



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE



## STAATSKOERANT

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#### DEPARTMENT OF THE PRIME MINISTER.

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No. 676.

25th April, 1969.

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

No. 39 of 1969: Insurance Amendment Act, 1969.

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#### DEPARTEMENT VAN DIE EERSTE MINISTER.

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No. 676.

25 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. 39 van 1969: Wysigingswet op Versekering, 1969.

Act No. 39, 1969

## INSURANCE AMENDMENT ACT, 1969.

## ACT

To amend the provisions of the Insurance Act, 1943, relating to definitions, the registration of new insurers, the cancellation of registration, deposits, auditors, valuators, assets held in respect of insurance business, amalgamation or transfer of insurance business, the acquisition by an insurer of an interest in other insurance business, the acquisition by a person other than an insurer of an interest in the business of an insurer, winding-up, minors, protection afforded against creditors in respect of policies and the proceeds thereof, funeral policies, liabilities under insurance policies, the extension of periods for performing certain acts, the classification of insurance business, fees for inspection of documents, reinsurers, the application of the said Act, the calculation of liabilities under unmatured policies and assets to be held by insurers.

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

**B**E 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 27 of 1943, as amended by section 2 of Act 73 of 1951, section 39 of Act 24 of 1956, section 50 of Act 25 of 1956, section 1 of Act 79 of 1959, section 1 of Act 10 of 1965, section 1 of Act 41 of 1966 and section 1 of Act 65 of 1968.

1. Section 1 of the Insurance Act, 1943 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution in subsection (1) in the definition of “funeral policy” for all the words preceding paragraph (a) of the following words:  
“‘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 three hundred rand and which consist principally of—”;
- (b) by the substitution in subsection (1) for the definition of “guarantee policy” of the following definition:  
“‘guarantee policy’ means any contract whereby an insurer assumes an obligation (in return for the payment or the promise of the payment of a sum or sums of money, and otherwise than incidentally to an insurance effected by means of some other class of policy) to discharge the debts or other obligations of any person in the event of the failure of that person to do so, and includes any statutory form of bond, guarantee or undertaking issued by an insurer in return for payment;”;
- (c) by the substitution in subsection (1) for paragraph (d) of the proviso to the definition of “insurance business” of the following paragraph:  
“(d) any transaction under the Industrial Conciliation Act, 1956 (Act No. 28 of 1956);”;

## WYSIGINGSWET OP VERSEKERING, 1969.

Wet No. 39, 1969

**WET**

**Tot wysiging van die bepalings van die Versekeringswet, 1943, met betrekking tot woordomskrywings, die registrasie van nuwe versekeraars, die intrekking van registrasie, deposito's, ouditeurs, waardeerders, bates gehou ten opsigte van versekeringsbesigheid, samesmelting of oordrag van versekeringsbesigheid, die verkryging deur 'n versekeraar van 'n belang in ander versekeringsbesigheid, die verkryging deur 'n ander persoon as 'n versekeraar van 'n belang in die besigheid van 'n versekeraar, likwidiasie, minderjariges, beskerming verleen teen skuldeisers ten opsigte van polisse en die opbrengs daarvan, begrafnispolisse, aanspreeklikheid kragtens versekeringspolisse, die verlenging van tydperke om sekere handelinge te verrig, die klassifisering van versekeringsbesigheid, leges vir insage van dokumente, herversekeraars, die toepassing van bedoelde Wet, die berekening van verbintenis kragtens nog lopende polisse en bates wat deur versekeraars gehou moet word.**

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 21 April 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 Versekeringswet, 1943 (hieronder die Wysiging van Hoofwet genoem), word hierby gewysig—**
- (a) deur in subartikel (1) in die omskrywing van „begrafnis-polis” al die woorde voor paragraaf (a) deur die volgende woorde 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 driehonderd rand beloop, betrokke is en wat hoofsaaklik bestaan uit—”;
  - (b) deur in subartikel (1) die omskrywing van „garansie-polis” deur die volgende omskrywing te vervang:  
„,garansiepolis’ beteken 'n kontrak waarby 'n versekeraar as teenprestasie vir die betaling of 'n belofte van betaling van 'n som of somme geld, en andersins as bykomend by 'n versekering deur middel van 'n ander soort polis aangegaan, 'n verpligting aanvaar om enigemand se skulde of ander verpligtings na te kom ingeval so iemand versuim om dit te doen, en ook enige statutêre vorm van verband, garansie of onderneming deur 'n versekeraar teen betaling uitgereik;”;
  - (c) deur in subartikel (1) paragraaf (d) van die voorbehoudsbepaling by die omskrywing van „versekeringsbesigheid” deur die volgende paragraaf te vervang:  
„(d) 'n regshandeling kragtens die Wet op Nywerheidsversoening, 1956 (Wet No. 28 van 1956);”;

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## INSURANCE AMENDMENT ACT, 1969.

- (d) by the substitution for paragraph (e) of the said proviso of the following paragraph:
- “(e) the activities of a building society registered or provisionally registered under the Building Societies Act, 1965 (Act No. 24 of 1965), if they fall within the scope of the building society's rules;”;
- (e) by the substitution in subsection (1) for the definition of “policy” of the following definition:
- “‘policy’ means any valid insurance contract, whatever may be the form in which the rights and obligations of the parties to the contract are expressed or created, and includes—
- (a) a sinking fund policy; and
- (b) any statutory form of bond, guarantee or undertaking in terms of which an insurer assumes an obligation as surety for the discharge of the debts or other obligations of any person in return for the payment or the promise of the payment of a sum or sums of money;”;
- (f) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
- “(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 12 and 13 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 13 and after deducting—
- (i) the amount of any liabilities or contingent liabilities covered by approved reinsurances referred to in paragraph (c) of that section; and
- (ii) subject to the approval of the registrar, the amount of any obligation to a creditor who has waived every right to have such obligation discharged until such time as all obligations to other creditors have been discharged in full;”.

Amendment of  
section 4 of  
Act 27 of 1943,  
as amended by  
section 3 of  
Act 73 of 1951,  
section 4 of  
Act 79 of 1959,  
section 10 of  
Act 64 of 1960  
and section 3  
of Act 10 of 1965.

2. Section 4 of the principal Act is hereby amended by the substitution for paragraphs (c) and (d) of subsection (3)*bis* of the following paragraphs:

- “(c) as an insurer authorized to carry on any class of long term insurance business other than funeral business, unless he has satisfied the registrar—
- (i) that he has deposited with the Treasury money or approved securities or money and approved securities having an aggregate value of not less than one hundred thousand rand; or
- (ii) that he will fully reinsure with a registered insurer all his liabilities under unmatured policies issued in respect of such business and will not issue any further policies in respect of such business other than paid-up policies in terms of section 62 (2);
- (d) as an insurer authorized to carry on funeral business, unless he has satisfied the registrar—
- (i) that he has deposited with the Treasury money or approved securities or money and approved securities having an aggregate value of not less than twenty thousand rand; or
- (ii) that he will fully reinsure with a registered insurer all his liabilities under unmatured policies issued in respect of such business and will not issue any further policies in respect of such business.”.

