

1) ~~Treasury~~
2) ~~Medical Dept.~~ ✓



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE



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 KAAPSTAD, 2 APRIL 1969.

DEPARTMENT OF THE PRIME MINISTER.	DEPARTEMENT VAN DIE EERSTE MINISTER.
o. 530. 2nd April, 1969. It is hereby notified that the State President has assented the following Act which is hereby published for general formation:— o. 30 of 1969: Motor Vehicle Insurance Amendment Act, 1969.	No. 530. 2 April 1969. Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:— No. 30 van 1969: Wysigingswet op Motorvoertuigassuransie, 1969.

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MOTOR VEHICLE INSURANCE AMENDMENT ACT, 1969.

ACT

To amend the provisions of the Motor Vehicle Insurance Act, 1942, relating to definitions, the duty of a registered company to insure a motor vehicle at the request of the owner thereof, the use of motor vehicles by a motor dealer, the termination of insurance, the liability of the owner of an uninsured motor vehicle and the security that may be given in order to be exempted from the duty to insure; to provide for the reinsurance of risks; to establish a body to undertake such reinsurance and with other powers; and to provide for other incidental matters.

*(English text signed by the State President.)
(Assented to 21st March, 1969.)*

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

Amendment of section 1 of Act 29 of 1942, as amended by section 1 of Act 27 of 1952, section 1 of Act 31 of 1959, section 1 of Act 60 of 1964, section 1 of Act 14 of 1966 and section 1 of Act 46 of 1966.

1. Section 1 of the Motor Vehicle Insurance Act, 1942 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution in subsection (1) for the definition of “insurance period” of the following definition:

“‘insurance period’, in relation to—

(a) any motor vehicle other than a motor vehicle operated under a special permit or a temporary permit, means the period from the first of May in any year to the thirtieth of April in the following year;

(b) any motor vehicle operated under a special permit or a temporary permit, means the period of validity of the special permit or temporary permit in question;”;

(b) by the substitution in that subsection for the definition of “special permit” of the following definition:

“‘special permit’, in relation to any motor vehicle, means a special permit issued as such in respect of such motor vehicle in terms of any law relating to the licensing of motor vehicles;”;

(c) by the insertion in that subsection after the definition of “tariff” of the following definition:

“‘temporary permit’, in relation to any motor vehicle, means a temporary permit issued as such in respect of such motor vehicle in terms of any law relating to the licensing of motor vehicles;”.

Amendment of section 3 of Act 29 of 1942, as amended by section 5 of Act 60 of 1964.

2. Section 3 of the principal Act is hereby amended by the substitution for the proviso to subsection (1) of the following proviso:

“Provided that a registered company shall not be obliged to effect such insurance if the application therefor is made earlier than a date thirty days before the commencement

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WET

Tot wysiging van die bepalings van die Motorvoertuigassuransiewet, 1942, met betrekking tot woordomsrywings, die verpligting van 'n geregistreerde maatskappy om 'n motorvoertuig op aansoek van die eienaar daarvan te verassureer, die gebruik van motorvoertuie deur 'n motorhandelaar, die beëindiging van assuransie, die aanspreeklikheid van die eienaar van 'n onverassureerde motorvoertuig, en die sekuriteit wat verstrekk kan word ten einde vrygestel te word van die verpligting om te verassureer; om voorsiening te maak vir die herversekering van risiko's; om 'n liggaam in te stel om sodanige herversekering aan te gaan en met ander bevoegdhede; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Maart 1969.)

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

1. Artikel 1 van die Motorvoertuigassuransiewet, 1942 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur in subartikel (1) die omskrywing van „assuransietydperk” deur die volgende omskrywing te vervang: „assuransietydperk”, met betrekking tot—

(a) 'n motorvoertuig behalwe 'n motorvoertuig wat ingevolge 'n spesiale permit of 'n tydelike permit gebruik word, beteken die tydperk vanaf een Mei in enige jaar tot dertig April in die volgende jaar;

(b) 'n motorvoertuig wat ingevolge 'n spesiale permit of 'n tydelike permit gebruik word, beteken die geldigheidstydperk van die betrokke spesiale permit of tydelike permit;”;

(b) deur in daardie subartikel die omskrywing van „spesiale permit” deur die volgende omskrywing te vervang:

„spesiale permit”, met betrekking tot 'n motorvoertuig, beteken 'n spesiale permit wat as sulks ten opsigte van bedoelde motorvoertuig uitgereik is kragtens 'n wet met betrekking tot die lisensiëring van motorvoertuie;”;

(c) deur in daardie subartikel na die omskrywing van „tarief” die volgende omskrywing in te voeg:

„tydelike permit”, met betrekking tot 'n motorvoertuig, beteken 'n tydelike permit wat as sulks ten opsigte van bedoelde motorvoertuig uitgereik is kragtens enige wet met betrekking tot die lisensiëring van motorvoertuie;”.

