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EXTRAORDINARY **BUITENGEWONE**

THE UNION OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

[Registered at the General Post Office as a Newspaper.] **[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]**

VOL. CXXXII.] **PRICE 6d.** CAPE TOWN, 6TH MAY, 1943. KAAPSTAD, 6 MEI 1943. **PRYS 6d.** No. 3191.

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information :—

No. 833.] [6th May, 1943.

It is notified that His Excellency the Officer Administering the Government has been pleased to assent to the following Acts which are hereby published for general information :—

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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer :—

No. 833.] [6 Mei 1943.

Hierby word bekendgemaak dat dit Sy Eksellensie die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag behaag het om sy goedkeuring te heg aan onderstaande wette wat hierby, ter algemene inligting, gepubliseer word :—

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No. 27, 1943.]

ACT

To consolidate and amend the law relating to insurance.

(*Signed by the Officer Administering the Government in English.*)
(*Assented to 24th April,* 1943.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

CHAPTER I.

GENERAL PROVISIONS.

Definitions.

1. In this Act and in any regulation, unless the context indicates otherwise—

"approved securities" means securities issued by the Government of the Union or such other securities as the Treasury may have approved for the purposes of this Act, provided those securities and the dividends or interest payable thereon are payable in the Union and in Union currency ;

"chairman" in relation to any association of persons includes any individual who is for the time being at the head of the board of directors or other governing body of the association ;

"class", in relation to insurance business, means any particular class of business defined in this section ;

"court" means any provincial or local division of the Supreme Court having jurisdiction in respect of the matter in question and includes similarly the High Court of South-West Africa.

"director" includes any individual occupying the position of director or alternate director of an association of persons, or any member or alternate member of a committee of management or of any other governing body of such an association by whatever name he may be called ;

"financial year" in relation to any person means each period of twelve months at the end of which the balance of the accounts of that person is struck ;

"fire business" means the business of insuring persons (otherwise than incidentally to some other class of insurance business) against loss or damage caused by fire or by an occurrence incidental to a fire or against any loss or damage against which insurance is customarily effected in conjunction with the business of insurance against loss or damage caused by fire ;

"friendly society" means an association of persons without a share capital which has been established for the purpose of rendering aid to its members or their dependants : Provided that an association shall not be regarded as a friendly society for the purposes of this Act if it has at any time after the commencement of this Act employed a person whose main remunerated occupation consisted of inducing persons to become members of the society or of collecting from members of the society contributions or subscriptions towards the society's funds ;

"funeral business" means the business of assuming the obligations of an insurer under funeral policies ;

"funeral policy" means a policy whereby the insurer assumes an obligation, on the death of any person—

(*a*) to provide for the funeral of the said person ; or

(*b*) to provide some other non-monetary benefit to any person ; or

(c) at the option of the insurer or of any other person, to pay a certain sum of money in lieu of so providing for a funeral or the said other benefit,

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No. 27, 1943.]

WET

Tot samevatting en wysiging van die versekeringswette.

(*Deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag in Engels geteken.*)
(*Goedgekeur op* 24 *April* 1943.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

HOOFSTUK I.

ALGEMENE BEPALINGS.

Woordomskrywing.

1. Tensy uit die samehang anders blyk, het onderstaande woorde in hierdie Wet en in 'n regulasie die volgende betekenis :

„goedgekeurde effekte" beteken skuldbriewe wat deur die Regering van die Unie uitgegee is of sodanige ander effekte as wat die Tesourie vir die toepassing van hierdie Wet mag goedgekeur het, mits daardie effekte en die dividende of rente wat daarop betaalbaar is, in die Unie en in die betaalmiddel van die Unie betaal moet word ;

„voorsitter", met betrekking tot 'n vereniging van persone, sluit in iemand wat op die betrokke tydstip aan die hoof is van die raad van direkteure of ander bestuursliggaam van die vereniging ;

„soort" beteken, met betrekking tot versekeringsbesigheid, enige bepaalde soort besigheid wat in hierdie artikel omskryf word ;

„hof" beteken 'n provinsiale of plaaslike afdeling van die Hooggeregshof wat ten opsigte van die betrokke saak regsbevoeg is, en omvat insgelyks die Hooggeregshof van Suidwes-Afrika ;

„direkteur" sluit in iemand wat die amp van direkteur of plaasvervangende direkteur van 'n vereniging van persone beklee of 'n lid of plaasvervangende lid van 'n bestuurskomitee of van enige ander bestuursliggaam van so 'n vereniging, hoe hy ook al mag heet ;

„boekjaar" beteken, met betrekking tot een of ander persoon, elke tydperk van twaalf maande aan die einde waarvan die balansrekening van daardie persoon opgemaak word ;

„brandbesigheid" beteken die besigheid van versekering van persone (behalwe as 'n ondergeskikte deel van 'n ander soort versekeringsbesigheid) teen verlies of skade veroorsaak deur brand of deur 'n gebeurtenis wat met brand in verband staan of teen verlies of skade waarteen versekering gebruiklikerwys gesluit word in verband met die besigheid van versekering teen verlies of skade wat deur brand veroorsaak is ;

„onderlinge hulpvereniging" beteken 'n vereniging van persone sonder 'n aandeelkapitaal wat gestig is om bystand te verleen aan sy lede of aan hulle afhanklikes : Met dien verstande dat 'n vereniging by die toepassing van hierdie Wet nie as 'n onderlinge hulpvereniging beskou word nie as hy te eniger tyd na die inwerkingtreding van hierdie Wet gebruik gemaak het van iemand wie se vernaamste besoldigde werksaamhede daaruit bestaan het dat hy mense beweeg het om lede van die vereniging te word of dat hy van lede van die vereniging bydraes of intekengelde ingesamel het ;

„begrafnisbesigheid" beteken die besigheid om die verpligtings van 'n versekeraar kragtens begrafnispolisse te aanvaar ;

„begrafnispolis" beteken 'n polis waarin die versekeraar 'n verpligting aanvaar om na die dood van iemand—

(*a*) vir die begrafnis van daardie persoon te sorg ; of

(*b*) aan iemand 'n ander, nie uit geld bestaande, voordeel te verleen ; of

(*c*) volgens keuse van die versekeraar of van iemand anders, 'n sekere som geld te betaal in plaas van om aldus vir 'n begrafnis te sorg of om bedoelde ander voordeel te verleen,

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in return for a premium or the promise of a premium, payable from time to time at intervals not exceeding two months, if the insurer has expressly or tacitly undertaken to send a person from time to time to the owner of the policy or to his residence or place of work to collect the premiums: Provided that, in respect of rural areas, and on good cause shown the registrar may authorize such an insurer to collect the premiums on such a policy in any other manner approved by the registrar.

"industrial business" means the business of assuming the obligations of an insurer under industrial policies;

"industrial policy" means a policy (other than a funeral policy) whereby the insurer assumes such an obligation as is described in the definition of the expression "life policy", not exceeding in value the sum of one hundred pounds, in return for a premium or the promise of a premium payable from time to time at intervals not exceeding two months, if the insurer has expressly or tacitly undertaken to send a person from time to time to the owner of the policy or to his residence or place of work to collect the premiums;

"insurance business" means any transaction in connection with any business defined in this section, and includes reinsurance business: Provided that the following transactions shall, for the purposes of this Act, be deemed not to amount to insurance business, that is to say—

(*a*) the activities of a friendly society if they fall within the scope of the society's constitution and rules (if any);

(*b*) insurance against lack or loss of income through lack of employment;

(*c*) the activities of a co-operative society or of a co-operative company which is registered or which is deemed to be registered under the Co-operative Societies Act, 1939 (Act No. 29 of 1939), or the Co-operation Proclamation 1922 (Proclamation No. 19 of 1922) of the Territory, if they fall within the scope of the regulations of the society or company concerned;

(*d*) any transaction under the Industrial Conciliation Act, 1937 (Act No. 36 of 1937);

(*e*) the activities of a building society registered or provisionally registered under the Building Societies Act, 1934 (Act No. 62 of 1934) and in the Territory the activities of a building society as defined in the Companies Ordinance 1928 (Ordinance No. 19 of 1928) of the Territory if they fall within the scope of the building society's rules;

(*f*) any transaction undertaken by a person who does not carry on any insurance business, for the purpose of giving effect to a scheme or arrangement made by an employer or by a combination of employers or by an association or group of persons who carry on any occupation, to provide benefits for former employees (or for the dependants of former employees) of any such employer on the cessation of their employment (or on their death after such cessation) or to provide benefits to members or former members of the said association or group (or for their dependants) when their ability to carry on the occupation in question has ceased or has substantially diminished or on their death;

(*g*) the activities of a person transacting business in the Union on behalf of underwriters at Lloyds or on behalf of brokers for such underwriters or on behalf of the members of an association of underwriters operating in the Union on a system similar to Lloyds, but subject to the provisions of section *sixty*;

(*h*) the collection of premiums on a policy which is not a Union policy, the renewal of such a policy and the investigation or payment of any claim under such a policy;

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as teenprestasie vir 'n premie of die belofte van 'n premie wat van tyd tot tyd betaal moet word met tussenpose van nie meer as twee maande nie, as die versekeraar uitdruklik of stilswygend belowe het om van tyd tot tyd iemand na die eienaar van die polis of na sy woning of werkplek te stuur om die premies in te samel: Met dien verstande dat, ten opsigte van landelike gebiede, en na aanvoering van grondige redes, die registrateur so 'n versekeraar kan magtig om die premies op so 'n polis op enige ander manier deur die registrateur goedgekeur in te samel.

„nywerheidsbesigheid" beteken die besigheid om die verpligtings van 'n versekeraar kragtens nywerheidspolisse te aanvaar;

„nywerheidspolis" beteken 'n ander polis as 'n begrafnispolis, waarin die versekeraar so 'n verpligting aanvaar as wat beskrywe word in die omskrywing van die woord „lewenspolis" wat nie in waarde die bedrag van eenhonderd pond te bowe gaan nie as teenprestasie vir 'n premie of vir 'n belofte van 'n premie wat van tyd tot tyd betaal moet word met tussenpose van nie meer as twee maande nie, as die versekeraar uitdruklik of stilswygend belowe het om van tyd tot tyd iemand na die eienaar van die polis of na sy woning of werkplek te stuur om die premies in te samel;

„versekeringsbesigheid" beteken 'n regshandeling in verband met een of ander in hierdie artikel omskrewe besigheid en omvat herversekering: Met dien verstande dat die volgende regshandelings by die toepassing van hierdie Wet geag word nie versekeringsbesigheid uit te maak nie, naamlik—

(*a*) die werksaamhede van 'n onderlinge hulpvereniging as hulle val binne die bestek van die vereniging se statute en reglement (as die bestaan);

(*b*) versekering teen gebrek aan of verlies van inkomste weens werkloosheid;

(*c*) die werksaamhede van 'n koöperatiewe vereniging of van 'n koöperatiewe maatskappy wat geregistreer is of wat geag word geregistreer te wees kragtens die Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939), of „De Koöperatie Proklamatie, 1922" (Proklamasie No. 19 van 1922), van die Gebied, as hulle val binne die bestek van die regulasies van die betrokke vereniging of maatskappy;

(*d*) 'n regshandeling kragtens die Nywerheid-versoeningswet, 1937 (Wet No. 36 van 1937);

(*e*) die werksaamhede van 'n bouvereniging wat geregistreer of voorlopig geregistreer is kragtens die Bouverenigingswet, 1934 (Wet No. 62 van 1934), en in die Gebied die werksaamhede van 'n bouvereniging soos omskrewe in die Maatskappy-Ordonnansie, 1928 (Ordonnansie No. 19 van 1928), van die Gebied, as hulle val binne die bestek van die bouvereniging se statute;

(*f*) 'n regshandeling, onderneem deur iemand wat geen versekeringsbesigheid dryf nie, tot uitvoering van 'n skema of reëling aangegaan deur 'n werkgewer of deur 'n verbinding van werkgewers of deur 'n vereniging of groep van persone wat een of ander beroep uitoefen, om voordele te verleen aan gewese werknemers (of aan die afhanklikes van gewese werknemers), van so 'n werkgewer na die beëindiging van hulle diens (of as hulle te sterwe kom na hulle diensbeëindiging) of om voordele te verleen aan lede of gewese lede van voormelde vereniging of groep (of aan hulle afhanklikes) wanneer hulle vermoë om die betrokke beroep uit te oefen opgehou het of aanmerklik verminder het of na hulle dood;

(*g*) die werksaamhede van iemand wat in die Unie namens Lloyds se versekeraars of namens makelaars vir sulke versekeraars of namens die lede van 'n vereniging van versekeraars wat op 'n stelsel soortgelyk aan Lloyds in die Unie fungeer regshandelings verrig, dog behoudens die bepalings van artikel *sestig*;

(*h*) die insameling van premies op 'n polis wat nie 'n Uniepolis is nie, die hernuwing van so 'n polis en die ondersoek of betaling van 'n vordering kragtens so 'n polis;

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(*i*) any transaction connected with, and subsidiary, to any business other than insurance, which is, in the opinion of the registrar, not insurance business as ordinarily understood ;

" life business " means the business of assuming the obligations of an insurer under life policies ;

" life policy " means a policy whereby the insurer assumes (in return for the payment or the promise of the payment of a sum or sums of money) an obligation to pay to a particular person certain sums of money at specified intervals, or a certain sum of money or to provide for a particular person a certain other benefit—

(*a*) on the occurrence of the death of a particular person or on the occurrence of the birth of a child to a particular person at any time or within a specified period ; or

(*b*) in the event of a particular person continuing to live throughout a specified period or specified periods ;

or a policy whereby the insurer assumes any obligation in return for a promise of a periodical payment of a certain premium—

(i) until the occurrence of the death of a particular person ; or

(ii) during a specified period or until the occurrence of the death of a particular person before the expiration of that period ;

and the expression " life policy " includes any contract of insurance which is customarily regarded as a life insurance contract and a life policy or the insurer under a life policy shall, for the purposes of this Act, be deemed to insure the life of the person upon whose death or upon the continuance of whose life the obligation of either party to the policy is contingent ; but the expression " life policy " does not include an industrial policy or a funeral policy or a personal accident policy or any other insurance policy under which such a contingent obligation as hereinbefore in this definition described, forms a subordinate part of the insurance effected by that other policy ;

" marine business " means the business of insuring persons against—

(*a*) loss of or damage to any vessel, including a barge and a dredger ; or

(*b*) loss of or damage to goods during their conveyance by land, air or water, and whether inclusive or exclusive of loss of or damage to such goods while they are being stored, treated or handled in connection with such conveyance or intended conveyance ; or

(*c*) loss of freight for any such conveyance ; or

(*d*) any other loss in connection with any vessel or any such goods or freight, against which an insurance may be lawfully effected :

Provided that for the purposes of this Act the expression " marine business " shall not include—

(i) any transaction in connection with a policy lawfully issued before the commencement of this Act, whereby the insurer concerned insured any person against any such loss or damage as aforesaid, in connection with the conveyance of goods otherwise than by water, if the insurer is not registered under section *three* or *four* for the purpose of carrying on marine business ; or

(ii) the business of insuring travellers against loss or of damage to their luggage if such business is carried on independently of and not in conjunction with marine business ; or

(iii) the business of insuring persons against any such loss or damage as aforesaid in connection with the conveyance of goods otherwise than by water, if the insurer concerned has, before engaging in such business, obtained from the registrar permission in writing to carry on such business as an insurance business other than marine business

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(*i*) 'n regshandeling wat in verband staan met en ondergeskik is aan enige ander besigheid as versekering en wat volgens die registrateur se oordeel geen versekeringsbesigheid is nie, volgens die gewone betekenis van daardie woord;

„lewensbesigheid" beteken die besigheid om die verpligtings van 'n versekeraar kragtens lewenspolisse te aanvaar;

„lewenspolis" beteken 'n polis waarin die versekeraar teen betaling of 'n belofte van betaling van 'n som of somme geld, 'n verpligting aanvaar, om aan 'n bepaalde persoon sekere geldsomme op vasgestelde tydstippe of 'n sekere geldsom te betaal of om aan 'n bepaalde persoon 'n sekere ander voordeel te verleen—

(*a*) wanneer 'n bepaalde persoon te sterwe kom of wanneer 'n kind van 'n bepaalde persoon gebore word, en wel te eniger tyd of binne 'n vasgestelde tydperk; of

(*b*) indien 'n bepaalde persoon gedurende 'n hele vasgestelde tydperk of hele vasgestelde tydperke in lewe bly;

of 'n polis waarin die versekeraar enige verpligting aanvaar as teenprestasie vir 'n belofte van 'n periodieke betaling van 'n sekere premie—

(i) totdat 'n bepaalde persoon te sterwe kom; of

(ii) gedurende 'n vasgestelde tydperk of totdat 'n bepaalde persoon voor die verstryking van daardie tydperk te sterwe kom;

en die woord „lewenspolis" omvat enige versekeringsooreenkoms wat gebruiklikerwys as 'n lewensversekeringsooreenkoms beskou word; en by die toepassing van hierdie Wet word 'n lewenspolis of die versekeraar onder 'n lewenspolis geag die lewe te verseker van die persoon van wie se dood of van die voortduring van wie se lewe die verpligting van die een of die ander party in die polis afhanklik is; dog die woord „lewenspolis" omvat nie 'n nywerheidspolis of 'n begrafnispolis of 'n persoonlike ongevallepolis of enige ander versekeringspolis uit kragte waarvan so 'n voorwaardelike verpligting as hierbo in hierdie woordomskrywing vermeld, 'n ondergeskikte deel uitmaak van die versekering wat met daardie ander polis aangegaan is;

„seebesigheid" beteken die besigheid om persone te verseker teen—

(*a*) verlies of beskadiging van 'n vaartuig, met inbegrip van 'n ligter en 'n baggerskip; of

(*b*) verlies of beskadiging van goedere gedurende hulle vervoer oor land of water of deur die lug en hetsy met insluiting of met uitsluiting van verlies of beskadiging van sodanige goedere terwyl hulle opgeslaan, behandel, of gehanteer word in verband met sodanige vervoer of voorgenome vervoer; of

(*c*) verlies van vraggeld vir sodanige vervoer; of

(*d*) enige ander verlies in verband met 'n vaartuig of sodanige goedere of vraggeld, waarteen 'n versekering wettig gesluit kan word:

Met dien verstande dat by die toepassing van hierdie Wet die woord „seebesigheid" nie insluit nie—

(i) 'n regshandeling in verband met 'n polis wat wettig voor die inwerkingtreding van hierdie Wet uitgegee is en waarmee die betrokke versekeraar iemand verseker het teen sodanige verlies of beskadiging as voormeld, in verband met die vervoer van goedere op 'n ander wyse as oor water, indien die versekeraar nie kragtens artikel *drie* of *vier* geregistreer is nie om seebesigheid te dryf; of

(ii) die besigheid van versekering van reisigers teen verlies of beskadiging van hulle bagasie indien sodanige besigheid gedryf word as 'n onafhanklike saak, en nie in verband met seebesigheid nie; of

(iii) die besigheid van versekering van persone teen sodanige verlies of beskadiging as voormeld in verband met die vervoer van goedere op 'n ander wyse as oor water, indien die betrokke versekeraar, voordat hy daardie besigheid onderneem het, van die registrateur skriftelik vergunning verkry het om daardie besigheid as 'n ander versekerings-

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and the registrar has not withdrawn that permission;

"market value" means the market value in the Union, or, if that value cannot be ascertained, the price which would be obtained on a sale in the Union between a willing seller and a willing purchaser, as estimated by the insurer concerned and approved by the registrar, or, if the registrar does not approve that estimate, the value estimated by the registrar;

"Minister" means the Minister of Finance or any other Minister of State acting in his stead;

"miscellaneous business" means the business of assuming the obligations of an insurer under policies which do not fall within any other class of insurance business defined in this section;

"motor business" means the business of insuring persons against loss or damage or claims arising out of, or in connection with, the use or ownership of motor vehicles;

"non-Union insurer" means a registered insurer other than a Union insurer;

"owner", in relation to a policy, means the person who is entitled to enforce any benefit provided for in the policy;

"person" includes a partnership;

"personal accident business" means the business of assuming the obligations of an insurer under personal accident policies;

"personal accident policy" means a policy whereby the insurer assumes (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) an obligation to pay a certain sum or certain sums of money to, or provide any other benefit for, a particular person in the event of an accident or sickness causing the death or injury or disability of a particular person;

"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 the word "policy" includes a sinking fund policy;

"principal officer" means the principal officer in the Union appointed in terms of section *seven*;

"registered insurer" means a person registered under section *four* or deemed to be registered under section *three*;

"registrar" means the Registrar of Insurance appointed under section *two*;

"regulation" means a regulation made and in force under section *seventy-six*;

"sinking fund business" means the business of assuming obligations under sinking fund policies;

"sinking fund policy" means a contract whereby the one party to the contract assumes the obligation to pay, after the expiration of a certain period, a certain sum or certain sums of money to a particular person, in return for the payment or the promise of the payment from time to time of a certain sum of money by the other party to the contract;

"Territory" means the Mandated Territory of South West Africa;

"Treasury" means the Secretary for Finance or any other officer deputed by the Minister to perform the functions of the Treasury under this Act;

"Union" includes the mandated territory of South West Africa;

"Union asset" means any corporeal property in the Union or any security of the Government of the Union or of a local authority in the Union or any claim secured by a mortgage bond on immovable property in the Union or any claim against a company which is registered in the Union or against any body or association of persons which has its head office in the Union, or against any individual who is resident in the Union, or any claim against the owner of a Union policy not exceeding the liability of the insurer under such policy, or any share expressed in Union currency in

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besigheid as seebesigheid te dryf en die registrateur daardie vergunning nie ingetrek het nie;

„markwaarde" beteken die markwaarde in die Unie, of, as daardie waarde nie vasgestel kan word nie, die prys wat betaal sou word by 'n verkoping in die Unie tussen 'n gewillige verkoper en 'n gewillige koper, soos deur die betrokke versekeraar beraam en deur die registrateur goedgekeur, of, as die registrateur nie daardie beraming goedkeur nie, die waarde soos deur die registrateur beraam;

„Minister" beteken die Minister van Finansies of enige ander Staatsminister wat namens hom optree;

„gemengde besigheid" beteken die besigheid van aanvaarding van die verpligtings van 'n versekeraar kragtens polisse wat nie behoort tot 'n ander soort van versekeringsbesigheid wat in hierdie artikel omskryf word nie;

„motorbesigheid" beteken die besigheid van versekering van persone teen verlies of skade of eise wat ontstaan uit of in verband met die gebruik of eiendom van motorvoertuie;

„buitelandse versekeraar" beteken 'n ander geregistreerde versekeraar as 'n binnelandse versekeraar;

„eienaar" beteken, met betrekking tot 'n polis, die persoon wat geregtig is om enige voordeel, waarvoor die polis voorsiening maak, in te vorder;

„persoon" omvat ook 'n vennootskap;

„persoonlike ongevallebesigheid" beteken die besigheid om die verpligtings van 'n versekeraar kragtens persoonlike ongevallepolisse te aanvaar;

„persoonlike ongevallepolis" beteken 'n polis waarin die versekeraar 'n verpligting aanvaar (teen betaling of 'n belofte van betaling van 'n som of somme geld en nie as 'n ondergeskikte deel van 'n versekering aangegaan deur middel van 'n ander soort van polis nie) om aan 'n bepaalde persoon 'n sekere geldsom of sekere geldsomme te betaal of 'n ander voordeel te verleen in geval van 'n ongeval of siekte wat die dood of besering of ongeskiktheid van 'n bepaalde persoon ten gevolge het;

„polis" beteken enige geldige versekeringsooreenkoms, wat ook al die vorm mag wees waarin die regte en verpligtings van die partye van die ooreenkoms uitgedruk of tot stand gebring is en die woord „polis" omvat ook 'n amortisasiepolis;

„hoofamptenaar" beteken die hoofamptenaar in die Unie, wat volgens artikel *sewe* aangestel is;

„geregistreerde versekeraar" beteken 'n persoon wat kragtens artikel *vier* geregistreer is of wat kragtens artikel *drie* geag word geregistreer te wees;

„registrateur" beteken die Registrateur van Versekeringswese wat kragtens artikel *twee* aangestel is;

„regulasie" beteken 'n regulasie wat kragtens artikel *ses-en-sewentig* uitgevaardig en van krag is;

„amortisasiefondsbesigheid" beteken die besigheid om verpligtings kragtens amortisasiepolisse te aanvaar;

„amortisasiepolis" beteken 'n ooreenkoms waarby die een party in die ooreenkoms die verpligting aanvaar om na verloop van 'n sekere tydperk 'n sekere geldsom of sekere geldsomme aan 'n bepaalde persoon te betaal, teen betaling of 'n belofte van betaling van tyd tot tyd van 'n sekere geldsom deur die ander party in die ooreenkoms;

„Gebied" beteken die mandaatgebied Suidwes-Afrika;

„Tesourie" beteken die Sekretaris van Finansies of enige ander amptenaar aan wie die Minister die verrigting van die werksaamhede van die Tesourie ingevolge hierdie Wet opgedra het;

„Unie" sluit die mandaatgebied Suidwes-Afrika in;

„binnelandse bate" beteken liggaamlike goed in die Unie of 'n skuldbrief van die Regering van die Unie of van 'n plaaslike bestuur in die Unie of 'n vordering gewaarborg deur 'n verband op onroerende goed in die Unie of 'n vordering teen 'n maatskappy wat in die Unie geregistreer is of teen 'n liggaam of vereniging van persone wat sy hoofkantoor in die Unie het of teen 'n mens wat in die Unie woonagtig is of 'n vordering teen die eienaar van 'n binnelandse polis wat nie die verpligting van die versekeraar ingevolge sodanige polis te bowe gaan nie of 'n aandeel, uitgedruk in die betaalmiddel van die Unie, in 'n maat-

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a company which is registered in the Union, provided the security or the debt on which the claim is based and any interest thereon or any dividends under the share are payable in the Union and in Union currency ;

"Union insurer" means a registered insurer whose head office is in the Union ;

"Union life policy" means a life policy which is a Union policy ;

"Union policy" means any policy which was issued anywhere upon an application made or presented to a representative of the insurer concerned (or to any person on behalf of such a representative), at any place in the Union but shall exclude any life policy which, subsequent to the date upon which it was issued, has been made payable at a place outside the Union at the request of the owner, provided the owner has also agreed in writing that it shall not be regarded as a Union policy for the purposes of this Act; and shall include any life policy issued outside the Union which has subsequently been made payable in the Union at the request of the owner, provided the owner has also agreed in writing that it shall be regarded as a Union policy for the purposes of this Act.

Registrar of Insurance.

2. (1) The Minister shall from time to time, subject to the laws governing the public service of the Union, appoint an officer to be styled the Registrar of Insurance who shall exercise all such powers and perform all such duties as are assigned to him by this Act, but under the control of and subject to appeal to the Minister.

(2) Every appeal to the Minister in terms of this section shall be prosecuted in the manner and within the time prescribed by regulation.

Registration of existing insurers.

3. When a person who was registered under the Insurance Act, 1923, and who immediately before the commencement of this Act was carrying on in the Union any insurance business in respect whereof he was so registered, has within a period of three months as from that commencement, notified the registrar that he intends to continue the said business and deposited with the Treasury money or approved securities or money and approved securities amounting to the sum mentioned in Part I of the First Schedule to this Act, in relation to the class of insurance business in question, and submitted to the registrar proof that such a deposit has been made, he shall be deemed to be registered under this Act as an insurer authorized to carry on the said class of insurance business and the registrar shall issue to him a certificate of such registration.

Registration of new insurers.

4. (1) If a person—

(*a*) who was not lawfully carrying on a particular class of insurance business in the Union immediately before the commencement of this Act ; or

(*b*) who was so carrying on such business but has failed to act in regard thereto in accordance with section *three* ; or

(*c*) who was registered as an insurer under this Act but has ceased to be so registered

intends to carry on a particular class of insurance business in the Union he shall, before commencing to carry on such business, furnish to the registrar the documents and particulars prescribed by regulation for the purpose of this section in regard to the business in question.

(2) If a person who was lawfully carrying on a particular class of insurance business in the Union immediately before the commencement of this Act but who was not registered under the Insurance Act, 1923, intends to continue such business, he shall, within a period of thirty days as from such commencement, furnish to the registrar the documents and particulars prescribed by regulation for the purposes of this section in regard to the business in question.

(3) If the registrar is satisfied that the manner in which the aforesaid person proposes to carry on the class of insurance business in question is not inconsistent with the provisions of this Act and is not otherwise undesirable, he shall authorize that person in writing to deposit with the Treasury money or approved securities or money and approved securities amount-

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skappy wat in die Unie geregistreer is, mits die skuldbrief of die skuld waarop die vordering berus en alle rente daarop of alle dividende op die aandeel in die Unie en in die betaalmiddel van die Unie betaal moet word;

„binnelandse versekeraar" beteken 'n geregistreerde versekeraar wie se hoofkantoor in die Unie is;

„binnelandse lewenspolis" beteken 'n lewenspolis wat 'n binnelandse polis is;

„binnelandse polis" beteken 'n polis wat waar ookal uitgereik is op 'n aansoek gemaak of aangebied aan 'n verteenwoordiger van die betrokke versekeraar (of aan iemand namens so 'n verteenwoordiger) op enige plek in die Unie maar omvat nie 'n lewenspolis wat na die datum waarop dit uitgereik is, op versoek van die eienaar buite die Unie betaalbaar gemaak is nie, mits die eienaar ook skriftelik sy toestemming daartoe gegee het dat dit nie vir die doeleindes van hierdie Wet as 'n binnelandse polis beskou sal word nie; en omvat 'n lewenspolis wat buite die Unie uitgereik is wat daarna op versoek van die eienaar binne die Unie betaalbaar gemaak is, mits die eienaar ook skriftelik sy toestemming daartoe gegee het dat dit vir die doeleindes van hierdie Wet as 'n binnelandse polis beskou sal word.

Registrateur van Versekeringswese.

2. (1) Die Minister moet van tyd tot tyd met inagneming van die wette op die Staatsdiens van die Unie 'n amptenaar aanstel, genoem die Registrateur van Versekeringswese, wat alle bevoegdhede moet uitoefen en alle werksaamhede moet verrig wat hierdie Wet aan hom opdra, dog onder die beheer van die Minister en behoudens die reg om appèl aan te teken by die Minister.

(2) 'n Appèl na die Minister kragtens hierdie artikel word uitgevoer op die wyse en binne die tydperk deur regulasie voorgeskryf.

Registrasie van bestaande versekeraars.

3. Wanneer 'n persoon wat kragtens die „Verzekeringswet, 1923," geregistreer was, en onmiddellik voor die inwerkingtreding van hierdie Wet enige versekeringsbesigheid ten opsigte waarvan hy aldus geregistreer was, in die Unie gedryf het, binne 'n tydperk van drie maande vanaf bedoelde inwerkingtreding aan die registrateur kennis gegee het dat hy voornemens is om voormelde besigheid voort te sit en geld of goedgekeurde effekte of geld en goedgekeurde effekte tot 'n bedrag van die som vermeld in Deel I van die Eerste Bylae tot hierdie Wet, ten opsigte van die betrokke soort versekeringsbesigheid by die Tesourie gedeponeer het, en bewys daarvan aan die registrateur gelewer het, word hy geag kragtens hierdie Wet geregistreer te wees as 'n versekeraar wat bevoeg is om bedoelde soort versekeringsbesigheid te dryf en die registrateur moet aan hom 'n sertifikaat van sodanige registrasie uitreik.

Registrasie van nuwe versekeraars.

4. (1) As 'n persoon—

(*a*) wat onmiddellik voor die inwerkingtreding van hierdie Wet nie wettig 'n bepaalde soort versekeringsbesigheid in die Unie gedryf het nie; of

(*b*) wat wel so 'n besigheid aldus gedryf het maar versuim het om met betrekking daartoe volgens voorskrif van artikel *drie* te handel; of

(*c*) wat as 'n versekeraar kragtens hierdie Wet geregistreer was maar opgehou het om aldus geregistreer te wees,

voornemens is om 'n bepaalde soort versekeringsbesigheid in die Unie te dryf, moet hy, aleer hy daardie besigheid begin te dryf, die dokumente en besonderhede wat by regulasie vir die toepassing van hierdie artikel met betrekking tot die betrokke besigheid voorgeskryf word, aan die registrateur verstrek.

(2) As 'n persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet wettig 'n bepaalde soort versekeringsbesigheid in die Unie gedryf het, maar wat nie kragtens die „Verzekeringswet, 1923," geregistreer was nie, voornemens is om bedoelde besigheid voort te sit, moet hy binne 'n tydperk van dertig dae vanaf bedoelde inwerkingtreding, die dokumente en besonderhede wat by regulasie voorgeskryf word vir die toepassing van hierdie artikel met betrekking tot die betrokke besigheid, aan die registrateur verstrek.

(3) As die registrateur oortuig is dat die wyse waarop die voormelde persoon voornemens is om die betrokke soort versekeringsbesigheid te dryf nie strydig is met die bepalings van hierdie Wet nie, en nie andersins ongewens is nie, verleen hy aan daardie persoon skriftelike magtiging om geld of goedgekeurde effekte of geld en goedgekeurde effekte tot 'n bedrag

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ing to the sum mentioned in Part I of the First Schedule to this Act in relation to the said class of business, and when the said person has furnished to the registrar proof that such a deposit has been made, the registrar shall register him under this Act as an insurer authorized to carry on the said class of business and issue to him a certificate of registration : Provided that the registrar shall not register any person—

(*a*) as a non-Union insurer, unless he has satisfied the registrar that he has been carrying on insurance business for a period of twenty years or longer ;

(*b*) as a non-Union insurer authorized to carry on in the Union life business or industrial business or funeral business or sinking fund business, unless he has satisfied the registrar that throughout the period of five years immediately preceding his application for registration, the value of his assets exceeded his liabilities, including his liabilities under unmatured policies, calculated actuarially on a basis satisfactory to the registrar and also including his paid-up capital (if any) ;

(*c*) as a non-Union insurer authorized to carry on in the Union any insurance business not mentioned in paragraph (*b*), unless he has satisfied the registrar that his financial position is satisfactory ;

(*d*) as an insurer authorized to carry on funeral business unless he has satisfied the registrar that the manner in which and the rules according to which he proposes to carry on business adequately provide for the issue of a receipt for every premium received which clearly indicates the due date of the premium in respect of which such payment is made ;

(*e*) under the name of an insurer who is already registered or a name which so nearly resembles the name of an insurer who is already registered, that the one is likely to be mistaken for the other, unless the registered insurer is being or is to be wound up and has consented to the registration of the person concerned under the name in question.

Unregistered person may not carry on insurance business.

5. (1) After the expiration of a period of three months as from the commencement of this Act, no person shall carry on any class of insurance business in the Union unless he is registered as an insurer under this Act for the purpose of carrying on that class of insurance business, and within the said period no person shall carry on any class of insurance business in the Union unless he is so registered for the purpose of carrying on that class of insurance business or unless he was immediately before such commencement entitled to carry on that class of business in the Union : Provided that any person who at any time before such commencement lawfully issued a policy which is still in force, may continue to carry on any insurance business relating to that policy (except issue another policy which is not a paid-up policy issued in terms of sub-section (2) of section *sixty-two*) even though he is not so registered, if he has previously informed the registrar in writing that he intends so to continue to carry on insurance business in terms of this proviso, and subject to the provisions of section *twenty-four*.

(2) As long as a registered insurer remains liable under any Union policy in any class of insurance business he shall be deemed, for the purposes of this Act, to be carrying on that class of insurance business in the Union, even though he has ceased to issue such policies.

Provisions relating to deposits.

6. (1) The provisions of Part II of the First Schedule to this Act shall apply in connection with any money or approved securities deposited with the Treasury in terms of section *three* or *four*.

(2) Any money or securities so deposited shall be made available, in accordance with regulations, to satisfy any judgment given in the Union against the depositor on any claim arising out of a Union policy which the depositor issued in the class of insurance business in respect whereof the deposit was made.

(3) When as a result of any action taken under sub-section (2) the value of the deposit of a registered insurer in respect of any class of insurance business is lower than the amount

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vermeld in Deel I van die Eerste Bylae tot hierdie Wet met betrekking tot daardie soort besigheid, by die Tesourie te deponeer en wanneer bedoelde persoon aan die registrateur bewys van daardie deposito gelewer het, registreer die registrateur hom kragtens hierdie Wet as 'n versekeraar wat bevoeg is om voormelde soort besigheid te dryf en reik aan hom 'n registrasie-sertifikaat uit: Met dien verstande dat die registrateur niemand mag registreer nie—

(*a*) as 'n buitelandse versekeraar, tensy hy die registrateur daarvan oortuig het dat hy vir 'n tydperk van twintig jaar of langer versekeringsbesigheid gedryf het;

(*b*) as 'n buitelandse versekeraar wat bevoeg is om lewensbesigheid of nywerheidsbesigheid of begrafnisbesigheid of amortisasiebesigheid in die Unie te dryf, tensy hy die registrateur daarvan oortuig het dat gedurende die hele tydperk van vyf jaar wat aan sy aansoek om registrasie onmiddellik voorafgegaan het, die waarde van sy bate groter was as sy laste, met inbegrip van sy verbintenisse kragtens nog nie vervalle polisse, aktuarieel bereken op 'n grondslag waarmee die registrateur genoeë neem, en met inbegrip ook van sy gestorte kapitaal (as hy een het);

(*c*) as 'n buitelandse versekeraar wat bevoeg is om versekeringsbesigheid wat nie in paragraaf (*b*) vermeld word nie, in die Unie te dryf, tensy hy die registrateur daarvan oortuig het dat sy finansiële toestand bevredigend is;

(*d*) as 'n versekeraar wat bevoeg is om begrafnisbesigheid te dryf tensy hy die registrateur oortuig het dat die wyse waarop en die reëls waarvolgens hy voornemens is om besigheid te dryf voldoende voorsiening maak vir die uitreiking van 'n kwitansie vir elke ontvange premie wat duidelik aantoon die datum waarop die premie ten opsigte waarvan so 'n betaling gemaak word, betaalbaar was;

(*e*) onder 'n naam van 'n versekeraar wat reeds geregistreer is of onder 'n naam wat soveel op die naam van 'n reeds geregistreerde versekeraar gelyk dat die een waarskynlik met die ander verwar sal word, tensy die geregistreerde versekeraar gelikwideer word of staan gelikwideer te word en sy toestemming tot die registrasie van die betrokke persoon onder die betrokke naam gegee het.

Ongeregistreerde persoon mag nie versekeringsbesigheid dryf nie.

5. (1) Na verloop van 'n tydperk van drie maande vanaf die inwerkingtreding van hierdie Wet mag niemand enige soort versekeringsbesigheid in die Unie dryf nie tensy hy as 'n versekeraar kragtens hierdie Wet geregistreer is om daardie soort versekeringsbesigheid te dryf, en niemand mag gedurende voormelde tydperk enige soort versekeringsbesigheid in die Unie dryf nie tensy hy aldus geregistreer is ten einde daardie soort versekeringsbesigheid te dryf of tensy hy onmiddellik voor bedoelde inwerkingtreding geregtig was om daardie soort besigheid in die Unie te dryf: Met dien verstande dat iemand wat te eniger tyd voor bedoelde inwerkingtreding wettig 'n polis wat nog geldig is, uitgereik het, kan voortgaan om versekeringsbesigheid wat op daardie polis betrekking het, te dryf (behalwe om 'n ander polis uit te reik wat nie 'n volgens sub-artikel (2) van artikel *twee-en-sestig* verleende opbetaalde polis is nie), selfs al is hy nie aldus geregistreer nie, mits hy vooraf aan die registrateur skriftelik kennis gegee het dat hy voornemens is om volgens hierdie voorbehoudsbepaling voort te gaan om versekeringsbesigheid te dryf en behoudens die bepalings van artikel *vier-en-twintig*.

(2) Solank 'n geregistreerde versekeraar aanspreeklik bly kragtens 'n binnelandse polis in enige soort versekeringsbesigheid, word by die toepassing van hierdie Wet vermoed dat hy daardie soort versekeringsbesigheid in die Unie dryf, selfs al het hy opgehou om sodanige polisse uit te reik.

Bepalings met betrekking tot deposito's.

6. (1) Die bepalings van Deel II van die Eerste Bylae tot hierdie Wet is van toepassing in verband met geld of goedgekeurde effekte wat ooreenkomstig artikel *drie* of *vier* by die Tesourie gedeponeer is.

(2) Geld of effekte wat aldus gedeponeer is, word volgens voorskrif van regulasies beskikbaar gestel ter voldoening aan 'n vonnis wat in die Unie teen die deponeerder uitgewys is op 'n vordering wat voortspruit uit 'n binnelandse polis wat die deponeerder uitgereik het in die soort versekeringsbesigheid ten opsigte waarvan die deposito gegee is.

(3) Wanneer die waarde van die deposito van 'n geregistreerde versekeraar ten opsigte van enige soort versekeringsbesigheid as gevolg van optrede kragtens sub-artikel (2) laer is as die

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prescribed by the First Schedule to this Act in respect of that class of insurance business, the insurer shall not issue any Union policy in that class of insurance business until he has made good the deficiency by a further deposit of money or approved securities or money and approved securities.

(4) When a registered insurer has satisfied the registrar that he has ceased to carry on in the Union any class of insurance business in respect whereof he made a deposit under section *three* or *four*, the registrar shall, at the request of the insurer authorize the Treasury to return his deposit to him, and the Treasury shall thereupon return the deposit to the insurer at his request. As soon as the registrar has issued the said authorization, he shall cancel the registration of the insurer in regard to the said class of insurance business.

Principal office and principal officer in Union.

7. (1) Every registered insurer shall maintain a principal office in the Union and shall appoint a principal officer in the Union and shall notify the registrar in writing of the situation of that office and of the name of his principal officer.

(2) Whenever a registered insurer has changed his principal office in the Union or has appointed a new principal officer, he shall within a period of twenty-one days as from such change or appointment give notice in writing thereof to the registrar.

(3) Process in any legal proceedings against a registered insurer may be served by leaving it at the principal office of the insurer in the Union, and in the event of such office within the Union having ceased to exist, service upon the registrar shall be deemed to be service upon the insurer.

Insurer must notify registrar of certain changes and particulars.

8. Every registered insurer shall within a period of six months as from the close of each financial year of his insurance business furnish to the registrar a statement of any change which occurred during the said year in any matter specified by regulation for the purposes of this section, in relation to the insurer concerned: Provided that no such statement need be submitted as aforesaid of any fact which is disclosed in any other notice or return furnished to the registrar.

Appointment, powers and duties of auditor and local auditor.

9. (1) Every Union insurer shall have an auditor for his insurance business, whether carried on in the Union or elsewhere and every non-Union insurer shall have an auditor in the Union for his insurance business in the Union (who is hereinafter called a local auditor): Provided that every appointment made by a registered insurer of an auditor or local auditor shall be subject to the approval of the registrar who may confirm or reject such an appointment or withdraw his approval of a prior appointment: Provided further that when the registrar disapproves or withdraws his approval of an appointment as aforesaid he shall report such disapproval or withdrawal of approval to the Minister and the reason therefor and the Minister shall confirm or reject the decision of the registrar, and the decision of the Minister shall thereupon be deemed to be the decision of the registrar.

