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GOVERNMENT GAZETTE

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[No. 6937

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 731.

11 April 1980.

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

No. 23 of 1980: Compulsory Motor Vehicle Insurance Amendment Act, 1980.

No. 731.

11 April 1980.

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

No. 23 van 1980: Wysigingswet op Verpligte Motorvoertuigversekering, 1980.

Wet No. 23, 1980

WYSIGINGSWET OP VERPLIGTE
MOTORVOERTUIGVERSEKERING, 1980**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die bepalings van die Wet op Verpligte Motorvoertuigversekering, 1972, betreffende woordomskrywings; en die omstandighede waaronder die aanspreeklikheid van bevoegde versekeraars beperk of uitgesluit word; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Maart 1980.)

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

Wysiging van
artikel 1 van
Wet 56 van 1972,
soos gewysig deur
artikel 1 van
Wet 22 van 1974
en artikel 1 van
Wet 69 van 1978.

1. Artikel 1 van die Wet op Verpligte Motorvoertuigversekering, 1972 (hieronder die Hoofwet genoem), word hierby 5 gewysig—

- (a) deur in subartikel (1) die volgende omskrywing voor die omskrywing van „bevoegde versekeraar” in te voeg:
„besigheid” nie ook ’n onwettige besigheid nie;”;
- (b) deur in subartikel (1) die volgende omskrywing na die 10 omskrywing van „Minister” in te voeg:
„motor” ’n motor soos omskryf in artikel 1 (1) van die Wet op Padvervoer, 1977 (Wet No. 74 van 1977);”;
- (c) deur in subartikel (1) die volgende omskrywing na die 15 omskrywing van „Republiek” in te voeg:
„saamryklub” ’n klub waarvan—
 - (a) elke lid ’n beurt kry om die lede van daardie klub of ander persone wat deur daardie lede aangewys is deur middel van ’n motor na of 20 van ’n bepaalde plek vir ’n bepaalde doel te vervoer of laat vervoer; of
 - (b) elke lid die eienaar van ’n motor is en waarvan een of sommige van die lede daarvan met ’n 25 motor of motors waarvan hy of hulle die eienaar of eienaars is, na gelang van die geval, die lede van daardie klub of ander persone wat deur daardie lede aangewys is, na of van ’n bepaalde plek vir ’n bepaalde doel vervoer of 30 laat vervoer;”;
- (d) deur subartikel (5) te skrap.

Wysiging van
artikel 22 van
Wet 56 van 1972,
soos gewysig deur
artikel 9 van
Wet 69 van 1978.

2. Artikel 22 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
„(1) Die aanspreeklikheid van ’n bevoegde verseke- 35 raar in verband met een enkele voorval, om ’n derde party te vergoed vir verlies of skade in artikel 21 bedoel wat die gevolg is van liggaamlike besering of die dood

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GENERAL EXPLANATORY NOTE:

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

ACT

To amend the provisions of the Compulsory Motor Vehicle Insurance Act, 1972, relating to definitions; and the circumstances under which the liability of authorized insurers is limited or excluded; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 28 March 1980.)

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

1. Section 1 of the Compulsory Motor Vehicle Insurance Act, 1972 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the insertion in subsection (1) before the definition of “insurance company” of the following definition:

“‘business’ does not include any unlawful business;”;
 - 10 (b) by the insertion in subsection (1) after the definition of “insurance period” of the following definition:

“‘lift club’ means any club of which—

- (a) every member shall have a turn to convey or cause to be conveyed by means of a motor car the members of such club or other persons designated by such members to or from a specified place for a specified purpose; or
 - (b) every member is the owner of a motor car and of which one or some of its members shall by means of a motor car of which he is the owner or they are the owners, as the case may be, convey or cause to be conveyed the members of such club or other persons designated by such members to or from a specific place for a specific purpose;”;
 - 25 (c) by the insertion in subsection (1) after the definition of “Minister” of the following definition:

“‘motor car’ means a motor car as defined in section 1 (1) of the Road Transportation Act, 1977 (Act No. 74 of 1977);”;
 - 30 (d) by the deletion of subsection (5).
- Amendment of section 1 of Act 56 of 1972, as amended by section 1 of Act 22 of 1974 and section 1 of Act 69 of 1978.
2. Section 22 of the principal Act is hereby amended—
 - 35 (a) by the substitution for subsection (1) of the following subsection:

“(1) The liability of an authorized insurer in connection with any one occurrence to compensate a third party for any loss or damage contemplated in section 21 which is the result of any bodily injury to or the death of
- Amendment of section 22 of Act 56 of 1972, as amended by section 9 of Act 69 of 1978.