2. Artikel 3 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat 'n geregistreerde maatskappy nie verplig is om sodanige assuransie aan te gaan nie as daarom aansoek gedoen word eerder dan 'n dag dertig dae

Wysiging van artikel 1 van Wet 29 van 1942, soos gewysig deur artikel 1 van Wet 27 van 1952, artikel 1 van Wet 31 van 1959, artikel 1 van Wet 60 van 1964, artikel 1 van Wet 14 van 1966 en artikel 1 van Wet 46 van 1966.

Wysiging van artikel 3 van Wet 29 van 1942, soos gewysig deur artikel 5 van Wet 60 van 1964.

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of the period over which the insurance is to extend or, in the case of the insurance of a motor vehicle operated under a special permit or a temporary permit, if the special permit or the temporary permit is not exhibited to the company."

Amendment of section 6 of Act 29 of 1942, as amended by section 5 of Act 31 of 1959 and section 6 of Act 60 of 1964.

3. Section 6 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

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

Amendment of section 15 of Act 29 of 1942, as amended by section 6 of Act 27 of 1952 and section 13 of Act 60 of 1964.

4. Section 15 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

"(6) If a motor dealer whose motor vehicles which he owns in connection with his business as a motor dealer are insured under this Act and who owns a motor vehicle which is not specifically insured, uses that motor vehicle or allows it to be used otherwise than in accordance with the provisions of any law relating to the use of motor vehicles under a motor dealer's licence, he shall be guilty of an offence and liable to a fine not exceeding one hundred rand and shall be liable to pay to the registered company with whom his motor vehicles are insured as aforesaid, a sum equal to three times the amount which is payable under the company's tariff for a full year's insurance under this Act in respect of the class of motor vehicle in question."

Amendment of section 17 of Act 29 of 1942, as amended by section 7 of Act 27 of 1952 and section 14 of Act 60 of 1964.

5. Section 17 of the principal Act is hereby amended—

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

"Provided that if a motor vehicle operated under a special permit or a temporary permit and insured under this Act for the period of validity of such permit, is before the expiration of such permit registered in terms of the law under which such permit was issued, the relevant insurance period shall be deemed to have expired on the registration in question;" and

(b) by the substitution for subsection (3) of the following subsection—

"(3) When the insurance of a specifically insured motor vehicle terminates otherwise than in terms of subsection (1) (a) the registered company concerned shall, subject to the provisions of section 18, refund to the owner of the motor vehicle an amount which bears the same ratio to the amount of the insurance premium paid, as the period reckoned from the date on which the token of insurance is returned to that registered company to the termination of the insurance

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voor die begin van die tydperk waaroor die assuransië moet loop of, in die geval van assuransië van 'n motorvoertuig wat ingevolge 'n spesiale permit of 'n tydelike permit gebruik word, indien die spesiale permit of die tydelike permit nie aan die maatskappy getoon word nie."

3. Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

Wysiging van artikel 6 van Wet 29 van 1942, soos gewysig deur artikel 5 van Wet 31 van 1959 en artikel 6 van Wet 60 van 1964.

„(3) Wanneer die eienaar van 'n bepaalde motorvoertuig wat nie ingevolge 'n spesiale permit of 'n tydelike permit gebruik word nie, by 'n geregistreerde maatskappy aansoek gedoen het om daardie motorvoertuig ingevolge hierdie Wet te laat verassureer, dan kan die maatskappy weier om daardie voertuig te verassureer as die maatskappy 'n gegronde vermoede het dat die motorvoertuig nie geskik vir gebruik is nie, of, as die maatskappy daaraan twyfel of die voertuig wel geskik vir gebruik is, dan kan die maatskappy van die aansoeker eis dat hy die motorvoertuig aan iemand wat die maatskappy aangewys het, beskikbaar stel om ondersoek en getoets te word op 'n plek by ooreenkoms van die partye bepaal, of as die partye nie so 'n ooreenkoms sluit nie, op 'n plek deur die maatskappy aangewys in die stad of dorp waarin die aansoeker woon, of as hy buite 'n stad of dorp woon, op 'n plek deur die maatskappy aangewys in die vernaamste stad van die distrik waarin die aansoeker woon."

4. Artikel 15 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

Wysiging van artikel 15 van Wet 29 van 1942, soos gewysig deur artikel 6 van Wet 27 van 1952 en artikel 13 van Wet 60 van 1964.