(2) When the registrar has withdrawn his approval of an auditor or local auditor, the insurer concerned shall appoint another auditor or local auditor subject to the provisos to sub-section (1) which shall apply also to this sub-section.

(3) A registered insurer shall not appoint as his auditor or local auditor any one of his directors or servants.

(4) At the request of the auditor or local auditor of a registered insurer every director, actuary or servant of the insurer shall submit to the auditor or local auditor any book or document or information relating to any business of the insurer which is in his possession or at his disposal, and which the auditor or local auditor may deem necessary to perform his functions as auditor or local auditor of the insurer.

(5) The auditor or local auditor of a registered insurer shall report to the insurer any irregularity of which, in his capacity as auditor or local auditor, he has cause to complain, and if that irregularity is not rectified within a period of one month as from the date upon which it was reported to the insurer, the auditor or local auditor shall report it to the registrar.

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bedrag wat deur die Eerste Bylae tot hierdie Wet ten opsigte van daardie soort versekeringsbesigheid voorgeskryf word, mag die versekeraar geen binnelandse polis in daardie soort versekeringsbesigheid uitreik nie totdat hy die tekort aangesuiwer het met 'n verdere deposito van geld of goedgekeurde effekte of geld en goedgekeurde effekte.

(4) Wanneer 'n geregistreerde versekeraar die registrateur daarvan oortuig het dat hy opgehou het om in die Unie enige soort versekeringsbesigheid te dryf ten opsigte waarvan hy 'n deposito ingevolge artikel *drie* of *vier* gemaak het, magtig die registrateur die Tesourie op versoek van die versekeraar om sy deposito aan hom terug te gee en die Tesourie gee daarop die deposito op versoek van die versekeraar aan hom terug. Sodra die registrateur bedoelde magtiging verleen het, rojeer hy die registrasie van die versekeraar ten aansien van bedoelde soort versekeringsbesigheid.

Hoofkantoor en hoofamptenaar in Unie.

7. (1) Elke geregistreerde versekeraar moet 'n hoofkantoor in die Unie aanhou en 'n hoofamptenaar in die Unie aanstel, en moet die registrateur skriftelik in kennis stel van die adres van daardie kantoor en van die naam van sy hoofamptenaar.

(2) Wanneer 'n geregistreerde versekeraar die adres van sy hoofkantoor in die Unie verander het of 'n ander hoofamptenaar aangestel het, moet hy die registrateur skriftelik daarvan in kennis stel binne 'n tydperk van een-en-twintig dae vanaf daardie verandering of aanstelling.

(3) Die diening van prosesstukke in 'n regsgeding teen 'n geregistreerde versekeraar kan geskied deur hulle op die hoofkantoor van die versekeraar in die Unie te laat, en ingeval so 'n kantoor in die Unie opgehou het om te bestaan, word diening op die registrateur geag diening op die versekeraar te wees.

Versekeraars moet registrateur van sekere veranderings en besonderhede in kennis stel.

8. Elke geregistreerde versekeraar moet binne 'n tydperk van ses maande vanaf die verstryking van elke boekjaar van sy versekeringsbesigheid 'n opgaaf van alle veranderings wat gedurende bedoelde jaar plaasgevind het in enige aangeleentheid wat by regulasie bepaal word vir die toepassing van hierdie artikel, met betrekking tot die betrokke versekeraar, aan die registrateur verstrek: Met dien verstande dat dit nie nodig is om, soos voormeld, 'n opgaaf te verstrek nie van enige feit wat vermeld word in enige ander opgaaf of kennisgewing wat aan die registrateur verskaf is.

Aanstelling, bevoegdhede en pligte van ouditeur en plaaslike ouditeur.

9. (1) Elke binnelandse versekeraar moet 'n ouditeur vir sy versekeringsbesigheid hê (onverskillig of dit in die Unie dan wel elders gedryf word) en elke buitelandse versekeraar moet in die Unie 'n ouditeur hê vir sy versekeringsbesigheid in die Unie (wat hieronder 'n plaaslike ouditeur genoem word): Met dien verstande dat elke aanstelling van 'n ouditeur of plaaslike ouditeur deur 'n geregistreerde versekeraar onderworpe is aan die goedkeuring van die registrateur, wat so 'n aanstelling kan bekragtig of verwerp of sy goedkeuring van 'n vorige aanstelling kan intrek: Met dien verstande voorts dat wanneer die registrateur 'n aanstelling verwerp of sy goedkeuring van 'n aanstelling intrek soos voormeld, hy sodanige verwerping of intrekking aan die Minister moet rapporteer, asook die redes daarvoor, en die Minister moet die beslissing van die registrateur bekragtig of verwerp, en die beslissing van die Minister word dan geag die beslissing van die registrateur te wees.

(2) Wanneer die registrateur sy goedkeuring van 'n ouditeur of plaaslike ouditeur ingetrek het moet die betrokke versekeraar 'n ander ouditeur of plaaslike ouditeur aanstel, behoudens die voorbehoudsbepalings van sub-artikel (1) wat ook in verband met hierdie sub-artikel van toepassing is.

(3) 'n Geregistreerde versekeraar mag nie een van sy direkteure of dienare as sy ouditeur of plaaslike ouditeur aanstel nie.

(4) Op versoek van die ouditeur of plaaslike ouditeur van 'n geregistreerde versekeraar moet elke direkteur, aktuaris of dienaar van die versekeraar aan die ouditeur of plaaslike ouditeur alle boeke of dokumente of inligting met betrekking tot enige besigheid van die versekeraar voorlê, wat hy in sy besit of tot sy beskikking het en wat die ouditeur of plaaslike ouditeur nodig mag ag om sy werksaamhede as ouditeur of plaaslike ouditeur van die versekeraar te verrig.

(5) Die ouditeur of plaaslike ouditeur van 'n geregistreerde versekeraar moet aan die versekeraar elke onreëlmatigheid meedeel waarteen hy in sy hoedanigheid van ouditeur of plaaslike ouditeur gegronde beswaar het en as daardie onreëlmatigheid nie herstel is nie binne 'n tydperk van een maand vanaf die dag waarop dit aan die versekeraar meegedeel is, moet die ouditeur of plaaslike ouditeur dit aan die registrateur meedeel.

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(6) The auditor or local auditor of a registered insurer shall satisfy himself that every revenue account, profit and loss account, balance sheet or statement of liabilities and assets prepared by the insurer in terms of section *eleven*, *twelve* or *fourteen* is properly drawn up so as to exhibit correctly the financial position of the insurer if he is a Union insurer, or the financial position of the insurer in the Union, if he is a non-Union insurer, according to the books of the insurer and any other information which was at his disposal, and if he has so satisfied himself, he shall attest the document in question: Provided that—

(*a*) in attesting a statement of assets prepared by a registered insurer in terms of section *fourteen*, he shall state in what manner he has satisfied himself of the existence of the assets mentioned in the statement, and to what extent he has satisfied himself as to the value of such assets;

(*b*) in attesting a statement of liabilities prepared by a registered insurer in terms of section *twelve* in respect of insurance business other than life business, industrial business, funeral business or sinking fund business, he shall state in what manner he has satisfied himself of the amount of the estimated liabilities in respect of claims under policies which have been intimated to the insurer, and which have not yet been paid;

(*c*) by attesting a statement, prepared in terms of section *twelve*, of the liabilities of a registered insurer in connection with life business, industrial business, funeral business or sinking fund business, he shall not be deemed to vouch for the correctness of the liabilities under unmatured policies mentioned in paragraph (*b*) of section *thirteen*;

(*d*) the statement of assets prepared by a registered insurer in terms of section *fourteen* in connection with life business, industrial business, funeral business or sinking fund business need not be attested by him if the registrar, on application by the insurer, agrees thereto and the actuary of the insurer has complied with the applicable provisions of this sub-section in regard to the said statement as if he were the auditor or local auditor of the insurer.

Appointment, powers and duties of actuary.

10. (1) Every Union insurer carrying on life business, industrial business, funeral business or sinking fund business in the Union shall have an actuary for that insurance business, whether carried on in the Union or elsewhere, and every non-Union insurer carrying on such business in the Union shall have an actuary for that business.

(2) The provisos to sub-section (1) of section *nine* and sub-section (2) of section *nine* shall apply *mutatis mutandis* in connection with an actuary of a registered insurer.

(3) A registered insurer shall not appoint a person as his actuary unless he is a Fellow of the Institute of Actuaries of England or of the Faculty of Actuaries in Scotland or of the Actuarial Society of America or of the American Institute of Actuaries: Provided that if the registrar is of the opinion that in any particular case special circumstances exist which make it undersirable to enforce the preceding provisions of this sub-section, he may authorize the appointment as actuary of any person who, in the registrar's opinion, has sufficient actuarial knowledge.

(4) At the request of the actuary of a registered insurer, every director, auditor, local auditor or servant of the insurer shall submit to the actuary any book or document or information relating to any business of the insurer, which is in his possession or at his disposal, and which the actuary may deem necessary to perform his functions as actuary of the insurer.

(5) The provisions of sub-section (5) of section *nine* shall apply *mutatis mutandis* in connection with an actuary of a registered insurer.

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(6) Die ouditeur of plaaslike ouditeur van 'n geregistreerde versekeraar moet homself daarvan vergewis dat elke inkomsterekening, wins- en verliesrekening, balansstaat of opgaaf van verbintenisse en bate wat deur die versekeraar ooreenkomstig artikel *elf, twaalf* of *veertien* opgemaak is, behoorlik opgestel is sodat dit 'n juiste weergawe is van die finansiële toestand van die versekeraar, as hy 'n binnelandse versekeraar is, of van die finansiële toestand van die versekeraar in die Unie, as hy 'n buitelandse versekeraar is, volgens die boeke van die versekeraar en enige ander informasie wat hy tot sy beskikking gehad het, en as hy homself aldus vergewis het, moet hy die betrokke dokument waarmerk: Met dien verstande dat hy—

(*a*) by sy waarmerking van 'n opgaaf van bate wat 'n geregistreerde versekeraar ooreenkomstig artikel *veertien* opgemaak het, moet vermeld hoe hy homself vergewis het van die bestaan van die bate wat in die opgaaf voorkom en in hoeverre hy homself vergewis het van die waarde van daardie bate;

(*b*) by die waarmerking van n' opgaaf van verbintenisse wat 'n geregistreerde versekeraar ooreenkomstig artikel *twaalf* opgemaak het met betrekking tot 'n ander versekeringsbesigheid as lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiebesigheid, moet vermeld hoe hy homself vergewis het van die bedrag van die geskatte verbintenisse uit hoofde van vorderings kragtens polisse, waarvan die versekeraar verwittig is en wat nog nie betaal is nie;

(*c*) deur waarmerking van 'n ooreenkomstig artikel *twaalf* opgemaakte opgaaf van die verbintenisse van 'n geregistreerde versekeraar in verband met lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiebesigheid, nie geag word die juistheid te waarborg van die verbintenisse uit hoofde van nog nie vervalle polisse, bedoel in paragraaf (*b*) van artikel *dertien*;

(*d*) die deur 'n geregistreerde versekeraar ooreenkomstig artikel *veertien* opgemaakte opgaaf van bate in verband met lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiefondsbesigheid nie hoef te waarmerk nie as die registrateur op versoek van die versekeraar daarmee instem en as die aktuaris van die versekeraar aan die toepaslike bepalings van hierdie sub-artikel met betrekking tot voormelde opgaaf voldoen het asof hy die ouditeur of plaaslike ouditeur van die versekeraar was.

Aanstelling, bevoegdhede en pligte van aktuaris.

10. (1) Elke binnelandse versekeraar wat in die Unie lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiefondsbesigheid dryf, moet 'n aktuaris vir daardie besigheid hê, onverskillig of dit in die Unie of elders gedryf word en elke buitelandse versekeraar, wat in die Unie sodanige besigheid dryf, moet 'n aktuaris vir daardie besigheid hê.

(2) Die voorbehoudsbepalings van sub-artikel (1) van artikel *nege* en sub-artikel (2) van artikel *nege* is *mutatis mutandis* van toepassing in verband met 'n aktuaris van 'n geregistreerde versekeraar.

(3) 'n Geregistreerde versekeraar mag niemand as sy aktuaris aanstel nie tensy hy 'n „fellow" is van die „Institute of Actuaries" van Engeland of van die „Faculty of Actuaries" van Skotland of van die „Actuarial Society" van Amerika of van die „American Institute of Actuaries": Met dien verstande dat as die registrateur van mening is dat daar in 'n bepaalde geval buitengewone omstandighede bestaan wat dit onwenslik maak om die voorgaande bepalings van hierdie sub-artikel toe te pas, hy magtiging kan verleen tot die aanstelling as aktuaris van enigeen wat volgens mening van die registrateur, voldoende aktuariële kennis het.

(4) Op versoek van die aktuaris van 'n geregistreerde versekeraar, moet elke direkteur, ouditeur, plaaslike ouditeur of dienaar van die versekeraar aan die aktuaris alle boeke of dokumente of inligting voorlê met betrekking tot die besigheid van die versekeraar, wat hy in sy besit of tot sy beskikking het, en wat die aktuaris nodig mag ag om sy werksaamhede as aktuaris van die versekeraar te verrig.

(5) Die bepalings van sub-artikel (5) van artikel *nege* is *mutatis mutandis* van toepassing in verband met 'n aktuaris van 'n geregistreerde versekeraar.

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(6) The actuary of a registered insurer who carries on life business, industrial business, funeral business or sinking fund business shall satisfy himself that the statement of the insurer's liabilities under unmatured policies mentioned in paragraph (*b*) of section *thirteen*, relating to such business, is correct, and if he has so satisfied himself, he shall attest the statement.

Accounts.

11. (1) Every registered insurer shall within a period of six months as from the expiration of each financial year of his insurance business prepare and furnish to the registrar—

(*a*) a revenue account for that year in a form prescribed by regulation as applied to the class or classes of insurance business carried on by the insurer;

(*b*) a profit and loss account in a form prescribed by regulation, except if the insurer is a company or association without share capital or carries on only one class of insurance business and no business other than insurance business;

(*c*) a balance sheet in a form prescribed by regulation.

(2) A registered insurer shall furnish to the registrar all the documents mentioned in sub-section (1) simultaneously and he shall, with those documents, also furnish to the registrar a report in respect of his last preceding financial year and a copy of any report or statement relating to his finances, which he submitted to his shareholders or policy holders during or since the expiration of the said financial year (unless he has previously furnished such a copy to the registrar).

(3) On the application of any owner of a Union policy which is a life policy, industrial policy, funeral policy, or sinking fund policy, under which a registered insurer is liable, the latter shall furnish to the applicant, free of charge, a copy of the last revenue account, profit and loss account or balance sheet prepared by the insurer under this section.

Statement of liabilities.

12. (1) Every Union insurer who, on the date of commencement of this Act, is carrying on in the Union life business, industrial business, funeral business or sinking fund business shall, within a period of six months as from the expiration of his financial year relating to the said insurance business, during which this Act came into operation, and thereafter from time to time within a period of six months as from the expiration of every third subsequent financial year, prepare and furnish to the registrar a statement of all his liabilities in respect of any such insurance business as aforesaid (including his contingent liabilities under unmatured policies) and in that statement he shall set forth his liabilities in respect of all such insurance business which he carried on in the Union separately from his liabilities in respect of all such business (if any) which he carried on outside the Union: Provided that—

(*a*) if such an insurer furnished to the Treasury in respect of the said insurance business a statement in accordance with the provisions of the Fourth or Fifth Schedule to the Insurance Act, 1923, in respect of a period which ended less than three years before the expiration of the first-mentioned financial year, he shall prepare and furnish such a statement of his liabilities, as aforesaid, not later than a date six months after the expiration of his third financial year which ended subsequent to the termination of the period in respect whereof the said statement under the said Fourth or Fifth Schedule was furnished, and thereafter from time to time within a period of six months as from the expiration of every third subsequent financial year;

(*b*) the registrar may call upon any such insurer to prepare and furnish to him such statements as aforesaid at intervals shorter than three years, but not shorter than one year, or in respect of any specified period embracing a financial year or two financial years of the insurer, if that period is not covered by such a statement as aforesaid, which the insurer has already furnished to the Treasury or to the registrar;

(*c*) the insurer may, with the consent of the registrar, in lieu of preparing and furnishing such statements as aforesaid at intervals hereinbefore in this sub-section prescribed, prepare and furnish such statements at shorter intervals.

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(6) Die aktuaris van 'n geregistreerde versekeraar wat lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiefondsbesigheid dryf, moet homself daarvan vergewis dat die opgaaf van die versekeraar se verbintenisse kragtens nog lopende polisse vermeld in paragraaf (*b*) van artikel *dertien*, met betrekking tot voormelde besigheid, juis is, en as hy homself aldus vergewis het, moet hy die staat waarmerk.

Rekenings.

11. (1) Elke geregistreerde versekeraar moet binne 'n tydperk van ses maande vanaf die verstryking van elke boekjaar van sy versekeringsbesigheid, die volgende opmaak en aan die registrateur verstrek, nl.—

(*a*) 'n inkomsterekening vir daardie jaar in 'n vorm wat by regulasie voorgeskryf is en van toepassing is op die soort of soorte versekeringsbesigheid wat die versekeraar dryf;

(*b*) 'n wins- en verliesrekening in 'n by regulasie voorgeskrewe vorm, behalwe as die versekeraar 'n maatskappy of vereniging sonder aandeelkapitaal is of slegs een soort versekeringsbesigheid en geen ander besigheid as versekeringsbesigheid dryf nie;

(*c*) 'n balansstaat in 'n by regulasie voorgeskrewe vorm.

(2) 'n Geregistreerde versekeraar moet aan die registrateur alle in sub-artikel (1) vermelde dokumente tegelykertyd verstrek en met daardie dokumente moet hy aan die registrateur ook verstrek 'n verslag oor sy laasvoorafgaande boekjaar en 'n afskrif van enige verslag of staat omtrent sy finansies, wat hy voorgelê het aan sy aandeelhouers of polishouers gedurende of sedert die verstryking van bedoelde boekjaar (tensy hy voorheen so 'n afskrif aan die registrateur verstrek het).

(3) Op aanvraag van 'n eienaar van 'n binnelandse polis wat 'n lewenspolis, nywerheidspolis, begrafnispolis of amortisasiepolis is uit kragte waarvan 'n geregistreerde versekeraar aanspreeklik is, moet laasbedoelde 'n afskrif van die jongste inkomsterekening, wins- en verliesrekening of balansstaat wat ingevolge hierdie artikel deur die versekeraar opgemaak is, kosteloos aan die aanvraer verstrek.

Opgawe van verbintenisse.

12. (1) Elke binnelandse versekeraar wat op die dag van inwerkingtreding van hierdie Wet in die Unie lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiefondsbesigheid dryf, moet binne 'n tydperk van ses maande vanaf die verstryking van sy boekjaar vir bedoelde versekeringsbesigheid, waarin hierdie Wet in werking getree het, en daarna van tyd tot tyd binne 'n tydperk van ses maande vanaf die verstryking van elke derde daaropvolgende boekjaar, 'n opgaaf van al sy verbintenisse in verband met voormelde versekeringsbesigheid (met inbegrip van sy voorwaardelike verbintenisse kragtens nog lopende polisse) opmaak en aan die registrateur verstrek en in daardie opgaaf moet hy sy verbintenisse in verband met alle sodanige versekeringsbesigheid wat hy in die Unie gedryf het, vermeld, afgesonder van sy verbintenisse in verband met alle sodanige besigheid wat hy buite die Unie mag gedryf het: Met dien verstande dat—

(*a*) as so 'n versekeraar met betrekking tot bedoelde versekeringsbesigheid 'n opgaaf aan die Tesourie verstrek het volgens die bepalings van die Vierde of Vyfde Bylae tot die „Verzekeringswet, 1923", met betrekking tot 'n tydperk wat verstryk het minder as drie jaar voor die einde van die eerste hierbo vermelde boekjaar, hy so 'n opgaaf van sy verbintenisse as voormeld, moet opmaak en verstrek nie later dan op 'n dag ses maande na die verstryking van sy derde boekjaar wat geëindig het na die verstryking van die tydperk ten opsigte waarvan bedoelde opgaaf ingevolge bedoelde Vierde of Vyfde Bylae verstrek is, en daarna van tyd tot tyd binne 'n tydperk van ses maande vanaf die verstryking van elke derde daaropvolgende boekjaar;

(*b*) die registrateur so 'n versekeraar kan gelas om so 'n opgaaf as voormeld op te maak en aan hom te verstrek met tussenpose wat korter as drie jaar maar nie korter as een jaar is nie, of met betrekking tot 'n omskrewe tydperk wat 'n boekjaar of twee boekjare van die versekeraar omvat, as daardie tydperk nie gedek word nie deur so 'n opgaaf as voormeld wat die versekeraar reeds aan die Tesourie of aan die registrateur verstrek het;

(*c*) die versekeraar met toestemming van die registrateur, in plaas van om sulke opgawe as voormeld met die hierbo in hierdie sub-artikel voorgeskrewe tussenpose op te maak en te verstrek, sulke opgawe met kortere tussenpose kan opmaak en verstrek.

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(2) Every Union insurer who, after the commencement of this Act, commences to carry on any class of insurance business mentioned in sub-section (1) shall within a period of six months as from the termination of his third financial year, relating to the said business, and thereafter from time to time within a period of six months as from the expiration of every third subsequent financial year prepare and furnish to the registrar such a statement as is mentioned in sub-section (1): Provided that paragraphs (*b*) and (*c*) of the proviso to sub-section (1) shall also apply in connection with this sub-section.

(3) Every Union insurer who carries on any class of insurance business other than a class of insurance business mentioned in sub-section (1) shall, within a period of six months as from the expiration of every financial year of the said business, prepare and furnish to the registrar such a statement as is mentioned in sub-section (1) in respect of the class of insurance business which he so carries on.

(4) The provisions of sub-sections (1), (2) and (3) shall apply *mutatis mutandis* to a non-Union insurer but only in connection with his liabilities in respect of the insurance business which he carried on in the Union.

Provisions relating to statements of liabilities.

13. The following provisions shall apply in connection with any statement under section *twelve*:

(*a*) A separate statement shall be furnished for each class of insurance business: Provided that with the approval of the registrar a statement relating to sinking fund business may be included in and combined with a statement relating to life business.

(*b*) Every statement shall show separately—

(i) the liabilities under unmatured policies calculated in accordance with the provisions of the Second Schedule to this Act; and

(ii) all other liabilities of the insurer in respect of the class of insurance business in question, including claims under policies which have been intimated to the insurer but which he has not yet paid,

and a statement of the liabilities under unmatured policies in respect of life business, industrial business, funeral business or sinking fund business shall be set forth in a form prescribed by regulation.

(*c*) A liability of an insurer which is covered by reinsurance need not be shown as a liability of the first insurer but if the reinsurer is a registered insurer, he shall show the liability in question in his statement under section *twelve*.

(*d*) All liabilities shall be stated in Union currency, and if a liability was incurred in any other currency, that currency and the basis of the conversion of the amount in question to Union currency shall be specified and full particulars of the liability shall be given.

(*e*) In a statement of liabilities under personal accident policies, all liabilities arising from occurrences which took place prior to the commencement of the financial year to which the return relates, shall be set forth separately, and the basis on which those liabilities are computed shall be specified.

(*f*) If the registrar is of the opinion that a statement does not reflect correctly the liabilities of the insurer concerned, he may request the insurer to furnish him with a correct statement and if the insurer does not amend the statement to the satisfaction of the registrar, the latter may himself amend the statement. Any such statement as so amended, whether by the insurer or by the registrar, shall be deemed to be a statement prepared and furnished under section *twelve*.

Statement of assets.

14. (1) Every Union insurer shall, within a period of six months as from the expiration of every financial year of his insurance business, prepare and furnish to the registrar a statement of all assets which he owns in connection with that business and in that statement he shall set forth separately the assets which he holds in the Union, on the one hand, and all his other assets on the other hand.

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(2) Elke binnelandse versekeraar wat na die inwerkingtreding van hierdie Wet begin om een of ander in sub-artikel (1) vermelde soort versekeringsbesigheid te dryf, moet binne 'n tydperk van ses maande vanaf die verstryking van sy derde boekjaar wat op daardie besigheid betrekking het en daarna van tyd tot tyd binne 'n tydperk van ses maande vanaf die verstryking van elke derde daaropvolgende boekjaar, so 'n opgaaf as in sub-artikel (1) vermeld, opmaak en aan die registrateur verstrek: Met dien verstande dat paragrawe (*b*) en (*c*) van die voorbehoudsbepaling van sub-artikel (1) ook in verband met hierdie sub-artikel van toepassing is.

(3) Elke binnelandse versekeraar wat 'n ander soort versekeringsbesigheid dryf as 'n soort versekeringsbesigheid vermeld in sub-artikel (1), moet binne 'n tydperk van ses maande vanaf die verstryking van elke boekjaar van daardie besigheid so 'n opgaaf as bedoel in sub-artikel (1) met betrekking tot die soort versekeringsbesigheid wat hy aldus dryf, opmaak en aan die registrateur verstrek.

(4) Die bepalings van sub-artikels (1), (2) en (3) is *mutatis mutandis* van toepassing op 'n buitelandse versekeraar, dog alleen met betrekking tot sy verbintenisse in verband met die versekeringsbesigheid wat hy in die Unie gedryf het.

Bepalings omtrent opgawe van verbintenisse.

13. Die volgende bepalings is van toepassing in verband met opgawe ingevolge artikel *twaalf*:

(*a*) 'n Afsonderlike opgaaf moet verstrek word vir elke soort versekeringsbesigheid: Met dien verstande dat met die goedkeuring van die registrateur, 'n opgaaf wat op amortisasiefondsbesigheid betrekking het in 'n opgaaf wat op lewensbesigheid betrekking het opgeneem en samegevat mag wees.

(*b*) Elke opgaaf moet afsonderlik vermeld—

(i) die verbintenisse kragtens nog lopende polisse, bereken volgens die bepalings van die Tweede Bylae tot hierdie Wet; en

(ii) alle ander verbintenisse van die versekeraar in verband met die betrokke soort versekeringsbesigheid, met inbegrip van vorderings kragtens polisse waarvan die versekeraar verwittig is maar wat hy nog nie betaal het nie,

en 'n opgaaf van die verbintenisse kragtens nog lopende polisse ten opsigte van lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiefondsbesigheid moet opgemaak word in 'n vorm wat deur regulasies voorgeskryf is.

(*c*) 'n Deur herversekering gedekte verbintenis van 'n versekeraar hoef nie as 'n verbintenis van die eerste versekeraar aangegee te word nie, maar as die herversekeraar 'n geregistreerde versekeraar is, moet hy die betrokke verbintenis aangee in sy opgaaf ingevolge artikel *twaalf*.

(*d*) Alle verbintenisse moet in die betaalmiddel van die Unie uitgedruk word en as 'n verbintenis in 'n ander betaalmiddel aangegaan is, moet daardie betaalmiddel en die grondslag van die omrekening van die betrokke bedrag in die betaalmiddel van die Unie aangegee word en moet volledige besonderhede van die verbintenis opgegee word.

(*e*) In 'n opgaaf van verbintenisse kragtens persoonlike ongevallepolisse moet alle verbintenisse wat voortgespruit het uit voorvalle wat plaasgevind het voor die begin van die boekjaar waarop die opgaaf betrekking het, afsonderlik vermeld word en moet die grondslag uiteengesit word waarop daardie verbintenisse bereken is.

(*f*) As die registrateur van oordeel is dat 'n opgaaf die verbintenisse van die betrokke versekeraar nie juis weergee nie, kan hy die versekeraar versoek om aan hom 'n juiste opgaaf te verstrek en as die versekeraar nie die opgaaf wysig nie soos die registrateur dit wil hê dan kan die registrateur dit self wysig. 'n Opgaaf wat aldus gewysig is, hetsy deur die versekeraar of deur die registrateur, word beskou as 'n opgaaf wat ingevolge artikel *twaalf* opgemaak en verstrek is.

Opgawe van bate.

14. (1) Elke binnelandse versekeraar moet binne 'n tydperk van ses maande vanaf die verstryking van elke boekjaar van sy versekeringsbesigheid 'n opgaaf van alle bate wat hy in verband met daardie besigheid besit, opmaak en aan die registrateur verstrek en in daardie opgaaf moet hy afsonderlik vermeld die bate wat hy in die Unie besit, enersyds, en al sy ander bate andersyds.

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(2) The provisions of sub-section (1) shall apply *mutatis mutandis* to every non-Union insurer in respect of the assets which he holds in the Union in connection with any insurance business which he carries on in the Union.

Provisions relating to statements of assets.

15. The following provisions shall apply in connection with any statement under section *fourteen*:

(*a*) Every statement shall be prepared in accordance with regulations: Provided that, if a regulation or any form prescribed by a regulation provides for a specification of different classes of assets and a compliance with the requirements of that regulation or form by a particular insurer would result in unduly voluminous returns, the insurer concerned may group various classes of assets together or otherwise abridge the statement in such a manner as the registrar may approve.

(*b*) Except with the permission of the registrar, no assets held in the name of a person other than the insurer shall be included in the statement as assets of the insurer: Provided that the preceding provisions of this paragraph shall not apply in connection with assets of the insurer which are held in the name of the Treasury or of any person acting on behalf of the Treasury.

(*c*) Assets owned in connection with life business, industrial business, funeral business or sinking fund business shall be set forth separately from assets owned in connection with other classes of insurance business.

(*d*) If a claim of the insurer is shown as an asset, any sum which the insurer owes or for which he is likely to become liable in connection with the claim, shall be deducted from the amount of the claim.

(*e*) No claim (other than a claim for interest on a loan secured by the pledge of a policy issued by the insurer), which is overdue for a period of twelve months or longer, shall be shown as an asset.

(*f*) Any amount which is owing to the insurer under a policy issued by him and which is stated as an asset shall not exceed the insurer's liabilities under that policy.

(*g*) The value of all assets shall be stated in Union currency and if an asset consists of money other than Union currency, or of any security or claim expressed in a currency other than Union currency, that other currency and the basis of the conversion of the amount in question to Union currency shall be specified and full particulars of the asset shall be given.

(*h*) Every asset shall be valued at its market value or, at the option of the insurer concerned, at its book value: Provided that in the aggregate the value placed on all the assets is lower than their aggregate market value: Provided further that if the market value of an asset is, in the opinion of the registrar, unduly low so that it does not reflect the real value of the asset, the registrar may, at the request of the insurer and with the consent of the Minister, authorize the insurer to value the asset at such a higher value as the registrar may determine.

(*i*) No expenses of administration, organization or business extension and no purchase price of a business (apart from the value of any property belonging thereto) or of a goodwill, or any item of a similar nature shall be shown as an asset: Provided that—

(i) if a Union insurer who carried on the insurance business in question before the commencement of this Act, included any such expenses or purchase price or other item as an asset in his last balance sheet which he prepared before such commencement, the registrar may, if he is satisfied that the financial position of the insurer is sound, permit the insurer to show the said expenses, purchase price or other item or a part thereof

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(2) Die bepalings van sub-artikel (1) is *mutatis mutandis* van toepassing op 'n buitelandse versekeraar met betrekking tot die bate wat hy in die Unie besit in verband met enige versekeringsbesigheid wat hy in die Unie dryf.

Bepalings omtrent opgawe van bate.

15. Die volgende bepalings is van toepassing in verband met 'n opgaaf ingevolge artikel *veertien* :

(*a*) Elke opgaaf moet volgens voorskrif van regulasies opgestel word : Met dien verstande dat as 'n regulasie of 'n by regulasie voorgeskrewe formulier voorsiening maak vir die beskrywing van verskillende soorte bate en 'n nakoming van die voorskrifte van daardie regulasie of formulier deur 'n bepaalde versekeraar, bowematig omvangryke gegewens ten gevolge sou hê, die betrokke versekeraar verskeie soorte bate kan saamvat of die opgaaf andersins op so 'n wyse kan verkort as wat die registrateur mag goedkeur.

(*b*) Sonder toestemming van die registrateur mag geen bate wat besit word op naam van iemand anders as die versekeraar in die opgaaf opgeneem word as bate van die versekeraar nie : Met dien verstande dat die voorgaande bepalings van hierdie paragraaf nie van toepassing is nie in verband met bate van 'n versekeraar wat besit word op naam van die Tesourie of van iemand wat namens die Tesourie optree.

(*c*) Bate wat besit word in verband met lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiebesigheid moet vermeld word afgesonder van bate wat besit word in verband met ander soorte versekeringsbesigheid.

(*d*) As 'n vordering van die versekeraar as bate opgegee word, moet elke bedrag wat die versekeraar skuld of waarvoor hy waarskynlik aanspreeklik sal word in verband met die vordering, van die bedrag van die vordering afgetrek word.

(*e*) Geen ander vordering as 'n aanspraak op rente op 'n lening gewaarborg deur verpanding van 'n deur die versekeraar uitgereikte polis mag as bate opgegee word nie, as die vordering twaalf maande lank of langer agterstallig is.

(*f*) 'n Bedrag wat aan die versekeraar kragtens 'n deur hom uitgereikte polis verskuldig is en wat as bate opgegee word, mag nie die versekeraar se verbintenis uit hoofde van daardie polis te bowe gaan nie.

(*g*) Die waarde van alle bate moet in die betaalmiddel van die Unie uitgedruk word en as bate bestaan uit ander geld as die betaalmiddel van die Unie, of uit effekte of 'n vordering uitgedruk in 'n ander betaalmiddel as die betaalmiddel van die Unie, dan moet daardie ander betaalmiddel en die grondslag van die omrekening van die betrokke bedrag in die betaalmiddel van die Unie aangegee word en moet volledige besonderhede van die bate opgegee word.

(*h*) Alle bate moet gewaardeer word volgens hulle markwaarde, of as die betrokke versekeraar dit verkies volgens hulle boekwaarde : Mits die totaalwaarde van al die bate laer is as hulle totale markwaarde : Met dien verstande verder dat as die markwaarde van bate volgens die registrateur se oordeel buitengewoon laag is, sodat dit nie die werklike waarde van die bate weergee nie, die registrateur op versoek van die versekeraar en met die Minister se toestemming die versekeraar kan magtig om die bate op so 'n hoër waarde te waardeer as wat die registrateur mag bepaal.

(*i*) Geen koste van administrasie, organisasie of besigheidsuitbreiding en geen koopprys van 'n besigheid (afgesien van die waarde van daartoe behorende goedere) of van klandisie of enige soortgelyke item mag as bate opgegee word nie : Met dien verstande dat—

(i) as 'n binnelandse versekeraar wat die betrokke versekeringsbesigheid voor die inwerkingtreding van hierdie Wet gedryf het, bedoelde koste of koopprys of ander item as bate opgeneem het in sy laaste balansstaat wat hy voor daardie inwerkingtreding opgemaak het, die registrateur, as hy oortuig is dat die finansiële toestand van die versekeraar solied is, die versekeraar kan veroorloof om bedoelde koste, koopprys of ander item of 'n deel daarvan as bate op te gee in nie meer as

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as an asset in not more than seven consecutive annual statements, commencing with the first such statement furnished after the commencement of this Act, but the amount so shown as an asset in the said first statement shall in each succeeding annual statement be reduced by one seventh of the original amount;

(ii) if a Union insurer has, under any amalgamation or transfer of any business, accepted any such expenses, purchase price or other item as aforesaid as an asset, or become liable therefor, the registrar may, if he is satisfied that the financial position of the insurer after the said amalgamation or transfer is sound, permit the insurer to show the said expenses, purchase price or other item (or a part thereof) as an asset in not more than seven consecutive annual statements, commencing with the first such statement furnished after the said amalgamation or transfer, but the amount so shown as an asset in the said first statement shall in each succeeding annual statement be reduced by one-seventh of the original amount;

(iii) a Union insurer who was not carrying on any insurance business in the Union before the commencement of this Act may, with the consent of the registrar, in his first three annual statements, or in any of them, show as an asset the aggregate or a part of the aggregate of any such expenses, purchase price or other items as aforesaid, to an amount not exceeding thirty per cent. of his paid-up capital at the time when the statement in question is prepared, and in any annual statement after the third he may show as an asset, any such amount as aforesaid which was shown in his third annual statement reduced by one-seventh of that amount in respect of every year which has elapsed since he prepared his third annual statement.

(*j*) If the registrar is of the opinion that a statement does not reflect correctly the assets of the insurer concerned, he may request the insurer to furnish him with a correct statement, and if the insurer does not amend the statement to the satisfaction of the registrar, the latter may himself amend the statement. Any such statement as so amended, whether by the insurer or by the registrar, shall be deemed to be a statement prepared and furnished under section *fourteen*.

Non-Union insurers to furnish certain statements of liabilities or assets.

16. (1) Whenever a non-Union insurer furnishes to any authority in the country in which his head office abroad is situate a statement of his liabilities or of his assets in respect of all his insurance business, or in respect of all his insurance business of any class which he carries on in the Union, he shall simultaneously or as soon as may be thereafter furnish to the registrar a copy of the said statement.

(2) If a statement mentioned in sub-section (1) does not contain substantially such particulars of the liabilities or assets of the insurer concerned, as are prescribed by sections *twelve* and *thirteen*, or by sections *fourteen* and *fifteen* respectively, for a Union insurer, the registrar may request the insurer to furnish him with further information not exceeding the particulars in question and the insurer shall thereupon comply with that request within a period of six months as from the date upon which he received the request.

(3) If a non-Union insurer does not periodically furnish to any authority such a statement as is mentioned in sub-section (1), the registrar may from time to time request the insurer to furnish him with a statement of his liabilities or assets substantially in such a form and with such particulars as are prescribed by sections *twelve* and *thirteen* or by sections *fourteen* and *fifteen*, respectively, for a Union insurer, and the insurer shall thereupon comply with that request within a period of six months as from the date upon which he received the request: Provided that the registrar shall not request an insurer to furnish him with such statements of liabilities at intervals shorter than three years or to furnish him with such statements of assets at intervals shorter than one year.

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sewe agtereenvolgende jaarlikse opgawes nie, met ingang van die eerste sodanige opgaaf wat verstrek word na die inwerkingtreding van hierdie Wet, dog die aldus in bedoelde eerste opgaaf as bate opgegewe bedrag moet in elke volgende jaarlikse opgaaf verminder word met een-sewende van die oorspronklike bedrag ;

(ii) as 'n binnelandse versekeraar ingevolge 'n samesmelting of oordrag van 'n besigheid sodanige koste, koopprys of ander item as voormeld, as bate aangeneem het of daarvoor aanspreeklik geword het, die registrateur, as hy oortuig is dat die finansiële toestand van die versekeraar na bedoelde samesmelting of oordrag solied is, die versekeraar kan veroorloof om bedoelde koste, koopprys of ander item (of 'n deel daarvan) as bate op te gee in nie meer as sewe agtereenvolgende jaarlikse opgawes nie, met ingang van die eerste sodanige opgaaf verstrek na bedoelde samesmelting of oordrag, dog die aldus in bedoelde eerste opgaaf as bate opgegewe bedrag moet in elke volgende jaarlikse opgaaf verminder word met een-sewende van die oorspronklike bedrag ;

(iii) 'n binnelandse versekeraar wat voor die inwerkingtreding van hierdie Wet geen versekeringsbesigheid in die Unie gedryf het nie, met toestemming van die registrateur in sy eerste drie jaarlikse opgawes, of in een of ander van hulle, die som of 'n deel van die som van alle sodanige koste, koopprys of ander items as voormeld, tot 'n bedrag van hoogstens dertig persent van sy gestorte kapitaal op die tydstip wanneer die betrokke opgaaf opgestel word, as bate kan opgee, en hy in enige jaarlikse opgaaf na die derde so 'n voormelde bedrag, wat in sy derde jaarlikse opgaaf as bate opgegee was, as bate kan opgee, dog verminder met een-sewende van daardie bedrag vir elke jaar wat verstryk het sedert hy sy derde jaarlikse opgaaf opgestel het.

(*j*) As die registrateur van oordeel is dat 'n opgaaf die bate van die betrokke versekeraar nie juis weergee nie, kan hy die versekeraar versoek om hom 'n juiste opgaaf te verstrek en as die versekeraar nie die opgaaf wysig nie soos die registrateur dit wil hê, dan kan die registrateur dit self wysig. 'n Opgaaf wat aldus gewysig is, hetsy deur die versekeraar of deur die registrateur, word beskou as 'n opgaaf wat ingevolge artikel *veertien* opgemaak en verstrek is.

Buitelandse versekeraars moet sekere opgawe van verbintenisse of bate verstrek.

16. (1) Wanneer 'n buitelandse versekeraar aan 'n owerheid in die land waarin sy hoofkantoor in die buiteland gevestig is 'n opgaaf van sy verbintenisse of van sy bate verstrek met betrekking tot al sy versekeringsbesigheid of met betrekking tot al sy versekeringsbesigheid van 'n soort wat hy in die Unie dryf, dan moet hy gelyktydig of so spoedig doenlik daarna aan die registrateur 'n afskrif van bedoelde opgaaf verstrek.

(2) As 'n opgaaf vermeld in sub-artikel (1) nie in hoofsaak sulke besonderhede van die verbintenisse of bate van die versekeraar bevat as wat artikels *twaalf* en *dertien* of artikels *veertien* en *vyftien* respektieflik voorskryf vir 'n binnelandse versekeraar, dan kan die registrateur die versekeraar versoek om aan hom verder informasie te verstrek wat nie die betrokke besonderhede te buite gaan nie en daarop moet die versekeraar aan daardie versoek voldoen binne 'n tydperk van ses maande vanaf die dag waarop hy die versoek ontvang het.

(3) As 'n buitelandse versekeraar nie periodiek aan een of ander owerheid so 'n opgaaf as vermeld in sub-artikel (1) verstrek nie, dan kan die registrateur die versekeraar van tyd tot tyd versoek om aan hom 'n opgaaf van sy verbintenisse of bate te verstrek in 'n vorm en met besonderhede wat in hoofsaak ooreenkom met dié wat artikels *twaalf* en *dertien* of artikels *veertien* en *vyftien* respektieflik voorskryf vir 'n binnelandse versekeraar en die versekeraar moet daarop aan die versoek voldoen binne 'n tydperk van ses maande vanaf die dag waarop hy die versoek ontvang het : Met dien verstande dat die registrateur nie 'n versekeraar mag versoek nie om aan hom sulke opgawe van verbintenisse te verstrek met tussenpose korter as drie jaar of om hom sulke opgawe van bate te verstrek met tussenpose korter as een jaar.

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Value of insurer's assets in the Union must equal his liabilities in respect of his business in the Union.

17. (1) After the expiration of a period of six months as from the commencement of this Act every registered insurer shall hold and keep within the Union in respect of the insurance business which he carries on in the Union, assets of a value not less than the amount of all his liabilities in respect of that business: Provided that during a period of five years and six months as from the commencement of this Act any securities belonging to a registered insurer who immediately before the commencement of this Act was carrying on insurance business in the Union, which he has deposited or may deposit, with the Union's High Commissioner in London, or may deposit with the Union's High Commissioners in Australia, Canada or New Zealand, if such High Commissioners should be appointed, shall be deemed, for the purposes of this sub-section, to be held by the insurer in the Union: Provided further that during the said period such insurer shall not transfer any assets from the Union for the purpose of deposit as aforesaid.

(2) The assets mentioned in sub-section (1) shall not be pledged, hypothecated or otherwise encumbered in any way whatsoever except with the consent of, and to the extent permitted by, the registrar.