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- (d) deur paragraaf (e) van genoemde voorbehoudsbepaling deur die volgende paragraaf te vervang:  
 „(e) die werkzaamhede van 'n bouvereniging wat geregistreer of voorlopig geregistreer is kragtens die Bouverenigingswet, 1965 (Wet No. 24 van 1965), as hulle val binne die bestek van die bouvereniging se statute;”;
- (e) deur in subartikel (1) die omskrywing van „polis” deur die volgende omskrywing te vervang:  
 „polis” beteken enige geldige versekeringsooreenkoms, ongeag die vorm waarin die regte en pligte van die partye by die ooreenkoms uitgedruk of tot stand gebring word, en ook—  
 (a) 'n amortisasiepolis; en  
 (b) enige statutêre vorm van verband, garansie of onderneming waarby 'n versekeraar 'n verpligting aanvaar as borg vir die nakoming van die skulde of ander verpligtings van enige persoon teen betaling van 'n som of somme geld of 'n belofte om dit te betaal;”;
- (f) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:  
 „(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 12 en 13 in enige volgens daardie artikels opgemaakte opgawe van verbintenis ingesluit moet word, uitgesonderd verbintenis of voorwaardelike verbintenis van die in paragraaf (b) van artikel 13 vermelde soorte, en na aftrekking van—  
 (i) die bedrag van verbintenis of voorwaardelike verbintenis wat deur in paragraaf (c) van daardie artikel bedoelde goedkeurde herversekerings gedek word; en  
 (ii) onderworpe aan die goedkeuring van die registrateur, die bedrag van enige verpligting teenoor 'n skuldeiser wat afstand gedoen het van elke reg op vereffening van daardie verpligting totdat alle verpligtigs teenoor ander skuldeisers ten volle vereffen is.”.

**2. Artikel 4 van die Hoofwet word hierby gewysig deur Wysiging van paragrawe (c) en (d) van subartikel (3)*bis* deur die volgende artikel 4 van paragrawe te vervang:**

- „(c) as 'n versekeraar wat gemagtig is om enige ander soort langtermyn-versekeringsbesigheid as begrafnisbesigheid te dryf, tensy hy die registrateur oortuig het—  
 (i) dat hy geld of goedkeurde effekte of geld en goedkeurde effekte met 'n totale waarde van minstens honderduisend rand by die Tesourie gedeponeer het; of  
 (ii) dat hy al sy verbintenis kragtens nog lopende polisse ten opsigte van bedoelde besigheid uitgereik, by 'n geregistreerde versekeraar ten volle sal herverseker en geen verdere polisse behalwe opbetaalde polisse kragtens artikel 62 (2) ten opsigte van daardie besigheid sal uitreik nie;
- (d) as 'n versekeraar wat gemagtig is om begrafnisbesigheid te dryf, tensy hy die registrateur oortuig het—  
 (i) dat hy geld of goedkeurde effekte of geld en goedkeurde effekte met 'n totale waarde van minstens twintigduisend rand by die Tesourie gedeponeer het; of  
 (ii) dat hy al sy verbintenis kragtens nog lopende polisse ten opsigte van bedoelde besigheid uitgereik, by 'n geregistreerde versekeraar ten volle sal herverseker en geen verdere polisse ten opsigte van daardie besigheid sal uitreik nie.”.

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Substitution of section 4ter of Act 27 of 1943, as inserted by section 5 of Act 10 of 1965.

**3. The following section is hereby substituted for section 4ter of the principal Act:**

"Cancel-  
lation of  
registration.

**4ter.** When the registrar is satisfied that a registered insurer has ceased to carry on in the Republic any class of insurance business or has within a reasonable period after registration for any class of insurance business failed to commence to carry on in the Republic such class of insurance business—

- (a) the registrar shall, at the request of the insurer, cancel the registration of the insurer in regard to the said class of insurance business;
- (b) the registrar may cancel such registration if he has notified the insurer of his intention to cancel the said registration and of the reasons why he intends doing so, and has allowed the insurer a period of at least thirty days for making representations to him in connection with the proposed cancellation.”.

Amendment of section 6 of Act 27 of 1943, as substituted by section 6 of Act 10 of 1965.

**4. Section 6 of the principal Act is hereby amended—**

- (a) by the substitution for subsection (3) of the following subsection:

“(3) Upon an order being made by the court that the whole or any class of the long term insurance business of an insurer be wound up, any money or securities deposited with the Treasury in terms of this section or section 4 shall be made available to the liquidator winding up the business, for distribution to the owners of any life policies, industrial policies, funeral policies and sinking fund policies under which the insurer is liable in respect of the business to which the order relates and which were issued in connection with the long term insurance business carried on by the insurer on or before the date on which the order is made.”;

- (b) by the substitution for subsection (5) of the following subsection:

“(5) Whenever a registered insurer has satisfied the registrar—

(i) that he has ceased to carry on in the Republic the long term insurance business in respect whereof the insurer has made any deposit under section 4 or subsection (2) of this section or that he will soon cease to carry on such business and that such deposit is required for the benefit of policy-holders; or

(ii) that he has fully reinsured with a registered insurer all liabilities under unmatured policies issued in respect of such business and will issue no further policies in respect of such business other than paid-up policies in terms of section 62 (2),

the registrar shall authorize the Treasury to return the deposit to the insurer and the Treasury shall thereupon return the deposit.”.

Amendment of section 9 of Act 27 of 1943, as amended by section 7 of Act 73 of 1951, section 8 of

**5. Section 9 of the principal Act is hereby amended by the substitution for subsection (1)bis of the following subsection:**

“(1)bis Where the auditor of an insurer or the local auditor of a foreign insurer is a partnership, the appointment of such auditor shall not lapse by reason of a change in the

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Wet No. 39, 1969

**3. Artikel 4ter van die Hoofwet word hierby deur die volgende artikel vervang:**

„Intrekking 4ter. Wanneer die registrator daarvan oortuig is dat 'n geregistreerde versekeraar opgehou het om enige soort versekeringsbesigheid in die Republiek te dryf of binne 'n redelike tydperk na registrasie vir enige soort versekeringsbesigheid versuum het om te begin om daardie soort versekeringsbesigheid in die Republiek te dryf—

- (a) trek die registrator op versoek van die versekeraar die versekeraar se registrasie ten opsigte van daardie soort versekeringsbesigheid in;
- (b) kan die registrator bedoelde registrasie intrek indien hy die versekeraar in kennis gestel het van sy voorneme om daardie registrasie in te trek en van die redes waarom hy voornemens is om dit te doen, en die versekeraar 'n tydperk van minstens dertig dae toegelaat het om vertoe in verband met die voorgenome intrekking tot hom te rig.”.

Vervanging van artikel 4ter van Wet 27 van 1943, soos ingevoeg deur artikel 5 van Wet 10 van 1965.

**4. Artikel 6 van die Hoofwet word hierby gewysig—**

## (a) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) By die uitvaardiging van 'n bevel deur die hof dat die langtermyn-versekeringsbesigheid van 'n versekeraar in sy geheel of ten opsigte van enige soort daarvan gelikwideer moet word, word enige geld of effekte wat kragtens hierdie artikel of artikel 4 by die Tesourie gedeponeer is, aan die likwidator wat die besigheid likwideer, beskikbaar gestel vir verdeling onder eienaars van lewenspolisse, nywerheidspolisse, begrafnispolisse en amortisasiefondspolisse waarvolgens die versekeraar aanspreeklik is ten opsigte van die besigheid waarop die bevel betrekking het en wat uitgereik is in verband met die langtermyn-versekeringsbesigheid wat die versekeraar gedryf het op of voor die datum waarop die bevel uitgevaardig word.”;

## (b) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Wanneer 'n geregistreerde versekeraar die registrator oortuig het—

(i) dat hy nie meer die langtermyn-versekeringsbesigheid ten opsigte waarvan die versekeraar enige bedrag ingevolge artikel 4 of sub-artikel (2) van hierdie artikel gedeponeer het, in die Republiek dryf nie, of dat hy binnekort sal ophou om sodanige besigheid te dryf en dat die gedeponeerde bedrag ten bate van polishouers benodig is; of

(ii) dat hy al sy verbintenis kragtens nog lopende polisse ten opsigte van daardie besigheid uitgereik, ten volle by 'n geregistreerde versekeraar herverseker het en geen verdere polisse behalwe opbetaalde polisse kragtens artikel 62 (2) ten opsigte van daardie besigheid sal uitreik nie,

magtig die registrator die Tesourie om die deposito aan die versekeraar terug te betaal, en die Tesourie moet daarop bedoelde deposito terugbetaal.”.