„(6) As 'n motorhandelaar wie se motorvoertuie wat hy in verband met sy besigheid as motorhandelaar besit, ingevolge hierdie Wet verassureer is en wat 'n motorvoertuig besit wat nie uitdruklik verassureer is nie, daardie motorvoertuig anders gebruik of toelaat dat dit anders gebruik word as ooreenkomstig 'n wetsbepaling met betrekking tot die gebruik van motorvoertuie kragtens 'n motorhandelaarslisensie, dan is hy aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens honderd rand, en is hy verplig om aan die geregistreerde maatskappy wat sy motorvoertuig soos voormeld verassureer het, 'n som te betaal wat driemaal so groot is as die bedrag wat volgens die tarief van die maatskappy verskuldig is vir 'n volle jaar se assuransië ingevolge hierdie Wet vir die betrokke kategorie van motorvoertuig."

5. Artikel 17 van die Hoofwet word hierby gewysig—

Wysiging van artikel 17 van Wet 29 van 1942, soos gewysig deur artikel 7 van Wet 27 van 1952 en artikel 14 van Wet 60 van 1964.

- (a) deur die voorbehoudsbepaling by subartikel (1) (a) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat, indien 'n motorvoertuig wat ingevolge 'n spesiale permit of 'n tydelike permit gebruik word en ingevolge hierdie Wet vir die geldigheids tydperk van sodanige permit verassureer is, kragtens die wet ingevolge waarvan sodanige permit uitgereik is, geregistreer word voor die verstryking van sodanige permit, die betrokke assuransietydperk geag word met die bedoelde registrasie te verstryk het;" en

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Wanneer die assuransië van 'n uitdruklik verassureerde motorvoertuig op 'n ander wyse as volgens subartikel (1) (a) eindig, dan moet die betrokke geregistreerde maatskappy, behoudens die bepalinge van artikel 18, aan die eienaar van die motorvoertuig 'n bedrag terugbetaal, wat tot die bedrag van die betaalde assuransiepremie in dieselfde verhouding staan as wat die tydperk bereken vanaf die dag waarop die assuransieteken aan daardie geregistreerde maat-

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

Amendment of section 19 of Act 29 of 1942, as amended by section 8 of Act 27 of 1952, section 9 of Act 31 of 1959 and section 15 of Act 60 of 1964.

6. Section 19 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Any person who, or any state, government or body of persons which, is the owner of a motor vehicle (other than a motor vehicle mentioned in subsection (2) (b) to which the provisions of subsection (1) do not apply) which is not insured under this Act shall be liable *mutatis mutandis* in accordance with the provisions of sections 11, 11bis and 12 for any loss or damage caused by or arising out of the driving of that motor vehicle by any person whatsoever at any place in the Republic, as if that person, state, government or body of persons were a registered company which has issued a declaration of insurance under section 3 with reference to that motor vehicle, but the foregoing provision of this subsection shall not detract from any right to recover compensation from any person for any such loss or damage which any person may have under any other law.”.

Amendment of section 21 of Act 29 of 1942, as amended by section 9 of Act 27 of 1952, section 11 of Act 31 of 1959 and section 17 of Act 60 of 1964.

7. Section 21 of the principal Act is hereby amended—

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

“(1) For the purpose of being exempted from the provisions of section 19 (1), any person may deposit with the Minister—

(a) a sum of one hundred thousand rand if he is to be exempted in respect of a motor vehicle designed for the conveyance of more than eight persons, including the driver, which is used for the conveyance of persons for reward or in respect of two or more such vehicles; or

(b) a sum of fifty thousand rand if he is to be exempted in respect of any other motor vehicle or two or more other motor vehicles;

or any security approved of by the Minister which is in the opinion of the Minister of a value of not less than one hundred thousand rand or fifty thousand rand, as the case may be, or any sum of money and such security which together are in the opinion of the Minister of a value of not less than one hundred thousand rand or fifty thousand rand, as the case may be, and thereupon the Minister shall, upon payment by the said person of the sum of two rand, issue to him a certificate of exemption from the said provisions in respect of the class of vehicles in question. A person who has made such a deposit of a value of one hundred thousand rand shall be exempt in respect of all motor vehicles of which he is the owner.”;

(b) by the substitution for subsection (6) of the following subsection:

“(6) If in the opinion of the Minister the value of a deposit made in terms of subsection (1) has fallen below one hundred thousand rand or fifty thousand rand, as the case may be, the Minister shall direct the depositor concerned by a letter delivered to him or by a registered letter sent through the post, to deposit a sum of money or further security to make up the deficiency and, if the depositor fails to comply with that direction within a period of ten days as from

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skappy teruggegee word tot die end van die betrokke assuransietydperk, staan tot die hele assuransietydperk: Met dien verstande dat uit die bedrag wat aldus terugbetaal moet word, hoogstens vyf-en-twintig sent by wyse van kantoorgelde teruggehou kan word.”.