(3) No claim, share or interest which is not a Union asset shall be regarded as an asset for the purposes of sub-section (1) unless the debtor concerned is a Government of, or an institution or a person situate or resident or having his head office in, a territory which forms part of the British Commonwealth or any other territory approved by the Minister for the purposes of this section or unless the company in which the said share is held has its head office in such a territory, or unless the object of the said interest is situate in such a territory.

(4) Except with the permission of the registrar no share in a company shall be regarded as an asset for the purposes of sub-section (1) if any part of the nominal or face value of the share has not yet been paid to the company: Provided that the preceding provisions of this sub-section shall not apply in connection with any such share as aforesaid, held by a registered insurer if he holds available a sum of money equal to the amount payable to the company in question on the said share exclusively for the purpose of paying the said amount when called upon by the company to do so.

Assets held in Union to include Union assets and specified securities.

18. (1) The assets which a registered insurer who was not carrying on insurance business in the Union immediately before the commencement of this Act, is obliged to hold in the Union in terms of sub-section (1) of section *seventeen*, shall include Union assets which are not less in value than seventy-five per cent. of all the insurer's liabilities mentioned in the said sub-section.

(2) The assets which a registered insurer who was carrying on insurance business in the Union immediately before the commencement of this Act and who has been carrying on business continuously since the said commencement, is obliged to hold in the Union in terms of sub-section (1) of section *seventeen*, shall include Union assets which are not less in value than the following proportion of the amount of the insurer's liabilities mentioned in the said sub-section, according to the period that has elapsed since the said commencement:

Period.	Proportion of Union assets to liabilities.
Six months	35 per cent.
Eighteen months	40 ,, ,,
Thirty months	45 ,, ,,
Forty-two months	50 ,, ,,
Fifty-four months	60 ,, ,,
Sixty-six months and thereafter	75 ,, ,,

(3) Fifty-three and one-third per cent. of the value of the Union assets required to be held by a registered insurer in terms of sub-section (1) or (2) shall be made up of one or more of the following classes of assets, viz.—

(*a*) money in hand or any amount standing to the credit of the insurer concerned in a bank or building society;

(*b*) bills or securities issued or guaranteed by the Government of the Union;

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Waarde van versekeraar se bate in die Unie moet gelykstaan met sy verbintenisse in verband met sy besigheid in die Unie.

17. (1) Na verloop van 'n tydperk van ses maande vanaf die inwerkingtreding van hierdie Wet moet elke geregistreerde versekeraar in verband met die versekeringsbesigheid wat hy in die Unie dryf, bate van 'n waarde wat nie minder is nie as die bedrag van al sy verbintenisse in verband met daardie besigheid, in die Unie besit en aanhou: Met dien verstande dat gedurende 'n tydperk van vyf jaar en ses maande vanaf die inwerkingtreding van hierdie Wet alle effekte wat behoort aan 'n geregistreerde versekeraar wat onmiddellik voor die inwerkingtreding van hierdie Wet versekeringsbesigheid in die Unie gedryf het, en wat hy by die Unie se Hoë Kommissaris in Londen gedeponeer het of mag deponeer, of by die Unie se Hoë Kommissarisse in Australië, Kanada of Nu-Seeland mag deponeer, indien sodanige Hoë Kommissarisse aangestel sou word, by die toepassing van hierdie sub-artikel geag word in die Unie in die versekeraar se besit te wees: Met dien verstande voorts dat gedurende bedoelde tydperk so 'n versekeraar geen bate van die Unie mag verplaas met die doel om dit te deponeer soos voormeld nie.

(2) Die in sub-artikel (1) vermelde bate mag nie verpand, verhipotekeer of op enige ander wyse beswaar word nie dan alleen met die toestemming van die registrateur en in die mate deur hom veroorloof.

(3) Geen vordering, aandeel of belang wat nie binnelandse bate is nie, word by die toepassing van sub-artikel (1) as bate beskou nie, tensy die betrokke skuldenaar 'n regering is van 'n gebied wat deel uitmaak van die Britse Gemenebes of van 'n ander gebied wat die Minister vir die toepassing van hierdie artikel goedgekeur het, of 'n inrigting of persoon is wat in so 'n gebied gevestig of woonagtig is of sy hoofkantoor het, of tensy die maatskappy waarin bedoelde aandeel gehou word, sy hoofkantoor in so 'n gebied het of tensy die voorwerp van bedoelde belang in so 'n gebied geleë is.

(4) Sonder vergunning van die registrateur word geen aandeel in 'n maatskappy by die toepassing van sub-artikel (1) as bate beskou nie, as 'n deel van die nominale of uitgedrukte waarde van die aandeel nog nie aan die maatskappy betaal is nie: Met dien verstande dat die voorgaande bepalings van hierdie sub-artikel nie van toepassing is nie in verband met so 'n aandeel as voormeld, wat 'n geregistreerde versekeraar besit, as hy 'n som geld, so groot as die bedrag wat op bedoelde aandeel aan die betrokke maatskappy betaal moet word, beskikbaar hou alleen om daardie bedrag te betaal wanneer die maatskappy dit van hom eis.

Bate wat in Unie besit word moet binnelandse bate en bepaalde effekte insluit.

18. (1) Die bate wat 'n geregistreerde versekeraar, wat nie onmiddellik voor die inwerkingtreding van hierdie Wet versekeringsbesigheid in die Unie gedryf het nie, verplig is om volgens sub-artikel (1) van artikel *sewentien* in die Unie te besit, moet binnelandse bate insluit wat nie van 'n kleiner waarde is nie as vyf-en-sewentig persent van alle in bedoelde sub-artikel vermelde verbintenisse van die versekeraar.

(2) Die bate wat 'n geregistreerde versekeraar, wat onmiddellik voor die inwerkingtreding van hierdie Wet versekeringsbesigheid in die Unie gedryf het en wat sodanige besigheid sedert bedoelde inwerkingtreding onafgebroke voortgesit het, verplig is om volgens sub-artikel (1) van artikel *sewentien* in die Unie te besit, moet binnelandse bate insluit wat nie van 'n kleiner waarde is nie as die volgende verhouding van die bedrag van al die in bedoelde sub-artikel vermelde verbintenisse van die versekeraar kragtens binnelandse polisse, na gelang van die tydperk wat sedert bedoelde inwerkingtreding verstryk het:

Tydperk.	Verhouding van binnelandse bate tot verbintenisse.
Ses maande	35 persent
Agtien maande	40 ,,
Dertig maande	45 ,,
Twee-en-veertig maande	50 ,,
Vier-en-vyftig maande	60 ,,
Ses-en-sestig maande en daarna	75 ,,

(3) Drie-en-vyftig en een-derde persent van die waarde van die binnelandse bate wat 'n geregistreerde versekeraar volgens sub-artikel (1) of (2) moet besit, moet uit een of meer van die volgende soorte bate saamgestel wees, nl.—

(*a*) geld in kas of 'n batige saldo van die betrokke versekeraar by 'n bank of bouvereniging;

(*b*) wissels of effekte wat deur die Unie-Regering uitgereik of gewaarborg is;

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(*c*) bills, bonds or securities of any local authority in the Union authorized by law to levy rates upon immovable property;

(*d*) bills, bonds or securities of the Rand Water Board, the Electricity Supply Commission or any other body constituted or established by or under any law approved by the Minister for the purposes of this sub-section;

(*e*) claims against the owners of Union policies under which the insurer concerned is liable, which are secured by pledges of those policies, or which are covered by the surrender value of those policies;

(*f*) any other securities which are, in the opinion of the Minister, as safe as and similar to those mentioned in any one of the preceding paragraphs, and which he has approved for the purposes of this sub-section.

Assets for life, industrial, funeral and sinking fund business to be kept separate and to be of a certain value.

19. (1) The assets held by a Union insurer in respect of his life business, industrial business, funeral business and sinking fund business, and the assets held in the Union by a non-Union insurer in respect of such classes of business which he carries on in the Union, shall be kept separate from other assets, and in the case of a Union insurer shall be a security for the payment of policies in those classes of business, and in the case of a non-Union insurer shall be a security for the payment of Union policies in those classes, as if the insurer carried on no other business, and, subject to the provisions of this Act, shall not be available for the payment of any debts of the insurer other than debts under such policies.

(2) After the expiration of a period of six months (or such longer period as the registrar may from time to time fix with reference to any particular insurer), as from the commencement of this Act the assets held by a Union insurer in respect of his life business, industrial business, funeral business and sinking fund business shall not be less in value than the amount of his liabilities in respect of those classes of business, and the assets held in the Union by any registered insurer in respect of those classes of business which he carries on in the Union shall not be less in value than the amount of his liabilities in respect of that business.

Assets for business other than life, industrial, funeral and sinking fund business to be of a certain value.

20. After the expiration of a period of six months (or such longer period as the registrar may from time to time fix with reference to any particular insurer), as from the commencement of this Act, the assets held by a Union insurer in respect of insurance business other than life business, industrial business, funeral business and sinking fund business shall not be less in value than the amount of his liabilities in respect of such first-mentioned insurance business and the assets held in the Union by any registered insurer in respect of such first-mentioned business which he carries on in the Union shall not be less in value than the amount of his liabilities in respect of that business.

Insurer may not transfer assets from one insurance group to the other.

21. A registered insurer shall not, without the consent of the registrar, for the purposes of section *nineteen* or *twenty*—

(*a*) deal with any asset which he holds in respect of life business, industrial business, funeral business and sinking fund business as an asset which he holds in respect of any other class of insurance business; or

(*b*) deal with any asset which he holds in respect of any such other class of insurance business as an asset which he holds in respect of life business, industrial business, funeral business and sinking fund business.

Apportionment of general expenses between different classes of insurance business.

22. (1) A Union insurer shall apportion annually all expenses of his insurance business, which have not been incurred in connection with any particular class of insurance business only, between—

(*a*) all his life business, industrial business, funeral business and sinking fund business, on the one hand; and

(*b*) all his other classes of insurance business, on the other hand.

(2) A non-Union insurer shall apportion annually all expenses of his insurance business in the Union, which have not been incurred in connection with any particular class of insurance business only, between—

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(*c*) wissels, skuldbriewe of effekte van 'n plaaslike bestuur in die Unie wat regtens bevoeg is om belastings op onroerende goed te hef;

(*d*) wissels, skuldbriewe of effekte van die Randwaterraad, die Elektrisiteitsvoorsieningskommissie of 'n ander deur die Minister vir die toepassing van hierdie sub-artikel goedgekeurde liggaam wat deur of kragtens een of ander wet ingestel of opgerig is;

(*e*) vorderings teen eienaars van binnelandse polisse uit hoofde waarvan die betrokke versekeraar aanspreeklik is, wat deur verpanding van daardie polisse gewaarborg is of wat gedek word deur die afkoopwaarde van daardie polisse;

(*f*) enige ander effekte wat volgens die Minister se oordeel so veilig en van gelyke aard is as die in een van die voorgaande paragrawe vermeldes, en wat hy vir die toepassing van hierdie sub-artikel goedgekeur het.

Bate vir lewens-, nywerheids-, begrafnis- en amortisasiebesigheid moet apart gehou word en van 'n bepaalde waarde wees.

19. (1) Die bate wat 'n binnelandse versekeraar besit in verband met sy lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid en amortisasiefondsbesigheid, en die bate wat 'n buitelandse versekeraar in die Unie besit in verband met sodanige soorte besigheid wat hy in die Unie dryf, moet afgesonderd gehou word van ander bate, en strek, in die geval van 'n binnelandse versekeraar tot sekerheid vir die uitbetaling van polisse in daardie soorte besigheid en in die geval van 'n buitelandse versekeraar, tot sekerheid vir die uitbetaling van binnelandse polisse in daardie soorte besigheid, asof die versekeraar geen ander besigheid gedryf het nie, en kan, behoudens die bepalings van hierdie Wet, nie aangewend word tot betaling van ander skulde van die versekeraar as skulde kragtens sulke polisse nie.

(2) Na verloop van 'n tydperk van ses maande (of so 'n langer tydperk as wat die registrateur van tyd tot tyd mag vasstel met betrekking tot 'n bepaalde versekeraar) vanaf die inwerkingtreding van hierdie Wet mag die bate wat 'n binnelandse versekeraar besit in verband met sy lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid en amortisasiefondsbesigheid, nie minder werd wees nie as die bedrag van sy verbintenisse in verband met daardie soorte besigheid, en die bate wat 'n buitelandse versekeraar in die Unie besit in verband met bedoelde soorte besigheid wat hy in die Unie dryf mag nie minder werd wees nie as die bedrag van sy verbintenisse in verband met daardi besigheid.

Bate vir ander besigheid as lewens-, nywerheids-, begrafnis- en amortisasiebesigheid moet van 'n bepaalde waarde wees.

20. Na verloop van 'n tydperk van ses maande (of so 'n langer tydperk as wat die registrateur van tyd tot tyd mag vasstel met betrekking tot 'n bepaalde versekeraar) vanaf die inwerkingtreding van hierdie Wet mag die bate wat 'n binnelandse versekeraar besit in verband met ander versekeringsbesigheid as lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid en amortisasiefonds-besigheid nie minder werd wees nie as die bedrag van sy verbintenisse in verband met sodanige eersgenoemde versekeringsbesigheid, en die bate wat enige geregistreerde versekeraar in die Unie besit in verband met sodanige eersgenoemde besigheid wat hy in die Unie dryf, mag nie minder werd wees nie as die bedrag van sy verbintenisse in verband met daardie besigheid.

'n Versekeraar mag nie bate van een versekeringsgroep na 'n ander oordra nie.

21. 'n Geregistreerde versekeraar mag nie sonder toestemming van die registrateur, vir die toepassing van artikel *negentien* of *twintig*—

(*a*) met bate wat hy besit in verband met lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid en amortisasiefondsbesigheid handel nie as bate wat hy besit in verband met enige ander soort versekeringsbesigheid; of

(*b*) met bate wat hy besit in verband met so 'n ander soort versekeringsbesigheid, handel as bate wat hy besit in verband met lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid en amortisasiefondsbesigheid nie.

Verdeling van algemene onkoste tussen verskillende soorte versekeringsbesigheid.

22. (1) 'n Binnelandse versekeraar moet jaarliks alle onkoste van sy versekeringsbesigheid wat nie alleen in verband met 'n bepaalde soort versekeringsbesigheid gemaak is nie, verdeel tussen—

(*a*) al sy lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid en amortisasiefondsbesigheid, enersyds; en

(*b*) al sy ander soorte versekeringsbesigheid, andersyds.

(2) 'n Buitelandse versekeraar moet jaarliks alle onkoste van sy versekeringsbesigheid in die Unie, wat nie alleen in verband met 'n bepaalde soort versekeringsbesigheid gemaak is nie, verdeel tussen—

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(a) all his life business, industrial business, funeral business and sinking fund business in the Union, on the one hand; and

(b) all his other classes of insurance business in the Union, on the other hand.

(3) When a registered insurer has made an apportionment of expenses in terms of sub-section (1) or (2), the auditor or the local auditor, as the case may be, of the insurer concerned shall report to the insurer upon the apportionment and state whether, in his opinion, the apportionment is or is not reasonable, and the insurer shall as soon as may be after the receipt of the report, furnish a copy thereof to the registrar.

Prevention of removal of certain assets from the Union.

23. (1) If the registrar is of the opinion that it would be detrimental to the owners of Union policies under which a registered insurer is liable, if certain assets which the said insurer holds in the Union were removed from the Union, or disposed of, he may prohibit the insurer in writing from removing those assets from the Union, or from disposing of them, or from pledging or encumbering them, either during a specified period, or indefinitely until the said prohibition is withdrawn, and the insurer shall thereupon not remove any of the said assets from the Union or dispose of them or pledge or encumber them, without the consent in writing of the registrar, while the said prohibition is in force.

(2) If the registrar has reason to suspect that a registered insurer intends or may be induced to remove from the Union assets which the insurer holds in the Union in connection with his insurance business in the Union, and that such removal would be detrimental to owners of Union policies under which the insurer has any liabilities, the registrar may, with the consent of the Minister, direct the insurer in writing to deliver to the registrar any such assets as the registrar may specify in the direction, and the insurer shall thereupon forthwith comply with that direction.

(3) If the registrar has reason to suspect that a registered insurer intends to remove from the Union such assets as aforesaid, and if he is of the opinion that there is a risk that the insurer would not give effect to a direction under sub-section (2) and that it is necessary to seize the said assets to prevent their removal from the Union, the registrar may, with the consent of the Minister, authorize any person in writing to take possession of any assets of the insurer which the registrar may have specified in the authorization, and any person in whose possession or custody any such assets are shall deliver them to the person so authorized, at his request.

(4) If a person authorized as aforesaid has reason to suspect that any asset specified in his authorization is upon any premises or at any place or in the possession or custody of any person, he may enter upon and search such premises or place or search any such person and take possession of any such asset.

(5) When a person authorized under sub-section (3) has taken possession of any asset in terms of sub-section (3) or (4) he shall forthwith deliver the asset to the registrar or to a person indicated by the registrar, and any asset delivered to the registrar or to a person indicated by him under any provision of this section shall be kept in safe custody until the registrar deems it desirable to return the asset to the insurer concerned or, if the insurer is subsequently dealt with under Chapter II, to the judicial manager or liquidator of the insurer.

Former insurance concerns which are not registered under this Act.

24. (1) A person who before the commencement of this Act was lawfully carrying on any class of insurance business in the Union and who is liable under any Union policy in that class but who is not registered or deemed to be registered as an insurer in respect of that class under section *three* or *four*, and who, after the commencement of this Act, carries on insurance business only in terms of the proviso to sub-section (1) of section *five*, shall be a "former insurer" in respect of that class and this section shall apply in respect of that class only.

(2) When a registered insurer has satisfied the registrar—

(a) that before the first day of January, 1927, he took over all the rights and liabilities of another insurer; and

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(a) al sy lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid en amortisasiefondsbesigheid in die Unie, enersyds; en

(b) al sy ander soorte versekeringsbesigheid in die Unie, andersyds.

(3) Wanneer 'n geregistreerde versekeraar 'n verdeling van onkoste volgens sub-artikel (1) of (2) gemaak het, moet die ouditeur of plaaslike ouditeur van die betrokke versekeraar, al na die geval, aan die versekeraar verslag doen omtrent die verdeling en verklaar of die verdeling volgens sy oordeel al dan nie billik is, en die versekeraar moet so spoedig doenlik na ontvangs van die verslag 'n afskrif daarvan aan die registrateur verstrek.

Voorkoming van verwydering van sekere bate uit die Unie.

23. (1) As die registrateur van oordeel is dat dit tot nadeel sou strek van die eienaars van binnelandse polisse uit hoofde waarvan 'n geregistreerde versekeraar aanspreeklik is, as sekere bate wat bedoelde versekeraar in die Unie besit, uit die Unie verwyder sou word, of van die hand gesit sou word, dan kan hy die versekeraar skriftelik verbied om daardie bate uit die Unie te verwyder of om hulle van die hand te sit of om hulle te verpand of te beswaar, hetsy gedurende 'n vasgestelde tydperk of onbepaald tot tyd en wyl bedoelde verbod ingetrek word en die versekeraar mag daarop nie sonder skriftelike toestemming van die registrateur van bedoelde bate uit die Unie verwyder of van die hand sit of verpand of beswaar nie, solank as wat bedoelde verbod van krag is.

(2) As die registrateur 'n gegronde vermoede het dat 'n geregistreerde versekeraar voornemens is of beweeg sou kan word om bate, wat die versekeraar in die Unie besit in verband met sy versekeringsbesigheid in die Unie, uit die Unie te verwyder, en dat daardie verwydering nadelig sou wees vir eienaars van binnelandse polisse uit hoofde waarvan die versekeraar enige verbintenisse het, dan kan die registrateur, met die toestemming van die Minister die versekeraar skriftelik beveel om sodanige bate as wat die registrateur in die bevel mag beskrywe, aan die registrateur te oorhandig, en die versekeraar moet daarop onverwyld aan daardie bevel voldoen.

(3) As die registrateur 'n gegronde vermoede het dat 'n geregistreerde versekeraar voornemens is om sulke bate as voormeld, uit die Unie te verwyder, en as hy van oordeel is dat daar 'n gevaar bestaan dat die versekeraar nie aan 'n bevel ingevolge sub-artikel (2) gevolg sou gee nie, en dat dit nodig is om bedoelde bate in beslag te neem om die verwydering daarvan uit die Unie te voorkom, kan die registrateur, met die toestemming van die Minister, enigeen skriftelik magtig om enige bate van die versekeraar wat die registrateur in die magtiging beskrywe het, in besit te neem, en enigeen in wie se besit of bewaring sodanige bate is moet hulle op versoek van die aldus gemagtigde persoon, aan hom oorhandig.

(4) Indien iemand wat soos voormeld gemagtig is 'n gegronde vermoede het dat enige in sy magtiging vermelde bate op een of ander perseel of plek of in die besit of bewaring van iemand is, kan hy daardie perseel of plek betree en deursoek of so iemand deursoek en daardie bate in besit neem.

(5) Wanneer 'n kragtens sub-artikel (3) gemagtigde persoon 'n bate ooreenkomstig sub-artikel (3) of (4) in besit geneem het, moet hy die bate onverwyld aan die registrateur of aan 'n deur die registrateur aangewese persoon oorhandig, en alle bate wat ingevolge een of ander bepaling van hierdie artikel aan die registrateur of 'n deur hom aangewese persoon oorhandig is, word in veilige bewaring gehou totdat die registrateur dit wenslik ag om die bate terug te gee aan die betrokke versekeraar, of, indien daarna met die versekeraar kragtens Hoofstuk II gehandel word, aan die geregtelike bestuurder of likwidateur van die versekeraar.

Voormalige versekeringsondernemings wat nie kragtens hierdie Wet geregistreer is nie.

24. (1) 'n Persoon wat voor die inwerkingtreding van hierdie Wet wettig een of ander soort versekeringsbesigheid in die Unie gedryf het en wat aanspreeklik is kragtens 'n binnelandse polis in daardie soort, maar wat nie kragtens artikel *drie* of *vier* as 'n versekeraar ten opsigte van daardie soort geregistreer is of geag word geregistreer te wees nie en wat na die inwerkingtreding van hierdie Wet alleenlik versekeringsbesigheid dryf ooreenkomstig die voorbehoudsbepaling van sub-artikel (1) van artikel *vyf*, is 'n „voormalige versekeraar" ten opsigte van daardie soort, en hierdie artikel is alleen ten opsigte van daardie soort van toepassing.

(2) Wanneer 'n geregistreerde versekeraar die registrateur daarvan oortuig het—

(a) dat hy voor die eerste dag van Januarie 1927 alle regte en verpligtinge van 'n ander versekeraar oorgeneem het; en

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(*b*) that ever since he took over those rights and liabilities he kept the assets which he held in connection with the insurance business so taken over, apart from his other assets as a separate entity, and kept separate records relating to that business,

the registrar shall, at the insurer's request, issue to him a certificate that he is deemed to be a former insurer in respect of the insurance business so taken over, and while that certificate remains operative the insurer shall, for the purposes of this section, be deemed to be a former insurer in respect of that business: Proviced that the registrar may cancel that certificate if the insurer has at any time failed to keep the assets in question as a separate entity or to keep separate proper records of the business in question or has contravened sub-section (5) or if sub-section (6) applies to the insurer and he has failed to comply with that sub-section, or if he has failed to comply with any direction under sub-section (7).

(3) The provisions of this Act except sections *seventeen* to and including *twenty-two, thirty-four* and *sixty-one* shall *mutatis mutandis* apply, in so far as they are applicable, in connection with a former insurer as if he were a registered insurer, but subject to the provisions of sub-sections (5) and (7).

(4) A former insurer shall not be required to make a deposit with the Treasury in terms of this Act, but if a former insurer deposited any money or securities with the Treasury in terms of section *five* of the Insurance Act, 1923, the deposit shall be deemed to have been made in terms of section *three* or *four* of this Act, and section *six* of this Act shall apply in connection with such a deposit as if the former insurer were a registered insurer.

(5) A former insurer shall not without the consent in writing of the registrar remove from the Union any assets which the former insurer holds in respect of any insurance business transacted by him in the Union.

(6) A former insurer shall, within a period of ten years as from the commencement of this Act or if he is an existing insurer as defined in section *fifty-three*, within the stated period as controlled by the Minister in terms of the proviso to section *fifty-five*, whichever period may be longer, re-insure with a registered insurer all his liabilities under Union policies or transfer those liabilities to a registered insurer.

(7) The provisions of sub-section (6) shall not apply to a former insurer who has issued no policies in the Union after the thirty-first day of December, 1926: Provided that if at any time the Minister is satisfied that the financial position of any such former insurer is not sound, he may direct that former insurer to comply with the provisions of the said sub-section within such period as the Minister may determine.

(8) If a former insurer has contravened sub-section (5) or has failed to comply with sub-section (6) or with any direction under sub-section (7), the court may, on the application of the registrar, order that the insurance business of the former insurer be placed under judicial management, *mutatis mutandis* in terms of section *thirty-one*, or be wound up, *mutatis mutandis* in terms of section *thirty-two*.

Amalgamation or transfer of insurance business.

25. (1) A proposed amalgamation of any insurance business carried on by a Union 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 insurance business from a Union insurer to such another person or the proposed transfer of any business from such another person to a Union insurer shall not be of any force or effect unless the amalgamation or transfer has been confirmed—

(*a*) by the court, if any party to the transaction in question is or was carrying on life business, industrial business, funeral business or sinking fund business 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 insurance business of a class mentioned

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(*b*) dat hy, sedert hy daardie regte en verpligtinge oorgeneem het, die bate wat hy in verband met die aldus oorgenome versekeringsbesigheid besit het, van sy ander bate afgesonder gehou het as 'n afsonderlike eenheid en afsonderlik van daardie besigheid boek gehou het,

dan moet die registrateur op versoek van die versekeraar aan hom 'n sertifikaat uitreik dat hy beskou word as 'n voormalige versekeraar ten opsigte van die aldus oorgenome besigheid, en so lank as wat daardie sertifikaat geldig bly, word die versekeraar by die toepassing van hierdie artikel beskou as 'n voormalige versekeraar ten opsigte van daardie besigheid : Met dien verstande dat die registrateur daardie sertifikaat kan intrek as die versekeraar te eniger tyd versuim het om die betrokke bate as 'n afsonderlike eenheid te hou of om afsonderlik behoorlik boek te hou van die betrokke besigheid of sub-artikel (5) oortree het, of as sub-artikel (6) op hom van toepassing is en hy versuim het om aan daardie sub-artikel te voldoen, of as hy versuim het om te voldoen aan 'n bevel ingevolge sub-artikel (7).

(3) Die bepalings van hierdie Wet behalwe artikels *sewentien* tot en met *twee-en-twintig*, *vier-en-dertig* en *een-en-sestig* is *mutatis mutandis* van toepassing, vir sover hulle toegepas kan word, in verband met 'n voormalige versekeraar asof hy 'n geregistreerde versekeraar was, dog behoudens die bepalings van sub-artikels (5) en (7).

(4) 'n Voormalige versekeraar is nie verplig om 'n deposito by die Tesourie te maak onder hierdie Wet nie, maar indien 'n voormalige versekeraar geld of effekte by die Tesourie gedeponeer het ooreenkomstig artikel *vyf* van die ,,Verzekeringswet, 1923", word die deposito geag ooreenkomstig artikel *drie* of *vier* van hierdie Wet gemaak te gewees het, en is artikel *ses* van hierdie Wet van toepassing in verband met so 'n deposito asof die voormalige versekeraar 'n geregistreerde versekeraar was.

(5) 'n Voormalige versekeraar mag bate, wat hy besit in verband met versekeringsbesigheid wat hy in die Unie aangegaan het, nie sonder skriftelike toestemming van die registrateur uit die Unie verwyder nie.

(6) 'n Voormalige versekeraar moet, binne 'n tydperk van tien jaar vanaf die inwerkingtreding van hierdie Wet of indien hy 'n bestaande versekeraar is soos omskryf in artikel *drie-en-vyftig*, binne die bepaalde tydperk soos deur die Minister gekontroleer kragtens die voorbehoudsbepaling van artikel *vyf-en-vyftig*, watter tydperk dan ook die langste mag wees, al sy verpligtings kragtens binnelandse polisse by 'n geregistreerde versekeraar herverseker of daardie verpligtings aan 'n geregistreerde versekeraar oordra.

(7) Die bepalings van sub-artikel (6) is nie van toepassing nie op 'n voormalige versekeraar wat geen polisse in die Unie uitgereik het sedert die een-en-dertigste dag van Desember 1926 : Met dien verstande dat indien die Minister te eniger tyd oortuig is dat die finansiële toestand van so 'n voormalige versekeraar nie solied is nie, hy daardie voormalige versekeraar kan beveel om aan die bepalings van bedoelde sub-artikel te voldoen binne so 'n tydperk as wat die Minister mag bepaal.

(8) Indien 'n voormalige versekeraar sub-artikel (5) oortree het of versuim het om aan sub-artikel (6) of aan 'n bevel ingevolge sub-artikel (7) te voldoen, kan die hof, op aansoek van die registrateur, beveel dat die versekeringsbesigheid van die voormalige versekeraar onder geregtelike bestuur gestel word, *mutatis mutandis* ooreenkomstig artikel *een-en-dertig*, of gelikwideer word, *mutatis mutandis* ooreenkomstig artikel *twee-en-dertig*.

Samesmelting of oordrag van versekeringsbesigheid.

25. (1) 'n Voorgenome samesmelting van versekeringsbesigheid 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 versekeringsbesigheid van 'n binnelandse versekeraar aan so 'n ander persoon of die voorgenome 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 lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiebesigheid 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 ge-

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in paragraph (*a*) immediately before the commencement of, or during the transaction.

(2) A Union insurer who is a party to a transaction to which sub-section (1) (*a*) applies shall, before application is made to the court for the confirmation of the transaction, and a Union insurer who is a party to a transaction to which sub-section (1) (*b*) applies, shall, prior to or simultaneously with the application to the registrar for confirmation of the transaction, furnish the registrar with a copy of the scheme for the proposed amalgamation or transfer and with a copy of every report or statement upon which the scheme is based or which is taken into account for the purposes of the scheme, and any party to the transaction in question shall thereafter at the request of the registrar furnish the latter with such other information relating to the scheme as the registrar may specify and as may be available to the party concerned.

(3) The registrar may appoint a competent person (who shall be an independent actuary if sub-section (1) (*a*) applies to the transaction in question) to investigate and report upon the said scheme. The parties to the transaction shall bear in equal shares the cost of that investigation and report and of any copy of the report which the registrar may have deemed desirable to send to the said parties, and the court or the registrar shall not confirm the transaction unless the said cost has been paid or guaranteed to the satisfaction of the registrar.

(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 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 sub-section (2) or (3).

(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 Union has—

(*a*) throughout a 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 sub-section (1) (*a*) applies in connection with the transaction); or

(*b*) throughout any period of twenty-one days which the registrar deems suitable (if sub-section (1) (*b*) applies in connection with the transaction),

made available, at the said office, free of charge, to any owner of a policy or shareholder mentioned in sub-section (4), for his inspection, a copy of each of the documents mentioned in sub-section (4).

(6) The court or the registrar shall not confirm the transaction in question unless any person who is a party thereto has, upon a date not less than ten days and not more than thirty days before the commencement of the period of twenty-one days mentioned in sub-section (5) published in the *Gazette* and in such newspaper or newspapers as the registrar may direct, a notice—

(*a*) indicating the nature of the said scheme; and

(*b*) stating that the parties intend to apply to the court or to the registrar, as the case may be, for confirmation of the transaction; and

(*c*) stating the date and hour when, and the place where the application will be made (if sub-section (1) (*a*) applies to the transaction); and

(*d*) indicating the place or places where and specifying the period during which the documents mentioned in sub-section (5) (which shall be specified in the notice) will be available for inspection in terms of sub-section (5).

Where any of the parties concerned in the transaction have been carrying on business, wholly or partly, in the Territory, or where in terms of the said scheme, it is proposed so to carry on business, a notice shall be published as aforesaid in the *Official Gazette* of the Territory, as well as in the other publications mentioned.

(7) The registrar, or any person representing the registrar, and any owner of a policy, shareholder or creditor affected or likely to be affected by the said scheme, shall be entitled to appear and to be heard on any application to the court

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durende die regshandeling, 'n in paragraaf (*a*) vermelde soort versekeringsbesigheid dryf of gedryf het nie.

(2) 'n Binnelandse versekeraar wat 'n party is in 'n regshandeling waarop sub-artikel (1) (*a*) van toepassing is, moet, voordat by die hof aansoek gedoen word om bekragtiging van die regshandeling, en 'n binnelandse versekeraar wat 'n party is in 'n regshandeling waarop sub-artikel (1) (*b*) van toepassing is, moet voordat by die registrateur aansoek gedoen word om bekragtiging van die regshandeling, of gelyktydig met die aansoek aan die registrateur 'n afskrif verstrek van die plan van die voorgenome samesmelting of oordrag en 'n afskrif van elke verslag of staat waarop die plan gegrond is of wat in verband met die plan in aanmerking geneem word, en elke party in die betrokke regshandeling moet daarna aan die registrateur op sy versoek sodanige ander gegewens met betrekking tot die plan verstrek as wat die registrateur mag bepaal en die betrokke party tot sy beskikking mag hê.

(3) Die registrateur kan 'n bevoegde persoon (wat 'n onafhanklike aktuaris moet wees ingeval sub-artikel (1) (*a*) op die betrokke regshandeling van toepassing is) aanstel om bedoelde plan te ondersoek en daaroor verslag uit te bring. Die partye in die regshandeling dra gelykop die koste van daardie ondersoek en verslag en van enige afskrif van die verslag wat die registrateur wenslik geag het om aan bedoelde partye te stuur, en die hof of die registrateur mag die regshandeling nie bekragtig nie tensy bedoelde koste betaal of tot genoeë van die registrateur gewaarborg is.

(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 sub-artikel (2) of (3) bedoel, stuur aan elke eienaar van 'n polis uit kragte waarvan die party aanspreeklik is, en aan elke aandeelhouer van 'n besigheid onder sy beheer, waarop die plan betrekking het.

(5) Die hof of die registrateur bekragtig nie die betrokke regshandeling nie tensy elke daarby betrokke party wat 'n hoofkantoor in die Unie 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 sub-artikel (1) (*a*) in verband met die regshandeling van toepassing is); of

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

'n afskrif van elk van die in sub-artikel (4) bedoelde dokumente op bedoelde kantoor gratis ter insage beskikbaar gestel het aan enige in sub-artikel (4) bedoelde poliseienaar of aandeelhouer.

(6) Die hof of die registrateur bekragtig nie die betrokke regshandeling nie tensy 'n persoon wat as party daarby betrokke is, op 'n datum nie minder as tien dae en nie meer as dertig dae nie voor die begin van die tydperk van een-en-twintig dae in sub-artikel (5) bedoel, 'n kennisgewing in die *Staatskoerant* en in 'n nuusblad of nuusblaaie wat deur die registrateur voorgeskryf mag word laat verskyn het waarin—

(*a*) die aard van bedoelde plan aangedui word; en

(*b*) verklaar word dat die partye voornemens is om by die hof of by die registrateur, na gelang van die geval, aansoek te doen om bekragtiging van die regshandeling; en

(*c*) vermeld word die dag en tyd wanneer, en die plek waar die aansoek gedoen sal word (indien sub-artikel (1) (*a*) op die regshandeling van toepassing is); en

(*d*) vermeld word die plek of plekke waar en die tydperk gedurende welke die in sub-artikel (5) bedoelde dokumente (wat in die kennisgewing opgenoem moet word) ooreenkomstig sub-artikel (5) ter insage beskikbaar sal wees.

Waar enigeen van die partye wat betrokke is in die regshandeling besigheid gedryf het in die Gebied, hetsy geheel-en-al of gedeeltelik, of waar ingevolge bedoelde plan daar 'n voorneme is om aldus besigheid te dryf, verskyn daar 'n kennisgewing soos voormeld in die *Offisiële Koerant* van die Gebied, sowel as in die ander vermelde publikasies.

(7) Die registrateur of iemand wat die registrateur verteenwoordig, en enige poliseienaar, aandeelhouer of skuldeiser wat deur bedoelde plan geraak word of waarskynlik geraak sal word, het die reg om by enige aansoek by die hof ingevolge

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under this section, and may make application to the court on any matter in connection with the scheme.

(8) On an application to the court for confirmation of the transaction in question, the court may confirm the transaction as proposed or with such modifications as the court may think fit to make.

(9) On an application to the registrar for confirmation of the transaction in question, the registrar may confirm the transaction as proposed, or he may suggest that the parties concerned modify the proposed transaction in certain respects, and if they do so he may confirm the transaction as modified, or he may decline to confirm it.

(10) If the registrar has declined to confirm the proposed transaction, the parties thereto may make an application to the court for confirmation of the proposed transaction, and thereupon the provisions of sub-sections (7) and (8) shall apply.

(11) A transaction confirmed by the court or by the registrar in accordance with this section shall be binding on all persons, and shall have effect notwithstanding anything in the memorandum or other document under which any party to the transaction is constituted or in the articles of association or other rules of any such party.

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

(*a*) a certified copy of a statement of the assets and liabilities of every party to the transaction; and

(*b*) a certified copy of the transaction as confirmed by the court and 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 non-Union insurer is such a party, by his principal officer, 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 therein fully set forth.

Amalgamation or transfer of insurance business: non-Union insurers.

26. (1) When a non-Union insurer has amalgamated any life business, industrial business, funeral business or sinking fund business which he was carrying on in the Union with any business carried on by any other person who is not a Union insurer (irrespective of whether that other person was or was not carrying on any insurance business) or when a non-Union insurer has transferred any such insurance business which he was carrying on in the Union to such another person, or when such another person has transferred to a non-Union insurer any such business which that other person was carrying on in the Union, the person in control of the amalgamated business or the person to whom any such business was transferred, as aforesaid, shall within a period of thirty days as from the date of the completion of the amalgamation or transfer, furnish the registrar with—

(*a*) a certified copy of a statement of the assets and liabilities of every party to the amalgamation or transfer, and a statement of the nature and terms of the amalgamation or transfer, and a statement showing how the amalgamation or transfer affects the business, in the Union, of the parties thereto;

(*b*) a certified copy of the scheme, agreement or deed by which the transfer or amalgamation was effected and if the amalgamation or transfer was confirmed or agreed to by the order of any court of law or by a document issued by a government department or other authority, a certified copy of that order or document;

(*c*) a certified copy of every actuarial or other statement relating to the amalgamation or transfer which may have been prepared and of any document which may have been submitted to a court of law, government department or other authority in the country in which the head office abroad of either party to the amalgamation or transfer is situate.

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hierdie artikel te verskyn en verhoor te word, en kan 'n aansoek tot die hof rig omtrent enige met die plan verbonde aangeleentheid.

(8) By 'n aansoek by die hof om bekragtiging van die betrokke regshandeling kan die hof die regshandeling bekragtig soos voorgenome of met sulke wysigings as wat die hof wenslik ag om aan te bring.

(9) By 'n aansoek aan die registrateur om bekragtiging van die betrokke regshandeling, kan die registrateur dit bekragtig soos voorgenome, of hy kan voorstel dat die betrokke partye die voorgenome regshandeling in sekere opsigte wysig, en indien hulle dit doen, kan hy die regshandeling, soos gewysig, bekragtig of hy kan weier om dit te bekragtig.

(10) Indien die registrateur geweier het om die voorgenome regshandeling te bekragtig, kan die betrokke partye by die hof aansoek doen om bekragtiging van die regshandeling, en in so 'n geval is die bepalings van sub-artikels (7) en (8) van toepassing.

(11) 'n Regshandeling wat deur die hof of deur die registrateur ooreenkomstig hierdie artikel bekragtig is, verbind iedereen, en is van krag ondanks enigiets in die akte van oprigting of ander dokument uit kragte waarvan 'n party in die regshandeling opgerig is of in die statute of ander reglement van so 'n party.

(12) Wanneer 'n regshandeling soos voormeld bekragtig is, moet die persoon wat die saamgesmelte besigheid bestuur of die persoon aan wie 'n versekeringsbesigheid deur die regshandeling oorgedra is, na gelang van die geval, binne tien dae vanaf die bekragtiging aan die registrateur verstrek—

(*a*) 'n gesertifiseerde afskrif van 'n staat van die bate en laste van elke sodanige party; en

(*b*) 'n gesertifiseerde afskrif van die regshandeling soos deur die hof bekragtig en 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 hoofamptenaar, 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 daarin uiteengesit word.

Samesmelting of oordrag van versekeringsbesigheid: buitelandse versekeraars.

26. (1) Wanneer 'n buitelandse versekeraar lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiebesigheid wat hy in die Unie gedryf het, saamgesmelt het met enige besigheid gedryf deur 'n ander persoon wat nie 'n binnelandse versekeraar is nie (onverskillig of daardie ander persoon al dan nie versekeringsbesigheid gedryf het) of wanneer 'n buitelandse versekeraar sodanige versekeringsbesigheid wat hy in die Unie gedryf het, aan so 'n ander persoon oorgedra het, of wanneer so 'n ander persoon sodanige besigheid wat daardie ander persoon in die Unie gedryf het, aan 'n buitelandse versekeraar oorgedra het, dan moet die persoon wat die saamgesmelte besigheid bestuur, of die persoon aan wie enige sodanige besigheid oorgedra is, soos voormeld, binne 'n tydperk van dertig dae vanaf die datum van die voltooiing van die samesmelting of oordrag aan die registrateur verstrek—

(*a*) 'n gesertifiseerde afskrif van 'n staat van die bate en laste van elke by die samesmelting of oordrag betrokke party en 'n uiteensetting van die aard en voorwaardes van die samesmelting of oordrag, en 'n uiteensetting waaruit blyk hoe die samesmelting of oordrag die besigheid, in die Unie, van die betrokke partye beïnvloed;

(*b*) 'n gesertifiseerde afskrif van die plan, ooreenkoms of akte waardeur die oordrag of samesmelting bewerkstellig is, en indien die samesmelting of oordrag bekragtig of goedgekeur is by bevel van 'n geregshof of deur 'n geskrif uitgereik deur 'n staatsdepartement of ander owerheidspersoon, 'n gesertifiseerde afskrif van daardie bevel of geskrif;

(*c*) 'n gesertifiseerde afskrif van elke aktuariële of ander uiteensetting wat opgestel mog wees met betrekking tot die samesmelting of oordrag en van enige geskrif wat voorgelê mog wees aan 'n geregshof, staatsdepartement of ander gesag in die land waarin die hoofkantoor in die buiteland van enige party in die samesmelting of oordrag gevestig is.

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(2) Either party to such an amalgamation or transfer as is mentioned in sub-section (1) and the person in control of the business established by the amalgamation shall furnish the registrar with such information in regard to the amalgamation or transfer as the registrar may demand from him and as may be available to him.

(3) If the registrar is of the opinion that the amalgamation or transfer is disadvantageous to the owners of Union policies issued by any party to the amalgamation or transfer, or to a substantial proportion of such owners, the registrar may apply to the court for an order placing the amalgamated concern or any party to the transfer under judicial management and the court may deal with that application in accordance with the provisions of section *thirty*.

Acquisition by a registered insurer of an interest in another insurance business.