Wysiging van artikel 6 van Wet 27 van 1943, soos vervang deur artikel 6 van Wet 10 van 1965.

**5. Artikel 9 van die Hoofwet word hierby gewysig deur sub-artikel (1)*bis* deur die volgende subartikel te vervang:**

„(1)*bis* Waar die ouditeur van 'n versekeraar of die plaaslike ouditeur van 'n buitenlandse versekeraar 'n vennootskap is, verval die aanstelling van dié ouditeur nie op grond van 'n verandering in die samestelling van die

Wysiging van artikel 9 van Wet 27 van 1943, soos gewysig deur artikel 7 van Wet 73 van 1951, artikel 8 van Wet

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Act 79 of 1959  
and section 7 of  
Act 10 of 1965.

composition of such partnership so long as not less than one-half of the partners are persons who were partners as at the date when the appointment of the partnership was last approved by the registrar.”.

Amendment of  
section 10 of  
Act 27 of 1943,  
as substituted by  
section 9 of Act  
79 of 1959.

**6. Section 10 of the principal Act is hereby amended—**

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

“(1) Every domestic insurer carrying on long term insurance business shall have a valuator resident in the Republic for that insurance business, whether carried on in the Republic or elsewhere, and every foreign insurer carrying on such business in the Republic shall have a valuator for that business.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) The provisos to section 9 (1) and the provisions of section 9 (1)*bis* and (2) shall apply *mutatis mutandis* in connection with the valuator of a registered insurer.”.

Amendment of  
section 19 of  
Act 27 of 1943,  
as substituted  
by section 15 of  
Act 10 of 1965.

**7. Section 19 of the principal Act is hereby amended—**

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

“(1) Every domestic insurer who carries on—

(a) long term insurance business; and

(b) any other business,

shall, and any person who intends to carry on a particular class of long term insurance business in the Republic shall on the date of his registration to carry on such business, determine which of his assets shall be deemed for the purposes of this Act to be held in respect of his long term insurance business, and shall thereafter treat those assets and every amount by way of income or otherwise derived therefrom and all premiums received in respect of long term insurance business as assets held in respect of 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 domestic insurer may—

(a) subject to the consent of the registrar and the provisions of section 17, determine—

(i) that any of the assets held in respect of long term insurance business shall be held in respect of any other business;

(ii) that one or more of the assets held by him in respect of long term insurance business shall be replaced by one or more of the assets held by him in respect of any other business;

(b) 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.”;

(b) by the deletion of the proviso to subsection (4).

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vennootskap nie, solank minstens die helfte van die vennote persone is wat vennote was op die datum waarop die aanstelling van die vennootskap laas deur die registrator goedgekeur was.”.

79 van 1959 en artikel 7 van Wet 10 van 1965.

## 6. Artikel 10 van die Hoofwet word hierby gewysig—

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

„(1) Elke binnelandse versekeraar wat langtermyn-versekeringsbesigheid dryf, moet 'n waardeerder in die Republiek woonagtig vir daardie versekeringsbesigheid hê, ongeag of dit in die Republiek of elders gedryf word, en elke buitenlandse versekeraar wat in die Republiek sodanige besigheid dryf, moet 'n waardeerder vir daardie besigheid hê.”;

Wysiging van artikel 10 van Wet 27 van 1943, soos vervang deur artikel 9 van Wet 79 van 1959.

(b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die voorbehoudsbepalings by artikel 9 (1) en die bepalings van artikel 9 (1)*bis* en (2) is *mutatis mutandis* van toepassing in verband met 'n waardeerder van 'n geregistreerde versekeraar.”.

## 7. Artikel 19 van die Hoofwet word hierby gewysig—

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

„(1) Elke binnelandse versekeraar wat—

(a) langtermyn-versekeringsbesigheid; en

(b) enige ander besigheid,

dryf, moet en elke persoon wat 'n bepaalde soort langtermyn-versekeringsbesigheid in die Republiek wil dryf, moet op die datum waarop hy geregistreer word om sodanige besigheid te dryf, bepaal watter van sy bates vir die doeleindes van hierdie Wet geag moet word ten opsigte van bedoelde langtermyn-versekeringsbesigheid besit te word, en moet daarna daardie bates en elke bedrag by wyse van inkomste of andersins daarvan verkry en alle premies ten opsigte van langtermyn-versekeringsbesigheid ontvang, behandel as bates wat ten opsigte van langtermyn-versekeringsbesigheid besit word, en mag nie 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—

Wysiging van artikel 19 van Wet 27 van 1943, soos vervang deur artikel 15 van Wet 10 van 1965.

(a) onderworpe aan die goedkeuring van die registrator en die bepalings van artikel 17 kan bepaal—

(i) dat enige van die bates wat ten opsigte van langtermyn-versekeringsbesigheid besit word ten opsigte van enige ander besigheid besit word;

(ii) dat een of meer van die bates ten opsigte van langtermyn-versekeringsbesigheid deur hom besit, vervang word deur een of meer van die bates ten opsigte van enige ander besigheid deur hom besit;

(b) 'n gesamentlike bankrekening ten opsigte van sy langtermyn-versekeringsbesigheid enersyds en enige ander besigheid andersyds in stand kan hou, mits hy ook 'n register hou wat aantoon in hoeverre die saldo van daardie rekening aan bedoelde langtermyn-versekeringsbesigheid toegewys moet word.”;

(b) deur die voorbehoudsbepaling by subartikel (4) te skrap.

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Amendment of  
section 25 of  
Act 27 of 1943,  
as amended by  
section 22 of  
Act 73 of 1951.