6. Artikel 19 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Enige persoon, staat, regering of liggaam wat die eienaar is van 'n motorvoertuig (buiten 'n motorvoertuig bedoel in subartikel (2) (b) waarop die bepalings van subartikel (1) nie van toepassing is nie) wat nie ingevolge hierdie Wet verassureer is nie, is *mutatis mutandis* volgens die bepalings van artikels 11, 11*bis* en 12 aanspreeklik weens enige verlies of skade wat veroorsaak is deur of voortvloei uit die bestuur van daardie motorvoertuig deur wie ook al op enige plek in die Republiek, asof daardie persoon, staat, regering of liggaam 'n geregistreerde maatskappy was wat ingevolge artikel 3 'n assursieverklaring met betrekking tot daardie motorvoertuig uitgereik het, dog die voorgaande bepalings van hierdie subartikel verkort nie die reg wat iemand kragtens enige ander regsbeplanning mag besit, om skadevergoeding weens enige sodanige verlies of skade op enigeen te verhaal nie.”.

Wysiging van artikel 19 van Wet 29 van 1942, soos gewysig deur artikel 8 van Wet 27 van 1952, artikel 9 van Wet 31 van 1959 en artikel 15 van Wet 60 van 1964.

7. Artikel 21 van die Hoofwet word hierby gewysig—

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

„(1) Ten einde vrygestel te word van die bepalings van artikel 19 (1), kan enigeen by die Minister deponeer—

(a) 'n som van honderdduisend rand as hy dien vrygestel te word met betrekking tot 'n motorvoertuig, ingerig vir die vervoer van meer as agt persone, die bestuurder inbegrepe, wat gebruik word om mense teen vergoeding te vervoer, of met betrekking tot twee of meer sodanige voertuie; of

(b) 'n som van vyftigduisend rand as hy dien vrygestel te word met betrekking tot enige ander voertuig of twee of meer ander voertuie,

of enige deur die Minister goedgekeurde sekuriteit wat volgens die oordeel van die Minister al na die geval nie minder as honderdduisend rand of vyftigduisend rand werd is nie, of 'n som geld en sodanige sekuriteit wat tesame volgens die oordeel van die Minister al na die geval nie minder as honderdduisend rand of vyftigduisend rand werd is nie, en daarop moet die Minister aan bedoelde persoon, teen betaling van 'n som van twee rand, 'n sertifikaat van vrystelling van voormelde bepalings uitreik, met betrekking tot die betrokke soort voertuie. Iemand wat so 'n deposito ter waarde van honderdduisend rand gemaak het, is vrygestel met betrekking tot alle motorvoertuie waarvan hy eienaar is.”;

(b) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) As die waarde van 'n volgens subartikel (1) gemaakte deposito volgens die Minister se oordeel al na die geval benede honderdduisend rand of vyftigduisend rand gedaal het, dan moet die Minister die betrokke deponent beveel in 'n brief wat aan hom afgelewer is of in 'n geregistreerde deur die pos gestuurde brief, om 'n som geld of meerdere sekuriteit te deponer ten einde die tekort te dek, en as die deponent in gebreke bly om aan daardie bevel gevolg te gee binne 'n termyn van tien dae vanaf die dag waarop

Wysiging van artikel 21 van Wet 29 van 1942, soos gewysig deur artikel 9 van Wet 27 van 1952, artikel 11 van Wet 31 van 1959 en artikel 17 van Wet 60 van 1964.

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- the date upon which the said letter was delivered or posted to him, his certificate of exemption mentioned in subsection (1) and every token of exemption mentioned in subsection (2) which was issued to him shall become void.”;
- (c) by the substitution for subsection (7) of the following subsection:
- “(7) If in the opinion of the Minister the value of any such deposit exceeds one hundred thousand rand or fifty thousand rand, as the case may be, the Minister shall, at the request of the depositor concerned, return to him so much of the deposit as exceeds the said sum.”;
- (d) by the substitution for subsection (8) of the following subsection:
- “(8) A depositor may substitute for any security which he has deposited in terms of subsection (1) or for any part thereof, any other security approved of by the Minister, provided the total value of the deposit after the substitution is, in the opinion of the Minister, not less than one hundred thousand rand or fifty thousand rand, as the case may be.”;
- (e) by the substitution for subsection (10) of the following subsection:
- “(10) Subject to the provisions of subsection (9) the Minister shall hold a deposit made in terms of subsection (1) as security for the payment of compensation mentioned in section 19 (3) for which the depositor concerned may become liable and for any costs incurred in recovering such compensation, and no claim against the depositor other than a claim for such compensation and such costs shall be paid out of the said deposit, except in so far as its value exceeds one hundred thousand rand or fifty thousand rand, as the case may be.”; and
- (f) by the substitution for subsection (12) of the following subsection—
- “(12) If a claim or part of a claim has been paid out of such a deposit in a manner prescribed by regulation and the value of the deposit is after such payment less than one hundred thousand rand or less than fifty thousand rand, as the case may be, the certificate of exemption mentioned in subsection (1) and every token of exemption mentioned in subsection (2) which was issued to the depositor concerned shall become void.”.