27. (1) When a non-Union insurer who carries on in the Union any life business, industrial business, funeral business or sinking fund business, or when any Union insurer has acquired, directly or indirectly, from any other person who carries on any insurance business, whether in the Union or elsewhere, shares or any other interest in that business 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.

(2) The insurer who acquired the shares or interest as aforesaid, and if he acquired the shares or interest from a registered insurer, then the latter also shall furnish the registrar with such information in regard to the acquisition or the shares or interest acquired as the registrar may demand from him and as may be available to him.

(3) The provisions of sub-section (3) of section *twenty-six* shall be applicable *mutatis mutandis* in connection with an acquisition of shares or an interest mentioned in sub-section (1).

Registrar may demand information from insurers.

28. For the purpose of carrying out the provisions of this Act the registrar may demand from any registered insurer information in relation to any matter connected with his business or transactions, and it shall be the duty of the insurer to comply promptly in writing with that demand.

Investigation of the affairs of an insurer.

29. (1) The registrar may, with the consent of the Minister, investigate the affairs or any part of the affairs of a registered insurer or appoint an inspector to hold such an investigation and to report the result of his investigation to the registrar—

(*a*) if the insurer, after having failed to make a return prescribed by this Act, has not made that return within a period of sixty days as from the date upon which the registrar reminded him in writing of his failure; or

(*b*) if the insurer, after having made an incorrect or incomplete return, has not corrected or completed that return within a period of sixty days as from the date upon which the registrar called upon him in writing to correct or complete the return; or

(*c*) if the insurer has not, within a period of sixty days as from a date upon which the registrar demanded from him in writing any information which the registrar was entitled under this Act to demand from him, furnished that information fully and satisfactorily; or

(*d*) if any return furnished by the insurer to the registrar shows that the amount of the liabilities of the insurer in respect of any insurance business which he carries on exceeds the value of his assets which he holds in respect of that business, or if the amount of the total liabilities of the insurer (whether incurred in connection with his insurance business or in connection with any other undertaking) together with eighty per cent. of his paid-up capital exceeds the value of all his assets; or

(*e*) if any such return shows that the amount of the liabilities of the insurer in respect of his insurance business in the Union exceeds the value of his assets in the Union; or

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(2) Die een sowel as die ander party in so 'n samesmelting of oordrag as in sub-artikel (1) bedoel, en die persoon wat die beheer het oor die besigheid wat deur die samesmelting tot stand gebring is, moet aan die registrateur sodanige informasie met betrekking tot die samesmelting of oordrag verstrek as wat die registrateur van hom eis en wat hy tot sy beskikking het.

(3) Indien die registrateur van mening is dat die samesmelting of oordrag onvoordelig is vir die eienaars van binnelandse polisse uitgereik deur een of ander party in die samesmelting of oordrag, of vir 'n aanmerklike deel van daardie eienaars, kan die registrateur by die hof aansoek doen om 'n bevel wat die saamgesmelte onderneming of enige by die oordrag betrokke party onder geregtelike bestuur stel, en die hof kan daardie aansoek volgens voorskrif van artikel *dertig* behandel.

Verkryging deur 'n geregistreerde versekeraar van belang in ander versekeringsbesigheid.

27. (1) Wanneer 'n buitelandse versekeraar wat in die Unie lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiebesigheid dryf, of wanneer 'n binnelandse versekeraar van 'n ander persoon wat versekeringsbesigheid hetsy in die Unie of elders dryf, direk of indirek aandele of enige ander belang in daardie besigheid verkry het 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 meedeel.

(2) Die versekeraar wat die aandele of belang soos voormeld verkry het, en indien hy die aandele of belang van 'n geregistreerde versekeraar verkry het, dan ook laasgenoemde, moet sodanige informasie met betrekking tot die verkryging of die verkrege aandele of belang aan die registrateur verstrek as wat die registrateur van hom eis en wat hy tot sy beskikking het.

(3) Die bepalings van sub-artikel (3) van artikel *ses-en-twintig* is *mutatis mutandis* van toepassing in verband met 'n verkryging van aandele of 'n belang in sub-artikel (1) bedoel.

Registrateur kan inligting van versekeraars eis.

28. Die registrateur kan, met die oog op die uitvoering van die bepalings van hierdie Wet, van elke geregistreerde versekeraar inligting eis met betrekking tot enige aangeleentheid wat met sy besigheid of regshandelings in verband staan, en die versekeraar is verplig om sonder versuim skriftelik aan daardie eis te voldoen.

Ondersoek van die sake van 'n versekeraar.

29. (1) Die registrateur kan, met die toestemming van die Minister, die sake of enige gedeelte van die sake van 'n geregistreerde versekeraar ondersoek of 'n inspekteur benoem om so 'n ondersoek in te stel en die uitslag van sy ondersoek aan die registrateur mee te deel—

(*a*) indien die versekeraar, nadat hy in gebreke gebly het om 'n deur hierdie Wet voorgeskrewe opgaaf te verstrek, nie daardie opgaaf verstrek het nie binne 'n tydperk van sestig dae vanaf die datum waarop die registrateur hom skriftelik aan sy versuim herinner het; of

(*b*) indien die versekeraar, nadat hy 'n onjuiste of onvolledige opgaaf verstrek het, nie daardie opgaaf verbeter of voltooi het nie binne 'n tydperk van sestig dae vanaf die datum waarop die registrateur hom skriftelik gelas het om die opgaaf te verbeter of te voltooi; of

(*c*) indien die versekeraar nie, binne 'n tydperk van sestig dae vanaf 'n datum waarop die registrateur skriftelik enige inligting van hom geëis het wat die registrateur kragtens hierdie Wet geregtig was om van hom te eis, daardie inligting volledig en op bevredigende wyse verstrek het nie; of

(*d*) indien uit een of ander opgaaf deur die versekeraar aan die registrateur verstrek, blyk dat die bedrag van die verbintenisse van die versekeraar in verband met enige versekeringsbesigheid wat hy dryf, groter is as die waarde van sy bate wat hy in verband met daardie besigheid besit, of indien die bedrag van die totale verbintenisse van die versekeraar (aangegaan hetsy in verband met sy versekeringsbesigheid, hetsy in verband met enige ander onderneming) tesame met tagtig persent van sy gestorte kapitaal, groter is as die waarde van al sy bate; of

(*e*) indien uit so 'n opgaaf blyk dat die bedrag van die verbintenisse van die versekeraar in verband met sy versekeringsbesigheid in die Unie, groter is as die waarde van sy bate in die Unie; of

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(*f*) if any such return shows that the insurer has failed to comply with any material provision of this Act; or

(*g*) if the auditor or local auditor or actuary of the insurer has informed the insurer of an irregularity that needs correction, and the insurer has not corrected that irregularity within a period of sixty days as from the date upon which the registrar called upon the insurer in writing to correct the irregularity; or

(*h*) if the registrar is possessed of information which in his opinion calls for an investigation into the affairs of the insurer: Provided that no such investigation shall be held in terms of this paragraph unless the registrar has afforded the insurer a reasonable opportunity of furnishing an explanation of any matter which forms a ground for the registrar's opinion, and the insurer has failed to furnish such explanation or has furnished an explanation which the registrar regards as unsatisfactory.

(2) The registrar shall recover from the insurer concerned all expenses necessarily incurred in connection with the investigation, unless the registrar acted under sub-section (1) (*h*) and the investigation proved to be unnecessary.

(3) In making an investigation under this section the registrar or an inspector appointed under sub-section (1) may require from the insurer the production of any of his securities, books or documents and he may examine on oath in relation to the insurer's business any person who is a director, auditor, local auditor, actuary, agent, servant or shareholder of the insurer or the owner of a policy issued by the insurer and he may administer an oath to any such person for the purpose of that examination.

(4) It shall be the duty of every such person to produce to the registrar or the inspector at his request every security, book or document of the insurer which is available to him and to give to the registrar or the inspector, at his request, any information at his disposal relating to the business of the insurer.

(5) If any such person refuses to be sworn, or to comply with any such request as aforesaid, or to answer any question put to him by the registrar or the inspector relating to the affairs of the insurer, even though the answer may tend to incriminate the said person, or gives any false information, he shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

(6) Any person who, having been sworn by the registrar or by such an inspector, knowingly makes any false statement in relation to any matter which is the subject of the investigation, shall be deemed to be guilty of perjury.

(7) When an inspector appointed under this section has completed his investigation, he shall report thereon to the registrar who shall transmit a copy of the report to the insurer, and if the investigation was held by the registrar, the latter shall transmit a summary of the conclusions arrived at by him as a result of the investigation, to the insurer.

CHAPTER II.

JUDICIAL MANAGEMENT AND WINDING-UP OF INSURANCE BUSINESS.

Registrar, a creditor or an insurer himself may apply to court for judicial management or winding-up.

30. (1) The registrar may, with the consent of the Minister, in regard to any registered insurer and a registered insurer may in regard to himself apply to the court for an order in terms of paragraph (*c*) or (*d*) of sub-section (3) if the registrar or the insurer, as the case may be, is of the opinion that it is desirable for any reason that such an order be made in regard to the registered insurer concerned: Provided that a registered insurer shall not make such an application except by leave of the court, and the court shall not grant such leave unless the insurer has given security to an amount which shall be sufficient in the opinion of the court to satisfy such order in respect of costs as the court may make, and has established *prima facie* the desirability of the order for which he desires to apply.

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(*f*) indien uit so 'n opgaaf blyk dat die versekeraar versuim het om aan een of ander belangrike bepaling van hierdie Wet te voldoen; of

(*g*) indien die ouditeur of plaaslike ouditeur of aktuaris van die versekeraar die versekeraar in kennis gestel het van 'n onreëlmatigheid wat herstel moet word, en die versekeraar nie daardie onreëlmatigheid herstel het nie binne 'n tydperk van sestig dae vanaf die datum waarop die registrateur die versekeraar skriftelik gelas het om die onreëlmatigheid te herstel; of

(*h*) indien die registrateur oor inligting beskik wat volgens sy oordeel 'n ondersoek van die sake van die versekeraar nodig maak: Met dien verstande dat so 'n ondersoek nie ooreenkomstig hierdie paragraaf ingestel mag word nie tensy die registrateur die versekeraar 'n redelike geleentheid gegee het om 'n verduideliking te verstrek van enige aangeleentheid waarop die registrateur se oordeel steun, en die versekeraar in gebreke gebly het om so 'n verduideliking te verstrek of 'n verduideliking verstrek het wat die registrateur as onbevredigend beskou.

(2) Die registrateur verhaal alle onkoste wat noodsaaklikerwys in verband met die ondersoek gemaak is, op die betrokke versekeraar, tensy die registrateur kragtens sub-artikel (1) (*h*) gehandel het en dit geblyk het dat die ondersoek onnodig was.

(3) Wanneer die registrateur of 'n kragtens sub-artikel (1) benoemde inspekteur kragtens hierdie artikel 'n ondersoek instel, kan hy van die versekeraar verlang dat hy sy effekte, boeke of dokumente oorlê, en kan hy iedereen wat 'n direkteur, ouditeur, plaaslike ouditeur, aktuaris, agent, dienaar of aandeelhouer van die versekeraar, of die eienaar van 'n deur die versekeraar uitgereikte polis is, onder eed ondervra met betrekking tot die besigheid van die versekeraar, en kan hy vir die doel van daardie ondervraging, aan so iemand 'n eed oplê.

(4) Elke sodanige persoon is verplig om alle effekte, boeke of dokumente van die versekeraar wat aan hom toeganklik is, aan die registrateur of inspekteur op sy versoek oor te lê en om alle inligting omtrent die besigheid van die versekeraar, waaroor hy beskik, aan die registrateur of inspekteur op sy versoek te verstrek.

(5) As so 'n persoon weier om die eed af te lê of om aan so 'n versoek soos voormeld, gehoor te gee of om op enige vraag met betrekking tot die sake van die versekeraar wat die registrateur of inspekteur aan hom gestel het te antwoord, selfs al sou die antwoord daarop bedoelde persoon aan strafregtelike vervolging kan blootstel, of enige valse inligting verstrek, is hy aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens vyftig pond.

(6) Iedereen wat, nadat die registrateur of so 'n inspekteur hom beëdig het, wetens 'n valse verklaring maak met betrekking tot 'n saak waaroor die ondersoek gaan, word geag aan meineed skuldig te wees.

(7) Wanneer 'n ingevolge hierdie artikel benoemde inspekteur sy ondersoek voltooi het, doen hy verslag daaromtrent aan die registrateur, en laasgenoemde stuur 'n afskrif van die verslag aan die versekeraar, en, indien die ondersoek deur die registrateur ingestel is, stuur die registrateur 'n opsomming van die gevolgtrekkings waartoe hy as gevolg van die ondersoek geraak het, aan die versekeraar.

HOOFSTUK II.

Geregtelike Bestuur en Likwidasie van Versekeringsbesigheid.

Registrateur, 'n skuldeiser of versekeraar self kan by hof aansoek doen om geregtelike bestuur of likwidasie.

30. (1) Die registrateur kan met die toestemming van die Minister, met betrekking tot enige geregistreerde versekeraar, en 'n geregistreerde versekeraar kan, met betrekking tot homself, by die hof aansoek doen om 'n bevel ooreenkomstig paragraaf (*c*) of (*d*) van sub-artikel (3), as die registrateur of die versekeraar, na gelang van die geval, van mening is dat dit om watter rede ook al wenslik is dat so 'n bevel ten aansien van die betrokke geregistreerde versekeraar uitgevaardig word: Met dien verstande dat 'n geregistreerde versekeraar alleen met verlof van die hof so 'n aansoek mag doen en dat die hof nie sodanige verlof verleen nie tensy die versekeraar sekerheid gestel het, tot 'n bedrag, wat volgens die mening van die hof genoegsaam sal wees om te voldoen aan enige order wat die hof ten opsigte van koste mag gee, en *prima facie* bewys gelewer het van die wenslikheid van die bevel waarom hy aansoek wil doen.

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(2) Any creditor of a registered insurer who was unable to obtain payment of his claim after recourse to the ordinary process of law, may, in regard to that insurer, apply to the court for an order in terms of paragraph (*b*), (*c*) or (*d*) of sub-section (3): Provided that the proviso to sub-section (1) shall apply *mutatis mutandis* in connection with such an application.

(3) Upon any application in terms of sub-section (1) or (2) the court may—

(*a*) refuse the application; or

(*b*) order the registrar to investigate, or to appoint an inspector under section *twenty-nine* to investigate the affairs of the insurer concerned in such a manner as the court may direct; or

(*c*) order that the whole or any part of the business of the insurer, either in the Union or elsewhere (if he is a Union insurer) or that his insurance business in the Union or any part of such business (if he is a non-Union insurer) be placed under judicial management in terms of section *thirty-one*; or

(*d*) order that the whole or any part of the business of the insurer, either in the Union or elsewhere (if he is a Union insurer) or that his insurance business in the Union or any part of such business (if he is a non-Union insurer) be wound up in terms of section *thirty-two*.

In exercising its discretion under this sub-section the court shall act primarily in the interests of the owners of Union policies under which the insurer is liable.

(4) When the court has made an order in terms of paragraph (*b*) or (*c*) of sub-section (3) in regard to a registered insurer it may at any time thereafter make an order in terms of paragraph (*d*) of sub-section (3) in regard to that insurer, and when the court has made an order in terms of paragraph (*b*) of sub-section (3) in regard to a registered insurer, it may at any time thereafter make an order in terms of paragraph (*c*) or (*d*) of sub-section (3) in regard to that insurer.

(5) The insurance business or any part of the insurance business of a registered insurer shall not be judicially managed or wound up except under the provisions of this Act.

Judicial management.

31. (1) An order of the court for the judicial management of the business of a registered insurer shall be subject to the provisions contained in the following sub-sections.

(2) Unless the court otherwise directs, an order for the judicial management of the business of a Union insurer shall extend to his whole business, and an order for the judicial management of the business of a non-Union insurer shall extend to his whole business in the Union.

(3) The court shall appoint a judicial manager, who shall receive such remuneration as the court may direct, and the court may at any time cancel the appointment and appoint some other person as judicial manager.

(4) The judicial manager appointed to the business of a registered insurer shall take over the management of the whole business of, or any class or classes of insurance business carried on by the insurer, as the order of court may direct, but except with the leave of the court he shall issue no further policies other than paid-up policies, in terms of sub-section (2) of section *sixty-two*.

(5) The court shall issue such directions to the judicial manager as to his powers and duties as it deems desirable in the circumstances of the case.

(6) The law relating to the judicial management of companies shall apply *mutatis mutandis* in connection with the judicial management of the business of a registered insurer under this Act, except in so far as those provisions are inconsistent with any provision of this Act or of an order of the court under paragraph (*c*) of sub-section (3) of section *thirty*, or with any direction issued by the court under this section.

(7) The judicial manager shall act under the control of the court, and he may apply to the court at any time for instructions as to the manner in which he shall carry out the judicial management.

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(2) Enige skuldeiser van 'n geregistreerde versekeraar aan wie se vordering nie voldoen is nadat hy van sy gewone regsmiddele gebruik gemaak het nie, kan ten aansien van daardie versekeraar by die hof aansoek doen om 'n bevel kragtens paragraaf (*b*), (*c*) of (*d*) van sub-artikel (3): Met dien verstande dat die voorbehoudsbepaling van sub-artikel (1) *mutatis mutandis* in verband met so 'n aansoek van toepassing is.

(3) Na aanleiding van 'n aansoek ingevolge sub-artikel (1) of (2), kan die hof—

(*a*) die aansoek afwys; of

(*b*) die registrateur beveel om die sake van die betrokke versekeraar te ondersoek of om kragtens artikel *negen-en-twintig* 'n inspekteur te benoem om die ondersoek in te stel, en wel op so 'n wyse as wat die hof gelas; of

(*c*) beveel dat die besigheid of 'n deel van die besigheid van die versekeraar, hetsy in die Unie of elders, (as hy 'n binnelandse versekeraar is), of dat sy versekeringsbesigheid in die Unie of 'n deel van daardie besigheid (as hy 'n buitelandse versekeraar is), onder geregtelike bestuur gestel word ooreenkomstig artikel *een-en-dertig*; of

(*d*) beveel dat die besigheid of 'n deel van die besigheid van die versekeraar, hetsy in die Unie of elders (as hy 'n binnelandse versekeraar is), of dat sy versekeringsbesigheid in die Unie of 'n deel van daardie besigheid (as hy 'n buitelandse versekeraar is), gelikwideer word ooreenkomstig artikel *twee-en-dertig*.

Wanneer die hof sy bevoegdheid ingevolge hierdie sub-artikel uitoefen, moet hy in die eerste plek handel in belang van die eienaars van binnelandse polisse uit kragte waarvan die versekeraar aanspreeklik is.

(4) Wanneer die hof ooreenkomstig paragraaf (*b*) of (*c*) van sub-artikel (3) met betrekking tot 'n geregistreerde versekeraar 'n bevel gegee het, kan hy te eniger tyd daarna 'n bevel ooreenkomstig paragraaf (*d*) van sub-artikel (3) met betrekking tot daardie versekeraar gee, en wanneer die hof ooreenkomstig paragraaf (*b*) van sub-artikel (3) met betrekking tot 'n geregistreerde versekeraar 'n bevel gegee het, kan hy te eniger tyd daarna 'n bevel ooreenkomstig paragraaf (*c*) of (*d*) van sub-artikel (3) met betrekking tot daardie versekeraar gee.

(5) Die versekeringsbesigheid of enige deel van die versekeringsbesigheid van 'n geregistreerde versekeraar word nie geregtelik bestuur of gelikwideer nie dan alleen kragtens die bepalings van hierdie Wet.

31. (1) 'n Bevel van die hof vir die geregtelike bestuur van die besigheid van 'n geregistreerde versekeraar is onderworpe aan die bepalings in die volgende sub-artikels vervat. Geregtelike bestuur.

(2) Tensy die hof anders beveel, omvat 'n bevel vir die geregtelike bestuur van die besigheid van 'n binnelandse versekeraar, sy hele besigheid en omvat 'n bevel vir die geregtelike bestuur van die besigheid van 'n buitelandse versekeraar sy hele besigheid in die Unie.

(3) Die hof benoem 'n geregtelike bestuurder wat sodanige besoldiging ontvang as wat die hof vasstel, en die hof kan te eniger tyd die benoeming intrek en iemand anders as geregtelike bestuurder benoem.

(4) Die geregtelike bestuurder wat vir die besigheid van 'n geregistreerde versekeraar benoem is, moet die bestuur van die hele besigheid van die versekeraar of van enige soort of soorte versekeringsbesigheid wat die versekeraar gedryf het, oorneem, volgens voorskrif van die bevel van die hof, maar behalwe met die verlof van die hof mag hy geen verdere polisse uitreik nie dan alleen opbetaalde polisse, volgens sub-artikel (2) van artikel *twee-en-sestig*.

(5) Die hof gee aan die geregtelike bestuurder sulke voorskrifte met betrekking tot sy bevoegdhede en pligte as wat hy in die besondere omstandighede wenslik ag.

(6) Die wetsbepalings op die geregtelike bestuur van maatskappye is *mutatis mutandis* van toepassing in verband met die geregtelike bestuur van die besigheid van 'n geregistreerde versekeraar kragtens hierdie Wet, behalwe vir sover daardie bepalings strydig is met enige bepaling van hierdie Wet of van 'n bevel van die hof kragtens paragraaf (*c*) van sub-artikel (3) van artikel *dertig*, of met enige voorskrif wat die hof kragtens hierdie artikel gegee het.

(7) Die geregtelike bestuurder handel onder die toesig van die hof, en hy kan te eniger tyd by die hof aansoek doen om instruksies aangaande die wyse waarop hy die geregtelike bestuur moet deurvoer.

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(8) The judicial manager shall give the registrar such information as the latter may require from time to time, and he shall report to the registrar whenever he intends to apply to the court for instructions and shall serve on the registrar a copy of any petition he proposes to place before the court, together with copies of any annexures to such petition. The registrar shall be entitled to be heard personally or by a representative at any such application, and he may himself make an application to the court with reference to the conduct of the judicial management.

(9) The judicial manager shall conduct his management with the greatest economy compatible with efficiency, and shall as soon as possible report to the court which of the following steps is, in his opinion, most advantageous to the owners of Union policies under which the insurer concerned is liable, that is to say—

(*a*) the transfer of the insurer's obligations and rights under such policies, or under such policies of any class, to some other person, whether for the original sums insured, with the addition of bonuses which have already accrued, or for reduced amounts or adjusted otherwise ; or

(*b*) the carrying on of the business or any part of the business of the insurer, whether with or without a share capital, and if with a share capital, whether reduced or not, and whether the policies under which the insurer is liable shall continue for the original sums insured, with the addition of bonuses which have already accrued, or for reduced amounts or adjusted otherwise ; or

(*c*) the winding-up of the business or any part of the business of the insurer ; or

(*d*) dealing with policies of one class or classes in one way and with policies of another class or classes in another way ; or

(*e*) such other course as he may deem advisable.

(10) The court shall consider the report of the judicial manager and shall decide upon the course it considers most advantageous to the owners of Union policies, and an order containing the decision of the court shall be binding on all persons, and shall have effect notwithstanding anything in the memorandum or other document under which the insurer was constituted or in the articles of association or other rules of the insurer : Provided that if the court orders the winding-up of the business or any part of the business of the insurer the provisions of section *thirty-two* shall apply to such winding-up.

(11) In any arrangement for the transfer of obligations and rights under policies or for carrying on any business of a registered insurer under this section, all assets in the Union held by the insurer in respect of his life business or industrial business, or funeral business or sinking fund business which he was carrying on in the Union, shall be conserved for the benefit of the owners of Union policies in any such aforesaid class of business under which the insurer is liable, in respect whereof any such assets are so held : Provided that if the court is of the opinion that if the insurer had continued any such class of business a portion of the profits derived therefrom would have become available for distribution among owners of policies in any other class of business or among other creditors or the shareholders of the insurer, the court may order that an amount which, in the opinion of the court, equals the present value of that portion of the said expected profits, or such lesser amount as the court deems reasonable, shall be paid out of the assets held by the insurer in respect of the first-mentioned class of business, for the benefit of the owners of policies in other classes of business or of the other creditors or of the shareholders of the insurer.

(12) If the assets held by a Union insurer in any country outside the Union in respect of any class of insurance business carried on by the insurer in that country, have been or are to be placed at the disposal of the judicial manager, those assets shall, for the purposes of this section, be deemed to be held by the insurer in the Union, and any policy issued by the insurer in that country in a class of business in respect whereof those assets were held by the insurer in that country, shall for the purposes of this section be deemed to be a Union policy.

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(8) Die geregtelike bestuurder moet aan die registrateur sulke inligting verstrek as wat laasgenoemde van tyd tot tyd verlang, en hy moet die registrateur in kennis stel wanneer hy voornemens is om by die hof aansoek te doen om instruksies en moet op die registrateur 'n afskrif dien van enige versoekskrif wat hy voornemens is om voor die hof te plaas, asook afskrifte van enige aanhangsels van sodanige versoekskrif. By so 'n aansoek kan die registrateur persoonlik of by monde van 'n verteenwoordiger verskyn, en hy kan self 'n aansoek met betrekking tot die geregtelike bestuur aan die hof rig.

(9) Die geregtelike bestuurder moet sy bestuur uitvoer met soveel spaarsaamheid as wat met doeltreffendheid bestaanbaar is, en moet so spoedig moontlik aan die hof meedeel welke van die volgende maatreëls hy as die voordeligste beskou vir die eienaars van binnelandse polisse uit kragte waarvan die betrokke versekeraar aanspreeklik is, te wete—

(*a*) die oordrag van die versekeraar se verbintenisse en regte kragtens sulke polisse, of kragtens sulke polisse van een of ander kategorie, aan 'n ander persoon, hetsy vir die oorspronklik versekerde bedrae, plus die bonusse wat reeds opgeloop het of vir verminderde bedrae, of op 'n ander wyse bereken ; of

(*b*) die voortsetting van die besigheid of enige deel van die besigheid van die versekeraar, hetsy met of sonder 'n aandelekapitaal, en indien met 'n aandelekapitaal, hetsy verminder al dan nie, en of die polisse uit kragte waarvan die versekeraar aanspreeklik is in stand gehou moet word vir die oorspronklike versekerde bedrae, plus die bonusse wat reeds opgeloop het, of vir verminderde bedrae of op 'n ander wyse bereken ; of

(*c*) die likwidasie van die besigheid of enige deel van die besigheid van die versekeraar ; of

(*d*) die behandeling van polisse van 'n bepaalde kategorie of kategorieë op 'n wyse wat verskil van dié waarop 'n ander kategorie of kategorië behandel word ; of

(*e*) sodanige ander handelwyse as wat hy raadsaam ag.

(10) Die hof oorweeg die verslag van die geregtelike bestuurder en beslis oor die handelwyse wat volgens oordeel van die hof die voordeligste is vir die eienaars van binnelandse polisse, en 'n bevelskrif wat die beslissing van die hof behels, verbind iedereen, en is van krag ondanks enigiets vervat in die akte van oprigting of ander dokument uit kragte waarvan die versekeraar opgerig is of in die statute of ander reglement van die versekeraar : Met dien verstande dat as die hof beveel dat die besigheid of enige deel van die besigheid van die versekeraar gelikwideer moet word, die bepalings van artikel *twee-en-dertig* op daardie likwidasie van toepassing is.

(11) By 'n reëling vir die oordrag van verbintenisse en regte kragtens polisse of vir die voortsetting van enige besigheid van 'n geregistreerde versekeraar kragtens hierdie artikel, moet alle bate in die Unie wat die versekeraar besit in verband met sy lewensbesigheid of nywerheidsbesigheid, of begrafnisbesigheid of amortisasiefondsbesigheid wat hy in die Unie gedryf het, bewaar word ten bate van die eienaars van binnelandse polisse in 'n sodanige voormelde soort besigheid uit kragte waarvan die versekeraar aanspreeklik is, in verband waarmee daardie bate aldus besit word : Met dien verstande dat indien die hof van mening is dat, as die versekeraar 'n sodanige soort besigheid sou voortgesit het, 'n gedeelte van die daaruit verkreë winste beskikbaar sou geword het vir verdeling onder eienaars van polisse in enige ander soort besigheid of onder ander skuldeisers of die aandeelhouers van die versekeraar, die hof kan beveel dat 'n bedrag wat volgens oordeel van die hof gelyk is aan die teenswoordige waarde van daardie gedeelte van bedoelde verwagte winste, of so 'n kleiner bedrag as wat die hof billik ag, uit die bate wat die versekeraar in verband met eersbedoelde soort besigheid besit, betaal moet word ten bate van die eienaars van polisse in ander soorte besigheid of van die ander skuldeisers of van die aandeelhouers van die versekeraar.

(12) As die bate wat 'n binnelandse versekeraar in 'n land buite die Unie besit in verband met enige soort versekeringsbesigheid wat hy in daardie land dryf of gedryf het, tot beskikking van die geregtelike bestuurder gestel is of gestel sal word, dan word by die toepassing van hierdie artikel beskou dat die versekeraar daardie bate in die Unie besit, en enige polis wat die versekeraar in daardie land uitgereik het in 'n soort besigheid in verband waarmee hy daardie bate in daardie land besit, word by die toepassing van hierdie artikel geag 'n binnelandse polis te wees.

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Winding-up.

32. (1) An order of the court for the winding-up of the business of a registered insurer shall be subject to the provisions contained in the following sub-sections.

(2) An order for the winding-up of the business of a Union insurer shall extend to his whole business, or to any class of his business which is to be wound up in terms of the order, and an order for the winding-up of the business of a non-Union insurer shall extend to the whole of his business in the Union or to any class of his business in the Union which is to be wound up in terms of the order.

(3) The court shall appoint a liquidator, who shall receive such remuneration as the court may direct, and the court may at any time cancel the appointment and appoint some other person as liquidator.

(4) The court shall issue such directions to the liquidator with regard to the winding-up as it deems desirable in the circumstances of the case.

(5) The law relating to the winding-up of companies shall apply *mutatis mutandis* in connection with the winding-up of the business of a registered insurer under this Act, except in so far as those provisions are inconsistent with any provision of this Act or of an order of the court under paragraph (*d*) of sub-section (3) of section *thirty* or with any direction issued by the court under this section.

(6) The liquidator shall act under the control of the court and he may apply to the court at any time for instructions as to the manner in which he shall wind up the affairs of the insurer concerned.

(7) The liquidator shall give the registrar such information as the latter may require from time to time, and he shall report to the registrar whenever he intends to apply to the court for instructions. The registrar shall be entitled to be heard personally or by a representative at any such application, and he may himself make an application to the court with reference to the winding-up.

(8) In the winding-up of the business of a registered insurer the proceeds of assets which the insurer held in respect of his life business or industrial business or funeral business or sinking fund business shall be distributed *mutatis mutandis* in accordance with the provisions of sub-section (11) of section *thirty-one*, and the provisions of sub-section (12) of that section shall also apply *mutatis mutandis* in connection with the winding-up of the business of a Union insurer under this section.

(9) In the winding-up of the business of a registered insurer, the value of the policies under which the insurer is liable shall be ascertained on such basis and in such a manner as the court may direct.

Assets of non-Union insurer may be transferred to judicial manager or liquidator abroad.

33. When the business of a non-Union insurer is being judicially managed or wound up in the country in which the insurer's head office abroad is situate, the court may, notwithstanding the provisions of section *thirty*, *thirty-one* or *thirty-two*, on an application under section *thirty* made in regard to that insurer, in lieu of granting or refusing the application, or if the court previously placed the business in the Union of that insurer under judicial management or ordered that it be wound up, then at any time during the course of the judicial management or winding-up of the business of that insurer in the Union, direct that all the insurer's assets in the Union, or those assets which the insurer holds in the Union in respect of any insurance business to which the judicial management or winding-up in the Union extends, shall be transferred to the insurer's judicial manager or liquidator or other person holding a similar position in regard to the insurer, in the aforesaid country, provided he undertakes (and gives security to the satisfaction of the court or of any person designated by the court for the fulfilment of his undertaking) to deal with Union policies in any class of insurance business to which the judicial management or winding-up in the Union extends, under which the insurer is liable, as if they had been issued in the aforesaid country; and provided the court is satisfied that the fulfilment of that undertaking will not be less advantageous to the owners of the said policies than would be the completion of the judicial management or winding-up in the Union.

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32. (1) 'n Bevel van die hof vir die likwidasie van die besigheid van 'n geregistreerde versekeraar is onderworpe aan die bepalings van die volgende sub-artikels. Likwidasie.

(2) 'n Bevel vir die likwidasie van die besigheid van 'n binnelandse versekeraar omvat sy hele besigheid of een of ander soort van sy besigheid, wat ooreenkomstig die bevel gelikwideer moet word, en 'n bevel vir die likwidasie van die besigheid van 'n buitelandse versekeraar omvat sy hele besigheid in die Unie of een of ander soort van sy besigheid in die Unie wat ooreenkomstig die bevel gelikwideer moet word.

(3) Die hof benoem 'n likwidateur wat sodanige besoldiging ontvang as wat die hof vasstel, en die hof kan te eniger tyd die benoeming intrek of iemand anders as likwidateur benoem.

(4) Die hof gee aan die likwidateur sulke voorskrifte met betrekking tot die likwidasie as wat hy in die besondere omstandighede wenslik ag.

(5) Die wetsbepalings met betrekking tot die likwidasie van maatskappye is *mutatis mutandis* van toepassing in verband met die likwidasie van die besigheid van 'n geregistreerde versekeraar ingevolge hierdie Wet, behalwe vir sover daardie bepalings strydig is met 'n bepaling van hierdie Wet of van 'n bevel van die hof kragtens paragraaf (*d*) van sub-artikel (3) van artikel *dertig* of met 'n voorskrif wat die hof kragtens hierdie artikel gegee het.

(6) Die likwidateur handel onder die toesig van die hof en hy kan te eniger tyd by die hof aansoek doen om instruksies aangaande die wyse waarop hy die sake van die betrokke versekeraar moet likwideer.

(7) Die likwidateur moet aan die registrateur sodanige inligting verstrek as wat laasgenoemde van tyd tot tyd verlang, en hy moet die registrateur in kennis stel wanneer hy voornemens is om by die hof aansoek te doen om instruksies. Die registrateur kan self of by monde van 'n verteenwoordiger by so 'n aansoek verskyn, en hy kan self 'n aansoek met betrekking tot die likwidasie aan die hof rig.

(8) By die likwidasie van die besigheid van 'n geregistreerde versekeraar word die opbrengs van bate wat die versekeraar in verband met sy lewensbesigheid of nywerheidsbesigheid of begrafnisbesigheid of amortisasiefonds-besigheid besit het, *mutatis mutandis* ooreenkomstig die bepalings van sub-artikel (11) van artikel *een-en-dertig* verdeel, en die bepalings van sub-artikel (12) van daardie artikel is ook *mutatis mutandis* van toepassing in verband met die likwidasie van die besigheid van 'n binnelandse versekeraar kragtens hierdie artikel.

(9) By die likwidasie van die besigheid van 'n geregistreerde versekeraar word die waarde van die polisse uit kragte waarvan die versekeraar aanspreeklik is vasgestel op so 'n basis en op so 'n wyse as wat die hof beveel.

33. Wanneer die besigheid van 'n buitelandse versekeraar geregtelik bestuur of gelikwideer word in die land waarin die hoofkantoor van die versekeraar in die buiteland gevestig is, kan die hof, nieteenstaande die bepalings van artikel *dertig*, *een-en-dertig* of *twee-en-dertig* wanneer 'n aansoek ingevolge artikel *dertig* ten aansien van daardie versekeraar gedoen word, in plaas van die aansoek toe te staan of van die hand te wys, of as die hof voorheen die besigheid van daardie versekeraar in die Unie onder geregtelike bestuur gestel het of gelas het dat dit gelikwideer word, dan te eniger tyd gedurende die loop van die geregtelike bestuur of likwidasie van die besigheid van daardie versekeraar in die Unie, beveel dat al die bate van die versekeraar in die Unie, of daardie bate wat die versekeraar in die Unie besit in verband met 'n versekeringsbesigheid wat die geregtelike bestuur of likwidasie in die Unie omvat, oorgedra moet word aan die versekeraar se geregtelike bestuurder of likwidateur of ander persoon wat in 'n soortgelyke verhouding teenoor die versekeraar staan, in bedoelde land, mits hy onderneem (en ten genoeë van die hof of van iemand wat die hof aanwys, sekerheid stel vir die uitvoering van sy onderneming) om met binnelandse polisse in enige soort versekeringsbesigheid wat die geregtelike bestuur of likwidasie in die Unie omvat, uit kragte waarvan die versekeraar aanspreeklik is, te handel asof hulle in voormelde land uitgereik was; en mits die hof oortuig is dat die uitvoering van daardie onderneming vir die eienaars van bedoelde polisse nie minder voordelig sal wees as wat die voltooiing van die geregtelike bestuur of likwidasie in die Unie sou wees nie.

Bate van buitelandse versekeraar kan aan geregtelike bestuurder of likwidateur in buiteland oorgedra word.

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CHAPTER III.

PROVISIONS RELATING TO DIFFERENT CLASSES OF INSURANCE BUSINESS.

(A) *Life Business.*

Life insurance tables.

34. (1) Every person who is deemed to be registered as an insurer under section *three* and who carries on life business in the Union shall, within a period of three months as from the commencement of this Act, furnish the registrar with a copy of every table or statement of the rates of premium which he ordinarily charges and of the benefits which he ordinarily undertakes to grant in respect of Union policies insuring the lives of normal individuals.

(2) Every person referred to in sub-section (1) or (2) of section *four* who intends to carry on, or to continue to carry on, life business in the Union shall, when he furnishes to the registrar the documents and particulars referred to in either of the said sub-sections, also furnish to him a copy of every such table or statement as is mentioned in sub-section (1) of this section under which he carries on or intends to carry on life business in the Union.

(3) When a registered insurer has under this section furnished the registrar with any such table or statement as aforesaid, he shall not make use of any other such table or statement which differs from the table or statement furnished by him to the registrar unless—

(*a*) his actuary has previously reported to him that such other table or statement is actuarially sound; and

(*b*) the insurer has previously informed the registrar of his intention to make use of such other table or statement and has furnished the registrar with a copy of such other table or statement and of his actuary's report thereon.

Annual statement of current and discontinued policies.

35. Every registered insurer carrying on life business in the Union shall, as soon as may be after the expiration of each financial year prepare, in addition to all other statements prescribed by this Act, a statement in a form prescribed by regulation, of new Union life policies which he issued during that year, of policies which have become Union life policies during that year of Union life policies under which he was liable, which were discontinued during that year, of policies which ceased to be Union life policies during that year and of Union life policies under which he was liable and which were in force at the end of that year, and the insurer shall within a period of six months as from the expiration of each such year furnish the registrar with a copy of the statement.

Life policy may include disability benefits.

36. (1) When a registered insurer has notified the registrar in writing that he has issued, before the commencement of this Act, or that he intends to issue Union life policies which also provide for benefits—

(*a*) on the total or partial permanent disablement of the person whose life such a policy insures; or

(*b*) on the death of the said person as a result of an accident or of a particular disease,

any such policy issued by the said insurer before the commencement of this Act or after such notification to the registrar as aforesaid, shall be deemed, for the purposes of this Act, to be a life policy only, provided the value of the said benefits does not exceed, in the aggregate—

(*c*) a waiver of claims to any premium under the policy in respect of the period of the disability; and

(*d*) (i) a monthly benefit, payable during the period of the disability of the said person, (but not extending beyond the date of termination of the risk of the life insurance proper effected by the policy) amounting to one and one quarter per cent. of the sum payable under the policy on the death of the said person; or

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HOOFSTUK III.

BEPALINGS MET BETREKKING TOT VERSKILLENDE SOORTE VERSEKERINGSBESIGHEID.

(A) *Lewensbesigheid.*

Lewensversekeringstabelle.

34. (1) Elke persoon wat geag word as 'n versekeraar geregistreer te wees kragtens artikel *drie* en wat lewensbesigheid in die Unie dryf, moet binne 'n tydperk van drie maande vanaf die inwerkingtreding van hierdie Wet, aan die registrateur 'n afskrif verstrek van elke tabel of staat van die premietariewe wat hy gewoonlik vra en van die voordele wat hy gewoonlik onderneem om te verleen ten opsigte van binnelandse polisse waarin die lewens van normale mense verseker word.

(2) Elke persoon in sub-artikel (1) of (2) van artikel *vier* bedoel wat voornemens is om in die Unie lewensbesigheid te dryf of met die dryf daarvan voort te gaan, moet, wanneer hy die dokumente en besonderhede in een of ander van genoemde sub-artikels bedoel aan die registrateur verstrek, ook aan hom 'n afskrif verstrek van elke sodanige tabel of staat as wat in sub-artikel (1) van hierdie artikel bedoel word waaronder hy in die Unie lewensbesigheid dryf of voornemens is om met die dryf daarvan voort te gaan.

(3) Wanneer 'n geregistreerde versekeraar ingevolge hierdie artikel so 'n tabel of staat soos voormeld, aan die registrateur verstrek het, mag hy nie gebruik maak nie van 'n ander sodanige tabel of staat wat verskil van die tabel of staat deur hom aan die registrateur verstrek, tensy—

- (*a*) sy aktuaris hom vooraf meegedeel het dat bedoelde ander tabel of staat op 'n soliede aktuariële grondslag berus; en
- (*b*) die versekeraar vooraf die registrateur in kennis gestel het van sy voorneme om van bedoelde ander tabel of staat gebruik te maak en 'n afskrif van bedoelde ander tabel of staat en van sy aktuaris se verslag daaromtrent aan die registrateur verstrek het.

Jaarlikse opgaaf van lopende en vervalle polisse.

35. Elke geregistreerde versekeraar wat lewensbesigheid in die Unie dryf, moet, so spoedig doenlik na die sluiting van elke boekjaar, benewens alle ander opgawes wat hierdie Wet voorskryf, in 'n by regulasie voorgeskrewe vorm 'n opgaaf opmaak van nuwe binnelandse lewenspolisse wat hy in die loop van daardie jaar uitgereik het, van polisse wat in die loop van daardie jaar binnelandse lewenspolisse geword het, van binnelandse lewenspolisse uit kragte waarvan hy aanspreeklik was, wat in die loop van daardie jaar deur uittreding verval het, van polisse wat in die loop van daardie jaar opgehou het om binnelandse lewenspolisse te wees en van binnelandse lewenspolisse uit kragte waarvan hy aanspreeklik was en wat aan die einde van daardie jaar van krag was, en die versekeraar moet binne 'n tydperk van ses maande na die sluiting van so 'n jaar 'n afskrif van die opgaaf aan die registrateur verstrek.

Lewenspolis kan voordele weens arbeidsongeskiktheid insluit.