**INSURANCE AMENDMENT ACT, 1969.****8. Section 25 of the principal Act is hereby amended—**

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

“(1) A proposed amalgamation of any business carried on by a domestic insurer with any business carried on by any other person (irrespective of whether that other person does or does not carry on insurance business) or a proposed transfer of any business from a domestic insurer to such other person or the proposed transfer of any business from such other person to a domestic insurer shall not be of any force or effect unless the amalgamation has been confirmed—

- (a) by the court, if any party to the transaction in question is or was carrying on long term insurance business in the Republic immediately before the commencement of or during the transaction; or**  
**(b) by the registrar, if no party to the transaction is or was carrying on long term insurance business in the Republic immediately before the commencement of or during the transaction.”;**

- (b) by the substitution for subsection (4) of the following subsection:**

“(4) On the direction of the registrar any party to the proposed transaction shall send to every owner of a policy under which the party is liable and to every shareholder or creditor of any business under his control, to which the said scheme relates, a copy of the scheme and of any statement or report mentioned in subsection (2) or (3).”;

- (c) by the substitution for subsection (5) of the following subsection:**

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

- (a) throughout the period of twenty-one days which commenced not more than ninety days and not less than thirty days before the date upon which application is made to the court (if subsection (1) (a) applies in connection with the transaction); or**

- (b) throughout any period of twenty-one days which the registrar deems suitable (if subsection (1) (b) applies in connection with the transaction), made available, at the said office, free of charge, to any owner of a policy, shareholder or creditor mentioned in subsection (4), for his inspection, a copy of each of the documents mentioned in subsection (4).”;**

- (d) by the substitution for subsection (12) of the following subsection:**

“(12) When a transaction has been confirmed as aforesaid, the person controlling the amalgamated business or the person to whom any business has been transferred by the transaction, as the case may be, shall within sixty days as from the confirmation furnish the registrar with—

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

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

**(ii) as at the commencement of business on such date,**

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## 8. Artikel 25 van die Hoofwet word hierby gewysig—

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

„(1) 'n Voorgenome samesmelting van 'n besigheid gedryf deur 'n binnelandse versekeraar met een of ander besigheid gedryf deur enige ander persoon (onverskillig of daardie ander persoon al dan nie versekeringsbesigheid dryf), of 'n voorgenome oordrag van 'n besigheid van 'n binnelandse versekeraar aan so 'n ander persoon of die voorgenoemde oordrag van een of ander besigheid van so 'n ander persoon aan 'n binnelandse versekeraar is van geen krag nie tensy die samesmelting of oordrag bekragtig is—

(a) deur die hof, indien enige party in die betrokke regshandeling langtermyn-versekeringsbesigheid in die Republiek dryf of gedryf het onmiddellik voor die aanvang van of gedurende die regshandeling; of

(b) deur die registrateur, indien geen party in die regshandeling onmiddellik voor die aanvang van, of gedurende die regshandeling, langtermyn-versekeringsbesigheid in die Republiek dryf of gedryf het nie.”;

(b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Op las van die registrateur moet enige party in die voorgenome regshandeling 'n afskrif van bedoelde plan en van enige verklaring of verslag in subartikel (2) of (3) bedoel, stuur aan elke eiennaar van 'n polis uit kragte waarvan die party aanspreeklik is, en aan elke aandeelhouer of skuldeiser van 'n besigheid onder sy beheer, waarop die plan betrekking het.”;

(c) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Die hof of die registrateur bekragtig nie die betrokke regshandeling nie tensy elke daarby betrokke party wat 'n hoofkantoor in die Republiek het—

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

(b) gedurende enige tydperk van een-en-twintig dae wat die registrateur gesik ag (ingeval subartikel (1) (b) in verband met die regshandeling van toepassing is),

'n afskrif van elk van die in subartikel (4) bedoelde dokumente op bedoelde kantoor gratis ter insage beskikbaar gestel het aan enige in subartikel (4) bedoelde poliseienaar, aandeelhouer of skuldeiser.”;

(d) deur subartikel (12) deur die volgende subartikel te vervang:

„(12) Wanneer 'n regshandeling soomvold bekringtig is, moet die persoon wat die saamgesmelte besigheid bestuur of die persoon aan wie 'n besigheid deur die regshandeling oorgedra is, na gelang van die geval, binne sesstig dae vanaf die bekragtiging aan die registrateur verstrek—

(a) 'n staat van die bate en laste van elke sodanige party—

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

(ii) by die aanvang van besigheid op bedoelde datum,

Wysiging van artikel 25 van Wet 27 van 1943, soos gewysig deur artikel 22 van Wet 73 van 1951.

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which statement shall be attested by the auditor of the party concerned as exhibiting truly and fairly the said assets and liabilities, according to the books and records of that party and any other information which may be necessary for that purpose; and

- (b) a copy, certified by the registrar of the court, of the transaction as confirmed by the court and of the order of court confirming the transaction (if the transaction was confirmed by the court); and
- (c) a declaration signed by the chairman of every such party, and if a foreign insurer is such a party, by his public officer in the Republic, that to the best of his belief every payment made or to be made or other valuable consideration given or to be given to any person whatsoever on account of the amalgamation or transfer is fully set forth in the transaction as confirmed.”.

**Amendment of section 26 of Act 27 of 1943, as substituted by section 20 of Act 10 of 1965.**

**9. Section 26 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:**

**“(b) a transfer of any insurance business carried on in the Republic from a foreign insurer to any person who is not a domestic insurer.”.**

**Amendment of section 27 of Act 27 of 1943, as amended by section 24 of Act 73 of 1951 and section 21 of Act 10 of 1965.**

**10. Section 27 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:**

**“(1) When a foreign insurer who carries on in the Republic any long term insurance business, or when any domestic insurer has acquired, directly or indirectly, shares or any other interest in any insurance business (whether such business is carried on in the Republic or elsewhere) amounting to one quarter or more of the value of all the shares or other interest in that business, the acquiring insurer concerned shall, within a period of thirty days as from the date upon which the acquisition was completed, report the acquisition and the particulars thereof to the registrar.”.**

**Amendment of section 27bis of Act 27 of 1943, as inserted by section 22 of Act 10 of 1965.**

**11. Section 27bis of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:**

**“(1) When any person other than a foreign insurer who carries on any long term insurance business in the Republic, or other than a domestic insurer, acquires directly or indirectly or through a nominee or a holding company shares or any other interest in the business of a domestic insurer amounting to one-quarter or more of the value of all the shares or other interest in that business, such person and, if he has knowledge thereof, also such insurer shall within a period of thirty days as from the date upon which the acquisition was completed, report the acquisition and the particulars thereof to the registrar.”.**

**Amendment of section 32 of Act 27 of 1943, as amended by section 27 of Act 73 of 1951, section 17 of Act 79 of 1959 and section 25 of Act 10 of 1965.**

**12. Section 32 of the principal Act is hereby amended—**

**(a) by the substitution for subsection (4) of the following subsection:**

**“(4) The court may issue such directions to the liquidator with regard to the winding-up as it deems desirable in the circumstances of the case, and such directions shall prevail over the provisions of any law other than this Act, which are inconsistent with such directions.”;**

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en daardie staat moet deur die ouditeur van die betrokke party gewaarmerk wees as 'n ware en billike weergawe van die genoemde bate en laste volgens die boeke en rekords van daardie party en enige ander inligting wat vir daardie doel nodig is; en

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

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

**9. Artikel 26 van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:**

„(b) 'n oordrag van 'n versekeringsbesigheid wat in die Republiek gedryf word, van 'n buitelandse versekeraar aan enige persoon wat nie 'n binnelandse versekeraar is nie.”.

Wysiging van artikel 26 van Wet 27 van 1943, soos vervang deur artikel 20 van Wet 10 van 1965.

**10. Artikel 27 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:**

„(1) Wanneer 'n buitelandse versekeraar wat in die Republiek langtermyn-versekeringsbesigheid dryf, of wanneer 'n binnelandse versekeraar direk of indirek aandele of enige ander belang in enige versekeringsbesigheid verkry het (hetsoy daardie besigheid in die Republiek of elders gedryf word) wat 'n kwart of meer beloop van die waarde van al die aandele of ander belang in daardie besigheid, dan moet die betrokke verkrygende versekeraar binne 'n tydperk van dertig dae vanaf die datum waarop die verkryging voltooi is, die verkryging en die besonderhede daarvan aan die registrateur medeeel.”.

