

REPUBLIEK
VAN
SUID-AFRIKA



REPUBLIC
OF
SOUTH AFRICA

Staatskoerant Government Gazette

R0,80 Prys • Price

R0,08 Plus 10% BTW • VAT

R0,88 Verkoopprys • Selling price

Buitelands **R1,10** Other countries

Posvry • Post free

*As 'n Nuusblad by die
Poskantoor geregistreer
Registered at the Post Office
as a Newspaper*

Vol. 317

PRETORIA, 15 NOVEMBER 1991

No. 13634

ALGEMENE KENNISGEWING

KENNISGEWING 1110 VAN 1991

DEPARTEMENT VAN VERVOER

KOMMISSIE VAN ONDERSOEK NA DIE SAKE VAN DIE MULTILATERALE MOTORVOERTUIGON- GELUKKEFONDS

Hierby word vir algemene inligting bekendgemaak dat dit die Staatspresident behaag het om Sy Edele regter D. A. Melamet as Voorsitter en menere K. G. Raine en F. S. H. Ochse as lede van 'n Kommissie van Onderzoek na die Sake van die Multilaterale Motorvoertuigongelukkefonds aan te stel.

Die Kommissie se opdrag lui soos volg:

1. Om ondersoek in te stel na die huidige grondslag waarop die sake van die Multilaterale Motorvoertuigongelukkefonds (MMF) bedryf word en om, na 'n aktuariële evaluasie van die gebeurlikheidsaanspreeklikheid van die MMF, verslag te doen oor die vraag of die aanname dat voldoende fondse verkry sal word om alle verpligtinge na te kom, 'n geskikte grondslag is en, indien nie, om 'n ander grondslag aan te beveel wat in openbare belang sal wees.

2. Om ondersoek in te stel na die vraag of die bestaande wetgewing van toepassing op die MMF voldoende beskerming verleen aan versekerdes, met spesifieke verwysing na die volgende aangeleenthede:

(a) Die vraag of die bestaande statutêre vereistes wat gestel is vir die finansiële welstand van die MMF, voldoende is;

(b) die rol wat die voorsiening van reserwes en die bystand van 'n aktuaris in die sake van die MMF moet speel;

(c) in watter opsigte, indien enige, die MMF onderworpe moet wees aan finansiële toesig ingevolge die Verkeerswet, 1943 (Wet No. 27 van 1943); en

(d) die funksies van die ouditeure van die MMF.

GENERAL NOTICE

NOTICE 1110 OF 1991

DEPARTMENT OF TRANSPORT

APPOINTMENT OF COMMISSION OF INQUIRY INTO THE AFFAIRS OF THE MULTILATERAL MOTOR VEHICLE ACCIDENTS FUND

It is hereby notified for general information that the State President has been pleased to appoint the Honourable Mr Justice D. A. Melamet as Chairman and Messrs D. A. Raine and F. S. H. Ochse as members of a Commission of Inquiry into the Affairs of the Multilateral Motor Vehicle Accidents Fund.

The Commission's terms of reference are as follows:

1. To enquire into the present basis on which the affairs of the Multilateral Motor Vehicle Accidents Fund (MMF) is conducted and to report, after an actuarial evaluation of the contingent liability of the MMF, as to whether the assumption that adequate funds will be obtained to meet all liabilities is a suitable basis and, if not, to recommend any other basis that should be followed in the public interest.

2. To enquire into the question whether the existing legislation applicable to the MMF provides adequate protection to those insured with special reference to the following matters:

(a) The question whether the existing statutory requirements which are laid down for financial soundness of the MMF are adequate;

(b) the role that the provision of reserves and the assistance of an actuary should play in the affairs of the MMF;

(c) in what respects, if any, the MMF should be subjected to financial supervision in terms of the Insurance Act, 1943 (Act No. 27 of 1943); and

(d) the functions of the auditors of the MMF.

3.1 Om ondersoek in te stel na die vraag of persone wat as bestuurders of agente van die MMF opgetree het of andersins 'n verbintenis met die MMF gehad het, of aan wie professionele pligte opgedra is, hulle pligte teenoor die MMF in die algemeen en spesifiek hulle pligte om na die belange van versekerdes om te sien, verontagsaam het en, indien wel, in watter opsig;

3.2 om ondersoek in te stel na enige wanpraktyke met betrekking tot die bedryf van die MMF se sake, en na watter owerhede by die verdere ondersoek voortspruitend uit sodanige wanpraktyke betrek behoort te word;

3.3 om ondersoek in te stel na die vraag of 'n maksimum perk geplaas behoort te word op die skadevergoeding wat deur die MMF aan enige enkele versekerde toegeken en betaal mag word;

3.4 om ondersoek in te stel na die vraag of die toekenning van kwotaregte deur die MMF aan agente om eise te hanteer, 'n stelsel is wat mededinging teenwerk of ondoeltreffend is, en in die algemeen, na die doeltreffendheid van die stelsel waarvolgens agente aangestel word, voorwaardes vir sodanige agente gestel word en algemene ooreenkomste met hulle gesluit word.