Amendment of section 24 of Act 29 of 1942, as amended by section 6 of Act 14 of 1966 and section 4 of Act 46 of 1966.

8. Section 24 of the principal Act is hereby amended by the addition at the end of subsection (3) of the following paragraph:
- “(c) The said agreement may provide for the establishment of a fund for the purpose of reinsuring, under such terms and conditions as may be determined by further agreement between such fund, the insurance companies which are parties to the said agreement and the Minister, the risks borne by such insurance companies in respect of insurance under this Act.”.

Insertion of sections 25A, 25B, 25C, 25D and 25E in Act 29 of 1942.

9. The following sections are hereby inserted in the principal Act after section 25:

“Certain existing agreements deemed to be agreements contemplated in section 24 (3) (c), and certain company

25A. (1) The agreement entered into by the State President and certain insurance companies under section 24 (1) (b) and published in the *Gazette* of the ninth of March, 1966, under Government Notice No. 376, shall be deemed to contain provision for the establishment of a fund such as is contemplated in section 24 (3) (c).

(2) The ‘Motorvoertuigassuransiefonds’, a company registered in terms of the Companies Act, 1926

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bedoelde brief aan hom afgelewer of gepos is, dan word die vrystellingsertifikaat bedoel in subartikel (1) en elke teken van vrystelling bedoel in subartikel (2) wat aan hom uitgereik is, nietig.”;

- (c) deur subartikel (7) deur die volgende subartikel te vervang:

„(7) As die waarde van so 'n deposito volgens die Minister se oordeel al na die geval meer as honderdduisend rand of vyftigduisend rand bedra, dan moet die Minister op versoek van die betrokke deponent soveel van die deposito as wat bedoelde som te bo gaan, aan hom teruggee.”;

- (d) deur subartikel (8) deur die volgende subartikel te vervang:

„(8) 'n Deponent mag 'n sekuriteit wat hy volgens subartikel (1) gedeponeer het of 'n deel daarvan, vervang deur 'n ander sekuriteit wat die Minister goedgekeur het, mits die totale waarde van die deposito na die vervanging volgens die Minister se oordeel al na die geval nie minder as honderdduisend rand of vyftigduisend rand bedra nie.”;

- (e) deur subartikel (10) deur die volgende subartikel te vervang:

„(10) Behoudens die bepalings van subartikel (9) moet die Minister 'n deposito wat volgens subartikel (1) gemaak is, behou as sekuriteit vir die betaling van skadevergoeding bedoel in artikel 19 (3) waarvoor die betrokke deponent aanspreeklik mag word en vir enige koste van invordering van sodanige skadevergoeding, en geen ander vordering teen die deponent as 'n vordering om sodanige skadevergoeding en sodanige koste word uit bedoelde deposito betaal nie, behalwe vir sover as sy waarde al na die geval meer as honderdduisend rand of vyftigduisend rand bedra.”; en

- (f) deur subartikel (12) deur die volgende subartikel te vervang:

„(12) As 'n eis of 'n deel van 'n eis volgens voorskrif van regulasies uit so 'n deposito betaal is en die waarde van die deposito na die betaling al na die geval minder as honderdduisend rand of minder as vyftigduisend rand bedra, dan word die vrystellingsertifikaat bedoel in subartikel (1) en elke teken van vrystelling bedoel in subartikel (2) wat aan die betrokke deponent uitgereik is, nietig.”.

8. Artikel 24 van die Hoofwet word hierby gewysig deur die volgende paragraaf aan die end van subartikel (3) by te voeg: Wysiging van artikel 24 van Wet 29 van 1942, soos gewysig deur artikel 6 van Wet 14 van 1966 en artikel 4 van Wet 46 van 1966.
- „(c) Bedoelde ooreenkoms kan voorsiening maak vir die instelling van 'n fonds met die doel om, onder dié bedinge en voorwaardes wat by verdere ooreenkoms tussen sodanige fonds, die assuransiemaatskappye wat partye by bedoelde ooreenkoms is en die Minister bepaal word, die risiko's te herverskeer wat sodanige assuransiemaatskappye dra ten opsigte van assuransie ingevolge hierdie Wet.”.

9. Die volgende artikels word hierby na artikel 25 in die Hoofwet ingevoeg: Invoeging van artikels 25A, 25B, 25C, 25D en 25E in Wet 29 van 1942.