Wysiging van artikel 27 van Wet 27 van 1943, soos gewysig deur artikel 24 van Wet 73 van 1951 en artikel 21 van Wet 10 van 1965.

**11. Artikel 27bis van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:**

„(1) Wanneer enige ander persoon as 'n buitelandse versekeraar wat langtermyn-versekeringsbesigheid in die Republiek dryf, of as 'n binnelandse versekeraar direk of indirek of deur 'n genomineerde of 'n beherende maatskappy aandele of enige ander belang in die besigheid van 'n binnelandse versekeraar verkry wat 'n kwart of meer beloop van die waarde van al die aandele of ander belang in daardie besigheid, dan moet sodanige persoon en, indien hy daarvan kennis dra, ook sodanige versekeraar binne 'n tydperk van dertig dae vanaf die datum waarop die verkryging voltooi is, die verkryging en die besonderhede daarvan aan die registrateur medeeel.”.

Wysiging van artikel 27bis van Wet 27 van 1943, soos ingevoeg deur artikel 22 van Wet 10 van 1965.

**12. Artikel 32 van die Hoofwet word hierby gewysig—**

(a) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Die hof kan aan die likwidateur sulke voor-skrifte met betrekking tot die likwidasie gee as wat hy in die besondere omstandighede wenslik ag, en daardie voor-skifte geld ondanks die bepalings van enige ander wet as hierdie Wet wat daarmee strydig is.”;

Wysiging van artikel 32 van Wet 27 van 1943, soos gewysig deur artikel 27 van Wet 73 van 1951, artikel 17 van Wet 79 van 1959 en artikel 25 van Wet 10 van 1965.

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- (b) by the substitution for subsection (9) of the following subsection:

“(9) In the winding-up of any insurance business of a registered insurer, the value of the policies under which the insurer is liable in respect of such business shall be ascertained on such basis and in such a manner as the court may direct and the available funds shall be distributed on such basis as the court may deem equitable.”;

- (c) by the addition of the following subsection:

“(10) No right or obligation shall, on or after the date of the final winding-up order in respect of any business of a registered insurer, arise or become enforceable under any policy issued by such insurer in respect of such business.”.

**Amendment of section 37 of Act 27 of 1943, as amended by section 31 of Act 73 of 1951.**

- 13. Section 37 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:**

“(1) A minor who has attained the age of eighteen years may, without the consent of his guardian—

- (a) effect a life policy upon his own life;
- (b) pay any premium due under the policy with money which he has earned or with any other money at his disposal; and
- (c) give an undertaking to maintain the policy for a stipulated period and cede his present or future earnings as security for such undertaking.”.

**Amendment of section 39 of Act 27 of 1943.**

- 14. Section 39 of the principal Act is hereby amended—**

- (a) by the substitution in subsection (1) for all the words preceding the proviso of the following words:

“A life policy effected by a person upon his own life, which has inured for a period of three years or longer, shall not during his lifetime be liable to be attached in execution of a judgment or order of a court of law, at the instance of his creditor, and shall not form part of his insolvent estate, except in so far as the total value of all such policies, together with the value of all moneys and other assets protected under section 48A of the Friendly Societies Act, 1956 (Act No. 25 of 1956), and of which such person is the owner exceeds ten thousand rand.”;

- (b) by the substitution for paragraph (b) of subsection (3) of the following paragraph:

“(b) to any money paid to the insured under such a life policy, or to any asset into which the insured converted any such money, in so far as that money or the value of that asset, together with all other moneys paid to the insured under such life policies, and the value of all other existing assets of the insured into which he converted any such money, and the value of all life policies mentioned in subsection (1) or (2) of which the insured is the owner, and the value of all moneys and other assets protected under section 48A of the Friendly Societies Act, 1956, and of which the insured is the owner exceeds ten thousand rand.”.

**Amendment of section 40 of Act 27 of 1943.**

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

- (a) by the substitution for all the words preceding paragraph (a) of the following words:

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- (b) deur subartikel (9) deur die volgende subartikel te vervang:

„(9) By die likwidasie van enige versekeringsbesigheid van 'n geregistreerde versekeraar word die waarde van die polisse uit kragte waarvan die versekeraar ten opsigte van daardie besigheid aanspreeklik is, vasgestel op so 'n basis en op so 'n wyse as wat die hof beveel en word die beskikbare fondse verdeel op so 'n basis as wat die hof billik ag.”;

- (c) deur die volgende subartikel in te voeg:

„(10) Geen reg of verpligting ontstaan of word afdwingbaar op of na die datum van die finale likwidasiebevel ten opsigte van enige besigheid van 'n geregistreerde versekeraar, kragtens enige polis wat deur daardie versekeraar ten opsigte van daardie besigheid uitgereik is nie.”.

**13. Artikel 37 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:**

„(1) 'n Minderjarige wat die leeftyd van agtien jaar bereik het, kan, sonder die toestemming van sy voog—

- (a) 'n lewenspolis op sy eie lewe sluit;  
 (b) alle premies wat kragtens die polis betaalbaar is, betaal met geld wat hy verdien het, of met enige ander geld waарoor hy beskik; en  
 (c) 'n verpligting aanvaar om die polis vir 'n bepaalde tydperk in stand te hou en sy huidige of toekomstige verdienste as sekuriteit vir daardie onderneming sedeer.”.

Wysiging van artikel 37 van Wet 27 van 1943, soos gewysig deur artikel 31 van Wet 73 van 1951.

**14. Artikel 39 van die Hoofwet word hierby gewysig—**

- (a) deur in subartikel (1) al die woorde voor die voorbehoudsbepaling deur die volgende woorde te vervang:

„'n Lewenspolis deur iemand op sy eie lewe gesluit, wat vir 'n tydperk van minstens drie jaar van krag was, mag nie gedurende sy leeftyd in beslag geneem word, ter tenuitvoerlegging van 'n vonnis of bevel van 'n gereghof op aandrang van sy skuldeiser nie, en maak nie deel van sy insolvente boedel uit nie, behalwe vir sover die gesamentlike waarde van alle sodanige polisse, tesame met die waarde van alle gelde en ander bate wat ingevolge artikel 48A van die Wet op Onderlinge Hulpverenigings, 1956 (Wet No. 25 van 1956), beskerm word en waarvan so iemand die eienaar is tienduisend rand te bowe gaan.”;

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

„(b) op geld wat aan die versekerde kragtens so 'n lewenspolis betaal is, of op bate waarin die versekerde bedoelde geld omgeset het, vir sover bedoelde geld of die waarde van daardie bate, tesame met alle ander geld wat aan die versekerde kragtens sodanige lewenspolisse betaal is, en die waarde van alle ander bestaande bate van die versekerde waarin hy sodanige geld omgeset het, en die waarde van alle lewenspolisse bedoel in subartikel (1) of (2) waarvan die versekerde die eienaar is, en die waarde van alle gelde en ander bate wat ingevolge artikel 48A van die Wet op Onderlinge Hulpverenigings, 1956, beskerm word en waarvan die versekerde die eienaar is tienduisend rand te bowe gaan.”.

Wysiging van artikel 39 van Wet 27 van 1943.

**15. Artikel 40 van die Hoofwet word hierby gewysig:**

- (a) deur al die woorde voor paragraaf (a) deur die volgende woorde te vervang:

Wysiging van artikel 40 van Wet 27 van 1943.