36. (1) Wanneer 'n geregistreerde versekeraar die registrateur skriftelik in kennis gestel het dat hy binnelandse lewenspolisse wat ook voorsiening maak vir voordele—

- (*a*) ingeval van die algehele of gedeeltelike blywende arbeidsongeskiktheid van die persoon wie se lewe deur bedoelde polis verseker word; of
- (*b*) in geval van die dood van bedoelde persoon as gevolg van 'n ongeluk of van 'n besondere siekte,

voor die inwerkingtreding van hierdie Wet uitgereik het of dat hy voornemens is om sulke polisse uit te reik, dan word so 'n polis, wat uitgereik is deur bedoelde versekeraar voor die inwerkingtreding van hierdie Wet, of na inkennisstelling van die registrateur soos voormeld, by die toepassing van hierdie Wet geag alleenlik 'n lewenspolis te wees, mits die waarde van bedoelde voordele nie in die geheel die volgende te bowe gaan nie, nl.—

- (*c*) die prysgewing van aanspraak op enige premie ingevolge die polis ten opsigte van die tydperk van arbeidsongeskiktheid; en
- (*d*) (i) 'n maandelikse voordeel, betaalbaar gedurende die tydperk van arbeidsongeskiktheid van bedoelde persoon (maar wat nie voortduur na die datum van beëindiging van die risiko van die eintlike lewensversekering wat deur die polis bewerkstellig is nie) tot 'n bedrag van een en een kwart persent van die som wat betaalbaar is ingevolge die polis na die dood van bedoelde persoon; of

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(ii) a lump sum equal to the sum payable under the policy on the death of the said person ; or

(iii) in the case of a deferred annuity policy: a monthly benefit, payable during the period of the disability of the said person (but not extending beyond the date as from which the annuity will become payable) amounting to one twelfth of the said annuity.

(2) If a Union life policy also provides for benefits mentioned in paragraph (*a*) or (*b*) of sub-section (1) on the disablement or death of the person whose life the policy insures, and the value of those benefits exceeds the limitations set forth in paragraphs (*c*) and (*d*) of sub-section (1), the said policy shall be regarded, for the purposes of this Act, as both a life policy and a personal accident policy.

A minor may insure his life.

37. (1) A minor who has attained the age of eighteen years may, without the consent of his guardian, effect a life policy upon his own life and pay any premium due under the policy with money which he has earned or with any other money at his disposal.

(2) A minor who has effected a life policy upon his own life (whether in the Union or elsewhere) may not without the consent of his guardian cede, pledge or surrender the policy while he is a minor.

(3) If any money becomes payable under such a policy as aforesaid to the person who effected it, while he is a minor, the insurer who is liable under the policy shall pay that money to the minor himself, and the minor may deal therewith as he thinks fit, without the consent of his guardian.

Life policy may in general not exclude liability on death in military or naval service.

38. (1) If a Union life policy effected after the commencement of this Act contains a provision which purports to exclude or limit any obligation, under the policy, of the insurer or to increase any obligation of the owner of the policy if the person whose life is insured performs, in connection with any war in which the Union is involved, any military or naval service under the Government of the Union or under the Government of any other country which is associated with the Government of the Union in any such war, that provision shall be null and void, but subject to the following provisions of this section.

(2) The provisions of sub-section (1) shall not apply in connection with that part of a life policy mentioned in sub-section (1) of section *thirty-six* which relates to benefits as defined and limited in the last-mentioned sub-section.

(3) A Union life policy may stipulate that the insurer shall not be liable under the policy in respect of the death of the person whose life is insured if he has died as a result of bodily injury or ill health arising out of and in the course of any such service as is mentioned in sub-section (1) which was rendered—

(*a*) outside the Union ; or

(*b*) anywhere on any aircraft in flight or attempted flight or in landing after a flight,

in connection with any war in which the Union was involved, but such a stipulation shall only be enforceable if any dependant of the said person has received or is entitled to receive any financial benefit from any Government by reason of the said person's death, or if the said person had no dependant at the time of his death, provided such a dependant would have received or would have been entitled to receive such a benefit if the said person had had a dependant.

(4) A benefit which a Government other than the Government of the Union has paid or is obliged to pay to a dependant of a deceased person whose life was insured (or which such another Government would have paid or would have been obliged to pay to a dependant of the said person if he had had a dependant) shall be ignored for the purposes of sub-section (3) if it amounts to less than sixty per cent. of the benefit which the Government of the Union would have paid or would have been obliged to pay to the said person's dependants, had he died in the service of the Government of the Union.

(5) If a person whose life was insured under a Union life policy which contains such a stipulation as is mentioned in sub-section (3) has died and the insurer concerned is not liable under the

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(ii) 'n ronde som gelyk aan die som betaalbaar ingevolge die polis na die dood van bedoelde persoon; of

(iii) in die geval van 'n uitgestelde lyfrente-polis: 'n maandelikse voordeel, betaalbaar gedurende die tydperk van arbeidsongeskiktheid van bedoelde persoon (maar wat nie voortduur na die datum vanaf welke die lyfrente betaalbaar sal word nie) tot 'n bedrag van een-twaalfde van bedoelde lyfrente.

(2) As 'n binnelandse lewenspolis ook voorsiening maak vir voordele wat vermeld word in paragraaf (*a*) of (*b*) van sub-artikel (1) ingeval van die arbeidsongeskiktheid of die dood van die persoon wie se lewe deur die polis verseker word, en die waarde van bedoelde voordele die beperkings vermeld in paragrawe (*c*) en (*d*) van sub-artikel (1) te bowe gaan, dan word bedoelde polis by die toepassing van hierdie Wet beskou as beide 'n lewenspolis en 'n persoonlike ongevallepolis.

'n Minderjarige kan sy lewe verseker.

37. (1) 'n Minderjarige wat die leeftyd van agtien jaar bereik het, kan, sonder die toestemming van sy voog, 'n lewenspolis op sy eie lewe sluit, en kan alle premies wat kragtens die polis betaalbaar is, betaal met geld wat hy verdien het, of met enige ander geld waaroor hy beskik.

(2) 'n Minderjarige wat 'n lewenspolis op sy eie lewe gesluit het (hetsy in die Unie of elders) mag nie sonder die toestemming van sy voog die polis sedeer, verpand of laat afkoop terwyl hy minderjarig is nie.

(3) As daar geld ingevolge so 'n polis soos voormeld betaalbaar word aan die persoon wat die polis gesluit het, terwyl hy 'n minderjarige is, moet die versekeraar wat kragtens die polis aanspreeklik is, daardie geld aan die minderjarige self betaal, en die minderjarige kan sonder die toestemming van sy voog, volgens goeddunke, daaroor beskik.

Lewenspolis mag in die algemeen nie aanspreeklikheid in die geval van dood in militêre of seediens uitsluit nie.

38. (1) As 'n binnelandse lewenspolis wat na die inwerkingtreding van hierdie Wet gesluit is 'n bepaling bevat wat voorgee om enige verpligting kragtens die polis van die versekeraar uit te sluit of te beperk, of om enige verpligting van die eienaar van die polis te verswaar, as die persoon wie se lewe verseker is militêre of seediens verrig in verband met 'n oorlog waarin die Unie betrokke is, onder die Unie-Regering of onder die Regering van 'n ander land wat in bondgenootskap staan met die Unie-Regering in so 'n oorlog, dan is daardie bepaling nietig, dog behoudens die volgende bepalings van hierdie artikel.

(2) Die bepalings van sub-artikel (1) is nie van toepassing nie in verband met daardie gedeelte van 'n lewenspolis bedoel in sub-artikel (1) van artikel *ses-en-dertig* wat betrekking het op voordele soos in laasgenoemde sub-artikel omskrywe en beperk.

(3) 'n Binnelandse lewenspolis kan beding dat die versekeraar nie kragtens die polis aanspreeklik sal wees nie weens die dood van die persoon wie se lewe verseker is indien hy oorlede is as gevolg van liggaamlike letsel of slegte gesondheid wat ontstaan het uit en in die loop van sodanige diens as vermeld word in sub-artikel (1), en wat verrig is—

(*a*) buite die Unie; of

(*b*) waar ook al op 'n vliegtuig in vlug of by 'n gepoogde vlug of by sy landing na 'n vlug,

in verband met 'n oorlog waarby die Unie betrokke was, maar so 'n bedinging word alleenlik bekragtig ingeval 'n afhanklike van bedoelde persoon as gevolg van bedoelde persoon se dood 'n geldelike voordeel van een of ander Regering ontvang het, of geregtig is om so 'n voordeel te ontvang, of indien niemand van bedoelde persoon afhanklik was tydens sy dood nie, mits 'n sodanige afhanklike so 'n voordeel sou ontvang het of geregtig sou gewees het om so 'n voordeel te ontvang as daar iemand van bedoelde persoon afhanklik was.

(4) 'n Voordeel wat 'n ander Regering as die Unie-Regering betaal het of verplig is om te betaal aan 'n afhanklike van 'n oorlede persoon wie se lewe verseker was (of wat so 'n ander Regering sou betaal het of verplig sou gewees het om te betaal aan 'n afhanklike van bedoelde persoon indien hy 'n afhanklike gehad het) word by die toepassing van sub-artikel (3) verontagsaam, indien dit minder bedra as sestig persent van die voordeel wat die Unie-Regering sou betaal het of verplig sou gewees het om te betaal aan die afhanklikes van bedoelde persoon as hy in die diens van die Unie-Regering oorlede was.

(5) Indien 'n persoon wie se lewe verseker was kragtens 'n binnelandse lewenspolis wat die beding vermeld in sub-artikel (3) bevat, oorlede is en die betrokke versekeraar op grond van

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policy by virtue of that stipulation, the said insurer shall pay to the owner of the policy an amount equal to the aggregate of all premiums paid under the policy, after deduction from that aggregate of any money already paid under the policy by the insurer and of the amount of any indebtedness due to the insurer under that policy.

Policy upon own life: protection during lifetime.

39. (1) 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 exceeds one thousand five hundred pounds: Provided that if such a policy as aforesaid has been pledged, the preceding provisions of this sub-section shall apply only to so much of the value of that policy as exceeds the amount of the liability whose payment the pledge secures.

(2) For the purposes of sub-section (1) a policy which an insurer issued in exchange for or in consideration of the surrender of another policy under which the insurer was previously liable, shall be deemed to have been effected on the date on which the surrendered policy was issued, if the insurer received no payment in addition to the value of the surrendered policy, as a consideration for the new policy.

(3) During a period of five years as from the date upon which any money became due under a life policy to which the provisions of sub-section (1) or (2) apply, to the owner of that policy (who is hereinafter in this sub-section called the insured) those provisions shall also apply *mutatis mutandis* to that money or to the claim therefor or to any other asset into which the insured converted that money or any part thereof, if it is clearly proved that the insured has not expended that money (except for the purpose of converting it into another asset) or that the said asset is still in existence and that the insured has not disposed of it: Provided that the preceding provisions of this sub-section shall not apply—

(*a*) to any money paid under such a life policy on surrender of the policy, or to any other asset into which the insured converted any such money;

(*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 sub-section (1) or (2) of which the insured is the owner, exceeds one thousand five hundred pounds.

Policy on own life. protection on death.

40. A life policy, money or other asset protected under section *thirty-nine* 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—

(*a*) his surviving spouse, who was married to him in community of property, to the extent of one-half of the protected portion of the policy, money or other asset; or

(*b*) his surviving spouse, or his parent, child or stepchild under his will; or

(*c*) his surviving spouse or his parent or child by right of succession *ab intestato.*

Certain life policies effected by a married woman are excluded from her husband's control.

41. (1) If a woman has effected a life policy upon her own life and has thereafter married, her rights and liabilities under that policy and any money which has been paid or has accrued to her, during her marriage, in respect of that policy and any other asset into which she converted any such money, shall be excluded from the community of property or of profit and loss between her and her husband, and from the control of her husband over her property, which may have resulted from her marriage, or from any antenuptial or postnuptial contract with her husband and she may deal with that policy or any such money or other asset as if she were unmarried, even though any premium paid under the policy was paid out of moneys which belonged to her and her husband jointly or to her husband only: Provided that if her husband paid any such premium

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daardie beding nie uit kragte van die polis aanspreeklik is nie, dan moet bedoelde versekeraar aan die eienaar van die polis 'n bedrag gelyk aan die som van alle premies wat ingevolge die polis betaal is, uitbetaal, nadat van bedoelde som afgetrek is alle gelde reeds deur die versekeraar ingevolge die polis uitbetaal en enige skuld wat aan die versekeraar ingevolge bedoelde polis betaalbaar is.

Polis op eie lewe: beskerming gedurende lewe van versekerde.

39. (1) '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 geregshof 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 eenduisend vyfhonderd pond te bowe gaan: Met dien verstande dat ingeval so 'n polis soos voormeld verpand is, die voorgaande bepalings van hierdie sub-artikel slegs van toepassing is op daardie deel van die waarde van die polis wat die bedrag van die pandskuld te bowe gaan.

(2) By die toepassing van sub-artikel (1) word beskou dat 'n polis wat 'n versekeraar uitgereik het in ruil vir of ter vergoeding van die afkoop van 'n ander polis uit kragte waarvan die versekeraar voorheen aanspreeklik was, gesluit is op die datum waarop die afgekoopte polis uitgereik is as die versekeraar geen betaling benewens die waarde van die afgekoopte polis as vergoeding vir die nuwe polis ontvang het nie.

(3) Gedurende 'n tydperk van vyf jaar vanaf die datum waarop enige som geld betaalbaar geword het kragtens 'n lewenspolis waarop die bepalings van sub-artikel (1) of (2) van toepassing is, aan die eienaar van daardie polis (wat hieronder in hierdie sub-artikel die versekerde genoem word) is daardie bepalings ook van toepassing *mutatis mutandis* op bedoelde geld of op die aanspraak daarop of op ander bate waarin die versekerde bedoelde geld of 'n deel daarvan omgeset het, indien duidelik bewys word dat die versekerde nie daardie geld uitgegee het nie (behalwe met die doel om dit in ander bate om te set) of dat bedoelde bate nog bestaan en dat die versekerde dit nie van die hand gesit het nie: Met dien verstande dat die voorgaande bepalings van hierdie sub-artikel nie van toepassing is nie—

(*a*) op geld wat betaal is kragtens so 'n lewenspolis by die afkoop van die polis, of op 'n ander bate waarin die versekerde sodanige geld omgeset het;

(*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 sub-artikel (1) of (2) waarvan die versekerde die eienaar is, eenduisend vyfhonderd pond te bowe gaan.

Polis op eie lewe: beskerming by dood.

40. 'n Lewenspolis, geld of 'n ander bate wat kragtens artikel *negen-en-dertig* beskerm is, 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—

(*a*) sy langslewende eggenote wat in gemeenskap van goedere met hom getroud was, ten bedrae van die helfte van die beskermde deel van die polis, geld of ander bate; of

(*b*) sy langslewende eggenote, of sy ouer, kind of stiefkind ingevolge sy testament; of

(*c*) sy langslewende eggenote of sy ouer of kind volgens reg van erfopvolging *ab intestato*.

Sekere lewenspolisse deur 'n getroude vrou gesluit, word van beheer van haar man uitgesluit.

41. (1) As 'n vrou 'n lewenspolis op haar eie lewe gesluit, en daarna in die huwelik getree het, word haar regte en verbintenisse kragtens daardie polis, en alle geld wat tydens haar huwelik aan haar betaal is of toegekom het ten opsigte van daardie polis en enige ander bate waarin sy sodanige geld omgeset het, uitgesluit van die gemeenskap van goedere of van wins en verlies tussen haar en haar eggenoot, asook van die beheer van haar eggenoot oor haar goed wat uit haar huwelik, of uit een of ander huweliksvoorwaardekontrak met haar eggenoot of so 'n kontrak wat na die huwelik geregistreer is, mag gevolg het en sy kan oor daardie polis of sodanige geld of ander bate beskik asof sy ongetroud was, selfs al is 'n premie ingevolge die polis betaal uit geld wat gesamentlik aan haar en haar eggenoot of aan haar eggenoot alleen behoort het: Met dien verstande dat as haar eggenoot so 'n premie

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as aforesaid and his liabilities (or the liabilities of both spouses, if they were married in community of property) continuously exceeded the value of his assets (or the assets of both spouses, if they were married in community of property) as from the time of that payment until his or the joint estate was sequestrated as insolvent, the wife shall be liable to pay into the insolvent estate the amount of every such premium in so far as its payment created or increased such an excess of liabilities over assets.

(2) A woman who is married in community of property or of profit and loss with her husband, or who is married without such community but whose property is under the control of her husband, may without her husband's consent effect a life policy upon her own life or upon the life of her husband and the provisions of sub-section (1) shall apply *mutatis mutandis* in connection with the policy in question, or any money paid or accruing thereunder or any other asset into which any such money was converted: Provided that the husband of the said woman shall not be obliged (unless he has undertaken to do so) to pay any premium due under the said policy, either out of his own money, or out of money belonging to him and his wife jointly, or out of money under his control which belongs to his wife.

(3) If a woman mentioned in sub-section (1) or (2), has effected a life policy in terms of either sub-section, and while married as aforesaid, earns or makes any money without utilizing for that purpose any assets belonging to her and her husband jointly, or to her husband only, she may, without her husband's consent, use that money for the purpose of paying any premium due under the said policy.

Certain life policies excluded from matrimonial community of property and protected against creditors.

42. (1) 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 in community of property, or if a man has effected a life policy in favour of a woman whom he intended to marry or in favour of any child of him and her, whether born or to be born (or in favour of her and such a child), upon his or her life and whom he thereafter married in community of property, the provisions of sub-section (1) of section *forty-one* shall apply *mutatis mutandis* in connection with the policy in question, or any money paid or accruing thereunder, or any other asset into which any such money was converted, subject to any conditions on which he may have ceded or effected the policy, and subject to the provisions of section *forty-four*: Provided that he shall be obliged, subject to any such conditions as aforesaid, to pay, out of the estate belonging to him and the said woman jointly, any premium under the said policy which falls due during their marriage (so long as the value of that estate exceeds their joint liabilities) and if he fails to make any such payment, the woman may make the payment without his consent out of any money which she may have earned or made, or which may be otherwise available to her.

(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, exceeds one thousand five hundred pounds: Provided that the proviso to sub-section (1) of section *thirty-nine* shall apply also to this sub-section.

(3) The provisions of sub-section (3) of section *thirty-nine* shall apply *mutatis mutandis* in connection with any money paid or due under a life policy mentioned in sub-section (1) of this section and in connection with any other asset into which any such money was converted.

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as voormeld betaal het, en sy verbintenisse (of die verbintenisse van albei eggenote as hulle in gemeenskap van goedere getroud was) vanaf die tydstip van die betaling die waarde van sy bate (of die bate van albei eggenote as hulle in gemeenskap van goedere getroud was), voortdurend te bowe gegaan het totdat sy boedel of die gemeenskaplike boedel as insolvent gesekwestreer is, die vrou verplig is om die bedrag van elke sodanige premie, vir sover die betaling daarvan so 'n surplus van verbintenisse oor bate teweeggebring of vermeerder het, in die insolvente boedel in te betaal.

(2) 'n Vrou wat met haar eggenoot in gemeenskap van goedere of van wins en verlies getroud is, of wat buite sodanige gemeenskap getroud is maar wie se goed onder beheer van haar eggenoot staan, kan sonder die toestemming van haar eggenoot 'n lewenspolis op haar eie lewe of op die van haar eggenoot sluit en die bepalings van sub-artikel (1) is *mutatis mutandis* van toepassing in verband met die betrokke polis, of met enige geld wat ingevolge daarvan betaal is of betaalbaar word of met enige ander bate waarin sodanige geld omgeset is: Met dien verstande dat die eggenoot van bedoelde vrou nie verplig is (tensy hy homself daartoe verplig het) om enige premie wat ingevolge bedoelde polis verskuldig is, òf uit sy eie geld òf uit geld wat gesamentlik aan hom en sy eggenote behoort òf uit geld onder sy beheer wat aan sy eggenote behoort, te betaal nie.

(3) As 'n vrou in sub-artikel (1) of (2) bedoel 'n lewenspolis ooreenkomstig een van daardie sub-artikels gesluit het, en terwyl sy soos voormeld getroud is, geld verdien of maak sonder om daarvoor bate wat gesamentlik aan haar en haar eggenoot, of aan haar eggenoot alleen, behoort, aan te wend, kan sy, sonder die toestemming van haar eggenoot, daardie geld gebruik om daarmee enige ingevolge die polis verskuldigde premie te betaal.

Sekere lewenspolisse van huweliksgemeenskap van goedere uitgesluit en teen skuldeisers beskerm.

42. (1) As 'n man wat 'n lewenspolis op sy eie lewe gesluit het, daardie polis gesedeer het aan 'n vrou met wie hy voornemens was om te trou, en met wie hy daarna in gemeenskap van goedere getroud is, of as 'n man 'n lewenspolis gesluit het ten gunste van 'n vrou met wie hy voornemens was om te trou of ten gunste van 'n kind van hom en haar, wat gebore is of gebore sal word (of ten gunste van haar en so 'n kind) op sy of haar lewe, en met wie hy daarna in gemeenskap van goedere getroud is, is die bepalings van sub-artikel (1) van artikel *een-en-veertig mutatis mutandis* van toepassing in verband met die betrokke polis, of met geld wat ingevolge daarvan betaal is of oploop, of met enige ander bate waarin sodanige geld omgeset is, behoudens die voorwaardes waarop hy die polis gesedeer of gesluit het, en behoudens die bepalings van artikel *vier-en-veertig*: Met dien verstande dat hy, behoudens sodanige voorwaardes as voormeld verplig is om uit die boedel wat aan hom en bedoelde vrou gesamentlik behoort, alle premies ingevolge bedoelde polis te betaal wat gedurende hul huwelik verskuldig word (solank die waarde van daardie boedel hul gemeenskaplike verbintenisse te bowe gaan), en as hy versuim om 'n sodanige betaling te maak, kan die vrou die betaling sonder sy toestemming maak uit geld wat sy verdien of gemaak het, of waaroor sy andersins beskik.

(2) As 'n man wat 'n lewenspolis op sy eie lewe gesluit het daardie polis gesedeer het aan 'n vrou met wie hy voornemens 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 voornemens 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 tenuitvoerlegging van 'n vonnis of bevel van 'n geregshof, 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, eenduisend vyfhonderd pond te bowe gaan: Met dien verstande dat die voorbehoudsbepaling tot sub-artikel (1) van artikel *negen-en-dertig* ook op hierdie sub-artikel van toepassing is.

(3) Die bepalings van sub-artikel (3) van artikel *negen-en-dertig* is *mutatis mutandis* van toepassing in verband met geld wat betaal of verskuldig is kragtens 'n lewenspolis bedoel in sub-artikel (1) van hierdie artikel en in verband met enige ander bate waarin sodanige geld omgeset is.

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Husband may cede life policy to his wife or insure in her favour.

43. A married man (whether he is married in community of property or of profit and loss, or without such community), may cede to his wife any life policy which he may have effected in his own favour (whether before or during his marriage) upon his or her life, or may effect a life policy in her favour or in favour of any child of him and her, whether born or to be born (or in favour of her and such a child) upon his or her life, and thereupon the provisions of sub-section (1) of section *forty-one* shall apply in connection with the policy in question, or any money paid or accruing thereunder or any other asset into which any such money was converted (except in regard to the interests of any such child as aforesaid) subject to any conditions on which the said man may have ceded or effected the policy and subject to the proviso to sub-section (1) of section *forty-two*, which shall also apply to this section if the said man is married in community of property, and subject to the provisions of section *forty-four*.

Limitation of exclusion of certain life policies from estate of husband.

44. (1) If the estate of a man who has ceded or effected a life policy in terms of section *forty-two* or *forty-three* has been sequestrated as insolvent, the policy or any money which has been paid or has become due thereunder or any other asset into which any such money was converted shall be deemed to belong to that estate: Provided that, if the transaction in question was entered into in good faith and was completed not less than two years before the sequestration—

(*a*) by means or in pursuance of a duly registered antenuptial contract, the preceding provisions of this sub-section shall not apply in connection with the policy, money or other asset in question;

(*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 one thousand five hundred pounds shall be deemed to belong to the said estate.

(2) If the estate of a man who has ceded or effected a life policy as aforesaid, has not been sequestrated, the policy or any money which has been paid or has become due thereunder or any other asset into which any such money was converted shall, as against any creditor of that man, be deemed to be the property of the said man—

(*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 one thousand five hundred pounds, if a period of two years or longer has elapsed since the date upon which the said man ceded or effected the policy; or

(*b*) entirely, if a period of less than two years has elapsed between the date upon which the policy was ceded or effected, as aforesaid, and the date upon which the creditor concerned causes the property in question to be attached in execution of a judgment or order of a court of law.

(3) When a woman, who is married in community of property, owns a life policy or any money paid or accrued under a life policy which falls outside that community or any other asset into which any such money was converted, but which may lawfully be wholly or partly attached in execution of a judgment given against her husband, that policy or money shall not be so attached by any creditor of her husband, unless the assets which they own jointly are insufficient to satisfy the creditor's claim, and if the policy or money or any part thereof or any such other asset is so attached or is used in payment of any such claim, the woman shall be entitled to a refund of the amount in question out of any policy or money belonging to her husband which is withheld from his creditors or the trustee of his insolvent estate in terms of section *thirty-nine*.

Creditor or trustee may select life policies for realization.

45. When a part only of the aggregate value of two or more life policies or other assets mentioned in section *thirty-nine*, *forty*, *forty-two* or *forty-four* is protected under any one of those sections, the judgment creditor or trustee concerned, as the case may be, may determine which policy or policies or other

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43. 'n Getroude man (onverskillig of hy in gemeenskap van goedere of van wins en verlies dan wel buite sodanige gemeenskap getroud is), kan aan sy eggenote 'n lewenspolis sedeer wat hy ten gunste van homself gesluit het hetsy voor of tydens sy huwelik), op sy of haar lewe, of kan 'n lewenspolis sluit ten gunste van haar of ten gunste van 'n kind van hom en haar wat gebore is of gebore sal word (of ten gunste van haar en so 'n kind), op sy of haar lewe, en daarna is die bepalings van sub-artikel (1) van artikel *een-en-veertig* van toepassing in verband met die betrokke polis of met geld wat uit kragte daarvan betaal is of aan iemand toekom, of met enige ander bate waarin sodanige geld omgeset is (behalwe ten aansien van die belang van so 'n kind as voormeld) behoudens die voorwaardes waarop bedoelde man die polis mag gesedeer of gesluit het, en met inagneming van die voorbehoudsbepaling van sub-artikel (1) van artikel *twee-en-veertig*, wat ook op hierdie artikel van toepassing is, indien bedoelde man in gemeenskap van goedere getroud is, en met inagneming van die bepalings van artikel *vier-en-veertig*. Eggenoot kan lewenspolis aan sy eggenote sedeer of ten gunste van haar verseker.

44. (1) As die boedel van 'n man wat 'n lewenspolis ooreenkomstig artikel *twee-en-veertig* of *drie-en-veertig* gesedeer of gesluit het, as insolvent gesekwestreer is, word die polis en alle geld wat uit kragte daarvan betaal is of verskuldig geword het of enige ander bate waarin sodanige geld omgeset is, geag aan daardie boedel te behoort: Met dien verstande dat, indien die betrokke regshandeling te goeder trou aangegaan is en voltrek is nie minder as twee jaar voor die sekwestrasie nie— Beperking op uitsluiting van sekere lewenspolisse van boedel van eggenoot.

(*a*) deur middel van of ooreenkomstig behoorlik geregistreerde huweliksvoorwaardes, die voorgaande bepalings van hierdie sub-artikel nie van toepassing is nie in verband met die betrokke polis, geld of ander bate;

(*b*) anders as deur middel van of ooreenkomstig behoorlik geregistreerde huweliksvoorwaardes, slegs so veel van die gesamentlike waarde van al sodanige polisse, geld en ander bate as wat eenduisend vyfhonderd pond te bowe gaan, geag word aan bedoelde boedel te behoort.

(2) As die boedel van 'n man wat so 'n lewenspolis as voormeld gesedeer of gesluit het, nie gesekwestreer is nie, word die polis en alle uit kragte daarvan betaalde of verskuldigde geld of alle ander bate waarin sodanige geld omgeset is, teenoor 'n skuldeiser van daardie man beskou as die eiendom van daardie man—

(*a*) vir sover die waarde daarvan, met inbegrip van die waarde van alle ander lewenspolisse wat soos voormeld 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 eenduisend vyfhonderd pond 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

(*b*) geheelenal, as 'n tydperk van minder as twee jaar verloop het tussen die datum waarop die polis gesedeer of gesluit is, soos voormeld, en die datum waarop die betrokke skuldeiser die betrokke goed laat in beslag neem ter voldoening aan 'n vonnis of bevel van 'n geregshof.

(3) Wanneer 'n vrou wat in gemeenskap van goedere getroud is die eienares is van 'n lewenspolis of van geld wat betaal is of aan haar toekom kragtens 'n lewenspolis wat buite daardie gemeenskap val, of van enige ander bate waarin sodanige geld omgeset is maar wat geheel of gedeeltelik wettig in beslag geneem kan word, ter voldoening aan 'n vonnis wat teen haar eggenoot gegee is, mag daardie polis of geld nie aldus in beslag geneem word deur 'n skuldeiser van haar eggenoot nie, tensy die bate wat hulle gesamentlik besit onvoldoende is om aan die skuldeiser se vordering te voldoen, en as die polis of geld of 'n deel daarvan of sodanige ander bate aldus in beslag geneem of gebruik word ter vereffening van so 'n vordering, is die vrou geregtig op terugbetaling van die betrokke bedrag uit enige polis of geld wat aan haar eggenoot behoort en wat ooreenkomstig artikel *negen-en-dertig* aan sy skuldeisers of aan die kurator van sy insolvente boedel onttrek is.

45. As slegs 'n gedeelte van die gesamentlike waarde van twee of meer lewenspolisse, of ander bate wat in artikel *negen-en-dertig*, *veertig*, *twee-en-veertig* of *vier-en-veertig* vermeld word, beskerm word ingevolge een of ander van bedoelde artikels, kan die betrokke vonnis-skuldeiser of kurator, na gelang van die geval, vasstel watter polis of polisse of ander bate Skuldeiser of kurator kan lewenspolisse vir totgeldmaking uitkies.

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asset or assets shall be realised wholly or partly in order to make available to him so much of the said aggregate value as is not protected as aforesaid.

Partial realization and partial conversion of partly protected policy.

46. (1) When a creditor of the owner of a life policy or the trustee of the insolvent estate of such an owner is entitled to a part of the value of that policy, he may, if he is in possession thereof, deliver it to the insurer who is liable thereunder, and if he is not in possession thereof, the owner or any other person in possesion thereof, shall, at the request of the creditor or trustee, deliver it to the said insurer.

(2) On receipt of the policy the insurer shall, at the request of the creditor or trustee, pay to him a sum equal to the part of the value of the policy to which he is entitled and the insurer shall, at the request of the owner of the policy, issue to him a new policy of the same class as the one to whieh the first mentioned or old policy belongs, but for a reduced sum insured, equal to the difference between the full sum insured under the old policy, including any bonus which may have accrued in connection therewith, and an amount which bears the same ratio to the said full sum insured (inclusive of any such bonus) as the amount paid by the insurer to the creditor or trustee bears to the full value of the said policy, and the new policy shall be protected under section *thirty-nine, forty, forty-two, forty-three* or *forty-four* to the same extent as the old policy, for which it was substituted, was protected under any one of the said sections.

(3) When the insurer has made the payment and issued the new policy as provided in sub-section (2), the old policy shall lapse.

Premiums paid with intent to benefit someone at expense of a creditor.

47. (1) If a premium upon any life policy was paid, with intent to benefit any person at the expense of any creditor of the person making the payment, the court may order the owner of the policy to pay a sum equal to the aggregate of all premiums so paid, with interest at the rate of six per cent. per annum on the amount of each premium so paid, as from the date of its payment, to the person to whose detriment the premium was paid or, if the estate of that person has been sequestrated as insolvent, to the trustee of that estate.

(2) Any such order shall have the effect of pledging the policy in question to the person who is entitled to the said payment, as security therefor, until the payment is made, and while the policy is so pledged the pledgee shall be entitled to possess it.

Provisions in case a ceded or trust policy cannot be kept up.

48. If any person who has effected or ceded a life policy for the benefit of his wife or of his or her child, or of his wife and his or her child, or if any person who holds any policy in trust for any other person and is obliged to pay the premiums thereon, is or has been unable to pay the premiums, such a person or trustee may, with the consent of any person who has any interest in that policy (or if the last-mentioned person is a minor, then with the consent of his guardian or the Master of the Supreme Court within whose area of jurisdiction the minor is domiciled), agree with the insurer who is liable under the policy—

(*a*) to exchange the policy for a paid-up life policy of a value equal to that of the first-mentioned policy, according to the insurer's current tariff, payable at the time and in the manner stipulated in the original policy, to the person or persons entitled to the sum insured by the original policy ; or

(*b*) to borrow from the insurer upon security of the policy such sums as may be necessary to keep the policy in force or to revive it ; or

(*c*) to apply any bonus which may have accrued in connection with the policy, to a temporary or permanent reduction of premiums or to the payment of any premiums which have fallen due.

Age incorrectly stated.

49. If it is proved after the issue of a life policy that it is based upon an incorrect statement of the age of the person whose life is insured, the sum insured and other benefits under the policy shall be such as the premiums payable under the policy would have secured had the policy been based upon the said person's real age.

Restriction of payments on death of children under fourteen years of age.

50. No insurer and no friendly society shall insure the life of a child which is under the age of fourteen years for any sum of money which exceeds or which, when added to any amount payable on the death of that child by any other insurer or by any friendly society, exceeds—

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geheel of gedeeltelik tot geld gemaak moet word ten einde tot sy beskikking te stel soveel van bedoelde gesamentlike waarde as wat nie soos voormeld beskerm word nie.

46. (1) Wanneer 'n skuldeiser van die eienaar van 'n lewenspolis of die kurator van die insolvente boedel van so 'n eienaar geregtig is op 'n gedeelte van die waarde van daardie polis, dan kan hy dit, as hy dit in sy besit het, oorhandig aan die versekeraar wat uit kragte daarvan aanspreeklik is, en as hy dit nie in sy besit het nie, moet die eienaar of enige ander persoon wat dit in sy besit het, dit op versoek van die skuldeiser of kurator aan bedoelde versekeraar oorhandig. Gedeeltelike totgeldmaking en gedeeltelike omsetting van gedeeltelik-beskermde polis.

(2) Na ontvangs van die polis moet die versekeraar, op versoek van die skuldeiser of kurator, aan hom 'n bedrag uitbetaal wat gelyk is aan die deel van die waarde van die polis waarop hy geregtig is, en die versekeraar moet, op versoek van die eienaar van die polis, 'n nuwe polis aan hom uitreik, van dieselfde soort as die waartoe die eersgenoemde of ou polis behoort het, maar vir 'n verminderde bedrag, gelyk aan die verskil tussen die volle versekerde bedrag van die ou polis, met inbegrip van alle bonusse wat in verband daarmee opgeloop het, en 'n bedrag wat in dieselfde verhouding staan tot bedoelde volle versekerde bedrag (met inbegrip van sodanige bonusse) as die verhouding waarin die bedrag wat die versekeraar aan die skuldeiser of kurator betaal het, staan tot die volle waarde van bedoelde polis, en die nuwe polis word beskerm kragtens artikel *negen-en-dertig*, *veertig*, *twee-en-veertig*, *drie-en-veertig* of *vier-en-veertig*, in dieselfde mate as die ou polis, wat dit vervang, beskerm was kragtens een of ander van bedoelde artikels.

(3) Wanneer die versekeraar die betaling gemaak en die nuwe polis uitgereik het soos in sub-artikel (2) bepaal, verval die ou polis.

47. (1) As 'n premie op 'n lewenspolis betaal is met die opset om een of ander persoon te bevoordeel ten koste van 'n skuldeiser van die persoon wat die betaling maak, kan die hof die eienaar van die polis beveel om 'n bedrag gelyk aan die som van alle aldus betaalde premies met rente teen ses persent per jaar op die bedrag van elke aldus betaalde premie, vanaf die datum waarop dit betaal is, te betaal aan die persoon tot wie se nadeel die premie betaal is, of, as die boedel van daardie persoon as insolvent gesekwestreer is, aan die kurator van daardie boedel. Premies betaal met opset om iemand te bevoordeel ten koste van 'n skuldeiser.

(2) So 'n bevel het as gevolg die verpanding van die betrokke polis aan die persoon wat op bedoelde betaling geregtig is, as waarborg daarvoor, totdat die betaling geskied, en terwyl die polis aldus verpand is, het die pandhouer die reg om dit te besit.

48. As iemand wat 'n lewenspolis ten bate van sy eggenote of van sy of haar kind, of van sy eggenote en sy of haar kind gesluit of gesedeer het, of as iemand wat 'n polis as trustee ten behoewe van iemand anders besit en verplig is om die premies daarop te betaal, nie in staat is of was om die premies te betaal nie, kan so 'n persoon of trustee met die toestemming van iemand wat 'n belang in daardie polis het (of indien laasbedoelde persoon 'n minderjarige is, dan met die toestemming van sy voog of van die Meester van die Hooggeregshof in wie se gebied die minderjarige gedomisilieer is) met die versekeraar wat kragtens die polis aanspreeklik is, ooreenkom— Bepalings ingeval 'n gesedeerde of trust-polis nie in stand gehou kan word nie.

(*a*) om die polis te verruil vir 'n opbetaalde lewenspolis van 'n waarde gelyk aan die van eersgenoemde polis, volgens die versekeraar se geldende tarief, betaalbaar op die tydstip en wyse bepaal deur die oorspronklike polis, aan die persoon of persone wat geregtig is op die bedrag wat deur die oorspronklike polis verseker is; of

(*b*) om teen onderpand van die polis sulke bedrae van die versekeraar te leen as wat nodig is om die polis in stand te hou of te laat herlewe; of

(*c*) om enige bonus wat in verband met die polis mag opgeloop het, aan te wend tot tydelike of blywende vermindering van premies of ter betaling van premies wat verskuldig geword het.

49. As na die uitreiking van 'n lewenspolis bewys word dat die polis gegrond is op 'n verkeerde opgaaf van die ouderdom van die persoon wie se lewe verseker is, is die versekerde bedrag en ander voordele kragtens die polis sodanig as wat die premies wat kragtens die polis betaalbaar is, sou opgelewer het as die polis op bedoelde persoon se werklike ouderdom gegrond was. Ouderdom verkeerd aangegee.

50. 'n Versekeraar en 'n onderlinge hulpvereniging mag nie die lewe van 'n kind wat benede die leeftyd van veertien jaar is verseker nie vir 'n som geld wat meer bedra, of wat, tesame met 'n bedrag wat by die dood van daardie kind deur enige ander versekeraar of deur 'n onderlinge hulpvereniging betaalbaar is, meer bedra as— Beperking van betalings by dood van kinders benede leeftyd van veertien jaar.

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(a) ten pounds, if the child is under three years of age ; or
(b) fifteen pounds, if the child is three years old or older but is under six years of age ; or
(c) twenty pounds, if the child is six years old or older, but is under ten years of age ; or
(d) thirty pounds, if the child is ten years old or older, but is under fourteen years of age :

Provided that the preceding provisions of this section shall not prohibit the issue of a policy providing for the payment, on the death of any child, of a sum not exceeding the aggregate of all the premiums paid in respect of the policy, plus interest on each premium at a rate not exceeding five per cent. per annum, compounded yearly.

In life insurance discrimination, special inducements and credit for first year's premiums are prohibited.

51. (1) No insurer shall make or permit any discrimination as between one life policy and another, in regard to the rate of premiums charged or the rate of bonuses granted, where such policies are of the same kind, and where the persons whose lives are insured under such policies have an equal expectation of life.

(2) No insurer and no director, servant or agent of an insurer shall pay, allow or give, or offer to pay, allow or give, directly or indirectly, as an inducement to insure, any rebate of the premium payable on a life policy, or any advantage in the nature of such a rebate or any preferential treatment in connection with any bonus or other benefit under a life policy, and no person shall knowingly receive as such an inducement any such rebate of premium, or such an advantage or preferential treatment, and no director, servant or agent of an insurer shall accept any application for a life policy in respect of which a promissory note, bill of exchange or other negotiable instrument (not being a cheque payable on the date of issue) or an acknowledgment of debt (not being a stop order), in favour of the insurer or any person whatsoever has been given for the first year's premium or any part thereof.

(3) Any person who contravenes any provision of this section shall be guilty of an offence and liable to a fine not exceeding twice the amount of the annual premium normally payable on a policy such as the one in respect of which the contravention took place.

(4) Sub-section (1) shall not apply in connection with life policies—

(a) which are reinsurance contracts ; or
(b) for large sums at preferential rates in accordance with the current tariff of the insurer concerned ; or
(c) which insure, at preferential rates, the lives of employees of one employer or of a combination of employers or members of the families of such employees, or the lives of a group of persons carrying on the same occupation ;

and the registrar may, in any particular case or with reference to any particular class of cases which does not fall within the preceding provisions of this sub-section, exempt an insurer from the provisions of sub-section (1).

(B) *Industrial Business.*

Application to industrial business of sections 34 to 50.

52. The provisions of sections *thirty-four* to *fifty*, both inclusive, shall apply *mutatis mutandis* in connection with industrial business.

(C) *Funeral Business.*

Definitions.

53. In this section and in sections *fifty-four* to and including *fifty-eight*—

"deficiency" means, in relation to an existing insurer, the amount by which the liabilities of the insurer in connection with his funeral business as shown in the statement mentioned in sub-section (1) of section *twelve* exceed the value of the assets held by the insurer in respect of his funeral business, as shown in the balance sheet and in the statement of assets mentioned in sub-section (1) of section *fourteen*, or the deficiency shown in a report referred to in paragraph (a) of section *fifty-five* ;

"existing insurer" means a Union insurer who was lawfully carrying on funeral business immediately before the commencement of this Act ;

"stated period," in relation to an existing insurer means a period of three years as from the date of commencement of this Act, plus one year in respect of each period of eighteen months during which that

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(*a*) tien pond, as die kind minder as drie jaar oud is; of
(*b*) vyftien pond, as die kind drie jaar oud of ouer, maar minder as ses jaar oud is; of
(*c*) twintig pond, as die kind ses jaar oud of ouer, maar minder as ses jaar oud is; of
(*d*) dertig pond, as die kind tien jaar oud of ouer, maar minder as veertien jaar oud is:

Met dien verstande dat die voorgaande bepalings van hierdie artikel nie die uitreiking belet van 'n polis wat beding dat by die dood van 'n kind, 'n bedrag betaal sal word wat nie groter is nie as die som van al die premies wat op die polis betaal is, plus rente op elke premie teen 'n koers van hoogstens vyf persent per jaar, jaarliks saamgestel.

By lewensversekering word voorkeur, besondere aanmoediging en krediet vir premies vir eerste jaar verbied.

51. (1) 'n Versekeraar mag geen onderskeiding maak of veroorloof nie tussen een polis en 'n ander, wat betref die skaal van berekende premies of die skaal van toegekende bonusse as daardie polisse van dieselfde soort is en die persone wie se lewens kragtens sodanige polisse verseker is, dieselfde vermoedelike lewensduur het.

(2) 'n Versekeraar en 'n direkteur, dienaar of agent van 'n versekeraar mag nie regstreeks of onregstreeks, as aanmoediging om te verseker, enige korting van die op 'n lewenspolis betaalbare premie, of enige voordeel van die aard van so 'n korting, of enige begunstiging in verband met 'n bonus, of ander voordeel kragtens 'n lewenspolis betaal, toestaan of gee, of aanbied om te betaal, toe te staan of te gee nie; en niemand mag wetens as so 'n aanmoediging so 'n korting op premie, of so 'n voordeel of begunstiging ontvang nie; en geen direkteur, dienaar of agent van 'n versekeraar mag 'n aansoek om 'n lewenspolis aanneem nie ten opsigte waarvan 'n promesse, wissel of ander handelspapier (behalwe 'n tjek betaalbaar op die datum van afgifte), of 'n skuldbekentenis (behalwe 'n stoporder) ten gunste van die versekeraar of wie ook al vir die eerste jaar se premie of 'n deel daarvan gegee is.