- 25A. (1) Die ooreenkoms aangegaan deur die Staatspresident en sekere assuransiemaatskappye ingevolge artikel 24 (1) (b) en gepubliseer in die *Staatskoerant* van nege Maart 1966 onder Goewermentskennisgewing No. 376, word geag voorsiening te bevat vir die instelling van 'n fonds soos in artikel 24 (3) (c) beoog.
- „Sekere bestaande ooreenkoms te geag in artikel 24 (3) (c) beoogde ooreenkoms te wees, en (2) Die „Motorvoertuigassuransiefonds”, 'n maatskappy geregistreer ingevolge die Maatskappywet,

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deemed to be the fund so contemplated.

(Act No. 46 of 1926), shall be deemed to be the fund so contemplated and to have been established pursuant to such provision.

(3) The agreement between the said insurance companies, the said company and the Minister which was signed at Pretoria by those insurance companies and that company on the third of March, 1966, and by the Minister on the fourth of March, 1966, as altered or substituted from time to time, shall be deemed to be the further agreement contemplated in section 24 (3) (c).

Establishment of the MVA Fund.

25B. (1) As from the date of commencement of the Motor Vehicle Insurance Amendment Act, 1969, the company referred to in section 25A (2) shall cease to be a company registered under the Companies Act, 1926, and shall be, and be deemed to have been at all times since its establishment, a body corporate under the name of the Motor Vehicle Assurance Fund (hereinafter referred to as the MVA Fund).

(2) Anything lawfully done by or on behalf of the said company before the said date, shall be deemed to have been done by or on behalf of the MVA Fund in accordance with the provisions of this Act.

Powers and duties of the MVA Fund.

25C. (1) The MVA Fund shall have power—

- (a) to reinsure any assurance or risk which any registered company has undertaken pursuant to the provisions of this Act;
- (b) to indemnify registered companies against claims, lawsuits, losses, costs and damages which may flow from the application of this Act;
- (c) to cause any risk which it has undertaken to be reinsured in whole or in part;
- (d) to investigate and settle claims, and commence, conduct, defend or abandon legal proceedings;
- (e) to guarantee or insure the obligations of registered companies arising from the application of this Act;
- (f) subject to the Minister's approval in every case, to purchase or otherwise acquire goods, equipment, land, buildings, shares, debentures, stock, securities and all other kinds of movable or immovable property;
- (g) subject to the Minister's approval in every case, to sell, lease, mortgage, encumber, dispose of, exchange, work, develop, build upon, improve or in any other way deal with its property;
- (h) to invest or deal with any moneys not immediately required by it for the conduct of its business in such manner as may from time to time be determined by the Minister, and to realise, alter or re-invest such investments or deal with such moneys in such manner as may from time to time be determined by the Minister;
- (i) subject to the Minister's approval in every case, to borrow money and secure the payment thereof in such manner as it may deem fit;
- (j) subject to the Minister's approval in every case, to lend money on such conditions as it may deem advisable;

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sekerer maatskappy geag die aldus beoogde fonds te wees.

1926 (Wet No. 46 van 1926), word geag die aldus beoogde fonds te wees en ooreenkomstig sodanige voorsiening ingestel te wees.

(3) Die ooreenkoms tussen die gemelde assuransiemaatskappye, die gemelde maatskappy en die Minister wat in Pretoria onderteken is deur daardie assuransiemaatskappye en daardie maatskappy op drie Maart 1966 en deur die Minister op vier Maart 1966, soos van tyd tot tyd gewysig of vervang, word geag die in artikel 24 (3) (c) beoogde verdere ooreenkoms te wees.

Instelling van MVA-fonds.

25B. (1) Vanaf die datum van inwerkingtreding van die Wysigingswet op Motorvoertuigassuransie, 1969, hou die in artikel 25A (2) vermelde maatskappy op om 'n kragtens die Maatskappywet, 1926, geregi-streerde maatskappy te wees en is dit 'n regsper-soon met die naam Motorvoertuigassuransiefonds (hieronder die MVA-fonds genoem) en word dit geag te alle tye sedert sy instelling sodanige regs persoon te gewees het.

(2) Enigiets wat voor die gemelde datum wettiglik deur of namens die gemelde maatskappy gedoen is, word geag deur of namens die MVA-fonds ooreen-komstig die bepalings van hierdie Wet gedoen te gewees het.

Bevoegd-hede en pligte van die MVA-fonds.