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"Subject to the provisions of subsection (2), a life policy, money or other asset protected under section 39 shall, to the extent of such protection, not be available on the death of the owner of the policy, money or other asset, for the payment of his creditors as against the claim of—";

- (b) by the addition of the following subsection, the existing section becoming subsection (1):

"(2) Any reference in section 39 to moneys or assets protected under section 48A of the Friendly Societies Act, 1956, shall for the purpose of determining the extent of any protection afforded by subsection (1) of this section, be deemed to be a reference to moneys or assets protected under section 48B of that Act.".

**Amendment of section 42 of Act 27 of 1943.****16. Section 42 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:**

"(2) If a man who has effected a life policy upon his own life has ceded that policy to a woman whom he intended to marry, and whom he thereafter married, or if a man has effected a life policy in favour of a woman whom he intended to marry, upon his or her life, and whom he thereafter married, that policy shall not, during the woman's lifetime, be liable to be attached or be liable to any form of execution of a judgment or order of a court of law, at the instance of her creditor, and shall not form part of her insolvent estate, except in so far as the total value of that policy and of all other life policies of which the woman is the owner, together with all moneys which have been paid or have accrued to her under any such policy and the value of all other assets belonging to her, into which she converted any such money, and the value of all moneys and other assets protected under section 48A of the Friendly Societies Act, 1956 (Act No. 25 of 1956), and of which she is the owner, exceeds ten thousand rand: Provided that the proviso to section 39 (1) shall apply also to this subsection.".

**Amendment of section 44 of Act 27 of 1943.****17. Section 44 of the principal Act is hereby amended—**

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

"(b) otherwise than by means or in pursuance of a duly registered antenuptial contract, only so much of the total value of all such policies, money and other assets as exceeds ten thousand rand shall be deemed to belong to the said estate.";

- (b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) in so far as its value, together with the value of all other life policies ceded or effected as aforesaid and all moneys which have been paid or have become due under any such policy and the value of all other assets into which any such money was converted, exceeds the sum of ten thousand rand, if a period of two years or longer has elapsed since the date upon which the said man ceded or effected the policy; or".

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„Behoudens die bepaling van subartikel (2) is 'n lewenspolis, geld of 'n ander bate wat kragtens artikel 39 beskerm is, vir sover daardie beskerming strek, by die dood van die eienaar van bedoelde polis, geld of ander bate nie beskikbaar nie vir uitbetaling aan sy skuldeisers teenoor die vordering van—”;

- (b) deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:

„(2) Enige verwysing in artikel 39 na gelde of bate beskerm ingevolge artikel 48A van die Wet op Onderlinge Hulpverenigings, 1956, word by die bepaling van die mate van beskerming wat by artikel (1) van hierdie artikel verleen word, geag 'n verwysing te wees na gelde of bate wat ingevolge artikel 48B van daardie Wet beskerm word.”.

**16. Artikel 42 van die Hoofwet word hierby gewysig deur Wysiging van  
subartikel (2) deur die volgende subartikel te vervang:** Wysiging van  
artikel 42 van  
Wet 27 van 1943.

„(2) As 'n man wat 'n lewenspolis op sy eie lewe gesluit het, daardie polis gesedeer het aan 'n vrou met wie hy voor-nemens was om te trou, en met wie hy later getroud is, of as 'n man 'n lewenspolis gesluit het ten gunste van 'n vrou met wie hy voorinemens was om te trou, op sy lewe of op haar lewe, en met wie hy later getroud is, dan kan daardie polis, gedurende die vrou se lewe nie in beslag geneem word nie en is dit ook nie vatbaar vir enige vorm van ten-uitvoerlegging van 'n vonnis of bevel van 'n gereghof, op aandrang van haar skuldeiser nie, en maak dit nie deel van haar insolvente boedel uit nie, behalwe vir sover die gesamentlike waarde van daardie polis en van alle ander lewenspolisse waarvan die vrou die eienares is, met inbegrip van alle gelde wat aan haar betaal is of aan haar toekom kragtens so 'n polis en die waarde van alle ander bate wat aan haar behoort, en waarin sy enige sodanige geld omgeset het, en die waarde van alle gelde en ander bate beskerm ingevolge artikel 48A van die Wet op Onderlinge Hulpverenigings, 1956 (Wet No. 25 van 1956), en waarvan sy die eienaar is tienduisend rand te bowe gaan: Met dien verstande dat die voorbehoudsbepaling by artikel 39 (1) ook op hierdie subartikel van toepassing is.”.

**17. Artikel 44 van die Hoofwet word hierby gewysig—**

Wysiging van  
artikel 44 van  
Wet 27 van 1943.

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

„(b) anders as deur middel van of ooreenkomsdig be-hoorlik geregistreerde huweliksvoorwaardes, slegs soveel van die gesamentlike waarde van al so-danige polisse, geld en ander bate as wat tienduisend rand te bowe gaan, geag word aan be-doelde boedel te behoort.”;

- (b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) vir sover die waarde daarvan, met inbegrip van die waarde van alle ander lewenspolisse wat soos voormalig gesedeer of gesluit is en alle geld wat betaal is of verskuldig geword het ten opsigte van so 'n polis en die waarde van alle ander bate waarin sodanige geld omgeset is, die bedrag van tienduisend rand te bowe gaan, as 'n tydperk van twee jaar of meer verloop het sedert die datum waarop bedoelde man die polis gesedeer of gesluit het; of”.

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Insertion of  
section 57A  
in Act 27 of 1943.

**18.** The following section is hereby inserted in the principal Act after section 57:

"Receipt to be issued for premium on a funeral policy by the insurer who is liable under such policy, he shall in respect of such payment issue a receipt which shall clearly indicate the due date of the premium in respect of which the payment has been received.".

Amendment of  
section 63  
of Act 27 of 1943.

**19.** Section 63 of the principal Act is hereby amended by the addition of the following subsection:

"(3) Notwithstanding anything to the contrary contained in any domestic policy or any document relating to such policy, any such policy issued before or after the commencement of this Act, shall not be invalidated and the obligation of an insurer thereunder shall not be excluded or limited and the obligations of the owner thereof shall not be increased, on account of any representation made to the insurer which is not true, whether or not such representation has been warranted to be true, unless the incorrectness of such representation is of such a nature as to be likely to have materially affected the assessment of the risk under the said policy at the time of issue or any reinstatement or renewal thereof.".

Amendment of  
section 66 of  
Act 27 of 1943,  
as amended by  
section 42 of  
Act 73 of 1951.

**20.** Section 66 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) When any person is obliged or entitled in terms of any provision of this Act, to perform any act within a specified period, the registrar may at the request of the person concerned, in any particular case extend that period from time to time.".

Amendment of  
section 67 of  
Act 27 of 1943.

**21.** Section 67 of the principal Act is hereby amended by the insertion of the following subsection at the beginning thereof, the existing section becoming subsection (2):

"(1) If a registered insurer and the registrar do not agree as to the particular class under which any insurance business carried on by the insurer shall be dealt with under this Act, the registrar may determine that such insurance business shall so be dealt with as insurance business of such class as he may specify.".

Amendment of  
section 71 of  
Act 27 of 1943,  
as amended by  
section 43 of  
Act 73 of 1951,  
section 20 of  
Act 79 of 1959  
and section 30  
of Act 10 of 1965.