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van iemand wat, ten tyde van die gebeurtenis wat daardie besering of dood veroorsaak het—

(a) in of op die betrokke motorvoertuig vervoer is—

(i) teen vergoeding; of

[(iA) onder die voorgeskrewe omstandighede ter- 5
wyl hy ingevolge artikel 22 (3) (a) of 44 (3)
van die Verdedigingswet, 1957 (Wet No. 44
van 1957), verplig was om gedurende sy
eerste dienstydperk van nie minder as 12
maande nie diens te doen of militêre 10
opleiding te ondergaan; of]

(ii) in die loop van die besigheid van die eenaar van daardie motorvoertuig; of

(iii) in die geval van 'n werknemer van die bestuurder of eenaar van daardie motorvoer- 15
tuig ten opsigte van wie subartikel (2) nie van toepassing is nie, in die loop van sy diens; of

(iv) vir die doeleindes van 'n saamryklub waar daardie motorvoertuig 'n motor is wat op die 20
voorgeskrewe wyse vir sodanige doeleindes
ingevolge hierdie Wet verseker is; of

(b) besig was om in of op **[daardie voertuig]** die betrokke motorvoertuig te klim om **[aldus]** vervoer te word soos bedoel in paragraaf (a); of

(c) besig was om van **[daardie voertuig]** die betrokke 25
motorvoertuig af te klim nadat hy **[aldus]** vervoer was soos bedoel in paragraaf (a); of

(d) in of op die betrokke motorvoertuig vervoer is onder ander omstandighede as die omstandighede bedoel in paragraaf (a) of besig was om in of op 30
die betrokke motorvoertuig te klim om aldus vervoer te word of besig was om van die betrokke motorvoertuig af te klim nadat hy aldus vervoer was,

is, behalwe waar die betrokke persoon in of op die 35
betrokke motorvoertuig vervoer is terwyl hy gedurende die tydperk wat hy ingevolge die Verdedigingswet, 1957 (Wet No. 44 van 1957), militêre diens verrig of militêre opleiding ondergaan, met gemagtigde verlof gaan of van sodanige verlof na sy basis terugkeer of 40
besig was om in of op die betrokke motorvoertuig te klim om aldus vervoer te word of besig was om van die betrokke motorvoertuig af te klim nadat hy aldus vervoer was, beperk—

(aa) in 'n geval bedoel in paragraaf (a), (b) of (c), tot 45
die som van twaalfduisend rand vir die liggaamlike besering of dood van een sodanige persoon **[of tot die som van sestigduisend rand altesaam vir liggaamlike besering of die dood van enige aantal sodanige persone];** 50

(bb) in 'n geval bedoel in paragraaf (d), tot die som van twaalfduisend rand ten opsigte van verlies aan inkomste of van onderhoud en die koste van huisvesting in 'n hospitaal of verpleeginrigting, behandeling, die lewering van 'n diens en die verskaffing van goedere wat voortspruit uit die dood of liggaamlike besering van een sodanige persoon, sonder betaling van vergoeding ten opsigte van enige ander verlies of skade, 55

dog **[sowel in die een as die ander geval]** buiten die 60
koste van invordering van bedoelde skadevergoeding.”;

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

„(a) is die aanspreeklikheid van die bevoegde verseke-
raar teenoor daardie derde party beperk **[behou- 65**
dens die bepalings van paragraaf (b)] tot die som wat die verskil uitmaak tussen die bedrag wat

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any person who, at the time of the occurrence which caused that injury or death—

(a) was being conveyed in the motor vehicle in question—

(i) for reward; or

[(ia) in the prescribed circumstances while he was in terms of section 22 (3) (a) or 44 (3) of the Defence Act, 1957 (Act No. 44 of 1957), liable to render service or undergo military training during his first period of service of not less than 12 months; or]

(ii) in the course of the business of the owner of that motor vehicle; or

(iii) in the case of an employee of the driver or owner of that motor vehicle, in respect of whom subsection (2) does not apply, in the course of his employment; or

(iv) for the purposes of a lift club where that motor vehicle is a motor car insured in the prescribed manner in terms of this Act for those purposes; or

(b) was in the act of entering or mounting **[that]** the motor vehicle in question for the purpose of being **[so]** conveyed as referred to in paragraph (a); or

(c) was in the act of alighting from **[that]** the motor vehicle in question after having been **[so]** conveyed as referred to in paragraph (a); or

(d) was being conveyed in the motor vehicle in question under circumstances other than the circumstances referred to in paragraph (a) or was in the act of entering or mounting the motor vehicle in question for the purpose of being so conveyed or was in the act of alighting from the motor vehicle in question after having been so conveyed.