25C. (1) Die MVA-fonds is bevoeg—

- (a) om enige assuransie of risiko wat 'n geregistreerde maatskappy ooreenkomstig die bepalings van hierdie Wet onderneem het, te herverseker;
- (b) om geregistreerde maatskappye skadeloos te stel ten opsigte van eise, hofgedinge, verlies, koste en skade wat voortspruit uit die toepassing van hierdie Wet;
- (c) om enige risiko wat hy aanvaar het, in die geheel of gedeeltelik te laat herverseker;
- (d) om eise te ondersoek en te skik en regsgedinge in te stel, te voer, te bestry of te laat vaar;
- (e) om die verpligtinge van geregistreerde maatskappye wat uit die toepassing van hierdie Wet ontstaan, te waarborg of te verseker;
- (f) onderworpe aan die Minister se goedkeuring in elke geval, om goedere, uitrusting, grond, geboue, aandele, obligasies, effekte, sekuriteite en alle ander soorte roerende of onroerende goed aan te koop of op 'n ander wyse te bekom;
- (g) onderworpe aan die Minister se goedkeuring in elke geval, om sy goed te verkoop, te verhuur, te verhipotekeer, te beswaar, van die hand te sit, te verruil, te bewerk, te ontwikkel, daarop te bou, dit te verbeter of daarmee op enige ander wyse te handel;
- (h) om gelde wat nie onmiddellik vir sy besigheid benodig word nie op dié wyse wat van tyd tot tyd deur die Minister bepaal word, te belê of daarmee te handel en om sodanige beleggings te realiseer, te verander of te herbelê of met sulke gelde op die ander wyse te handel wat van tyd tot tyd deur die Minister bepaal word;
- (i) onderworpe aan die Minister se goedkeuring in elke geval, om geld te leen en betaling daarvan na goeddunke te beveilig;
- (j) onderworpe aan die Minister se goedkeuring in elke geval, om geld uit te leen op die voorwaar-des wat die Fonds raadsaam ag;

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- (k) to draw, draft, accept, endorse, discount, sign and issue promissory notes, bills and other negotiable or transferable instruments with the exception of share certificates;
- (l) to employ its funds for any purpose connected with or resulting from the exercise of its powers or the performance of its duties and functions;
- (m) to reimburse the State for services rendered to the Fund by persons in the service of the State;
- (n) to do all such other things as are incidental or conducive to the exercise of its powers or the performance of its duties and functions.

(2) The MVA Fund may by agreement with the Minister undertake the fulfilment, under such circumstances and on such conditions as may be specified in the agreement, of any or all of the purposes for which a contributions fund may be established under section 2quat, and may do everything necessary to give effect to any such agreement.

(3) The MVA Fund shall—

- (a) keep proper records of all its financial transactions, assets and liabilities;
- (b) cause its accounts to be audited annually by a person registered as an accountant and auditor under the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and nominated from time to time by the Minister;
- (c) as soon as may be after each audit submit to the Minister audited balance sheets and a report by the auditor in respect of such audit together with a report on the MVA Fund's activities during the year to which the audit relates.

Manager
and staff of
the MVA
Fund.

25D. (1) Subject to the laws governing the public service the Minister may from time to time appoint any person to be the manager of the MVA Fund, who shall, under the direction of the Secretary for Transport, exercise the powers and perform the duties and functions of the MVA Fund.

- (2) (a) The Minister may, if he deems it expedient, appoint six persons in accordance with paragraph (b) as a committee which the manager of the MVA Fund may in his discretion consult about any business of that Fund and which may make representations to the said manager in connection with any such business.
- (b) Each member of the committee shall be a person nominated by a registered company, after a request to that effect made by the Minister to each registered company, as a person suitable to represent registered companies on the committee, and shall be appointed for such period and on such conditions (if any), including a condition as to the payment of allowances out of the MVA Fund, as the Minister may determine.
- (3) Subject to the laws governing the public service the Secretary for Transport may appoint such persons as are in his opinion necessary to enable the manager to manage the MVA Fund: Provided that, subject to the approval of the Minister in

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- (k) om promesse, wissels en ander verhandelbare of oordraagbare dokumente behalwe aandesertifikate te trek, op te stel, te aksepteer, te endosseer, te verdiskonteer, te onderteken en uit te reik;
- (l) om sy fondse aan te wend vir enige doel wat in verband staan met of voortspruit uit die uitoefening van sy bevoegdhede of die uitvoering van sy pligte en werksaamhede;
- (m) om die Staat te vergoed vir dienste wat persone in diens van die Staat aan die Fonds gelewer het;
- (n) om dié ander dinge te doen wat verbonde is aan of bevorderlik is vir die uitoefening van sy bevoegdhede of die uitvoering van sy pligte en werksaamhede.

(2) Die MVA-fonds kan by ooreenkoms met die Minister onderneem om, onder die omstandighede en op die voorwaardes wat in die ooreenkoms genoem word, enige van of al die oogmerke uit te voer waarvoor 'n bydraefonds kragtens artikel 2 *quat* ingestel kan word, en kan alles doen wat nodig is om aan so 'n ooreenkoms gevolg te gee.