(3) Iedereen wat enige bepaling van hierdie artikel oortree is aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens tweekeer die bedrag van die jaarlikse premie wat gebruiklikerwys betaalbaar is op 'n polis soos die een ten opsigte waarvan die misdryf gepleeg is.

(4) Sub-artikel (1) is nie van toepassing nie in verband met lewenspolisse—
(*a*) wat herversekeringskontrakte is; of
(*b*) vir groot bedrae op voorkeur-voorwaardes ooreenkomstig die geldende tarief van die betrokke versekeraar; of
(*c*) wat op voorkeur-voorwaardes die lewens van werknemers van een werkgewer of 'n kombinasie van werkgewers of van lede van die families van sodanige werknemers, of die lewens van 'n groep van persone wat dieselfde beroep uitoefen verseker;

en die registrateur kan, in 'n besondere geval of ten aansien van 'n besondere kategorie van gevalle wat nie deur die voorgaande bepalings van hierdie sub-artikel gedek word nie, 'n versekeraar van die bepalings van sub-artikel (1) vrystel.

(*B*) *Nywerheidsbesigheid.*

Toepassing van artikels 34 tot 50 op nywerheidsbesigheid.

52. Die bepalings van artikels *vier-en-dertig* tot en met *vyftig*, is *mutatis mutandis* van toepassing in verband met nywerheidsbesigheid.

(*C*) *Begrafnisbesigheid.*

Woordbepaling.

53. In hierdie artikel en in artikels *vier-en-vyftig* tot en met *agt-en-vyftig*, beteken—

„tekort", met betrekking tot 'n bestaande versekeraar die bedrag van die oorskot van die verbintenisse van die versekeraar in verband met sy begrafnisbesigheid soos aangegee in die opgaaf vermeld in sub-artikel (1) van artikel *twaalf* bo die waarde van die bate wat die versekeraar besit in verband met sy begrafnisbesigheid, soos aangegee in die balansstaat en in die opgaaf van bate bedoel in sub-artikel (1) van artikel *veertien*, of die tekort wat aangegee word in 'n verslag bedoel in paragraaf (*a*) van artikel *vyf-en-vyftig*;

„bestaande versekeraar", 'n Unie-versekeraar wat wettig begrafnisbesigheid gedryf het onmiddellik voor die inwerkingtreding van hierdie Wet;

„bepaalde tydperk", met betrekking tot 'n bestaande versekeraar, 'n tydperk van drie jaar vanaf die datum van inwerkingtreding van hierdie Wet, plus een jaar vir elke tydperk van agtien maande gedurende welke

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insurer has been carrying on funeral business up to such date, but not exceeding ten years: Provided that if an existing insurer is a former insurer as defined in sub-section (1) of section *twenty-four*, the stated period in relation to that insurer shall be ten years.

Permanent modifications of Act for existing insurers.

54. The provisions of this Act specified below in this section with the modifications likewise specified, shall apply in connection with the funeral business of any existing insurer.

(*a*) The registrar shall act in accordance with the provisions of sub-section (3) of section *four* in connection with an existing insurer even though he is not satisfied that the manner in which the insurer proposes to carry on funeral business is not inconsistent with the provisions of this Act or is not otherwise undesirable.

(*b*) Part I of the First Schedule to this Act shall be deemed to provide that the amount of the deposit with the Treasury in respect of funeral business shall be as follows:

(i) before the registration of the insurer, an amount of two hundred and fifty pounds;

(ii) within a period of three months as from the receipt, by the registrar, of the first statement mentioned in sub-section (1) of section *twelve* or of the report mentioned in paragraph (*a*) of section *fifty-five* an amount which will increase that deposit to twenty-five per cent. of the liabilities of the insurer or to five hundred pounds, whichever is the lesser amount; and

(iii) within a period of three months as from the expiration of each financial year of the insurer which commenced after the commencement of this Act, an amount equal to ninety per cent. of any increase in the funeral insurance fund of the insurer during such year, until such time as the total amount of the deposit shall be equal to the amount of the deposit prescribed by Part I of the First Schedule to this Act:

Provided that the insurer may, if he so desires, make deposits of larger amounts or at shorter intervals; and provided further that if during any financial year the funeral insurance fund of the insurer decreases in amount, no refund shall be made to the insurer of any part of any deposit prescribed in this paragraph.

Temporary modifications of Act for existing insurers.

55. The provisions of this Act specified below in this section with the modifications likewise specified, shall apply in connection with the funeral business of an existing insurer until the expiration of the stated period of that insurer:

(*a*) The statement of liabilities referred to in sub-section (1) of section *twelve* and the statement of assets referred to in sub-section (1) of section *fourteen* may be prepared at quinquennial intervals. The first of such statements shall be prepared and furnished to the registrar within a period of six months as from the expiration of the first financial year of the insurer which commenced after the commencement of this Act: Provided that in special circumstances the insurer may, with the permission of the registrar, delay the preparation and furnishing of that first statement until a date fixed by the registrar; and provided further that the registrar may accept in lieu of that first statement a report made by an actuary which is based on a valuation of the insurer's assets and liabilities prior to the expiration of the said financial year.

(*b*) The provisions of sub-section (1) of section *seventeen*, of section *eighteen*, and of sub-section (2) of section *nineteen* shall not apply.

(*c*) The registrar may, if he is satisfied that the circumstances of any particular case so require, prescribe provisions other than those prescribed in section *twenty-five* in connection with the amalgamation of the businesses of a Union insurer who carries on

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daardie versekeraar tot op daardie datum begrafnisbesigheid gedryf het, maar nie meer as tien jaar nie: Met dien verstande dat as 'n bestaande versekeraar 'n voormalige versekeraar is soos omskryf in sub-artikel (1) van artikel *vier-en-twintig*, die bepaalde tydperk met betrekking tot daardie versekeraar tien jaar is.

Blywende wysigings van Wet vir bestaande versekeraars.

54. Die hieronder in hierdie artikel vermelde bepalings van hierdie Wet, met die eweneens vermelde wysigings, is van toepassing in verband met die begrafnisbesigheid van 'n bestaande versekeraar.

(*a*) Die registrateur handel ooreenkomstig die bepalings van sub-artikel (3) van artikel *vier* in verband met 'n bestaande versekeraar, selfs al is hy nie oortuig dat die wyse waarop die versekeraar voornemens is om begrafnisbesigheid te dryf nie strydig is met die bepalings van hierdie Wet of nie andersins onwenslik is nie.

(*b*) Deel I van die Eerste Bylae tot hierdie Wet word geag te bepaal dat die bedrag van die deposito by die Tesourie ten aansien van begrafnisbesigheid die volgende is—

(i) vóór die registrasie van die versekeraar, 'n bedrag van tweehonderd-en-vyftig pond;

(ii) binne 'n tydperk van drie maande vanaf die ontvangs, deur die registrateur, van die eerste opgaaf bedoel in sub-artikel (1) van artikel *twaalf* of van die verslag bedoel in paragraaf (*a*) van artikel *vyf-en-vyftig*, 'n bedrag wat daardie deposito vermeerder tot vyf-en-twintig persent van die verbintenisse van die versekeraar of tot vyfhonderd pond, na gelang die een of die ander bedrag die kleinste is; en

(iii) binne 'n tydperk van drie maande vanaf die sluiting van elke boekjaar van die versekeraar wat na die inwerkingtreding van hierdie Wet ingetree het, 'n bedrag gelyk aan negentig persent van enige vermeerdering van die begrafnisversekeringsfonds van die versekeraar gedurende daardie jaar, tot tyd en wyl die totale bedrag van die deposito gelyk is aan die bedrag van die deposito wat Deel I van die Eerste Bylae tot hierdie Wet voorskryf:

Met dien verstande dat die versekeraar, as hy wil, deposito's van groter bedrae of met korter tussenpose kan maak; en met dien verstande voorts dat as die begrafnisversekeringsfonds van die versekeraar gedurende een of ander boekjaar in bedrag verminder, geen deel van 'n in hierdie paragraaf voorgeskrewe deposito aan die versekeraar terugbetaal word nie.

Tydelike wysigings van Wet vir bestaande versekeraars.

55. Die hieronder in hierdie artikel vermelde bepalings van hierdie Wet, met die eweneens vermelde wysigings, is van toepassing in verband met die begrafnisbesigheid van 'n bestaande versekeraar tot die verstryking van die bepaalde tydperk van daardie versekeraar.

(*a*) Die opgaaf van verbintenisse bedoel in sub-artikel (1) van artikel *twaalf*, en die opgaaf van bate bedoel in sub-artikel (1) van artikel *veertien*, kan vyfjaarliks opgemaak word. Die eerste sodanige opgaaf moet opgemaak en aan die registrateur verstrek word binne 'n tydperk van ses maande vanaf die sluiting van die eerste boekjaar van die versekeraar wat na die inwerkingtreding van hierdie Wet ingetree het: Met dien verstande dat die versekeraar in buitengewone omstandighede met die toestemming van die registrateur, die opmaak en verstrekking van daardie eerste opgaaf kan vertraag tot 'n deur die registrateur vasgestelde datum; en met dien verstande voorts dat die registrateur in plaas van daardie eerste opgaaf, 'n deur 'n aktuaris opgestelde verslag kan aanneem wat gegrond is op 'n waardering van die versekeraar se bate en verbintenisse voor die verstryking van bedoelde boekjaar.

(*b*) Die bepalings van sub-artikel (1) van artikel *sewentien*, van artikel *agtien* en van sub-artikel (2) van artikel *negentien* is nie van toepassing nie.

(*c*) Die registrateur kan, as hy oortuig is dat die omstandighede van 'n besondere geval dit vereis, ander bepalings voorskryf as die wat in artikel *vyf-en-twintig* vervat is in verband met die samesmelting van die besighede van 'n binnelandse versekeraar wat geen ander

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no other insurance business than funeral business, with any other business whatever, or the transfer of the funeral business or a portion of such a business from a Union insurer to any other person whatever, and the amalgamation or transfer shall thereupon be effected in accordance with the provisions so prescribed by the registrar.

(*d*) If the insurer has a deficiency, he shall reduce the deficiency in such a manner as to extinguish it within the stated period, and the registrar shall not, solely because of that deficiency, investigate, or cause to be investigated, the affairs of the insurer in terms of section *twenty-nine*, or apply to the court for an order in terms of section *thirty*, unless—

(i) it appears from any statement of liabilities and assets of the insurer that his deficiency has not been extinguished within his stated period ; or

(ii) the registrar, after consideration of any statements of the insurer's liabilities and assets, is of the opinion that the deficiency of the insurer has not been reduced to the extent necessary to extinguish it within his stated period ; or

(iii) the registrar is of the opinion that the insurer's deficiency was not reduced as aforesaid during any quinquennial interval referred to in paragraph (*a*) of this section :

Provided that the Minister may, if he is satisfied that the insurer has made every endeavour to extinguish his deficiency and that there is a reasonable prospect that the deficiency will be extinguished, add to the stated period of that insurer such a period as he may determine, and such extended period shall thereupon, in respect of that insurer, be deemed to be his stated period.

Reduction of, or exemption from deposits in case of funeral insurers without share capital.

56. Notwithstanding the provisions of section *three* or *four*, the Minister may, in the case of a company or an association without a share capital, which is carrying on funeral business and no other class of insurance business, whether or not it is an existing insurer, by writing under his hand—

(*a*) permit the insurer to deposit a specified smaller amount than the amount prescribed by Part I of the First Schedule to this Act or by paragraph (*b*) of section *fifty-four* ; or

(*b*) exempt such an insurer from making the deposit prescribed by section *three* or *four*,

subject to such conditions for safeguarding the owners of policies in such funeral business as he may impose.

Owner of funeral policy to have option to claim money in lieu of non-monetary benefi.s.

57. (1) Every funeral policy issued after the commencement of this Act shall provide that the owner thereof shall, at his option, be entitled to a sum of money in lieu of each funeral or other non-monetary benefit for which provision is made in the policy, and the policy may provide that the insurer concerned shall likewise have the option to pay such sum of money instead of providing for any such funeral or other non-monetary benefit. Any such option and the amount of each such sum of money shall be stated expressly and clearly in the policy and in every premium receipt book issued in connection therewith, in printed or typed letters no smaller than, and as legible as, the letters of the main provisions of the policy.

(2) Every registered insurer who issued a funeral policy before the commencement of this Act shall (if the policy is still in force) within a period of three months as from such commencement declare to the registrar the value in money, of each funeral or other non-monetary benefit for which provision is made in every such policy, and such value shall be stated in clear type and in distinct terms in every premium receipt book issued thereafter in connection with the policy.

(3) If the registrar is of the opinion that a sum of money mentioned in a policy in terms of sub-section (1), or that the value declared in terms of sub-section (2) with reference to a particular policy, does not approximate the value of the funeral or other non-monetary benefit for which provision is made in that policy, he shall declare the amount of money, which is, in his opinion, equal to the value of such funeral or other benefit provided for in that policy.

(4) In any funeral policy the amount declared by the registrar in terms of sub-section (3), or if no such amount was so declared, the sum of money mentioned in the policy in terms

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versekeringsbesigheid as begrafnisbesigheid dryf nie met enige ander besigheid hoegenaamd, of die oordrag van die begrafnisbesigheid of 'n deel van sodanige besigheid van 'n binnelandse versekeraar aan enige ander persoon hoegenaamd, en sodanige samesmelting of oordrag word daarna bewerkstellig ooreenkomstig die bepalings wat die registrateur aldus voorgeskryf het.

(*d*) As die versekeraar 'n tekort het, moet hy die tekort op so 'n wyse verminder dat dit binne die bepaalde tydperk uitgewis is, en die registrateur mag nie, bloot op grond van daardie tekort, die sake van die versekeraar ondersoek of laat ondersoek volgens artikel *negen-en-twintig* of by die hof aansoek doen om 'n bevel ooreenkomstig artikel *dertig* nie, tensy—

(i) uit 'n opgaaf van verbintenisse en bate van die versekeraar blyk dat sy tekort nie binne sy bepaalde tydperk uitgewis is nie; of

(ii) die registrateur, na oorweging van opgawes van die versekeraar se verbintenisse en bate, van mening is dat die tekort van die versekeraar nie in die nodige mate verminder is om dit binne sy bepaalde tydperk uit te wis nie; of

(iii) die registrateur van mening is dat die versekeraar se tekort nie soos voormeld verminder is nie gedurende een of ander tydvak van vyf jaar bedoel in paragraaf (*a*) van hierdie artikel:

Met dien verstande dat die Minister, as hy oortuig is dat die versekeraar alle pogings aangewend het om sy tekort uit te wis, en dat daar 'n redelike vooruitsig bestaan dat die tekort uitgewis sal word, aan die bepaalde tydperk van daardie versekeraar so 'n tydperk as wat hy vasstel, kan toevoeg, en so 'n verlengde tydperk word daarna, ten aansien van daardie versekeraar, geag sy bepaalde tydperk te wees.

Vermindering van of vrystelling van deposito's in geval van begrafnisversekeraars sonder aandelekapitaal.

56. Ondanks die bepalings van artikel *drie* of *vier*, kan die Minister, in die geval van 'n maatskappy of vereniging sonder aandelekapitaal wat begrafsnisbesigheid en geen ander soort versekeringsbesigheid dryf nie, onverskillig of dit al dan nie 'n bestaande versekeraar is, by 'n geskrif deur hom onderteken—

(*a*) aan die versekeraar vergunning verleen om 'n vasgestelde kleiner bedrag, te stort as die bedrag wat Deel I van die Eerste Bylae tot hierdie Wet of paragraaf (*b*) van artikel *vier-en-vyftig* voorskryf; of

(*b*) so 'n versekeraar vrystel van die verpligting om die by artikel *drie* of *vier* voorgeskrewe deposito te maak,

en wel op sulke voorwaardes vir die beskerming van die eienaar van polisse in daardie begrafnisbesigheid as wat hy mag stel.

Eienaar van begrafnispolis moet keuse hê om geld in plaas van niegeldelike voordele te eis.

57. (1) Elke begrafnispolis wat na die inwerkingtreding van hierdie Wet uitgereik word, moet bepaal dat die eienaar daarvan, na sy keuse, geregtig is op 'n som geld in plaas van elke begrafnis of ander nie-geldelike voordeel waarvoor in die polis voorsiening gemaak word, en die polis kan bepaal dat die betrokke versekeraar eweneens die keuse het om sodanige som geld te betaal in plaas van om vir so 'n begrafnis of ander nie-geldelike voordeel voorsiening te maak. So 'n keuse en die bedrag van elke sodanige geldsom moet uitdruklik en duidelik vermeld word in die polis en in elke premie-kwitansieboek wat in verband daarmee uitgereik word, in gedrukte of getikte letters wat nie kleiner is nie, en ewe leesbaar, as die letters van die hoofbepalings van die polis.

(2) Elke geregistreerde versekeraar wat 'n begrafnispolis voor die inwerkingtreding van hierdie Wet uitgereik het, moet (as die polis nog van krag is) binne 'n tydperk van drie maande na daardie inwerkingtreding aan die registrateur die geldwaarde opgee van elke begrafnis of ander nie-geldelike voordeel waarvoor in elke sodanige polis voorsiening gemaak word, en daardie waarde moet in helder druk en in duidelike bewoording aangegee word in elke premie-kwitansieboek wat daarna in verband met die polis uitgereik word.

(3) As die registrateur van mening is dat 'n geldsom wat ooreenkomstig sub-artikel (1) in 'n polis vermeld word, of dat die waarde wat ingevolge sub-artikel (2) met betrekking tot 'n besondere polis opgegee is, nie die waarde van die begrafnis of ander nie-geldelike voordeel waarvoor in die betrokke polis voorsiening gemaak word, benader nie, moet die registrateur die geldsom aangee wat volgens sy mening gelykstaan aan die waarde van die begrafnis of ander voordeel waarvoor in daardie polis voorsiening gemaak word.

(4) In alle begrafnispolisse word die bedrag wat ooreenkomstig sub-artikel (3) deur die registrateur aangegee is, of as daar nie so 'n bedrag aangegee is nie, die som geld wat ooreen-

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of sub-section (1), or the value declared in terms of sub-section (2), shall be deemed to be the sum insured.

Application to funeral business of sections 34 to 50.

58. The provisions of sections *thirty-four* to *fifty* inclusive shall apply *mutatis mutandis* in connection with funeral business.

(*D*) *Sinking Fund Business.*

Application to sinking fund business of sections 34, 35 and 51.

59. The provisions of sections *thirty-four, thirty-five* and *fifty-one* shall apply *mutatis mutandis* in connection with sinking fund business.

CHAPTER IV.

INSURANCE BY MEMBERS OF LLOYDS AND OTHER SIMILAR ASSOCIATIONS.

Requirements to be complied with by agents for members of Lloyds and by agents and committees of similar associations.

60. (1) The following provisions shall apply in connection with any person who does any act in the Union relating to the receiving of applications for policies or the issue of policies or the collection of premiums on behalf of brokers or underwriters at Lloyds; and any such person shall, for the purposes of this section, be deemed to be carrying on insurance business in the Union; and any expression used in this section shall accordingly bear the meaning assigned to it in section *one*, notwithstanding the provisions of paragraph (*g*) in the definition of the expression " insurance business " in section *one* contained:

(*a*) No person shall carry on such insurance business as aforesaid in the Union unless he is licensed as provided by paragraph (*e*) and has made a deposit in accordance with the provisions of paragraph (*b*) and unless the Committee of Lloyds has made a deposit in accordance with the provisions of paragraph (*k*).

(*b*) Any person who immediately before the commencement of this Act was carrying on such insurance business as aforesaid and thereafter continues to carry on such business, shall within a period of three months as from such commencement, and any person who immediately before such commencement was not carrying on such insurance business and intends to carry on such insurance business shall, before he commences to carry on such insurance business, deposit with the Treasury, money or approved securities or both money and approved securities to the value of five thousand pounds which shall be made available, in accordance with regulations to satisfy any judgment given in the Union against an underwriter at Lloyds or against a broker for such an underwriter, in connection with a policy which was effected through the agency of the depositor. The provisions of Part II of the First Schedule to this Act shall *mutatis mutandis* apply to such a deposit.

(*c*) When as a result of any action taken against an underwriter or broker in connection with a policy effected through the agency of the depositor, the value of his deposit has become less than five thousand pounds, the depositor shall not do any act relating to the receiving of applications for policies or the issue of policies or the collection of premiums as aforesaid, until he has made good the deficiency by a further deposit of money or approved securities or money and approved securities.

(*d*) Any person transacting such insurance business in the Union shall have an office in the Union and he shall lodge with the registrar a notice of the address of his office and of any change in the address of his office. Process in any legal proceedings in any court of law in the Union against that person or against an underwriter at Lloyds or against a broker for such an underwriter, in connection with a policy which was effected through the agency of the said person may be served by delivering it to him or by leaving it at the said office.

(*e*) Any person who has made the deposit mentioned in paragraph (*b*) and produces a certificate from the Treasury that it has received and still holds such a deposit, may obtain from a receiver of revenue, on payment of a sum of fifty pounds, a licence to

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komstig sub-artikel (1) in die polis vermeld word, of die waarde ooreenkomstig sub-artikel (2) opgegee, geag die versekerde bedrag te wees.

Toepassing van artikels 34 tot 50 op begrafnisbesigheid.

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58. Die bepalings van artikels *vier-en-dertig* tot en met *vyftig* is *mutatis mutandis* van toepassing in verband met begrafnisbesigheid.

(*D*) *Amortisasiefonds-besigheid.*

Toepassing van artikels 34, 35 en 51 op amortisasiefondsbesigheid.

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59. Die bepalings van artikels *vier-en-dertig*, *vyf-en-dertig* en *een-en-vyftig* is *mutatis mutandis* van toepassing in verband met amortisasiefonds-besigheid.

HOOFSTUK IV.

VERSEKERING DEUR LEDE VAN LLOYDS EN ANDER SOORTGELYKE VERENIGINGS.

Vereistes waaraan agente van lede van Lloyds en agente en komitees van soortgelyke verenigings moet voldoen.

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60. (1) Die volgende bepalings is van toepassing in verband met iemand wat in die Unie 'n handeling verrig met betrekking tot die ontvangs van aansoeke om polisse of die uitreiking van polisse of die invordering van premies ten behoewe van makelaars of versekeraars van Lloyds en so iemand word by die toepassing van hierdie artikel geag versekeringsbesigheid in die Unie te dryf, en enige in hierdie artikel gebesigde uitdrukking het derhalwe die betekenis daaraan verleen in artikel *een*, ondanks die bepalings van paragraaf (*g*) van die omskrywing van die uitdrukking „versekeringsbesigheid" in artikel *een* vervat:

(*a*) Niemand mag sodanige versekeringsbesigheid as voormeld in die Unie dryf nie tensy hy volgens voorskrif van paragraaf (*e*) gelisensieer is en 'n deposito ooreenkomstig die bepalings van paragraaf (*b*) gemaak het en tensy die Komitee van Lloyds 'n deposito gemaak het ooreenkomstig die bepalings van paragraaf (*k*).

(*b*) 'n Persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet sodanige versekeringsbesigheid as voormeld gedryf het, en daarna voortgaan om sodanige besigheid te dryf moet binne 'n tydperk van drie maande vanaf daardie inwerkingtreding, en 'n persoon wat onmiddellik voor daardie inwerkingtreding nie sodanige versekeringsbesigheid gedryf het nie, en voornemens is om sodanige versekeringsbesigheid te dryf, moet voordat hy sodanige versekeringsbesigheid begin te dryf, geld of goedgekeurde effekte of beide geld en goedgekeurde effekte ten bedrae van vyfduisend pond by die Tesourie deponeer, wat volgens regulasies beskikbaar gemaak word om te voldoen aan 'n vonnis wat in die Unie uitgespreek is teen 'n versekeraar van Lloyds of teen 'n makelaar wat handel namens so 'n versekeraar, in verband met 'n polis wat gesluit is deur tussenkoms van die deponent. Die bepalings van Deel II van die Eerste Bylae tot hierdie Wet is *mutatis mutandis* van toepassing op so 'n deposito.

(*c*) Wanneer as 'n gevolg van stappe wat gedoen is teen 'n versekeraar of makelaar ten opsigte van 'n polis wat gesluit is deur tussenkoms van die deponent, die waarde van sy deposito benede vyfduisend pond gedaal het, mag die deponent geen handeling met betrekking tot die ontvangs van aansoeke om polisse of die uitreiking van polisse of die invordering van premies soos voormeld verrig nie totdat hy die tekort aangesuiwer het deur 'n verdere deposito van geld of goedgekeurde effekte of geld en goedgekeurde effekte.

(*d*) Iedereen wat sodanige versekeringsbesigheid in die Unie dryf, moet 'n kantoor in die Unie hê, en hy moet 'n kennisgewing van die adres van sy kantoor en van enige verandering van daardie adres by die registrateur indien. Diening van prosesstukke in 'n regsgeding in enige hof in die Unie teen daardie persoon, of teen 'n versekeraar van Lloyds of teen 'n makelaar van so 'n versekeraar, in verband met 'n polis wat gesluit is deur tussenkoms van bedoelde persoon, kan geskied deur hulle aan hom te oorhandig of op bedoelde kantoor te laat.

(*e*) Iedereen wat die in paragraaf (*b*) bedoelde deposito gemaak het, en 'n sertifikaat van die Tesourie oorlê dat die Tesourie daardie deposito ontvang en nog in besit het, kan teen betaling van 'n bedrag van vyftig pond, van 'n ontvanger van inkomste 'n lisensie

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carry on such insurance business as aforesaid, which shall be valid throughout the calendar year in which it was issued: Provided that if the licence is issued in any year after the thirtieth day of June, the person to whom it is issued shall pay a sum of twenty-five pounds therefor.

(*f*) Any person who carries on such insurance business in the Union shall, within a period of two months as from the commencement of this Act, and within a period of two months as from the expiration of each calendar year thereafter, pay to the receiver of revenue referred to in paragraph (*e*) a sum equal to two and a half per cent. of the aggregate of all premiums paid during the preceding calendar year on policies which were effected through his agency in terms of this section.

(*g*) Any person transacting such insurance business in the Union shall prepare and lodge with the registrar before the first day of July in every calendar year a tabulated statement, together with two copies thereof in a form approved by the registrar, in respect of each class of insurance business which he transacted during the preceding calendar year, showing the name and address of every broker or underwriter for whom he acted, the premiums and every other sum of money which he received on behalf of his principal and the cause for payment of any such other money, the claims which he paid and every other payment which he made on behalf of his principal and the cause for any such payment, and the commission or other remuneration which he received. The said statement shall be attested by an auditor in terms of paragraph (*l*).

(*h*) Any person as aforesaid through whose agency a policy is effected, shall ensure that the policy states clearly—

(i) the currency in which premiums and claims are payable;

(ii) the person, and his address, to whom premiums are payable and by whom claims are payable.

The provisions of section *sixty-three* shall apply *mutatis mutandis* in regard to every such policy.

(*i*) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

(*j*) When a person who has made a deposit under paragraph (*b*) has satisfied the registrar that he has ceased to transact, in the Union, any such insurance business as aforesaid, and that no underwriter at Lloyds and no broker for such an underwriter is liable any longer in connection with any policy effected through the agency of the depositor, the registrar shall, at the request of the depositor, authorize the Treasury to return his deposit to him and the Treasury shall thereupon return the deposit to the depositor at his request.

(*k*) within a period of three months from the date of commencement of this Act the Committee of Lloyds shall deposit with the Treasury money or approved securities, or both money and approved securities, to the value of thirty thousand pounds. Such deposit shall be made through a person who satisfies the registrar that he is authorized to act on behalf of the Committee of Lloyds, and such person shall have an office in the Union and shall lodge with the registrar a notice of the address of his office and of any change in the address of his office. The provisions of paragraphs 2, 3, 4, 5, 6 and 7 of Part II of the First Schedule shall apply *mutatis mutandis* to such a deposit. The said deposit shall furthermore be made available in accordance with regulations, to satisfy any judgment given in the Union against an underwriter at Lloyds or against a broker for such an underwriter, in connection with a policy effected through the agency of any person carrying on insurance business in accordance with the provisions of para-

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verkry om sodanige versekeringsbesigheid as voormeld te dryf en daardie lisensie is geldig vir die hele kalenderjaar waarin dit uitgereik is: Met dien verstande dat as die lisensie na dertig Junie in enige jaar uitgereik word, die persoon aan wie dit uitgereik word, 'n bedrag van vyf-en-twintig pond daarvoor moet betaal.

(*f*) 'n Persoon wat sodanige versekeringsbesigheid in die Unie dryf, moet binne 'n tydperk van twee maande vanaf die inwerkingtreding van hierdie Wet, en daarna binne 'n tydperk van twee maande vanaf die einde van elke kalenderjaar, aan die ontvanger van inkomste bedoel in paragraaf (*e*) 'n bedrag betaal gelyk aan twee-en-een-half persent van die som van alle premies wat gedurende die voorafgaande kalenderjaar betaal is op polisse wat ingevolge die bepalings van hierdie artikel deur sy tussenkoms gesluit is.

(*g*) Iedereen wat sodanige versekeringsbesigheid in die Unie dryf moet voor die eerste dag van Julie in elke kalenderjaar 'n getabuleerde opgaaf van elke soort versekeringsbesigheid wat hy gedurende die voorafgaande kalenderjaar gedryf het, in 'n deur die registrateur goedgekeurde vorm opstel en met twee afskrifte daarvan by die registrateur indien, en daarin moet hy vermeld die naam en adres van elke makelaar of versekeraar namens wie hy opgetree het, die premies en elke ander geldsom wat hy ten behoewe van sy prinsipaal ontvang het, en die oorsaak van die betaling van sodanige ander geld, die vorderings wat hy uitbetaal het en elke ander betaling wat hy ten behoewe van sy prinsipaal gemaak het, en die oorsaak van so 'n betaling, en die kommissie of ander besoldiging wat hy ontvang het. Gemelde opgaaf word deur 'n ouditeur gewaarmerk ooreenkomstig paragraaf (*l*).

(*h*) Elke persoon soos voormeld, deur wie se tussenkoms 'n polis gesluit word, moet sorg dra dat die polis duidelik vermeld—

(i) die betaalmiddel waarin premies en eise betaalbaar is;

(ii) die persoon, en sy adres, aan wie premies betaalbaar is en deur wie vorderings betaalbaar is.

Die bepalings van artikel *drie-en-sestig* is *mutatis mutandis* van toepassing ten opsigte van elke sodanige polis.

(*i*) Iedereen wat die bepalings van hierdie artikel oortree of versuim om daaraan te voldoen is aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens vyftig pond.

(*j*) Wanneer 'n persoon wat 'n deposito ingevolge paragraaf (*b*) gemaak het die registrateur oortuig het dat hy die verrigting in die Unie van sodanige versekeringsbesigheid soos voormeld gestaak het, en dat geen versekeraar van Lloyds en geen makelaar van so 'n versekeraar nog aanspreeklik is in verband met 'n polis wat deur tussenkoms van bedoelde deponent gesluit is, dan moet die registrateur op versoek van die deponent die Tesourie magtig om sy deposito aan hom terug te gee en die Tesourie moet daarop op versoek van die deponent die deposito aan hom teruggee.

(*k*) Binne 'n tydperk van drie maande na die datum van inwerkingtreding van hierdie Wet, moet die Komitee van Lloyds geld of goedgekeurde effekte, of beide geld en goedgekeurde effekte ten bedrae van dertigduisend pond by die Tesourie deponeer. Sodanige deposito word gemaak deur 'n persoon wat die registrateur oortuig dat hy gemagtig is om namens die Komitee van Lloyds te handel, en sodanige persoon moet 'n kantoor in die Unie hê en moet by die registrateur 'n kennisgewing plaas van die adres van sy kantoor en van enige verandering van die adres van sy kantoor. Die bepalings van paragrawe 2, 3, 4, 5, 6 en 7 van Deel II van die Eerste Bylae is *mutatis mutandis* van toepassing op so 'n deposito. Vermelde deposito word verder volgens regulasies beskikbaar gemaak om te voldoen aan 'n vonnis wat in die Unie uitgespreek is teen 'n versekeraar van Lloyds of teen 'n makelaar wat handel namens so 'n versekeraar in verband met 'n polis wat gesluit is deur die tussenkoms van 'n persoon wat versekeringsbesigheid dryf ooreenkomstig die bepalings van para-

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graph (*a*), if the amount deposited by such person in terms of paragraph (*b*) is insufficient to satisfy the judgment in full, and to the extent to which such deposit is so insufficient to satisfy such judgment. When as a result of any payment to satisfy a judgment as aforesaid, the value of the said deposit has become less than thirty thousand pounds no persons carrying on insurance business in terms of paragraph (*a*) shall do any act in reference to the receiving of applications for policies or the issue of policies or the collection of premiums until the deficiency has been made good by a further deposit of money or approved securities or money and approved securities.

(*l*) The provision of section *nine* shall apply *mutatis mutandis.*

(2) The provisions of sub-section (1) shall apply *mutatis mutandis* to agents for members of associations of individual underwriters formed in the Union before or after the commencement of this Act to transact insurance business in the Union in accordance with the system known as Lloyds, whereby each associate underwriter becomes liable for a proportionate part of the whole amount insured by a policy: Provided—

(*a*) that the rules under which such association operates shall have been approved by the registrar;

(*b*) that the deposit to be made by the committee of such association as in terms of paragraph (*k*) shall be in an amount to the satisfaction of the Registrar, but shall at no time be less than thirty thousand pounds or less than an amount which is sufficient to cover the aggregate liability of the members of such association under unmatured policies, calculated in accordance with the Second Schedule to the Act, whichever is the greater amount;

(*c*) that every such agent and the Committee of every such association shall submit to the registrar such periodical returns as may be prescribed by regulation.

CHAPTER V.

SUPPLEMENTARY PROVISIONS.

Licences.

61. (1) No person shall transact any insurance business unless he has obtained from a receiver of revenue a licence under this section in respect of each calendar year: Provided that the preceding provisions of this section shall not apply to any person while he holds a current licence issued under section *forty-five* of the Insurance Act, 1923 in so far as he is carrying on insurance business in any part of the Union other than the Territory; and to any person while he holds a current licence issued under section *twelve* of the Insurance Ordinance, 1927 of the Territory, in so far as he is carrying on insurance business in the Territory.

(2) A licence under this section shall cost—

(*a*) fifty pounds for one or more of the following classes of business, viz., for life business, industrial business or sinking fund business;

(*b*) two pounds for funeral business: Provided that a licence under paragraph (*a*) shall also authorize the holder to carry on funeral business;

(*c*) fifty pounds for any class or classes of insurance business not mentioned in paragraph (*a*) or (*b*):

Provided that, when such a licence is issued on or after the first day of July in any year, the licence shall cost one-half of the amount hereinbefore specified.

(3) Any such licence, whenever issued, shall expire on the thirty-first day of December in the year of issue.

Days of grace, paid-up policies and non-forfeiture provisions.

62. (1) If any premium under a life policy, industrial policy, funeral policy or sinking fund policy which is a Union policy, has not been paid on its due date, the insurer who is liable under the policy shall, notwithstanding any agreement to the contrary between the parties to the policy, maintain the policy in force for the full sum insured without payment of a further premium for a period of one month as from the due date of the first unpaid premium, and if the premium is paid within the said month the insurer shall renew the policy: Provided that if

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graaf (*a*), indien die bedrag wat deur sodanige persoon gedeponeer is ooreenkomstig paragraaf (*b*) ontoereikend is om ten volle aan die vonnis te voldoen en tot die mate waartoe sodanige deposito aldus ontoereikend is om aan sodanige vonnis te voldoen. Wanneer as 'n gevolg van 'n betaling wat gemaak is om aan 'n vonnis te voldoen soos voormeld, die waarde van gemelde deposito minder geword het as dertigduisend pond, mag geen persoon wat versekeringsbesigheid ooreenkomstig paragraaf (*a*) dryf enige handeling verrig met betrekking tot die ontvangs van aansoeke om polisse of die uitreiking van polisse of die invordering van premies nie, totdat die tekort aangesuiwer is deur 'n verdere deposito van geld of goedgekeurde effekte of geld en goedgekeurde effekte.

(*l*) Die bepalings van artikel *nege* is *mutatis mutandis* van toepassing.

(2) Die bepalings van sub-artikel (1) is *mutatis mutandis* van toepassing op agente vir lede van verenigings van individuele versekeraars wat in die Unie opgerig is voor of na die inwerkingtreding van hierdie Wet om versekeringsbesigheid in die Unie te verrig volgens die stelsel bekend as Lloyds, waarby elke versekeraar-lid verantwoordelik word vir 'n eweredige deel van die hele bedrag wat deur 'n polis verseker word : Met dien verstande—

(*a*) dat die reëls waaronder so 'n vereniging fungeer deur die registrateur goedgekeur moet wees ;

(*b*) dat die deposito wat deur die komitee van so 'n vereniging soos ingevolge paragraaf (*k*) gemaak moet word tot 'n bedrag is wat die registrateur goedkeur, maar te gener tyd minder as dertigduisend pond nie, of minder as 'n bedrag wat genoegsaam is om die totale verbintenis van die lede van so 'n vereniging kragtens nog lopende polisse, soos bereken ooreenkomstig die Tweede Bylae van hierdie Wet, te dek, na gelang watter bedrag die grootste is ;

(*c*) dat elke sodanige agent en die komitee van elke sodanige vereniging aan die registrateur sodanige periodieke opgawes moet verstrek as wat deur regulasie voorgeskryf mag word.

HOOFSTUK V.

AANVULLENDE BEPALINGS.

61. (1) Niemand mag versekeringsbesigheid dryf nie tensy hy 'n lisensie ingevolge hierdie artikel vir elke kalenderjaar van 'n ontvanger van inkomste verkry het : Met dien verstande dat die voorgaande bepalings van hierdie artikel nie op iemand van toepassing is nie terwyl hy die houer is van 'n lopende lisensie uitgereik ingevolge artikel *vyf-en-veertig* van die „Verzekeringswet, 1923", tot so ver as hy versekeringsbesigheid dryf in enige gedeelte van die Unie, afgesien van die Gebied, en op iemand terwyl hy die houer is van 'n lopende lisensie uitgereik ingevolge artikel *twaalf* van die Versekerings-Ordonnansie, 1927, van die Gebied, tot so ver as hy versekeringsbesigheid dryf in die Gebied. **Lisensies.**

(2) 'n Lisensie ingevolge hierdie artikel kos—

(*a*) vyftig pond vir een of meer van die volgende soorte besigheid, nl. vir lewensbesigheid, nywerheidsbesigheid of amortisasiefondsbesigheid ;

(*b*) twee pond vir begrafnisbesigheid : Met dien verstande dat 'n lisensie ingevolge paragraaf (*a*) die houer ook magtig om begrafnisbesigheid te dryf ;

(*c*) vyftig pond vir enige soort of soorte versekeringsbesigheid wat nie in paragraaf (*a*) of (*b*) vermeld word nie :

Met dien verstande dat wanneer so 'n lisensie op of na die eerste dag van Julie in enige jaar uitgereik word, die lisensie die helfte van die hierbo bepaalde bedrag kos.

(3) So 'n lisensie, wanneer ook al uitgereik, verval op die een-en-dertigste dag van Desember in die jaar waarin dit uitgereik is.

62. (1) As 'n premie op 'n lewenspolis, nywerheidspolis, begrafnispolis of amortisasiepolis wat 'n binnelandse polis is, nie op sy vervaldag betaal is nie, moet die versekeraar wat kragtens die polis aanspreeklik is, ondanks enige andersluidende ooreenkoms tussen die by die polis betrokke partye die polis in stand hou vir die volle versekerde bedrag sonder betaling van 'n verdere premie vir 'n tydperk van een maand vanaf die vervaldag van die eerste onbetaalde premie, en as die premie binne bedoelde maand betaal word, moet die versekeraar die polis hernuwe : Met dien verstande dat as die premies op **Respytdae, op betaalde polisse en nie-verbeuringsbepalings.**

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the premiums under a Union life policy or a sinking fund policy are payable at monthly intervals, or at intervals of less than one month, the provisions of this sub-section shall be construed as if the words " fifteen days " were in each case substituted for the words " one month " and " month " : Provided further that if a claim under the policy occurs during the period of grace herein provided for, the insurer shall be entitled to deduct the amount of the unpaid premium from the claim.

(2) Upon the application of the owner of such a policy as is mentioned in sub-section (1) (other than a life policy which is a temporary insurance for a period not exceeding twenty years or a funeral policy) within a period of three months as from the date upon which the unpaid premium fell due, the insurer who is liable under the policy shall, if the policy is a life policy or a sinking fund policy under which at least three years' premiums have been paid, or if the policy is an industrial policy under which at least five years' premiums have been paid, grant to the owner in return for and in lieu of the said policy, a paid-up policy which shall be free from the obligation to pay any premiums thereunder, and the amount of which shall be not less than the amount calculated on the basis prescribed in the Third Schedule to this Act, but which, in the absence of any agreement to the contrary, shall not entitle the owner to any future bonus thereon.

(3) If any premium under such a life policy or such an industrial policy as is mentioned in sub-section (2) has not been paid within the period specified in sub-section (1), the insurer who is liable under that policy shall, in accordance with rules made by him and approved of by the registrar, either grant the owner of the policy a paid-up policy in accordance with the provisions of sub-section (2) or apply the surrender value of the policy in maintaining the policy in force for a period and by a method to be determined in accordance with such rules.

(4) If any premium under a funeral policy which is a Union policy and which was issued after the commencement of this Act is not paid within the period specified in sub-section (1), the policy shall nevertheless remain in force for the full sum insured without payment of further premiums for the period stated below, according to the number of years for which premiums were paid under the policy, and thereafter the policy shall lapse :

Number of years for which premiums were paid under policy.	Period for which policy remains in force as from date when first unpaid premium became due.
5 or over and less than 7	6 months
7 ,, ,, 9	9 ,,
9 ,, ,, 11	12 ,,
11 ,, ,, 14	18 ,,
14 ,, ,, 17	24 ,,
17 ,, ,, 21	36 ,,
21 ,, ,, 25	48 ,,
25 or over	60 ,,

Provided that—

(*a*) if the insurer's liability under the policy is contingent upon the death of two or more persons, and if the policy provides for any benefit on the death of any person who is under the age of twenty-one years and who is not the owner of the policy or his wife or her husband, no benefit shall be claimable under that policy on the said person's death if it occurs after he attained the age of twenty-one years;

(*b*) if the insurer's liability under the policy is contingent upon the death of one person only, who was under nine years of age when the policy was issued, the period specified above shall be computed as if the policy had been issued on its anniversary when the said person was between nine and ten years of age.

(5) Nothing contained in this section shall prevent an insurer from granting the owner of a policy more favourable terms than those set forth in the preceding provisions of this section.

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'n binnelandse lewenspolis of 'n amortisasiepolis met maandelikse tussenpose, of met tussenpose van minder as 'n maand betaalbaar is, die bepalings van hierdie sub-artikel uitgelê word asof die woorde „een maand" en „maand" in elke geval deur die woorde „vyftien dae" vervang was: Met dien verstande voorts dat as 'n vordering kragtens die polis ontstaan gedurende die respyttydperk waarvoor hierin voorsiening gemaak word, die versekeraar die reg het om die bedrag van die onbetaalde premie van die vordering af te trek.