shall be limited, except where the person concerned was being conveyed in the motor vehicle in question whilst proceeding on authorized leave or returning to his base from such leave during the period in which he renders military service or undergoes military training in terms of the Defence Act, 1957 (Act No. 44 of 1957), or was in the act of entering or mounting the motor vehicle in question for the purpose of being so conveyed or was in the act of alighting from the motor vehicle in question after having been so conveyed—

(aa) in any case referred to in paragraph (a), (b) or (c), to the sum of twelve thousand rand in respect of any bodily injury to or the death of any one such person [or to the sum of sixty thousand rand in all in respect of any bodily injury to or the death of any number of such persons];

(bb) in any case referred to in paragraph (d), to the sum of twelve thousand rand in respect of loss of income or of support and the costs of accommodation in a hospital or nursing home, treatment, the rendering of a service and the supplying of goods resulting from the death of or bodily injury to any one such person, excluding the payment of compensation in respect of any other loss or damage,

but **[in either case]** exclusive of the cost of recovering the said compensation.”;

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

“(a) the liability of the authorized insurer to that third party shall **[subject to the provisions of paragraph (b)]** be limited to the sum representing the difference between the amount which that third

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daardie derde party van die versekeraar sou kon eis as dit nie vir die bepalings van hierdie paragraaf was nie of die bedrag van twaalfduisend rand (watter ook al die minste is) en enige mindere bedrag waarop daardie derde party by wyse van skadeloosstelling ingevolge die gemelde Wet geregtig is; en'';

(c) deur paragraaf (b) van subartikel (2) te skrap.

Wysiging van artikel 23 van Wet 56 van 1972, soos gewysig deur artikel 10 van Wet 69 van 1978.

3. Artikel 23 van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang: 10

„(b) wat gely is as gevolg van die liggaamlike besering of dood van iemand wat ten tyde van die voorval wat daardie besering of dood veroorsaak het—

[(i) anders as teen vergoeding; en

(iA) anders as onder die voorgeskrewe omstandighede terwyl hy ingevolge artikel 22 (3) (a) of 44 (3) van die Verdedigingswet, 1957 (Wet No. 44 van 1957), verplig was om gedurende sy eerste diens tydperk van nie minder as 12 maande nie diens te doen of militêre opleiding te ondergaan; en 15

(ii) anders as in die loop van die besigheid van die eienaar van die betrokke motorvoertuig; en

(iii) anders as in die loop van sy diens as werknemer van die bestuurder of eienaar van die betrokke motorvoertuig 25

motorvoertuig]

(i) teen vergoeding vervoer is in of op 'n motorvoertuig wat 'n motorfiets is;

(ii) 'n persoon bedoel in artikel 22 is en 'n lid is van die huishouding, of regtens verantwoordelik is vir die onderhoud, van die bestuurder van die betrokke motorvoertuig, en in of op die betrokke motorvoertuig vervoer is, 30

of besig was om in of op daardie voertuig te klim om aldus vervoer te word of besig was om van daardie voertuig af te klim nadat hy aldus vervoer is; of''.

Kort titel.

4. Hierdie Wet heet die Wysigingswet op Verpligte Motorvoertuigversekering, 1980.

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party could, but for the provisions of this paragraph, have claimed from the insurer or the amount of twelve thousand rand (whichever is the lesser) and any lesser amount to which that third party is entitled by way of compensation under the said Act; and”;

(c) by the deletion of paragraph (b) of subsection (2).

3. Section 23 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

Amendment of section 23 of Act 56 of 1972, as amended by section 10 of Act 69 of 1978.

10 “(b) suffered as a result of bodily injury to or the death of any person who at the time of the occurrence which caused that injury or death—**[was being conveyed in or upon the motor vehicle in question**

(i) otherwise than for reward; and

15 (iA) otherwise than in the prescribed circumstances, while he was in terms of section 22 (3) (a) or 44 (3) of the Defence Act, 1957 (Act No. 44 of 1957), liable to render service or undergo military training during his first period of service of not less than 12 months; and

20 (ii) otherwise than in the course of the business of the owner of that motor vehicle; and

(iii) otherwise than in the course of his employment as servant of the driver or owner of that motor vehicle]

25 (i) was being conveyed for reward on a motor vehicle which is a motor cycle;

30 (ii) is a person referred to in section 22 and a member of the household, or responsible in law for the maintenance, of the driver of the motor vehicle in question, and was being conveyed in or upon the motor vehicle in question,

35 or was in the act of entering or mounting that vehicle for the purpose of being so conveyed, or was in the act of alighting from that vehicle after having been so conveyed.”.

4. This Act shall be called the Compulsory Motor Vehicle Insurance Amendment Act, 1980. Short title.

