat in 'n in paragraaf 14 vermelde gebied met regspersoonlikheid beklee is, behalwe 'n vordering van die in sub-paragraaf (b) van paragraaf 11 vermelde soort.

18. Stock of aandele van 'n maatskappy, bouvereniging of ander instelling wat in 'n in paragraaf 14 vermelde gebied met regspersoonlikheid beklee is.