(3) Die MVA-fonds moet—

- (a) behoorlik boekhou van al sy geldelike transaksies, bates en laste;
- (b) sy rekenings jaarliks laat ouditeer deur iemand wat kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), as rekenmeester en ouditeur geregistreer is en wat van tyd tot tyd deur die Minister benoem word;
- (c) so spoedig doenlik na elke oudit geouditeerde balansstate en 'n verslag deur die ouditeur oor sodanige oudit tesame met 'n verslag oor die MVA-fonds se bedrywighede gedurende die jaar waarop die oudit betrekking het, aan die Minister voorlê.

Bestuurder
en personeel
van die
MVA-fonds.

25D. (1) Behoudens die wetsbepalings op die Staatsdiens kan die Minister van tyd tot tyd iemand aanstel as bestuurder van die MVA-fonds wat, onderworpe aan die opdragte van die Sekretaris van Vervoer, die bevoegdhede van die MVA-fonds uitoefen en die pligte en werksaamhede daarvan uitvoer.

(2) (a) Die Minister kan, indien hy dit dienstig ag, ses persone ooreenkomstig paragraaf (b) aanstel as 'n komitee met wie die bestuurder van die MVA-fonds na goeë dunde kan raadpleeg oor besigheid van daardie Fonds en wat verhoë in verband met sodanige besigheid tot die gemelde bestuurder kan rig.

(b) Elke lid van die komitee moet iemand wees wat, na 'n versoek in dier voege deur die Minister aan elke geregistreerde maatskappy gerig, deur 'n geregistreerde maatskappy benoem is as iemand wat geskik is om geregistreerde maatskappe in die komitee te verteenwoordig, en word aangestel vir dié tydperk en op dié voorwaardes (as daar is), met inbegrip van 'n voorwaarde betreffende die betaling van toelaes uit die MVA-fonds, wat die Minister bepaal.

(3) Behoudens die wetsbepalings op die Staatsdiens kan die Sekretaris van Vervoer dié persone aanstel wat na sy oordeel nodig is om die bestuurder in staat te stel om die MVA-fonds te bestuur: Met dien verstande dat, onderworpe aan die goedkeuring van die Minister in elke

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every case, the MVA Fund may acquire the services of any person on such conditions as may be determined by agreement with the person in question.

- (4) Such amounts in respect of expenses incurred by the Secretary for Transport under this section as may be determined by him from time to time after consultation with the Secretary to the Treasury, shall be paid by the MVA Fund to the State at such times as may be so determined, and shall be paid into the Consolidated Revenue Fund.

Exemption
of the
MVA Fund.

25E. (1) The Insurance Act, 1943 (Act No. 27 of 1943), shall not apply in respect of the MVA Fund: Provided that reinsurance by the MVA Fund under section 25C (1) (a) shall be regarded as approved reinsurance for the purposes of that Act in its application to the insurance companies referred to in section 25A.

(2) The income of the MVA Fund, including income from investments, shall be exempt from income tax.

(3) The State President may by proclamation in the *Gazette* apply to the MVA Fund any provision of the Companies Act, 1926 (Act No. 46 of 1926), or any other law relating to companies, not inconsistent with the provisions of this Act, with such modifications as may be specified in the proclamation, and may amend or repeal any such proclamation."

Short title.

10. This Act shall be called the Motor Vehicle Insurance Amendment Act, 1969.

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geval, die MVA-fonds die dienste van enigiemand kan bekom onder dié diensvoorwaardes wat by ooreenkoms met die betrokke persoon bepaal word.

- (4) Dié bedrae ten opsigte van uitgawes deur die Sekretaris van Vervoer ingevolge hierdie artikel aangegaan, wat van tyd tot tyd deur hom na oorlegpleging met die Sekretaris van die Tesourie bepaal word, word op die aldus bepaalde tye deur die MVA-fonds aan die Staat betaal, en word in die Gekonsolideerde Inkomstefonds gestort.

Vrystelling
van die
MVA-fonds.

25E. (1) Die Versekeringswet, 1943 (Wet No. 27 van 1943), is nie ten opsigte van die MVA-fonds van toepassing nie: Met dien verstande dat herversekering deur die MVA-fonds kragtens artikel 25C (1) (a), as goedgekeurde herversekering beskou word by die toepassing van daardie Wet op die in artikel 25A vermelde assuransiemaatskappye.

(2) Die inkomste van die MVA-fonds, met inbegrip van inkomste uit beleggings, is vrygestel van inkomstebelasting.

(3) Die Staatspresident kan by proklamasie in die *Staatskoerant* 'n bepaling van die Maatskappywet, 1926 (Wet No. 46 van 1926), of 'n ander wet met betrekking tot maatskappye, wat nie met die bepalinge van hierdie Wet onbestaanbaar is nie, op die MVA-fonds toepas met die wysigings wat in die proklamasie genoem word, en kan so 'n proklamasie wysig of intrek."

10. Hierdie Wet heet die Wysigingswet op Motorvoertuig-assuransie, 1969. Kort titel.

