

BUITENGEWONE



EXTRAORDINARY

Staatskoerant

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ALGEMENE KENNISGEWING.

DEPARTEMENT VAN JUSTISIE.

[26 Januarie 1968.]

WYSIGINGSWETSONTWERP OP VERDELING VAN
SKADEVERGOEDING, 1968.

Die onderstaande Wetsontwerp, wat deur die Regshersieningskomitee voorberei is, word vir algemene inligting gepubliseer. Enigiemand wat kommentaar op die Wetsontwerp wil lewer of vertoë daaromtrent wil rig, moet asseblief sodanige kommentaar of vertoë op of voor 29 Februarie 1968 aan die Sekretaris van Justisie, Privaatsak 81, Pretoria, stuur:—

GENERAL NOTICE.

DEPARTMENT OF JUSTICE.

[26th January, 1968.]

APPORITIONMENT OF DAMAGES AMENDMENT
BILL, 1968.

The following Bill, prepared by the Law Revision Committee, is published for general information. Any person desiring to offer any comment on the Bill or to submit representations thereanent should kindly submit such comment or representations to the Secretary for Justice, Private Bag 81, Pretoria, on or before 29th February, 1968:—

WETSONTWERP

Tot wysiging van die Wet op Verdeling van Skadevergoeding,
1956.

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

Wysiging van
artikel 1
van Wet 34 van
1956.

1. Artikel 1 van die Wet op Verdeling van Skadevergoeding, 1956, word hierby gewysig—

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

„(b) Waar iemand skade ly wat deels aan die skuld van sy eggenoot, wat nie teenoor hom ten opsigte van bedoelde skade uit delik aanspreeklik is nie, en deels aan die skuld van 'n ander persoon, te wyte is, word die skadevergoeding wat hy ten opsigte van bedoelde skade op so 'n ander persoon kan verhaal, in so 'n mate deur die hof verminder as wat die hof, met inagneming van die mate van die eggenoot se skuld met betrekking tot die skade, regverdig en billik ag.”; en

(b) deur die volgende paragrawe by genoemde subartikel te voeg:

„(c) Skadevergoeding wat deur iemand verhaalbaar is as gevolg van die dood of besering van 'n ander persoon, word deur die hof verminder in so 'n mate as wat die hof, met inagneming van die mate van bedoelde oorlede of beseerde persoon se skuld met betrekking tot die gebeurtenis wat die dood of besering tot gevolg gehad het, regverdig en billik ag.

(d) By die toepassing van hierdie subartikel word skade geag aan iemand se skuld te wyte te wees ondanks die feit dat 'n ander persoon 'n geleentheid gehad het om die gevolge daarvan te vermy en nalatiglik versuim het om dit te doen.”.

Kort titel.

2. Hierdie Wet heet die Wysigingswet op Verdeling van Skadevergoeding, 1968.

BILL

To amend the Apportionment of Damages Act, 1956.

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

1. Section 1 of the Apportionment of Damages Act, 1956, is hereby amended—

Amendment of
section 1 of
Act 34 of 1956.

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

“(b) Where any person suffers damage which is caused partly by the fault of his spouse, who is not liable in delict to him in respect of such damage, and partly by the fault of any other person, the damages recoverable from such other person in respect of that damage shall be reduced by the court to such extent as the court may deem just and equitable having regard to the degree in which the said spouse was at fault in relation to the damage.”; and

(b) by the addition to the said subsection of the following paragraphs:

“(c) Damage which is recoverable by a person as a result of the death or injury of another person, shall be reduced by the court to such extent as the court may deem just and equitable having regard to the degree in which such deceased or injured person was at fault in relation to the event which resulted in the death or injury.

(d) Damage shall for the purpose of this subsection be regarded as having been caused by a person's fault notwithstanding the fact that another person had an opportunity of avoiding the consequences thereof and negligently failed to do so.”.

2. This Act shall be called the Apportionment of Damages Short title. Amendment Act, 1968.

INHOUD.

WETSONTWERP.

BLADSY.

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