**22.** Section 71 (1) of the principal Act is hereby amended—

(a) by the substitution for paragraph (c) of the following paragraph:

"(c) any return furnished to the registrar under sections 11 (1), 12, 14 or 16, relating to the last ten preceding financial years of the insurer concerned, together with any attestation of such a return by the auditor, local auditor or valuator of the insurer;";

(b) by the substitution for paragraph (d) of the following paragraph:

"(d) any copy of any report or statement furnished to the registrar under section 11 (5), relating to the last ten preceding financial years of the insurer concerned;";

(c) by the substitution for paragraph (h) of the following paragraph:

"(h) any document, other than a document of a similar nature to that of any document referred to in paragraph (c) or (d), furnished to the Treasury in accordance with the provisions of the Insurance Act, 1923 (Act No. 37 of 1923), together with any

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**18.** Die volgende artikel word hierby in die Hoofwet na artikel 57 ingevoeg:

Invoeging van artikel 57A in Wet 27 van 1943.

„Kwitansie 57A. Indien enige betaling ontvang word ten moet opsigte van 'n premie op 'n begrafnispolis deur 'n uitgereik versekeraar wat kragtens daardie polis aanspreeklik word vir premie op is, moet hy ten opsigte van daardie betaling 'n begrafnis- kwitansie uitrek wat die vervaldag van die premie polis. ten opsigte waarvan die betaling ontvang is, duidelik aantoon.”.

**19.** Artikel 63 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

Wysiging van artikel 63 van Wet 27 van 1943.

„(3) Ondanks andersluidende bepalings vervat in enige binnelandse polis of in enige dokument wat op daardie polis betrekking het, word so 'n polis wat voor of na die inwerkingtreding van hierdie Wet uitgereik is, nie ongeldig gemaak nie en word die aanspreeklikheid van 'n versekeraar daarkragtens nie uitgesluit of beperk nie en word die verpligtings van die eienaar daarvan nie verhoog nie, weens enige voorstelling wat aan 'n versekeraar gemaak is en nie waar is nie, hetsy daardie voorstelling as waar gewaarborg is al dan nie, tensy die onjuistheid van bedoelde voorstelling sodanig is dat dit waarskynlik die berekening van die risiko onder bedoelde polis wesentlik beïnvloed het ten tyde van die uitreiking of enige herstelling of hernuwing daarvan.”.

**20.** Artikel 66 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 66 van Wet 27 van 1943, soos gewysig deur artikel 42 van Wet 73 van 1951.

„(1) Wanneer 'n persoon ingevolge een of ander bepaling van hierdie Wet verplig of geregtig is om 'n handeling binne 'n bepaalde tydperk te verrig, kan die registrator op versoek van die betrokke persoon, in 'n bepaalde geval die tydperk van tyd tot tyd verleng.”.

**21.** Artikel 67 van die Hoofwet word hierby gewysig deur die volgende subartikel aan die begin daarvan in te voeg, terwyl die bestaande artikel subartikel (2) word:

Wysiging van artikel 67 van Wet 27 van 1943.

„(1) Indien 'n geregistreerde versekeraar en die registrator nie saamstem oor die bepaalde soort waaronder enige versékeringsbesigheid deur die versekeraar gedryf, ingevolge hierdie Wet behandel moet word nie, kan die registrator bepaal dat daardie versékeringsbesigheid aldus behandel moet word as versékeringsbesigheid van dié soort wat hy bepaal.”.

**22.** Artikel 71 (1) van die Hoofwet word hierby gewysig—

Wysiging van artikel 71 van Wet 27 van 1943, soos gewysig deur artikel 43 van Wet 73 van 1951, artikel 20 van Wet 79 van 1959 en artikel 30 van Wet 10 van 1965.

(a) deur paragraaf (c) deur die volgende paragraaf te vervang:

„(c) 'n opgawe ingevolge artikel 11 (1), 12, 14 of 16 aan die registrator verstrek, met betrekking tot die laaste tien voorafgaande boekjare van die betrokke versekeraar, tesame met 'n waamerking van so 'n opgawe deur die ouditeur, plaaslike ouditeur of waardeerdeer van die versekeraar;”;

(b) deur paragraaf (d) deur die volgende paragraaf te vervang:

„(d) 'n afskrif van 'n verslag of opgawe ingevolge artikel 11 (5) aan die registrator verstrek met betrekking tot die laaste tien voorafgaande boekjare van die betrokke versekeraar;”;

(c) deur paragraaf (h) deur die volgende paragraaf te vervang:

„(h) 'n dokument, behalwe 'n dokument van 'n aard soortgelyk aan dié van 'n in paragraaf (c) of (d) bedoelde dokument, ooreenkomsdig die bepalings van die 'Verzekeringswet, 1923' (Wet No. 37 van 1923), aan die Tesourie verstrek, tesame met

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Amendment of section 77ter of Act 27 of 1943, as inserted by section 44 of Act 73 of 1951 and amended by section 23 of Act 79 of 1959 and section 3 of Act 65 of 1968.

Insertion of section 77quat in Act 27 of 1943.

Substitution of section 79 of Act 27 of 1943.

Amendment of Second Schedule to Act 27 of 1943, as substituted by section 45 of Act 73 of 1951 and amended by section 35 of Act 10 of 1965.

changes to any such document which the insurer concerned has been required to notify to the registrar.”.

**23.** Section 77ter (1) of the principal Act is hereby amended by the substitution for all the words preceding paragraph (e) of the following words:

“In the case of a registered 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—”.

**24.** (1) The following section is hereby inserted in the principal Act after section 77ter:

“**Application of Act to South-West Africa.** 77quat. (1) This Act and any amendment thereof which may be made from time to time, shall apply also in the Territory, including that portion of the Territory known as the Eastern Caprivi Zipfel and defined in the Eastern Caprivi Zipfel Administration Proclamation, 1939 (Proclamation No. 147 of 1939).”.

(2) Subsection (1) shall be deemed to have come into operation on the date of commencement of the principal Act.

**25.** The following section is hereby substituted for section 79 of the principal Act:

“**Short title.** 79. This Act shall be called the Insurance Act, 1943.”.

**26.** The Second Schedule to the principal Act is hereby amended—

(a) by the substitution in paragraph (a) of section 4 for all the words preceding the proviso of the following words:

“In the case of annuity policies, the calculation shall be based on the applicable ultimate mortality table contained in the publication ‘The a(55) Tables for Annuitants’ published for the Institute of Actuaries of England and the Faculty of Actuaries in Scotland, or, in the case of an insurer authorized thereto by the registrar, on such other mortality table as may, in the opinion of the registrar, more accurately represent the rate of mortality likely to be experienced among persons to be insured under the said policies.”;

(b) by the substitution for paragraph (b) of section 4 of the following paragraph:

“(b) In the case of life policies other than annuity policies, the calculations shall be based on the ultimate mortality table contained in the publication ‘S.A. 1956-62 Tables for Assured Lives’ published by the Actuarial Society of South Africa, or, in the case of an insurer authorized thereto by the registrar, on such other mortality table as may, in the opinion of the registrar, more accurately represent the rate of mortality likely to be experienced among persons to be insured under the said policies.”;

(c) by the substitution for paragraphs (c) and (d) of section 4 of the following paragraph:

“(c) The calculation shall be based on an assumed rate of interest of—

(i) 5 per cent per annum in respect of annuities being paid by the insurer at the date of calculation;

## WYSIGINGSWET OP VERSEKERING, 1969.

Wet No. 39, 1969

veranderings aan so 'n dokument waarvan die betrokke versekeraar aan die registrator kennis moes gegee het.”.