(2) Op aansoek van die eienaar van so 'n polis as in sub-artikel (1) bedoel (behalwe 'n lewenspolis wat 'n tydelike versekering vir 'n tydperk van hoogstens twintig jaar is of 'n begrafnispolis), binne 'n tydperk van drie maande vanaf die datum waarop die onbetaalde premie verskuldig geword het, moet die versekeraar wat kragtens die polis aanspreeklik is, as die polis 'n lewenspolis of 'n amortisasiepolis is waarop ten minste drie jaar se premies betaal is, of as die polis 'n nywerheidspolis is waarop ten minste vyf jaar se premies betaal is, aan die eienaar in ruil vir en in plaas van bedoelde polis, 'n opbetaalde polis verleen waarop geen premies betaalbaar is nie, vir 'n bedrag wat nie minder is nie as die bedrag bereken op die in die Derde Bylae tot hierdie Wet voorgeskrewe grondslag, wat egter aan die eienaar van die polis geen aanspraak op 'n toekomstige bonus op die polis verleen nie, tensy die partye anders beding.

(3) As 'n premie op so 'n lewenspolis of so 'n nywerheidspolis as in sub-artikel (2) bedoel, nie betaal is binne die in sub-artikel (1) bepaalde tydperk nie, moet die versekeraar wat kragtens daardie polis aanspreeklik is, ooreenkomstig reëls deur hom gemaak en deur die registrateur goedgekeur, òf aan die eienaar van die polis 'n opbetaalde polis verleen ooreenkomstig die bepalings van sub-artikel (2), òf die afkoopwaarde van die polis gebruik om die polis in stand te hou vir 'n tydperk en op 'n wyse wat ooreenkomstig sodanige reëls vasgestel moet word.

(4) As 'n premie op 'n begrafnispolis wat 'n binnelandse polis is en wat na die inwerkingtreding van hierdie Wet uitgereik is nie binne die in sub-artikel (1) bepaalde tydperk betaal word nie, bly die polis desnietemin van krag vir die volle versekerde bedrag sonder betaling van verdere premies gedurende die hieronder vermelde tydperk, al na die aantal jare waarvoor kragtens die polis premies betaal is, en daarna verval die polis:

Getal jare waarvoor premies kragtens die polis betaal is.	Duur van instandhouding van polis vanaf datum waarop eerste onbetaalde premie verskuldig geword het.
5 of meer en minder as 7	6 maande
7 „ „ 9	9 „
9 „ „ 11	12 „
11 „ „ 14	18 „
14 „ „ 17	24 „
17 „ „ 21	36 „
21 „ „ 25	48 „
25 of meer	60 „

Met dien verstande dat—

(a) as die aanspreeklikheid van die versekeraar kragtens die polis afhanklik is van die dood van twee of meer persone, en as die polis voorsiening maak vir 'n voordeel by die dood van iemand wat onder die leeftyd van een-en-twintig jaar is en wat nie die eienaar van die polis of sy vrou of haar man is nie, geen voordeel kragtens die polis by die dood van bedoelde persoon gevorder kan word nie as dit plaasvind nadat hy die leeftyd van een-en-twintig jaar bereik het;

(b) as die aanspreeklikheid van die versekeraar kragtens die polis afhanklik is van die dood van slegs een persoon, wat jonger as nege jaar was toe die polis uitgereik is, die hierbo bepaalde tydperk bereken word asof die polis uitgereik was op sy verjaardag toe bedoelde persoon tussen nege en tien jaar oud was.

(5) Die bepalings van hierdie artikel belet nie 'n versekeraar om aan die eienaar van 'n polis gunstiger voorwaardes as die in die voorgaande bepalings van hierdie artikel vasgestelde voorwaardes te verleen nie.

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(6) Where after the commencement of this Act, a Union life policy to which the provisions of sub-section (2) or (3) apply lapses, and the owner of the policy informs the registrar that he received no notice from the insurer a reasonable time beforehand to the effect that the policy was due to lapse, then in such event, unless the insurer is able to satisfy the registrar that such notice was duly despatched to the owner at his last known residence or place of business a reasonable time before such policy lapsed, the registrar may require the insurer to revive the policy on payment of the premium required within a period to be stipulated by the registrar, and such policy shall then be so revived without any alteration in its conditions with effect from the date of such payment.

Provided that the owner of the policy communicates with the registrar as aforesaid within thirty days from the date on which he is notified that the policy has lapsed, or if he is not so notified, within six months from the date on which the policy lapsed.

Conditions for Union policies.

63. (1) The owner of a Union policy issued after the first day of January, 1924, shall, notwithstanding any contrary provision in the policy or in any agreement relating thereto, be entitled to enforce his rights under the policy against the insurer concerned in any court of competent jurisdiction in the Union, and any question of law arising from any such policy shall be decided according to the law of the Union: Provided that such a policy may validly provide that the amount of any liability under the policy shall be determined by arbitration in the Union, if the insurer demands that the said amount be so determined.

(2) In every Union policy issued after the commencement of this Act the sum insured, the premium, and every other sum of money mentioned therein shall be expressed in the curreney of the Union: Provided that any such sum may be expressed in some other currency, if the parties to such policy have so agreed in writing, and in such a case the fact that the parties have so agreed and that other currency shall be stated in distinct terms and in conspicuous type in the policy or clearly endorsed on the policy.

Lost policies.

64. When a Union policy which is a life policy or a sinking fund policy has been lost or destroyed and the loss or destruction has been proved and advertised in such a manner as may have been prescribed by regulation the insurer who is liable under the policy shall, at the request of the owner of the policy and on payment by him to the insurer of such a fee as may have been prescribed by regulation, issue to the said owner a correct and certified copy of the policy (including any endorsement made on the original policy after its issue) and of any record in the possession of the insurer of any dealings with the policy. Such certified copy shall thereafter for all purposes take the place of the policy so lost or destroyed and be the sole evidence of the contract made by the policy.

Signatures on and copies of documents deposited with registrar.

65. An insurer shall be deemed not to have complied with any provision of this Act, which imposes upon the insurer the obligation to furnish to the registrar—

(*a*) a document prepared by the insurer, unless that document is signed by the chairman and one other director of the insurer (or if the insurer has no chairman or director, then by any other person or persons designated by the registrar, who exercises or exercise any control over the business of the insurer) and by his principal officer, and unless that document is accompanied by two copies thereof; or

(*b*) any other original document, unless it is accompanied by two copies thereof; or

(*c*) a copy of a document, unless three copies of that document have been furnished: Provided that if any such provision prescribes the furnishing of a certified copy of a document, only one of the three copies need be certified.

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(6) Ingeval na die inwerkingtreding van hierdie Wet 'n binnelandse lewenspolis, waarop die bepalings van sub-artikel (2) of (3) van toepassing is, verval, en die eienaar van die polis stel die registrateur in kennis dat hy nie 'n redelike tyd tevore 'n kennisgewing van die versekeraar ontvang het om te meld dat die polis sou verval nie, dan in sodanige geval, tensy die versekeraar in staat is om die registrateur te oortuig dat so 'n kennisgewing behoorlik 'n redelike tyd voor die polis verval het na die eienaar op sy jongsbekende woonplek of besigheidsplek weggestuur is, kan die registrateur eis dat die versekeraar na betaling van die nodige premie binne 'n tydperk wat deur die registrateur bepaal word die polis weer in lewe moet bring, en so 'n polis word dan weer aldus in lewe gebring sonder enige wysiging van sy voorwaardes met ingang vanaf die datum van so 'n betaling: Met dien verstande dat die eienaar van die polis met die registrateur in verbinding tree soos voormeld binne dertig dae vanaf die datum waarop hy in kennis gestel word dat die polis verval het, of indien hy nie aldus in kennis gestel word nie, binne ses maande vanaf die datum waarop die polis verval het.

Voorwaardes vir binnelandse polisse.

63. (1) Die eienaar van 'n binnelandse polis wat na die eerste dag van Januarie 1924, uitgereik is, het die reg, ondanks strydige bepalings in die polis of in enige ooreenkoms met betrekking daartoe, om sy regte kragtens die polis teen die betrokke versekeraar te handhaaf in enige bevoegde hof in die Unie, en alle regspunte wat in verband met so 'n polis ontstaan, word volgens die reg van die Unie beslis: Met dien verstande dat so 'n polis geldig kan beding dat die bedrag van 'n verpligting ingevolge die polis by wyse van arbitrasie in die Unie vasgestel moet word, as die versekeraar eis dat bedoelde bedrag op dié wyse vasgestel moet word.

(2) In elke binnelandse polis wat na die inwerkingtreding van hierdie Wet uitgereik word moet die versekerde bedrag, die premie, en elke ander geldsom wat daarin vermeld word, in die betaalmiddel van die Unie uitgedruk word: Met dien verstande dat so 'n bedrag in 'n ander betaalmiddel uitgedruk mag word indien die by die polis betrokke partye skriftelik daartoe ooreengekom het en in so 'n geval moet die feit dat die partye aldus ooreengekom het en daardie ander betaalmiddel, in duidelike bewoording en in opvallende letters in die polis vermeld word of duidelik op die polis endosseer word.

Verlore polisse.

64. Wanneer 'n binnelandse polis wat 'n lewenspolis of 'n amortisasiepolis is verlore gegaan het of vernietig is en die verlies of vernietiging bewys en geadverteer is op so 'n wyse as wat by regulasie voorgeskryf mag wees, moet die versekeraar wat uit kragte van die polis aanspreeklik is, op versoek van die eienaar van die polis en teen betaling deur hom aan die versekeraar van sulke leges as wat by regulasie voorgeskryf mag wees, aan bedoelde eienaar 'n juiste en gesertifiseerde afskrif van die polis (met inbegrip van enige endossement wat op die oorspronklike polis na die uitreiking daarvan gemaak is) en van enige aantekening in die besit van die versekeraar met betrekking tot regshandelings in verband met die polis, uitreik. Sodanige gesertifiseerde afskrif tree daarna vir alle doeleindes in die plek van die polis wat aldus verlore gegaan het of vernietig is en strek uitsluitelik tot bewys van die kontrak wat ingevolge die polis aangegaan is.

Handtekenings op en afskrifte van dokumente by registrateur ingedien.

65. Dit word beskou dat 'n versekeraar nie voldoen het nie aan 'n bepaling van hierdie Wet wat aan die versekeraar die verpligting oplê—

(*a*) om 'n dokument deur die versekeraar opgestel aan die registrateur te verstrek, tensy daardie dokument onderteken is deur die voorsitter en een ander direkteur van die versekeraar (of indien die versekeraar geen voorsitter of direkteur het nie, dan deur enige ander persoon of persone deur die registrateur aangewys, wat beheer uitoefen oor die besigheid van die versekeraar) en deur sy hoofamptenaar, en tensy daardie dokument vergesel gaan van twee afskrifte daarvan; of

(*b*) om enige ander oorspronklike dokument aan die registrateur te verstrek, tensy dit vergesel gaan van twee afskrifte daarvan; of

(*c*) om 'n afskrif van 'n dokument aan die registrateur te verstrek, tensy drie afskrifte van daardie dokument verstrek is: Met dien verstande dat as so 'n bepaling die verstrekking van 'n gesertifiseerde afskrif van 'n dokument voorskryf, slegs een van die drie afskrifte gesertifiseer hoef te wees.

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Registrar may extend certain periods.

66. When an insurer 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 insurer concerned, in any particular case extend that period from time to time.

Registrar may classify insurance business.

67. At the request of an insurer the registrar may determine that any insurance business of a particular class, which the insurer carried on or intends to carry on, shall be dealt with under this Act as insurance business of another class, but on such conditions and with such limitations as the registrar may think fit to impose: Provided that the registrar shall not accede to any such request unless he has satisfied himself that his determination under this section will not be detrimental to any person and will not defeat any object of this Act.

Failure to comply with law does not invalidate policy.

68. A policy issued by any person, whether before or after the commencement of this Act, shall not be invalid merely because that person contravened or failed to comply with any law in connection with that policy.

Report by registrar.

69. The registrar shall annually submit to the Minister a report on his activities under this Act.

Effect of registrar's certificate on documents.

70. Every document which purports to have been certified by the registrar to be a document deposited at his office under the provisions of this Act or to be a copy of such a document, shall *prima facie* be deemed to be such a document, or a copy thereof, and every such copy shall be admissible in evidence as if it were the original document.

Fees for inspection and copies of documents furnished to registrar.

71. (1) On payment of a fee of two shillings and sixpence, any person may inspect and make a copy of any document furnished to the registrar by any one registered insurer or former insurer under this Act.

(2) The registrar shall furnish any applicant therefor with a certified copy of, or extract from, any such document as aforesaid, on payment, by the applicant, of a fee of two shillings for every hundred words or part of an uncompleted hundred words of which the copy or extract consists.

(3) The registrar may exempt any person from the obligation to pay any fee under this section if he is satisfied that the inspection, copy or extract in question is desired for the purpose of furthering some public interest.

Publication of authorized, subscribed and paid-up capital.

72. A registered insurer shall not publish any statement, or issue any document on which is printed any statement—

(*a*) of his authorized capital, unless the statement also sets forth the amount of his subscribed capital and of his paid-up capital; or

(*b*) of his subscribed capital, unless the statement also sets forth the amount of his paid-up capital.

General penalty.

73. Any person who contravenes any provision of this Act or fails to fulfil any obligation imposed on him by this Act, shall be guilty of an offence and if no penalty is specially prescribed in this Act for such contravention or default, shall be liable, if the offender is an individual, to a fine not exceeding one hundred pounds, or to imprisonment for a period not exceeding one year, without the option of a fine, or if the offender is not an individual, to a fine not exceeding one hundred pounds.

Penalty for falsifying statements, etc.

74. If any person issues any document mentioned in this Act, which is false in any material respect, that person and every person who took part in the preparation or issue of the document or who signed it, shall be deemed to be guilty of falsity, unless it is proved that the accused, if an individual, or all the persons who acted on behalf of the accused, if the latter is not an individual, had no knowledge of the falsity of the document when it was issued.

Offence to secure application for insurance on behalf of unregistered concern.

75. Any person who induces or attempts to induce any person to enter into a contract of insurance with a person who is not registered as an insurer under this Act, or to make an application to enter into such a contract with such last mentioned person shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

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66. Wanneer 'n versekeraar ingevolge een of ander bepaling van hierdie Wet verplig of geregtig is om 'n handeling binne 'n bepaalde tydperk te verrig, kan die registrateur op versoek van die betrokke versekeraar, in 'n bepaalde geval die tydperk van tyd tot tyd verleng.

Registrateur kan sekere tydperke verleng.

67. Die registrateur kan, op versoek van 'n versekeraar bepaal dat versekeringsbesigheid van 'n bepaalde soort, wat die versekeraar gedryf het of voornemens is om te dryf, ingevolge hierdie Wet behandel moet word as versekeringsbesigheid van 'n ander soort, maar op sulke voorwaardes en met sulke beperkings as wat die registrateur wenslik ag om op te lê: Met dien verstande dat die registrateur nie aan so 'n versoek gehoor gee nie tensy hy hom daarvan vergewis het dat sy bepaling ingevolge hierdie artikel nie vir enigeen onvoordelig sal wees nie en nie een of ander oogmerk van hierdie Wet sal verydel nie.

Registrateur kan versekeringsbesigheid klassifiseer.

68. 'n Polis deur enige persoon uitgereik, hetsy voor of na die inwerkingtreding van hierdie Wet, is nie ongeldig nie alleen omdat daardie persoon een of ander wet in verband met daardie polis oortree of verontagsaam het.

Versuim om wetsbepalings na te kom maak nie polis ongeldig nie.

69. Die registrateur lê jaarliks 'n verslag omtrent sy werksaamhede ingevolge hierdie Wet aan die Minister voor.

Verslag deur registrateur.

70. Elke dokument wat blyk deur die registrateur gesertifiseer te wees as 'n dokument wat ingevolge die bepalings van hierdie Wet by sy kantoor ingedien is of as 'n afskrif van so 'n dokument, word *prima facie* geag so 'n dokument, of 'n afskrif daarvan, te wees, en elke sodanige afskrif is as bewysstuk ontvanklik asof dit die oorspronklike dokument was.

Uitwerking van registrateur se sertifikaat op dokumente.

71. (1) Iedereen kan, teen betaling van leges van twee sjielings en ses pennies, enige dokument wat deur een bepaalde geregistreerde versekeraar of voormalige versekeraar ingevolge hierdie Wet aan die registrateur verstrek is, insien en daarvan 'n afskrif maak.

Leges vir insage en afskrifte van aan registrateur verstrekte dokumente.

(2) Die registrateur verstrek aan enige aansoeker daarom 'n gesertifiseerde afskrif van, of uittreksel uit, so 'n dokument as voormeld, teen betaling, deur die aansoeker, van leges van twee sjielings vir elke honderd woorde of deel van 'n onvoltooide honderdtal woorde waaruit die afskrif of uittreksel bestaan.

(3) Die registrateur kan enigeen vrystel van die verpligting om leges ingevolge hierdie artikel te betaal indien hy oortuig is dat die betrokke insage, afskrif of uittreksel verlang word ter bevordering van een of ander openbare belang.

72. 'n Geregistreerde versekeraar mag nie 'n dokument publiseer of uitgee nie, waarin in druk aangegee word—

Publikasie van gemagtigde, ingeskrewe en gestorte kapitaal.

(*a*) sy gemagtigde kapitaal, tensy daarby ook aangegee word die bedrag van sy ingeskrewe kapitaal en van sy gestorte kapitaal; of

(*b*) sy ingeskrewe kapitaal, tensy daarby ook aangegee word die bedrag van sy gestorte kapitaal.

73. Iedereen wat 'n bepaling van hierdie Wet oortree of versuim om 'n deur hierdie Wet aan hom opgelegde verpligting na te kom, is aan 'n misdryf skuldig en indien geen straf in hierdie Wet spesiaal voorgeskryf word vir sodanige oortreding of versuim nie, is strafbaar, as die oortreder 'n indiwidu is, met 'n boete van hoogstens honderd pond, of met gevangenisstraf van hoogstens een jaar, sonder die keuse van 'n boete, of as die oortreder nie 'n indiwidu is nie, met 'n boete van hoogstens honderd pond.

Algemene strafbepaling.

74. As iemand 'n in hierdie Wet vermelde dokument uitgee wat in 'n vername opsig vals is, word so iemand en elke ander persoon wat deelgeneem het aan die opstel of uitgee van die dokument of wat dit onderteken het, geag aan valsiteit skuldig te wees, tensy bewys word dat die beskuldigde, as hy 'n indiwidu is, of al die persone wat namens die beskuldigde gehandel het, as laasgenoemde nie 'n indiwidu is nie, geen kennis gedra het van die valsheid van die dokument toe dit uitgegee is nie.

Straf op vervalsing van state, ens.

75. Iedereen wat iemand anders beweeg of poog te beweeg om 'n versekeringskontrak te sluit met 'n persoon wat nie 'n geregistreerde versekeraar kragtens hierdie Wet is nie, of om 'n aansoek te doen om so 'n kontrak met so 'n laasbedoelde persoon te sluit, is aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens vyftig pond.

Misdryf om aansoek om versekering namens ongeregistreerde onderneming te verkry.

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Regulations.

76. The Governor-General may make regulations not inconsistent with this Act—

(*a*) prescribing all matters which by this Act are required or permitted to be prescribed by regulation;

(*b*) extending to any particular kind of miscellaneous business all or any of the provisions of this Act which relate to any particular class of insurance business, or some provisions which relate to one such class and some provisions which relate to any other such class.

This Act overrides special laws.

77. The provisions of this Act shall prevail over any provisions inconsistent with this Act which occur in any prior law specially relating to any particular person.

Repeal of laws.

78. Section *twenty-three* of the Friendly Societies Act, 1892 (Act No. 5 of 1892) of the Cape of Good Hope; the Insurance Act, 1923 (Act No. 37 of 1923); the Life Insurance Amendment Act, 1940 (Act No. 35 of 1940); section *twenty-eight* of the Insolvency Act, 1936 (Act No. 24 of 1936); the Insurance Ordinance, 1927 (Ordinance No. 12 of 1927) of the Territory; the Insurance Ordinance Amendment Ordinance, 1929 (Ordinance No. 9 of 1929) of the Territory; and the Insurance Amendment Ordinance, 1941 (Ordinance No. 10 of 1941) of the Territory, are hereby repealed.

Short title and date of commencement.

79. This Act shall be called the Insurance Act, 1943. It shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette* and shall be in force in the mandated territory of South-West Africa and in the port and settlement of Walvis Bay and for the purpose of this Act the said port and settlement shall be deemed to be a portion of the said mandated territory.

First Schedule.

Deposits under sections *three* and *four* of this Act.

PART I.

GROUP A.

Life business	£10,000
Industrial business	£10,000
Funeral business	£5,000
Sinking fund business	£10,000

A deposit in respect of industrial business also covers funeral business and a deposit of £25,000 covers all classes of insurance business in this group.

GROUP B.

Fire business	£10,000
Marine business	£10,000
Motor business	£10,000
Personal accident business	£5,000
Miscellaneous business	£5,000

A deposit of £30,000 covers all classes of insurance business in this group.

PART II.

1. If the Treasury holds any money or approved security which was deposited with the Treasury under the Insurance Act, 1923, by a person who is obliged to make a deposit under section *three* or section *four* of this Act, the said person shall be deemed to have deposited the said money or securities under this Act.

2. Securities deposited or deemed to have been deposited with the Treasury under this Act shall be valued at their market value or at their face value, whichever is the lower.

3. If at any time the value of any deposit made or deemed to have been made with the Treasury by any person (hereinafter called the depositor) under this Act in respect of any insurance business falls short of the amount mentioned in Part I of this Schedule in respect of that business, the Treasury shall, by notice in writing, call upon the depositor to make good the deficiency by a deposit of money or further approved securities, or of both money and approved securities, at the option of the depositor, and the depositor shall comply with the said notice within a period of sixty days as from the date of his receipt of the notice.

4. Once in any calendar year the Treasury shall at the request of a depositor, furnish him with a certificate of the fact that the Treasury holds a deposit which he made under this Act, and of its value.

5. A depositor may at any time—

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76. Die Goewerneur-generaal kan regulasies uitvaardig wat nie met hierdie Wet strydig is nie— Regulasies.

(*a*) wat alle aangeleenthede wat volgens hierdie Wet by regulasie voorgeskryf moet of kan word, voorskryf;

(*b*) wat al die bepalings of sommige van die bepalings van hierdie Wet wat op 'n bepaalde soort versekeringsbesigheid betrekking het, of sommige bepalings wat op een sodanige soort en sommige bepalings wat op 'n ander sodanige soort betrekking het, toepas op 'n bepaalde kategorie van gemengde besigheid.

77. Die bepalings van hierdie Wet oorheers bepalings van 'n vroeëre Wet wat spesiaal op 'n bepaalde persoon betrekking het en wat met hierdie Wet in stryd is. Hierdie Wet oorheers spesiale wette.

78. Artikel *drie-en-twintig* van die „Friendly Societies Act, 1892" (Wet No. 5 van 1892) van die Kaap die Goeie Hoop; die „Verzekeringswet, 1923" (Wet No. 37 van 1923); die Lewensversekerings-Wysigingswet, 1940 (Wet No. 35 van 1940); artikel *agt-en-twintig* van die Insolvensiewet, 1936 (Wet No. 24 van 1936); die Versekerings-Ordonnansie, 1927 (Ordonnansie No. 12 van 1927), van die Gebied; die Versekerings-Ordonnansie Wysigingsordonnansie, 1929 (Ordonnansie No. 9 van 1929), van die Gebied; en die Versekerings-Wysigings-Ordonnansie, 1941 (Ordonnansie No. 10 van 1941), van die Gebied, word hierby herroep. Herroeping van Wette.

79. Hierdie Wet heet die Versekeringswet, 1943. Dit tree in werking op 'n datum wat deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal word, en is van krag in die Mandaatgebied Suidwes-Afrika en in die hawe en nedersetting Walvisbaai en vir die doeleindes van hierdie Wet word genoemde hawe en nedersetting geag 'n gedeelte van genoemde mandaatgebied te wees. Kort titel en datum van inwerkingtreding.

Eerste Bylae.

Deposito's ingevolge artikels *drie* en *vier* van hierdie Wet:

DEEL I.

GROEP A.

Lewensbesigheid	£10,000
Nywerheidsbesigheid	£10,000
Begrafnisbesigheid	£5,000
Amortisasiefonds-besigheid	£10,000

'n Deposito vir nywerheidsbesigheid dek ook begrafnisbesigheid, en 'n deposito van £25,000 dek alle soorte versekeringsbesigheid in hierdie groep.

GROEP B.

Brandbesigheid	£10,000
Seebesigheid	£10,000
Motorbesigheid	£10,000
Persoonlike ongevallebesigheid	£5,000
Gemengde besigheid	£5,000

'n Deposito van £30,000 dek alle soorte versekeringsbesigheid in hierdie groep.

DEEL II.

1. Indien die Tesourie geld of goedgekeurde effekte in besit het wat by die Tesourie gedeponeer is ingevolge die „Verzekeringswet, 1923," deur 'n persoon wat verplig is om 'n deposito ingevolge artikel *drie* of artikel *vier* van hierdie Wet te maak, dan word beskou dat daardie persoon bedoelde geld of effekte ingevolge hierdie Wet gedeponeer het.

2. Effekte wat ingevolge hierdie Wet by die Tesourie gedeponeer is of geag word gedeponeer te wees, word gewaardeer teen hulle markwaarde of teen hulle nominale waarde, na gelang die een of die ander die laagste is.

3. Indien die waarde van 'n deposito wat ingevolge hierdie Wet by die Tesourie gemaak is of geag word gemaak te wees deur 'n persoon (hieronder die deponent genoem) vir versekeringsbesigheid, te eniger tyd minder word as die bedrag in Deel I van hierdie Bylae vermeld ten opsigte van daardie besigheid, dan moet die Tesourie die deponent skriftelik aansê om die tekort aan te suiwer deur 'n deposito van geld of verdere goedgekeurde effekte, of beide geld en goedgekeurde effekte volgens keuse van die deponent en laasgenoemde moet aan bedoelde aansegging voldoen binne 'n tydperk van sestig dae vanaf die datum waarop hy die aansegging ontvang het.

4. Die Tesourie moet eenmaal in elke kalenderjaar, op versoek van 'n deponent, aan hom 'n sertifikaat verstrek van die feit dat die Tesourie in besit is van 'n deposito wat hy ingevolge hierdie Wet gemaak het, en van die waarde daarvan.

5. 'n Deponent kan te eniger tyd—

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(a) withdraw any security or money which he deposited with the Treasury in respect of any insurance business to the extent by which it is in excess of the value mentioned in Part I of this Schedule in respect of that business; or

(b) substitute for any security so deposited any money or any other approved security of the requisite value.

6. If a depositor has deposited any money under this Act, the Treasury shall invest it in approved securities, which shall be deemed to have been deposited by the depositor under this Act.

7 A depositor shall be entitled to the income derived from any securities which he deposited or is deemed to have deposited with the Treasury under this Act.

Second Schedule.

CALCULATION OF LIABILITIES UNDER UNMATURED POLICIES FOR THE PURPOSES OF SECTION 12, READ WITH SECTION 13 (b) (i) OF THIS ACT.

PART I.

LIFE POLICIES, INDUSTRIAL POLICIES, FUNERAL POLICIES AND SINKING FUND POLICIES.

Definitions.

1. For the purposes of Part I of this Schedule—

(a) a calculation of the liabilities of an insurer shall be deemed to be a calculation on the minimum basis if the applicable requirements of sections *four* to and including *nine* of this Schedule have been complied with in making the calculation; and

(b) "date of calculation" in relation to a policy means the date as at which the liability under that policy is determined.

Method of Calculating Liabilities.

2. In calculating liabilities under unmatured policies for the purposes of paragraph (b) (i) of section *thirteen* of the Act, an insurer may adopt any reasonable basis which he thinks fit to adopt, provided it places a proper value upon the liabilities having regard to—

(a) the mortality, during a period approved of by the registrar, among the persons whose lives he insured: and

(b) the average rate of interest on his investments, reckoned as a percentage of the value of all his assets, which he earned in the past and is likely to earn in the future; and

(c) the expenses of the conduct of the class of insurance business in question, including commissions and other expenses incurred in connection with the receipt of applications for policies or the collection of premiums,

and provided the liabilities resulting from that calculation are not lower than they would have been had they been calculated on the minimum basis.

3. In the calculation, on any basis, of liabilities under Part I of this Schedule—

(a) no policy shall be treated as an asset; and

(b) the capitalized value of any bonus standing to the credit of the owner of an unmatured policy on the date of calculation, and the capitalized value of any reduction of premiums which has been granted as a bonus or which has been obtained by the surrender of a bonus or by the giving of any valuable consideration or in any other way, shall be included in the liability of the insurer under the policy in question.

Minimum Basis for Liabilities under Life Policies: Non-Union insurers.

4. (1) In calculating liabilities under unmatured life policies on the minimum basis a non-Union insurer shall comply with the following requirements:—

(a) In the case of annuity policies, the calculation shall be based on the applicable ultimate mortality tables for the years 1900 to 1920 in respect of which monetary tables were published on behalf of the Institute of Actuaries of England and the Faculty of Actuaries in Scotland: Provided that, in the case of deferred annuity policies during the period of deferment, the calculation may be based on the assumption that the mortality to be experienced during such period shall be one of the three ultimate mortality tables referred to in paragraph (b).

(b) In the case of life policies other than annuity policies, the calculation shall be based on one of the three ultimate mortality tables based on the mortality of the insured lives during the years 1924 to 1929 in respect of which monetary tables were published on behalf of the said Institute and the said Faculty.

(c) In the case of life policies other than immediate annuity policies—

(i) if the date of calculation is less than ten years after the commencement of this Act, the calculation shall be based on an assumed rate of interest not exceeding 4 per cent. per annum; or

(ii) if the date of calculation is ten years or longer after the said commencement, the calculation shall be based on an assumed rate of interest not exceeding 3½ per cent per annum.

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(*a*) effekte of geld terugvorder wat hy by die Tesourie gedeponeer het vir enige versekeringsbesigheid tot die mate wat dit meer is as die waarde in Deel I van hierdie Bylae vermeld vir daardie besigheid; of

(*b*) enige aldus gedeponeerde effekte deur geld of enige ander goedgekeurde effekte van die vereiste waarde vervang.

6. As 'n deponent geld ingevolge hierdie Wet gestort het, dan belê die Tesourie dit in goedgekeurde effekte, wat geag word deur die deponent ingevolge hierdie Wet gestort te wees.

7. 'n Deponent is geregtig op die inkomste verkry uit effekte wat hy ingevolge hierdie Wet by die Tesourie gedeponeer het of geag word te gedeponeer het.

Tweede Bylae.

BEREKENING VAN VERBINTENISSE KRAGTENS NOG LOPENDE POLISSE VIR DIE TOEPASSING VAN ARTIKEL 12, GELEES MET ARTIKEL 13 (*b*) (i) VAN HIERDIE WET.

DEEL I.

LEWENSPOLISSE, NYWERHEIDSPOLISSE, BEGRAFNISPOLISSE EN AMORTISASIEPOLISSE.

Begripsomskrywing.

1. By die toepassing van Deel I van hierdie Bylae—

(*a*) word 'n berekening van die verbintenisse van 'n versekeraar beskou as 'n berekening op die minimum-grondslag, indien die berekening uitgevoer is volgens die toepaslike voorskrifte van artikels *vier* tot en met *nege* van hierdie Bylae; en

(*b*) beteken „berekeningsdatum" met betrekking tot 'n polis, die datum wat vir die vasstelling van die verbintenis kragtens daardie polis aangeneem word.

Wyse van Berekening van Verbintenisse.

2. By die berekening van verbintenisse kragtens nog lopende polisse volgens vereiste van paragraaf (*b*) (i) van artikel *dertien* van die Wet, kan 'n versekeraar enige redelike grondslag aanneem wat hy wenslik ag om aan te neem, mits dit 'n behoorlike waarde aan die verbintenisse toeken, met die oog op—

(*a*) die sterfte, gedurende 'n deur die registrateur goedgekeurde tydperk, onder die persone wie se lewens hy verseker het; en

(*b*) die gemiddelde rentekoers op sy beleggings, bereken as 'n persentasie van die waarde van al sy bate, wat hy in die verlede verdien het en vermoedelik in die toekoms sal verdien; en

(*c*) die koste van die dryf van die betrokke soort versekeringsbesigheid, met inbegrip van kommissies en ander koste wat gemaak is in verband met die ontvangs van aansoeke om polisse of invordering van premies,

en mits die verbintenisse wat die gevolg van daardie berekening is, nie laer is nie as wat hulle sou gewees het as hulle op die minimum-grondslag bereken was.

3. By die berekening, op enige grondslag, van verbintenisse ingevolge Deel I van hierdie Bylae—

(*a*) mag geen polis as bate aangemerk word nie; en

(*b*) moet die gekapitaliseerde waarde van 'n bonus waarop die eienaar van 'n nog lopende polis op die berekeningsdatum aanspraak het en die gekapitaliseerde waarde van enige premiekorting wat as 'n bonus toegestaan is of wat verkry is deur afstand van 'n bonus of deur die gee van enige geldswaardige vergoeding of op enige ander manier ingesluit word by die versekeraar se verbintenis kragtens die betrokke polis.

Minimum-grondslag vir Verbintenisse kragtens Lewenspolisse: Buitelandse Versekeraars.

4. (1) By die berekening van verbintenisse kragtens nog lopende polisse op die minimum-grondslag moet 'n buitelandse versekeraar aan die volgende voorskrifte voldoen:

(*a*) By lyfrentepolisse moet die berekening steun op die toepaslike „ultimate" sterftetabelle vir die jare 1900 tot 1920 in verband waarmee geldelike tabelle uitgegee is namens die „Institute of Actuaries" van Engeland en die „Faculty of Actuaries" van Skotland: Met dien verstande dat in die geval van uitgestelde lyfrentepolisse, die berekening gedurende die tydperk van uitstel kan steun op die veronderstelling dat die sterfte wat gedurende genoemde periode te ervare is een van die drie „ultimate" sterftetabelle moet wees waarna verwys word in paragraaf (*b*).

(*b*) By ander lewenspolisse as lyfrentepolisse moet die berekening steun op een van die drie „ultimate" sterftetabelle wat saamgestel is op die grondslag van die sterfte onder versekerde lewens gedurende die jare 1924 tot 1929 en in verband waarmee geldelike tabelle uitgegee is namens voormelde „Institute" en voormelde „Faculty".

(*c*) By ander lewenspolisse as onmiddellike lyfrentepolisse—

(i) moet die berekening steun op 'n veronderstelde rentekoers van hoogstens 4 persent per jaar, as die berekeningsdatum minder as tien jaar is na die inwerkingtreding van hierdie Wet; of

(ii) moet die berekening steun op 'n veronderstelde rentekoers van hoogstens 3½ persent per jaar, as die berekeningsdatum tien jaar of langer na bedoelde inwerkingtreding is.

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(*d*) In the case of immediate annuity policies the calculation of liabilities on any date of calculation shall be based upon an assumed rate of interest not exceeding 4 per cent. per annum.

(*e*) In the case of whole life policies or endowment insurance policies at uniform premiums—

(i) the liability under each policy shall be deemed to be the difference between the capitalized value of the sum insured on the date of calculation (according to the contingencies upon which that sum is payable) and the capitalized value, on the said date, of all future premiums payable under the policy in question, if those premiums were net premiums as defined in sub-section (2); and

(ii) the calculation shall be based on the exact age of each person whose life is insured on the date of commencement of the insurance period and on the date of calculation, and on an exact determination of all relevant periods; or

(iii) the calculation shall be based, with reference to all the persons whose lives are insured, on such ages and periods mentioned in sub-paragraph (ii) as will produce a result which approximates, in the aggregate, the result which would have been obtained by means of a calculation made in accordance with sub-paragraph (ii).

(*f*) In the case of any life policies not mentioned in the preceding provisions of this sub-section, the calculation shall be made as nearly as practicable in conformity with those provisions.

(2) In sub-paragraph (i) of paragraph (*e*) of sub-section (1) "net premiums" means premiums each of such an amount that, if all premiums payable under the policy in question had been net premiums, their value, capitalized on the date of commencement of the insurance period under that policy, would have equalled the capitalized value, on the said date, of the sum insured (exclusive of any bonus) according to the contingencies upon which that sum is payable under the policy, provided that in either case the capitalization is calculated on the basis of the mortality table and assumed rate of interest which are applicable to the policy in question in terms of paragraphs (*b*) and (*c*) of sub-section (1).

Minimum Basis for Liabilities under Life Policies: Union Insurers.

5. In calculating liabilities under unmatured life policies on the minimum basis a Union insurer shall comply with the applicable requirements of section *four*, but subject to the following modifications:

(*a*) In the case of whole-life policies at uniform premiums payable throughout life, the insurance period of each policy shall be deemed to have commenced one year later than it actually commenced.

(*b*) In the case of whole-life policies at uniform premiums payable for a stated number of years or in the case of endowment insurance policies at uniform premiums, either sub-paragraph (i) or sub-paragraph (ii) shall apply, whichever produces the higher liability, viz.:

(i) the insurance period of each policy shall be deemed to have commenced one year later than it actually commenced and the period for which premiums are payable under the policy or the endowment period shall be reduced by one year; or

(ii) each of the future net premiums mentioned in sub-paragraph (i) of paragraph (*e*) of sub-section (1) of section *four* shall be increased by an amount which, on the date of commencement of the insurance period equals 1½ per cent. of the sum insured, commuted over the whole period for which premiums are payable.

(*c*) In the case of life policies not mentioned in the preceding provisions of this section, the calculation prescribed by section *four* with reference to a non-Union insurer, shall, with reference to a Union-insurer, be modified in a manner analogous to the modifications prescribed in paragraphs (*a*) and (*b*) of this section.

Minimum Basis for Liabilities under Industrial Policies: Non-Union Insurers.

6. In calculating liabilities under unmatured industrial policies on the minimum basis, a non-Union insurer shall comply with the applicable requirements of section *four*, but subject to the following modifications:

(*a*) The insurer shall not be required to base his calculation on a mortality table mentioned in section *four*, but shall base it on any mortality table of which the registrar approves.

(*b*) A whole life policy at uniform premiums payable throughout life or at uniform premiums payable for a stated period of not less than twenty-five years, whose insurance period commenced on a date when the person whose life is insured was under nine years of age, may be dealt with as a policy whose insurance period commenced on the anniversary of the said date when the said person was between nine and ten years of age, and if such a policy is dealt with as aforesaid the stated period (if any) for which premiums are payable, shall be reduced by a period equal to the period by which the commencement of the insurance period is postdated, as aforesaid.

Minimum Basis for Liabilities under Industrial Policies: Union Insurers.

7. In calculating liabilities under unmatured industrial policies on the minimum basis a Union insurer shall comply with the applicable requirements of section *six*, but subject to the following modifications:

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(*d*) By onmiddellike lyfrentepolisse moet die berekening van verbintenisse op enige berekeningsdatum steun op 'n veronderstelde rentekoers van hoogstens 4 persent per jaar.

(*e*) By lewenslange polisse of uitkeringsversekeringspolisse met onveranderlike premies—

(i) word die verbintenis kragtens elke polis aangemerk as die verskil tussen die gekapitaliseerde waarde van die versekerde som op die berekeningsdatum (al na die voorwaardes waarop daardie som betaalbaar is) en die gekapitaliseerde waarde, op daardie datum, van alle toekomstige premies wat kragtens die betrokke polis betaalbaar is, as daardie premies nettopremies was, soos in sub-artikel (2) omskrywe; en

(ii) moet die berekening steun op die juiste ouderdom van elke persoon wie se lewe verseker is, op die aanvangsdag van die versekeringstydperk en op die berekeningsdatum, en op 'n juiste bepaling van alle betrokke tydperke; of

(iii) moet die berekening steun, met betrekking tot alle persone wie se lewens verseker is, op ouderdomme en tydperke bedoel in sub-paragraaf (ii) wat in die geheel 'n uitslag oplewer wat by benadering ooreenkom met die uitslag wat 'n berekening volgens sub-paragraaf (ii) sou opgelewer het.

(*f*) By lewenspolisse wat nie in die voorgaande bepalings van hierdie sub-artikel vermeld word nie, moet die berekening uitgevoer word so veel as doenlik is in ooreenstemming met daardie bepalings.

(2) In sub-paragraaf (i) van paragraaf (*e*) van sub-artikel (1) beteken „nettopremies", premies, elkeen van so 'n bedrag dat, as alle kragtens die betrokke polis betaalbare premies nettopremies was, hulle waarde, gekapitaliseer op die aanvangsdag van die versekeringstydperk van die polis, gelyk sou gewees het aan die gekapitaliseerde waarde, op daardie dag, van die versekerde som (sonder bonus) al na die voorwaardes waarop daardie som kragtens die polis betaalbaar is, mits die kapitalisering in beide gevalle bereken word op die grondslag van die sterftetabel en veronderstelde rentekoers wat op die betrokke polis volgens paragrawe (*b*) en (*c*) van sub-artikel (1) van toepassing is.

Minimum-grondslag vir Verbintenisse kragtens Lewenspolisse: Binnelandse Versekeraars.

5. By die berekening van verbintenisse kragtens nog lopende lewenspolisse op die minimum-grondslag moet 'n binnelandse versekeraar voldoen aan die toepaslike voorskrifte van artikel *vier*, dog met die volgende afwykings:

(*a*) By lewenslange polisse met onveranderlike premies wat lewenslang betaalbaar is, word die versekeringstydperk van elke polis geag te begin het een jaar later dan hy werklik begin het.

(*b*) By lewenslange polisse met onveranderlike premies wat vir 'n vasgestelde aantal jare betaalbaar is of by uitkeringsversekeringspolisse met onveranderlike premies, is òf sub-paragraaf (i) òf sub-paragraaf (ii) van toepassing, na gelang die een of die ander die hoër verbintenis oplewer, nl.:

(i) die versekeringstydperk van elke polis word geag een jaar later te begin het as wat hy werklik begin het en die tydperk waarvoor premies kragtens die polis betaalbaar is of die uitkeringstydperk word met een jaar verkort; of

(ii) elkeen van die toekomstige nettopremies bedoel in subparagraaf (i) van paragraaf (*e*) van sub-artikel (1) van artikel *vier* word vermeerder met 'n bedrag wat op die aanvangsdag van die versekeringstydperk gelyk is aan $1\frac{1}{2}$ persent van die versekerde som, omgeset oor die hele tydperk waarvoor premies betaalbaar is.

(*c*) By lewenspolisse wat nie in die voorgaande bepalings van hierdie artikel vermeld word nie, moet die berekening wat artikel *vier* met betrekking tot 'n buitelandse versekeraar voorskryf, met betrekking tot 'n binnelandse versekeraar uitgevoer word met soortgelyke afwykings as die wat paragrawe (*a*) en (*b*) van hierdie artikel voorskryf.

Minimum-grondslag vir Verbintenisse kragtens Nywerheidspolisse: Buitelandse Versekeraars.