4.1 Om aanbevelings te doen betreffende wysigings wat aan die Multilaterale Motorvoertuigongelukkefondswet, 1989 (Wet No. 93 van 1989), of enige ander wet, aangebring moet word om doeltreffender toepassing daarvan te bewerkstellig, of enige ander maatreëls om beter beskerming aan die versekerde te verleen en om die bedryf van die MMF se sake op 'n gesonde finansiële grondslag te plaas;

4.2 om met inagneming van die bevindinge van vorige kommissies ondersoek in te stel na die moontlike hervorming en, meer spesifiek, die moontlike vereenvoudiging en inkorting van prosedures, veral met betrekking tot die bepaling van skadevergoeding in gedinge en optredes teen die MMF en sy aangeselde agente.

5. Om met inagneming van die bevindinge van vorige kommissies ondersoek in te stel na die wenslikheid al dan nie van die instelling van skuldlose versekering met betrekking tot 'n derde party soos bedoel in die Multilaterale Motorvoertuigongelukkefondswet, 1989.

6. Om tussentydse verslae voor te lê aangaande sake wat dringende aandag verg.

Enigeen wat getuienis by wyse van memorandum of mondelings aan die Kommissie wil voorlê, kan skryf aan Die Sekretaris, Kommissie van Ondersoek na die Sake van die Multilaterale Motorvoertuigongelukkefonds, Privaatsak X193, Pretoria, 0001.

3.1 To enquire into the question whether persons who were acting as managers or agents of the MMF, or who were otherwise associated with the MMF, or who were entrusted with professional duties, neglected their duties towards the MMF in general, and in particular their duty to look after the interests of those who were insured and, if so, in what respects;

3.2 to enquire into any malpractices in respect of the running to the affairs of the MMF, and into which authorities should be involved in the further investigation arising from such malpractices;

3.3 to enquire into whether a maximum limit should be placed on the damages any one insured person may be awarded and paid by the MMF;

3.4 to enquire into the question whether the allocation of quota rights by the MMF to agents to deal with claims is a system that is anti-competitive or inefficient, and generally, into the efficiency of the system whereby agents are appointed, conditions are imposed on and general agreements are concluded with such agents.

4.1 To make recommendations with reference to amendments which should be made to the Multilateral Motor Vehicle Accidents Fund Act, 1989 (Act No. 93 of 1989), or any other law, in order to bring about a more efficient application thereof, or any other steps to be taken to afford better protection to the insured and to place the conducting of the affairs of the MMF on a sound financial footing;

4.2 having regard to the findings of previous commissions, to enquire into the possible reform and, more specifically the possible simplification and curtailment of procedures, particularly with regard to the determination of damages in actions against the MMF and its appointed agents.

5. Having regard to the findings of previous commissions, to enquire into the desirability or otherwise of introducing no-fault liability insurance in respect of a third party as contemplated in the Multilateral Motor Vehicle Accidents Fund Act, 1989.

6. To submit interim reports on matters which require urgent attention.

Anyone wanting to submit evidence to the Commission by way of memorandum or orally may write to The Secretary, Commission of Inquiry into the Affairs of the Multilateral Motor Vehicle Accidents Fund, Private Bag X193, Pretoria, 0001.



Hou Suid-Afrika skoon!
Keep South Africa clean!

BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1991 tot 30 September 1992 word Afrikaans EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

—oOo—

IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1991 to 30 September 1992, Afrikaans is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*

INHOUD

No.

Bladsy
No. Koerant
No.**ALGEMENE KENNISGEWING**

Vervoer, Departement van

Algemene Kennisgewing

- 1110 Kommissie van Onderzoek na die Sake-
van die Multilaterale Motorvoertuigonge-
lukkefonds: Aanstelling van lede..... 1 13634

CONTENTS

No.

Page
No. Gazette
No.**GENERAL NOTICE**

Transport, Department of

General Notice

- 1110 Commission of Inquiry into the Affairs of
the Multilateral Motor Vehicle Accidents
Fund: Appointment of members..... 1 13634