**23.** Artikel 77ter (1) van die Hoofwet word hierby gewysig deur al die woorde voor paragraaf (e) deur die volgende woorde te vervang:

„In die geval van 'n geregistreerde 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 herversekering aanneem, nie beperk of grotendeels beperk is tot 'n besondere versekeraar of 'n klein groep versekeraars aan wie hy spesiaal verbonde is nie—”.

Wysiging van artikel 77ter van Wet 27 van 1943, soos ingevoeg deur artikel 44 van Wet 73 van 1951 en gewysig deur artikel 23 van Wet 79 van 1959 en artikel 3 van Wet 65 van 1968.

**24.** (1) Die volgende artikel word hierby in die Hoofwet na artikel 77ter ingevoeg:

„Toepassing 77quat. Hierdie Wet en enige wysiging daarvan Wet op van wat van tyd tot tyd gemaak word, is ook van toepassing in die Gebied, met inbegrip van daardie deel van die Gebied bekend as die Oostelike Caprivi Zipfel en omskryf in die Proklamasie op die Administrasie van die Oostelike Caprivi Zipfel, 1939 (Proklamasie No. 147 van 1939).”.

Invoeging van artikel 77quat in Wet 27 van 1943.

(2) Subartikel (1) word geag in werking te getree het op die datum van inwerkingtreding van die Hoofwet.

**25.** Artikel 79 van die Hoofwet word hierby deur die volgende artikel vervang:

„Kort titel. 79. Hierdie Wet heet die Versekeringswet, 1943.”.

Vervanging van artikel 79 van Wet 27 van 1943.

**26.** Die Tweede Bylae by die Hoofwet word hierby gewysig—

(a) deur in paragraaf (a) van artikel 4 al die woorde voor die voorbehoudbepaling deur die volgende woorde te vervang:

„By lyfrentepolisse moet die berekening geskied volgens die toepaslike 'ultimate' sterftetabel vervat in die publikasie 'The a(55) Tables for Annuitants' uitgegee vir die 'Institute of Actuaries' van Engeland en die 'Faculty of Actuaries' in Skotland, of, in die geval van 'n versekeraar deur die registrator daartoe gemagtig, volgens dié ander sterftetabel wat na die oordeel van die registrator 'n meer getroue weergawe is van die sterftesyfer wat waarskynlik onder die persone wat onder bedoelde polisse verseker staan te word, aangetref sal word.”;

(b) deur paragraaf (b) van artikel 4 deur die volgende paragraaf te vervang:

„(b) By ander lewenspolisse moet die berekening geskied volgens die 'ultimate' sterftetabel vervat in die publikasie 'S.A. 1956-62 Tables for Assured Lives' uitgegee deur die 'Actuarial Society of South Africa', of, in die geval van 'n versekeraar deur die registrator daartoe gemagtig, volgens die ander sterftetabel wat na die oordeel van die registrator 'n meer getroue weergawe is van die sterftesyfer wat waarskynlik onder die persone wat onder bedoelde polisse verseker staan te word, aangetref sal word.”;

(c) deur paragrawe (c) en (d) van artikel 4 deur die volgende paragraaf te vervang:

„(c) Die berekening geskied volgens 'n veronderstelde rentekoers van—  
(i) 5 persent per jaar ten opsigte van jaargelde wat deur die versekeraar op die berekeningsdatum betaal word;

Wysiging van Tweede Bylae by Wet 27 van 1943, soos vervang deur artikel 45 van Wet 73 van 1951 en gewysig deur artikel 35 van Wet 10 van 1965.

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- (ii)  $4\frac{1}{2}$  per cent per annum in respect of any business (other than annuities being paid at the date of calculation), where any interest, dividends and rents attributable to such business do not attract tax;
- (iii) 4 per cent per annum in respect of any other business.”;
- (d) by the substitution in paragraph (a) of section 5 for the expression “(c) and (d)” of the expression “and (c)”;
- (e) by the substitution for subparagraph (i) of paragraph (b) of section 5 of the following subparagraph:
- “(i) In case of whole life policies at uniform premiums payable throughout life, either subparagraph (aa) or subparagraph (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; 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.”.

**Amendment of  
Third Schedule  
to Act 27 of  
1943, as substituted  
by section 46 of  
Act 73 of 1951  
and amended by  
section 24 of  
Act 79 of 1959,  
section 36 of  
Act 10 of 1965  
and section 10  
of Act 41 of 1966.**

**27. The Third Schedule to the principal Act is hereby amended by the substitution for paragraph 2 of the following paragraph:**

“2. Any amount standing to the credit of the insurer concerned in an account with an office in the Republic of a banking institution, other than a discount house, registered otherwise than provisionally in terms of the Banks Act, 1965 (Act No. 23 of 1965), or a building society registered otherwise than provisionally in terms of the Building Societies Act, 1965 (Act No. 24 of 1965), or the National Finance Corporation of South Africa established under the National Finance Corporation Act, 1949 (Act No. 33 of 1949).”.

**Short title.**

**28. This Act shall be called the Insurance Amendment Act, 1969.**

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- (ii)  $4\frac{1}{2}$  persent per jaar ten opsigte van enige besigheid (behalwe jaargelde wat op die berekeningsdatum betaal word), waar geen belasting betaalbaar is op enige rente, dividende en huurgelde wat met daardie besigheid in verband staan nie;
- (iii) 4 persent per jaar ten opsigte van enige ander besigheid.”;
- (d) deur in paragraaf (a) van artikel 5 die uitdrukking „(c) en (d)” deur die uitdrukking „en (c)” te vervang;
- (e) deur subparagraaf (i) van paragraaf (b) van artikel 5 deur die volgende subparagraaf te vervang:
  - (i) By lewenspolisse vir lewensduur teen egalige premies wat gedurende die lewenstydperk betaalbaar is, is of subparagraaf (aa) of subparagraaf (bb) hieronder van toepassing, na gelang watter een die grootste verbintenis kragtens die besondere betrokke polis meebring, te wete—
    - (aa) die versekeringsstydperk van elke polis word geag een jaar later te begin het as wat dit werklik begin het; of
    - (bb) elke netto-premie word vermeerder met 'n bedrag wat op die aanvangsdatum van die versekeringsstydperk gelyk is aan  $1\frac{1}{2}$  persent van die versekerde bedrag, omgeset oor die hele tydperk waarvoor premies betaalbaar is.”.

**27.** Die Derde Bylae by die Hoofwet word hierby gewysig deur paragraaf 2 deur die volgende paragraaf te vervang:

„2. 'n Saldo op kredit van die betrokke versekeraar in 'n rekening by 'n kantoor in die Republiek van 'n bankinstelling, behalwe 'n diskontohuis, ooreenkomsdig die Bankwet, 1965 (Wet No. 23 van 1965), anders as voorlopig geregistreer, of 'n bouvereniging ooreenkomsdig die Bouverenigingswet, 1965 (Wet No. 24 van 1965), anders as voorlopig geregistreer, of die Nasionale Finansiekorporasie van Suid-Afrika, ingestel deur die Wet op die Nasionale Finansiekorporasie, 1949 (Wet No. 33 van 1949).”.

Wysiging van  
Derde Bylae by  
Wet 27 van  
1943, soos vervang  
deur artikel 46  
van Wet 73 van  
1951 en gewysig  
deur artikel 24  
van Wet 79 van  
1959, artikel 36  
van Wet 10 van  
1965 en artikel 10  
van Wet 41 van  
1966.

**28.** Hierdie Wet heet die Wysigingswet op Versekering, 1969. Kort titel.