6. By die berekening van verbintenisse kragtens nog lopende nywerheidspolisse op die minimum-grondslag, moet 'n buitelandse versekeraar voldoen aan die toepaslike voorskrifte van artikel *vier*, dog met die volgende afwykings:

(*a*) Die versekeraar is nie verplig om sy berekenings op 'n in artikel *vier* vermelde sterftetabel te steun nie, maar moet dit steun op enige deur die registrateur goedgekeurde tabel.

(*b*) 'n Lewenslange polis met onveranderlike lewenslang verskuldigde premies of met onveranderlike premies betaalbaar vir 'n vasgestelde tydperk van minstens vyf-en-twintig jaar, waarvan die versekeringstydperk begin het op 'n datum toe die persoon wie se lewe verseker is, minder as nege jaar oud was, kan behandel word as 'n polis waarvan die versekeringstydperk begin het op die verjaardag van bedoelde datum toe bedoelde persoon tussen nege en tien jaar oud was, en as so 'n polis aldus behandel word, dan word die vasgestelde tydperk (as so 'n tydperk vasgestel is) waarvoor premies betaalbaar is, verkort met 'n tydperk gelyk aan die duur van die uitstel van die begin van die versekeringstydperk, soos voormeld.

Minimum-grondslag vir Verbintenisse kragtens Nywerheidspolisse: Binnelandse Versekeraars.

7. By die berekening van verbintenisse kragtens nog lopende nywerheidspolisse op die minimum-grondslag, moet 'n binnelandse versekeraar voldoen aan die toepaslike voorskrifte van artikel *ses*, dog met die volgende afwykings:

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(a) The insurance period of every industrial policy of a kind mentioned in an item in the first column of the schedule at the end of this paragraph may be regarded as having commenced so many months after the date on which it actually commenced (or, in the case of a policy mentioned in paragraph (b) of section *six* and dealt with under that paragraph: so many months after the date on which the insurance period is, in terms of the said paragraph, deemed to have commenced) as are stated in the second column of the said schedule opposite the item in question, with a corresponding reduction, in each case, in the stated period (if any) for which premiums are payable or in the endowment period, viz.:

Kind of insurance.	*Number of months.*
Whole life policy at premiums payable throughout life or for a stated period of not less than 25 years:	Thirty months.
Whole life policy at premiums payable for a stated period of less than 25 years:	Eighteen months.
Endowment insurance policy for a period of not less than 15 years:	Eighteen months.
Endowment insurance policy for a period of less than 15 years:	Six months.

(b) In the case of industrial policies not mentioned in paragraph (a) of this section, the calculation prescribed by section *six* with reference to a non-Union insurer shall, with reference to a Union insurer, be modified in a manner analogous to the modifications prescribed by the said paragraph (a).

Minimum Basis for Liabilities under Funeral Policies.

8. In calculating liabilities under unmatured funeral policies on the minimum basis, every insurer shall deal, in accordance with the applicable provisions of the preceding sections, with every policy insuring the life of one person only, as if it were an industrial policy, and in connection with other funeral policies he shall adopt a method of calculation which corresponds as nearly as possible with the method of calculation which he would have been obliged to adopt under the provisions of the preceding sections, if those policies had been industrial policies.

Minimum Basis for Liabilities under Sinking Fund Policies.

9. In calculating liabilities under unmatured sinking fund policies a non-Union insurer shall as far as possible comply with the applicable requirements of section *four* and a Union insurer shall as far as possible comply with the applicable requirements of section *five* as if those policies were endowment insurance life policies, but without reference to any mortality table, and with such modifications of the said requirements as may be necessary to adapt them to the valuation of liabilities under unmatured sinking fund policies.

PART II.

POLICIES OTHER THAN THOSE MENTIONED IN PART I.

10. The liability, on any particular date, of an insurer under unmatured policies in any particular class of insurance business other than life business, industrial business, funeral business or sinking fund business, shall be deemed to be—

(a) one half of the aggregate of all premiums, each covering an insurance period of one year or less than one year, which the insurer received under policies in the said class of insurance business during the year which ended on the said date; and

(b) in respect of every unmatured policy in the said class of insurance business under which the insurer received or is entitled to a premium covering an insurance period which has not expired on the said date and which is longer than one year: an amount which bears to the amount of the whole of said premium the same ratio which the unexpired part of the said insurance period bears to the whole period:

Provided that in calculating his liabilities under all unmatured policies in any particular class of insurance business the insurer may, with the consent of the registrar—

(c) ignore the provisions of paragraph (a) and apply *mutatis mutandis* the provisions of paragraph (b) only, irrespective of the length of the insurance period covered by the last premium received by the insurer under any such policy; or

(d) ignore the preceding provisions of this section and adopt a basis of one half of the aggregate of all premiums or any other basis or method which, in the opinion of the registrar, produces a result which approximates the result which a calculation made in accordance with the said provisions would have produced.

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(a) Die versekeringstydperk van elke nywerheidspolis van 'n kategorie vermeld in 'n item in die eerste kolom van die tabel aan die end van hierdie paragraaf kan geag word te begin het so veel maande na die datum waarop dit werklik begin het (of by 'n polis bedoel in paragraaf (b) van artikel *ses* wat ingevolge daardie paragraaf behandel word, so veel maande na die datum waarop die versekeringstydperk volgens daardie paragraaf geag word te begin het) as wat in die tweede kolom van voormelde tabel aangegee is teenoor die betrokke item, met 'n dienooreenkomstige verkorting, in elke geval, van die vasgestelde tydperk (as so 'n tydperk vasgestel is) waarvoor premies betaalbaar is of van die uitkeringstydperk, nl.:

Kategorie van versekering.	*Aantal maande.*
Lewenslange polis met premies wat lewenslang of vir 'n vasgestelde tydperk van minstens 25 jaar betaalbaar is:	Dertig maande.
Lewenslange polis met premies betaalbaar vir 'n vasgestelde tydperk van minder as 25 jaar:	Agtien maande.
Uitkeringsversekeringspolis vir 'n tydperk van minstens 15 jaar:	Agtien maande.
Uitkeringsversekeringspolis vir 'n tydperk van minder as 15 jaar:	Ses maande.

(b) By nywerheidspolisse wat nie in paragraaf (a) van hierdie artikel vermeld word nie, moet die berekening wat artikel *ses* met betrekking tot 'n buitelandse versekeraar voorskryf, met betrekking tot 'n binnelandse versekeraar uitgevoer word met soortgelyke afwykings as die wat bedoelde paragraaf (a) voorskryf.

Minimum-grondslag vir Verbintenisse kragtens Begrafnispolisse.

8. By die berekening van verbintenisse kragtens nog lopende begrafnispolisse op die minimum-grondslag, moet elke versekeraar met elke polis wat die lewe van slegs een persoon verseker, volgens die toepaslike bepalings van die voorgaande artikels handel asof dit 'n nywerheidspolis was en in verband met ander begrafnispolisse moet hy 'n wyse van berekening toepas wat so veel as moontlik ooreenkom met die wyse van berekening wat hy volgens die bepalings van die voorgaande artikels sou moet toegepas het, as daardie polisse nywerheidspolisse gewees het.

Minimum-grondslag vir Verbintenisse kragtens Amortisasiepolisse.

9. By die berekening van verbintenisse kragtens nog lopende amortisasiepolisse moet 'n buitelandse versekeraar so veel as moontlik aan die toepaslike voorskrifte van artikel *vier* voldoen en moet 'n binnelandse versekeraar so veel as moontlik aan die toepaslike voorskrifte van artikel *vyf* voldoen asof daardie polisse uitkeringslewenspolisse was, dog sonder gebruik te maak van 'n sterftetabel en met sulke afwykings van voormelde voorskrifte as wat nodig mag wees om hulle geskik te maak vir die waardering van verbintenisse kragtens nog lopende amortisasiepolisse

DEEL II.

Ander Polisse as Polisse wat in Deel I vermeld word.

10. Die verbintenis van 'n versekeraar op een of ander bepaalde datum kragtens nog lopende polisse in een of ander bepaalde soort versekeringsbesigheid wat nie lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of amortisasiefonds-besigheid is nie, word geag te wees—

(a) die helfte van die som van alle premies wat elkeen 'n versekeringstydperk van een jaar of minder as een jaar dek, wat die versekeraar gedurende die jaar wat op bedoelde datum geëindig het, ontvang het kragtens polisse in bedoelde soort versekeringsbesigheid; en

(b) met betrekking tot elke nog lopende polis in bedoelde soort versekeringsbesigheid uit kragte waarvan aan die versekeraar 'n premie betaal is of toekom vir 'n versekeringstydperk wat op bedoelde datum nog nie verstryk het nie en wat langer as een jaar is: 'n bedrag wat in dieselfde verhouding staan tot die bedrag van die hele bedoelde premie, as die verhouding waarin die nog nie verstreke deel van bedoelde versekeringstydperk staan tot die hele tydperk:

Met dien verstande dat die versekeraar met die toestemming van die registrateur by die berekening van sy verbintenisse kragtens alle nog lopende polisse in een of ander bepaalde soort versekeringsbesigheid—

(c) die bepalings van paragraaf (a) kan verontagsaam en *mutatis mutandis* slegs die bepalings van paragraaf (b) kan toepas afgesien van die duur van die versekeringstydperk wat gedek is deur die laaste premie wat die versekeraar kragtens so 'n polis ontvang het; of

(d) die voorgaande bepalings van hierdie artikel kan verontagsaam en die grondslag van die helfte van die totaalbedrag van alle premies of enige ander grondslag of wyse kan aanwend wat volgens die registrateur se oordeel 'n uitslag oplewer wat by benadering ooreenkom met die uitslag wat 'n berekening volgens bedoelde bepalings sou opgelewer het.

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Third Schedule.

CALCULATION OF THE AMOUNTS OF PAID-UP POLICIES, FOR THE PURPOSES OF SUB-SECTION (2) OF SECTION 62 OF THE ACT.

Definitions.

1. In this Schedule—

" age at entry ", in relation to a person whose life is insured under a life policy or an industrial policy, means that person's age on his birthday nearest the date on which the period of insurance under the policy commenced ; and

" insured person " in relation to a life policy or an industrial policy means the person whose life is insured under that policy ; and

" nett premium ", in relation to a policy and to a particular age of the person whose life is insured under that policy, means such an amount that if—

(a) the said person had been of the age in question at the commencement of the insurance period under the said policy ; and

(b) in the case of a whole life policy under which premiums are payable for a stated period, or in the case of an endowment insurance policy, the stated period or the endowment period, were reduced by a period equal to the difference between the said person's age in question and his age at entry ; and

(c) each of the premiums payable under the said policy were of the said amount,

the capitalized value of all those premiums would equal the capitalized value of the sum insured, (exclusive of any bonus), according to the contingencies upon which that sum is payable under the policy, provided that in either case the capitalization is based on an assumed rate of interest of 3½ per cent. per annum and—

(i) in the case of a life policy : on the mortality table known as the A 1924-29 Ultimate Table, reflecting the mortality of insured lives for the years 1924 to 1929, in respect of which monetary tables were published in Volume I of the tables issued on behalf of the Institute of Actuaries of England and the Faculty of Actuaries in Scotland ; or

(ii) in the case of an industrial policy : on the mortality table known as the English Life No. 3 Table.

Life Policies and Sinking Fund Policies.

2. The amount of a paid-up policy to be substituted for a life policy which is a whole life policy at uniform premiums payable throughout life shall be calculated in accordance with the equation $x=(1-\frac{a}{b}).\frac{85.S.}{100}$ in which x, a, b and S represents respectively :

x : the amount of the paid-up policy ;

a : the net premium under the old policy reckoned at the insured person's age at entry increased by one year ;

b : the net premium under the old policy reckoned at the insured person's age at entry increased by the number of years for which premiums have actually been paid under that policy ; and

S : the sum insured under the old policy, exclusive of any bonus.

3. The amount of a paid-up policy to be substituted for a life policy which is a whole life policy at uniform premiums payable for a stated number of years or for an endowment insurance policy at uniform premiums, or for a sinking fund policy at uniform premiums shall be a sum which bears to the sum insured under the old policy (exclusive of any bonus) the same ratio which the number of years for which premiums have actually been paid under the old policy, bears to the number of years for which premiums were payable under that policy.

4. In determining the amount of a paid-up policy which is to be substituted for a life policy not mentioned in section *two* or *three*, the insurer concerned shall adopt a method of calculation which corresponds as nearly as possible with the method of calculation prescribed by one of those sections for the calculation of the amount of a paid-up policy which is to be substituted for a life policy most similar to the life policy in question.

Industrial Policies.

5. (1) The amount of a paid-up policy to be substituted for an industrial policy which is a whole life policy or an endowment insurance policy shall, subject to the provisions of sub-section (2), be calculated according to the equation $x=(1-\frac{a}{b}).\frac{80.S.}{100}$ in which x, b and S have the same meaning as in the equation set forth in section *two*, and a represents the net premium under the old policy, reckoned at the insured person's age at entry increased by—

(i) three years in the case of a whole life policy at premiums payable throughout life, or for a stated period of not less than twenty-five years ;

(ii) two years in the case of a whole life policy at premiums payable for a stated period of less than twenty-five years ;

(iii) two years in the case of an endowment insurance policy with an endowment period of not less than fifteen years ;

(iv) one year in the case of an endowment insurance policy with an endowment period of less than fifteen years.

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Derde Bylae.

BEREKENING VAN DIE BEDRAE VAN OPBETAALDE POLISSE VIR DIE TOEPASSING VAN SUB-ARTIKEL (2) VAN ARTIKEL *TWEE-EN-SESTIG* VAN HIERDIE WET.

Begripsomskrywing.

1. In hierdie Bylae—

beteken „ouderdom by sluiting", met betrekking tot iemand wie se lewe verseker is kragtens 'n lewenspolis of 'n nywerheidspolis, die betrokke persoon se ouderdom op sy verjaardag wat naaste was aan die datum waarop die versekeringstydperk van die polis begin het; en

beteken „versekerde persoon", met betrekking tot 'n lewenspolis of 'n nywerheidspolis, die persoon wie se lewe kragtens die polis verseker is; en

beteken „nettopremie", met betrekking tot 'n polis en tot 'n bepaalde ouderdom van die persoon wie se lewe kragtens daardie polis verseker is, so 'n bedrag dat indien—

(a) bedoelde persoon die betrokke ouderdom bereik had by die begin van die versekeringstydperk van daardie polis; en

(b) in die geval van 'n lewenslange polis uit kragte waarvan premies vir 'n vasgestelde tydperk betaalbaar is of in die geval van 'n uitkeringsversekeringspolis die vasgestelde tydperk of die uitkeringstydperk verminder was met 'n tydperk gelyk aan die verskil tussen bedoelde persoon se betrokke ouderdom en sy ouderdom by sluiting; en

(c) elkeen van die kragtens bedoelde polis verskuldigde premies gelyk aan voormelde bedrag was,

die gekapitaliseerde waarde van al daardie premies ewe groot sou wees as die gekapitaliseerde waarde van die versekerde som (sonder bonus), al na die voorwaardes waarop daardie som kragtens die polis betaalbaar is, mits die kapitalisasie in beide gevalle berus op 'n veronderstelde rentekoers van $3\frac{1}{2}$ persent per jaar en—

(i) in die geval van 'n lewenspolis: op die sterftetabel genoem die „A 1924-29 Ultimate Table" waarin aangegee word die sterfte onder versekerde lewens gedurende die jare 1924 tot 1929 en in verband waarmee geldelike tabelle gepubliseer is in Deel I van die tabelle uitgegee namens die „Institute of Actuaries" van England en die „Faculty of Actuaries" van Skotland; of

(ii) in die geval van 'n nywerheidspolis: op die sterftetabel genoem die „English Life No. 3 Table".

Lewenspolisse en Amortisasiepolisse.

2. Die bedrag van 'n opbetaalde polis wat bestem is ter vervanging van 'n lewenslange lewenspolis met onveranderlike lewenslang verskuldigde premies, word bereken volgens die vergelyking $x=(1-\frac{a}{b}).\frac{85.S.}{100}$ waarby x, a, b en S respektieflik voorstel :—

x : die bedrag van die opbetaalde polis;

a : die nettopremie kragtens die ou polis, bereken volgens die versekerde persoon se ouderdom by sluiting, vermeerder met een jaar;

b : die nettopremie kragtens die ou polis bereken volgens die versekerde persoon se ouderdom by sluiting, vermeerder met die aantal jare waarvoor premies werklik kragtens daardie polis betaal is; en

S : die som wat kragtens die ou polis verseke is, sonder bonus.

3. Die bedrag van 'n opbetaalde polis wat bestem is ter vervanging van 'n lewenslange lewenspolis met onveranderlike premies wat vir 'n vasgestelde aantal jare verskuldig was of van 'n uitkeringsversekeringspolis met onveranderlike premies, of van 'n amortisasiepolis met onveranderlike premies is 'n som wat tot die som wat kragtens die ou polis verseker is (sonder bonus) in dieselfde verhouding staan as dié waarin die aantal jare waarvoor premies kragtens die ou polis werklik betaal is, staan tot die aantal jare waarvoor premies kragtens daardie polis betaalbaar was.

4. By die bepaling van die bedrag van 'n opbetaalde polis wat bestem is ter vervanging van 'n lewenspolis wat nie in artikel *twee* of *drie* vermeld word nie, moet die betrokke versekeraar 'n berekeningswyse aanwend wat so veel as moontlik ooreenkom met die berekeningswyse wat een van daardie artikels voorskryf vir die berekening van die bedrag van 'n opbetaalde polis wat bestem is ter vervanging van 'n lewenspolis wat die meeste ooreenkom met die betrokke lewenspolis.

Nywerheidspolisse.

5. (1) Die bedrag van 'n opbetaalde polis wat bestem is ter vervanging van 'n nywerheidspolis wat van lewenslange duur of 'n uitkeringsversekeringspolis is, word, behoudens die bepalings van sub-artikel (2), bereken volgens die vergelyking $x=(1-\frac{a}{b}).\frac{80.S.}{100}$ waarby x, b en S. dieselfde betekenis dra as in die vergelyking in artikel *twee* en waarby a voorstel die nettopremie kragtens die ou polis bereken volgens die versekerde persoon se ouderdom by sluiting, vermeerder met—

(i) drie jaar in die geval van 'n lewenslange polis met premies wat lewenslang of vir 'n vasgestelde tydperk van minstens vyf-en-twintig jaar verskuldig was;

(ii) twee jaar in die geval van 'n lewenslange polis met premies wat vir 'n vasgestelde tydperk van minder as vyf-en-twintig jaar verskuldig was;

(iii) twee jaar in die geval van 'n uitkeringsversekeringspolis met 'n uitkeringstydperk van minstens vyftien jaar;

(iv) een jaar in die geval van 'n uitkeringsversekeringspolis met 'n uitkeringstydperk van minder as vyftien jaar.

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(2) In calculating the amount of a paid-up policy to be substituted for a whole-life industrial policy at premiums payable throughout life or at premiums payable for a stated period of not less than twenty-five years and whose insurance period commenced on a date when the insured person was under nine years of age, the insurance period of the old policy may be regarded as having commenced on the anniversary of the said date, when the insured person was between nine and ten years of age, and if the commencement of the insurance period is so post-dated, the stated period (if any) for which premiums are payable shall be reduced by a period equal to the period by which the commencement of the insurance period is post-dated as aforesaid.

6. In determining the amount of a paid-up policy which is to be substituted for an industrial policy not mentioned in section *five*, the insurer concerned shall adopt a method of calculation which corresponds as nearly as possible with the method of calculation prescribed in section *five* for the calculation of the amount of a paid-up policy which is to be substituted for an industrial policy most similar to the industrial policy in question.

General Provisions.

7. If premiums have been paid under any policy for a number of years and a fraction of a year, whether the premium for the fraction of a year is an instalment of an annual premium or not, that fraction shall, in the calculation of the amount of a paid-up policy which is to be substituted for the first mentioned policy, be included in the period for which premiums under that policy were paid.

8. To the amount of any paid-up policy calculated in accordance with the preceding provisions of this Schedule there shall be added—

(*a*) the full amount of any bonuses attaching to the policy; and

(*b*) an amount, the capitalized value of which is equal to the capitalized value of any reduction of premiums which has been granted as a bonus or which has been obtained by the surrender of a bonus or by the giving of any valuable consideration or in any other way.

9. A paid-up policy shall be subject to every obligation (other than the obligation to pay premiums) to which the original policy was subject immediately prior to its supersession by the paid-up policy.

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(2) By die berekening van die bedrag van 'n opbetaalde polis wat bestem is ter vervanging van 'n lewenslange nywerheidspolis met lewenslang verskuldigde premies of met premies wat verskuldig is vir 'n vasgestelde tydperk van minstens vyf-en-twintig jaar en waarvan die versekeringstydperk begin het op 'n datum toe die versekerde persoon minder as nege jaar oud was, kan beskou word dat die versekeringstydperk van die ou polis begin het op die verjaardag van daardie datum toe die versekerde persoon tussen nege en tien jaar oud was, en indien die begin van die versekeringstydperk aldus uitgestel word, dan word die vasgestelde tydperk (as 'n tydperk vasgestel is) waarvoor premies verskuldig is, verkort met 'n tydperk gelyk aan die duur van die uitstel van die begin van die versekeringstydperk, soos voormeld.

6. By die bepaling van die bedrag van 'n opbetaalde polis wat bestem is ter vervanging van 'n nywerheidspolis wat nie in artikel *vyf* vermeld word nie, moet die betrokke versekeraar 'n berekeningswyse aanwend wat so veel as moontlik ooreenkom met die berekeningswyse wat artikel *vyf* voorskryf vir die berekening van 'n opbetaalde polis wat bestem is ter vervanging van 'n nywerheidspolis wat die meeste ooreenkom met die betrokke nywerheidspolis.

Algemene Bepalings.

7. As premies kragtens 'n polis betaal is vir 'n aantal jare en 'n breukdeel van 'n jaar, dan word daardie breukdeel (onverskillig of die premie vir die breukdeel van 'n jaar al dan nie 'n paaiement is van 'n jaarpremie) by die berekening van die bedrag van die opbetaalde polis wat bestem is ter vervanging van eersbedoelde polis, inbegrepe in die tydperk waarvoor premies kragtens daardie polis betaal is.

8. By die bedrag van 'n opbetaalde polis, bereken volgens die voorgaande bepalings van hierdie Bylae, word gevoeg—

(*a*) die volle bedrag van bonusse wat aan die polis verbonde mag wees ; en

(*b*) 'n bedrag die gekapitaliseerde waarde waarvan gelyk is aan die gekapitaliseerde waarde van 'n premiekorting wat as 'n bonus toegestaan is of wat verkry is deur afstand van 'n bonus of deur die gee van enige geldswaardige vergoeding of op enige ander manier.

9. 'n Opbetaalde polis is onderhewig aan elke verpligting (behalwe die verpligting om premies te betaal) waaraan die oorspronklike polis onderhewig was onmiddellik voordat dit deur die opbetaalde polis vervang is.

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No. 32, 1943.]

ACT

To provide for certain pensions, grants, gratuities and other benefits.

(*Signed by the Officer Administering the Government in Afrikaans.*)
(*Assented to 28th April*, 1943.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly, of the Union of South Africa, as follows :—

Granting of certain benefits.

1. Notwithstanding anything to the contrary in any law, every person indicated as a beneficiary in an item of the Schedule to this Act shall be entitled to the benefit specified in the relevant item.

Short title.

2. This Act may be cited as the Pensions (Supplementary) Act, 1943.

Schedule.

1. The award to L. A. Seager, formerly Lieutenant (Temp. Major), South African Permanent Force, with effect from 27th September, 1941, of an annuity of £65 10s. less the gratuity of £321 12s. 7d. previously paid to him.

2. The award to Marie E. Schmitt, Marie F. Vollbaum and J. A. Nasz, with effect from 5th November, 1940, 19th August, 1941, and 9th February, 1942, respectively, of the pensions to which they would have been entitled had their cases conformed to the requirements of section *one* (*d*) of the Old Age Pensions Act, 1928.

3. P. J. Castle, upon his appointment to the South-West Africa Administration with effect from 26th November, 1940, to be permitted to retain his pension rights as if his case conformed to the requirements of sections *twenty-five* and *fifty-eight* (2) of the Government Service Pensions Act, 1936, relating to cases of secondment.

4. The award to Johanna J. Smuts, widow of T. Smuts, formerly Assistant Commandant-General, Anglo-Boer war, with effect from 1st April, 1942, of a pension of £120 per annum, payable during widowhood.

5. The award to Hester J. F. Krog, widow of P. J. F. Krog, formerly Commandant, Anglo-Boer war, with effect from 1st April, 1942, of a pension of £24 per annum, payable during widowhood.

6. The award to G. F. M. Mynhardt, formerly sorter, Department of Posts and Telegraphs, with effect from 1st April, 1943, of an attendance allowance of £18 per annum, subject to such conditions as the Treasury may determine.

7. Subject to the repayment of the gratuity of £78 3s. paid to N. Mnyadi, formerly Native Constable, South African Police, on his retirement, he be awarded, with effect from date of retirement, the pension to which he would become entitled had the provisions of section *twenty-nine* of the Government Service Pensions Act, 1936, been applicable to his case.

8. The pension of W. H. Harrison, formerly Railway Storekeeper, South African Railways, to be increased from £208 17s. 7d. per annum to £268 17s. 7d. per annum, with effect from 1st January, 1943.

9. The pension of J. J. Swanepôel, formerly Commandant, Smithfield Commando, to be increased from £45 per annum to £96 per annum, with effect from 1st April, 1943, subject to such adjustment, as from that date, of the pension paid to him under the Old Age Pensions Act, 1928, as the Treasury may determine.

10. The pension of A. J. Alberts, ex-constable, South African Police, to be increased from £20 16s. per annum to £40 per annum, with effect from 1st April, 1943.

11. For the purpose of section *four* of the War Special Pensions Act, 1919, the pre-enlistment earnings of W. J. Collins, ex-No. 6591 private, Second South African Infantry, to be accepted at £200 per annum, with effect from 1st April, 1943.

12. The award to H. J. Kamffer, ex-field-cornet, Anglo-Boer war, with effect from 1st April, 1943, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of a shrapnel wound, right leg, had application been made therefor prior to 1st April, 1927.

13. The award to W. N. Combrinck, ex-No. 16204 private, 1st South African Infantry, with effect from 1st April, 1942, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of the effects of a shrapnel wound, buttock, had application been made therefor prior to 1st April, 1932.

14. The award to J. D. de Kock, ex-burger, Calvinia Commando, with effect from 1st April, 1942, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of an injury to his right hand, had application been made therefor prior to 1st April, 1932.

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No. 32, 1943.]

WET

Om voorsiening te maak vir sekere pensioene, toekennings, gratifikasies en ander voordele.

(*Deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag in Afrikaans geteken.*)
(*Goedgekeur op* 28 *April* 1943.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Ondanks andersluidende wetsbepalings, is elke persoon wat in 'n item van die Bylae by hierdie Wet as 'n bevoordeelde aangewys word, op die in die betrokke item bepaalde voordeel geregtig. Toekenning van sekere voordele.

2. Hierdie Wet heet die Pensioene (Aanvullings) Wet, 1943. Kort titel.

Bylae.

1. Die toekenning aan L. A. Seager, voorheen Luitenant (tyd. Majoor), Suid-Afrikaanse Staande Mag, met ingang van 27 September 1941, van 'n jaargeld van £65 10s. min die gratifikasie van £321 12s. 7d. wat voorheen aan hom betaal is.
2. Die toekenning aan Marie E. Schmitt, Marie F. Vollbaum en J. A. Nasz, met ingang van 5 November 1940, 19 Augustus 1941 en 9 Februarie 1942, respektiewelik, van die pensioene waarop hulle geregtig sou gewees het indien hulle gevalle aan die vereistes van artikel *een* (*d*) van die Ouderdomspensioenwet, 1928, voldoen het.
3. P. J. Castle, by sy aanstelling by die Suidwes-Afrika-Administrasie, met ingang van 26 November 1940, toegelaat te word om sy pensioenregte te behou asof sy geval voldoen het aan die vereistes van artikels *vyf-en-twintig* en *agt-en-vyftig* (2) van die Regeringsdiens Pensioenwet, 1936, in verband met gevalle van tydelike oorplasing.
4. Die toekenning aan Johanna J. Smuts, weduwee van T. Smuts, voorheen Assistent-Kommandant-Generaal, Anglo-Boereoorlog, met ingang van 1 April 1942 van 'n pensioen van £120 per jaar, betaalbaar gedurende weduweeskap.
5. Die toekenning aan Hester J. F. Krog, weduwee van P. J. F. Krog, voorheen Kommandant, Anglo-Boereoorlog, met ingang van 1 April 1942, van 'n pensioen van £24 per jaar, betaalbaar gedurende weduweeskap.
6. Die toekenning aan G. F. M. Mynhardt, voorheen sorteerder, Departement van Poswese en Telegrafie, met ingang van 1 April 1943, van 'n bywoningstoelae van £18 per jaar, onderworpe aan sodanige voorwaardes as wat die Tesourie mag goedkeur.
7. Onderworpe aan die terugbetaling van die gratifikasie van £78 3s., aan N. Mnyadi, voorheen naturelle-konstabel, Suid-Afrikaanse Polisie, by sy aftrede betaal, aan hom die pensioen toegeken te word waarop hy geregtig sou wees indien die bepalings van artikel *negen-en-twintig* van die Regeringsdiens Pensioenwet, 1936, op sy geval van toepassing was, met ingang van datum van aftrede.
8. Die pensioen van W. H. Harrison, voorheen Spoorweg-magasynmeester, Suid-Afrikaanse Spoorweë, van £208 17s. 7d. per jaar tot £268 17s. 7d. per jaar verhoog te word, met ingang van 1 Januarie 1943.
9. Die pensioen van J. J. Swanepoel, voorheen Kommandant, Smithfieldse Kommando, van £45 per jaar tot £96 per jaar verhoog te word, met ingang van 1 April 1943, onderworpe aan sodanige aanpassing vanaf gemelde datum, van die pensioen wat kragtens die Ouderdomspensioenwet, 1928, aan hom betaal is, as wat die Tesourie mag goedkeur.
10. Die pensioen van A. J. Alberts, gewese konstabel, Suid-Afrikaanse Polisie, van £20 16s. per jaar tot £40 per jaar, met ingang van 1 April 1943, verhoog te word.
11. Vir die doeleindes van artikel *vier* van die „Oorlogs Speciale Pensioenen Wet, 1919", die voor-aansluitingsverdienste van W. J. Collins, ex No. 6591 manskap, Tweede Suid-Afrikaanse Infanterie, teen £200 per jaar aangeneem te word, met ingang van 1 April 1943.
12. Die toekenning aan H. J. Kamffer, gewese veldkornet, Anglo-Boereoorlog, met ingang van 1 April 1943, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919", ten opsigte van 'n kartets-wond aan die regterbeen, indien aansoek daarom voor 1 April 1927 gedoen was.
13. Die toekenning aan W. N. Combrinck, ex No. 16204 manskap, Eerste Suid-Afrikaanse Infanterie, met ingang van 1 April 1942, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919", ten opsigte van die gevolge van 'n kartets-wond in die boud, indien aansoek daarom voor 1 April 1932 gedoen was.
14. Die toekenning aan J. D. de Kock, oud-burger, Calviniase Kommando, met ingang van 1 April 1942, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919", ten opsigte van 'n besering aan sy regterhand, indien aansoek daarom voor 1 April 1932 gedoen was.

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15. The award to W. S.Greene, ex-No. 934 bombardier, South African Heavy Artillery, with effect from 1st April, 1943, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1932.

16. The award to V. Maclachlan, ex-No. 14522 private, 5th South African Infantry, with effect from 1st April, 1943, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of malaria and its effects, had application been made therefor prior to 1st April, 1932.

17. The award to J. G. Oberholzer, ex-No. 13067 private, 4th South African Infantry, with effect from 1st April, 1943, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of a gunshot wound, left hand, had application been made therefor prior to 1st April, 1932.

18. The award to Edith M. Jenkins, widow of E. C. B. Jenkins, ex-No. 176 Sergeant, South African Mounted Rifles, with effect from 30th March, 1941, of the compensation to which she would have been entitled had the circumstances of her case conformed to the requirements of section *sixteen* of the War Special Pensions Act, 1919.

19. The award to J. Morgan-Griffiths and to C. H. W. N. Prinsloo, formerly members of the late Natal Police Force, of a long service and good conduct medal gratuity of £20 each.

20. The award to G. Larke, formerly clerk, South African Railways, of a gratuity equivalent to the amount of his contributions to the Cape Civil Service Pension Fund, in respect of his services from 9th October, 1903, to 26th July, 1922; and subject to his making the necessary contributions to the New Superannuation Fund in terms of section *five* (3) of Act No. 24 of 1925, in respect of such service, it be regarded as pensionable service and as though it were continuous with his pensionable service from 1st September, 1925, to 23rd October, 1942.

21. Subject to the repayment by de V. Visser, teacher, Transvaal Education Department, of pension contributions amounting to £654 12s. 9d., paid to him on his resignation in 1933, together with interest thereon at the rate of 4 per cent. per annum, compounded annually as at 31st March, from date of payment to date of repayment, the break in his service from 1st April, 1933, to 22nd August, 1933, to be condoned, being regarded as special leave of absence without pay, not counting as service but preserving to him the benefit of his previous service for pension purposes, and he be permitted to resume his contributions to the Transvaal Teachers' Pension Fund, in respect of his service from 23rd August, 1933, at the rate payable from time to time by a teacher under the age of forty years, subject to the payment of interest on such contributions to date of payment thereof, at the rate of 4 per cent. per annum, compounded annually as at the 31st March, and calculated as from the dates on which they became payable.

22. Subject to the payment by L. Kortenhoeven, instructor, Industrial School, George, of the amount of £93 10s. 3d. together with interest thereon, as from 1st April, 1918, at the rate of 4 per cent. per annum, compounded annually as at 31st March, the break in his service on the 31st March, 1918, to be condoned and he be permitted to count his service under the Cape Education Department from 1st July, 1911, to 30th March, 1918, as pensionable for the purpose of the Government Service Pensions Act, 1936.

23. The break in service of H. Z. van der Merwe, Secretary, Department of Public Education, Cape Provincial Administration, from 1st January, 1912, to 18th February, 1912, to be condoned, being regarded as special leave of absence without pay, not counting as service, but preserving to him the benefit of his previous teaching service for pension purposes, and his case to be regarded as conforming to the requirements of section *thirty-eight* of the Government Service Pensions Act, 1936.

24. The service in the Department of Agriculture and Forestry of F. A. Gerber, clerk storeman, Department of Union Education, to be regarded as continuous with his present service for pension purposes, and he be permitted to contribute to the Union Public Service Fund in respect of his service from 7th February, 1927, to 1st November, 1936.

25. The break in service of J. J. Vermaak, 2nd grade clerk, Department of Posts and Telegraphs, on the 1st September, 1938, to be condoned, being regarded as special leave of absence without pay, not counting as service, and he be permitted to contribute to the Union Public Service Pension Fund, in respect of his service from 1st February, 1938, to 31st August, 1938.

26. The award to John George Munday, cleaner, Houses of Parliament, of a pension of £136 18s. 9d. per annum, with effect from 1st June, 1943.

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15. Die toekenning aan W. S. Greene, ex No. 934 bombardier, Suid-Afrikaanse Swaargeskut, met ingang van 1 April 1943, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919", indien aansoek daarom voor 1 April 1932 gedoen was.

16. Die toekenning aan V. Maclachlan, ex No. 14522 manskap, Vyfde Suid-Afrikaanse Infanterie, met ingang van 1 April 1943, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919", ten opsigte van malariakoors en die gevolge daarvan, indien aansoek daarom voor 1 April 1932 gedoen was.

17. Die toekenning aan J. G. Oberholzer, ex No. 13067 manskap, Vierde Suid-Afrikaanse Infanterie, met ingang van 1 April 1943, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919", ten opsigte van 'n geweerskootwond in die linkerhand, indien aansoek daarom voor 1 April 1932 gedoen was.

18. Die toekenning aan Edith M. Jenkins, weduwee van E. C. B. Jenkins, ex No. 176 sersant, Suid-Afrikaanse Berede Skutters, met ingang van 30 Maart 1941, van die vergoeding waarop sy geregtig sou gewees het indien die omstandighede van haar geval voldoen het aan die vereistes van artikel *sestien* van die „Oorlogs Speciale Pensioenen Wet, 1919".

19. Die toekenning aan J. Morgan-Griffiths en C. H. W. N. Prinsloo, voorheen lede van die gewese Natalse Polisiemag, van 'n gratifikasie van £20 elk ten opsigte van die medalje vir langdurige diens en goeie gedrag.

20. Die toekenning aan G. Larke, voorheen klerk, Suid-Afrikaanse Spoorweë, van 'n gratifikasie, gelyk aan die bedrag van sy bydraes tot die Kaapse Siviele Diens-pensioenfonds ten opsigte van sy dienste vanaf 9 Oktober 1903 tot 26 Julie 1922 ; en mits hy die vereiste bydraes in die Nuwe Superannuasiefonds stort ooreenkomstig artikel *vyf* (3) van Wet No. 24 van 1925 ten opsigte van sodanige diens, dat dit as pensioendraende diens beskou word en asof dit aaneenlopend was met sy pensioendraende diens vanaf 1 September 1925 tot 23 Oktober 1942.

21. Onderworpe aan die terugbetaling deur de V. Visser, onderwyser, Transvaalse Onderwysdepartement, van pensioenbydraes ten bedrae van £654 12s. 9d. wat aan hom uitbetaal is toe hy in 1933 bedank het, benewens rente daarop teen die koers van 4 persent per jaar, jaarliks saamgestel op 31 Maart, vanaf die datum van betaling tot op datum van terugbetaling, sy diensonderbreking vanaf 1 April 1933 tot 22 Augustus 1933 verskoon te word en beskou te word as spesiale afwesigheidsverlof sonder betaling, nie as diens geldende nie maar die voordeel van sy vorige diens vir pensioendoeleindes aan hom voorbehoudende en hy toegelaat te word om sy bydraes tot die Transvaalse Onderwyserspensioenfonds te hervat ten opsigte van sy diens vanaf 23 Augustus 1933 teen die skaal van tyd tot tyd deur 'n onderwyser onder die ouderdom van veertig jaar betaalbaar, mits rente op sodanige bydraes tot op die datum van betaling daarvan betaal word teen die koers van 4 persent per jaar, jaarliks saamgestel op 31 Maart, en bereken vanaf die datums waarop hulle betaalbaar geword het.

22. Onderworpe aan die betaling deur L. Kortenhoeven, instrukteur, Industrieskool, George, van die bedrag van £93 10s. 3d., benewens rente daarop, vanaf 1 April 1918 teen die koers van 4 persent per jaar, jaarliks saamgestel op 31 Maart, sy diensonderbreking op 31 Maart 1918 verskoon te word en hy toegelaat te word om sy diens by die Kaapse Onderwysdepartement van 1 Julie 1911 tot 30 Maart 1918 as pensioengewend te reken vir die doeleindes van die Regeringsdiens Pensioenwet, 1936.

23. Die diensonderbreking van H. Z. van der Merwe, Sekretaris, Departement van Openbare Onderwys, Kaapse Provinsiale Administrasie, vanaf 1 Januarie 1912 tot 18 Februarie 1912, verskoon te word en beskou te word as spesiale afwesigheidsverlof sonder betaling, nie as diens geldende nie maar die voordeel van sy vorige onderwysdiens vir pensioendoeleindes aan hom voorbehoudende, en dat sy geval beskou word aan die vereistes van artikel *agt-en-dertig* van die Regeringsdiens Pensioenwet, 1936, te voldoen.

24. Die diens in die Departement van Landbou en Bosbou van F. A. Gerber, klerk-magasynmeester, Departement van Unie-onderwys, vir pensioendoeleindes beskou te word aaneenlopend met sy huidige diens te wees, en dat hy veroorloof word om tot die Unie-staatsdienspensioenfonds by te dra ten opsigte van sy diens vanaf 7 Februarie 1927 tot 1 November 1936.

25. Die diensonderbreking van J. J. Vermaak, tweedegraadsklerk, Departement van Poswese en Telegrafie, op 1 September 1938 verskoon te word en beskou te word as spesiale afwesigheidsverlof sonder betaling, nie as diens geldende nie, en dat hy veroorloof word om tot die Uniestaatsdienspensioenfonds by te dra ten opsigte van sy diens vanaf 1 Februarie 1938 tot 31 Augustus 1938.

26. Die toekenning aan John George Munday, skoonmaker, Volksraad, van 'n pensioen van £136 18s. 9d. per jaar, met ingang van 1 Junie 1943.

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No. 33, 1943.]

ACT

To amend the South Africa Defence Act, 1912 (Act No. 13 of 1912), the War Special Pensions Act, 1919 (Act No. 42 of 1919), the Old Age Pensions Act, 1928 (Act No. 22 of 1928), the Blind Persons Act, 1936 (Act No. 11 of 1936), the Government Service Pensions Act, 1936 (Act No. 32 of 1936) and the War Pensions Act, 1942 (Act No. 44 of 1942) ; to make provision for the increase of pensions to war veterans, to regulate the rights of certain officers in connection with pensions and to provide for further assistance to persons in receipt of certain pensions.

(*Signed by the Officer Administering the Government in English.*)
(*Assented to* 28*th April*, 1943.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Substitution of new section for section 118 of Act 13 of 1912, and deletion of Sixth Schedule thereto.

1. The South Africa Defence Act, 1912, is hereby amended by—

(i) the substitution, for section *one hundred and eighteen* of the following new section :

" Provision in case of death or disablement of member of Defence Forces.

118. (1) The provisions of this section shall apply—

(*a*) to a member of the Defence Forces, other than a member of the Permanent Force, who is suffering from disablement which has arisen out of and in the course of the discharge of military duty, or has been aggravated by and in the course of the discharge of such duty : Provided that such disablement is not due to the member's own serious misconduct; and

(*b*) to a widow, child, parent or other dependant of a member of the Defence Forces, other than a member of the Permanent Force, who dies as a result of a wound, injury, or disease which arose out of and in the course of the discharge of military duty, or was aggravated by and in the course of the discharge of such duty.

(2) The provisions of the War Pensions Act, 1942 (Act No. 44 of 1942), shall *mutatis mutandis* apply to or in respect of a discharged member whose disablement arose in the circumstances described in paragraph (*a*) of sub-section (1).

(3) A member whose disablement arose in the circumstances described in paragraph (*a*) of sub-section (1), but who is not as a result of such disablement discharged from the Defence Forces, may be provided with any medical or other treatment necessary for such disablement and the Secretary for Defence may, with the approval of the Treasury (as defined in section *three* of the Exchequer and Audit Act, No. 21 of 1911), grant such member for any period during which he is undergoing treatment or for any period during which, in the opinion of the said Secretary, his service disablement renders him incapable of pursuing his normal occupation, an allowance at a rate not exceeding four hundred and fifty pounds per annum.

(4) The provisions of the said War Pensions Act, 1942, shall *mutatis mutandis* apply to or in respect of a widow, child, parent or other dependant of a member whose death occurred in the circumstances described in paragraph (*b*) of sub-section (1).";

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No. 33, 1943.]

WET

Tot wysiging van die „Zuid-Afrika Verdedigings Wet, 1912" (Wet No. 13 van 1912), die „Oorlogs Speciale Pensioenen Wet, 1919" (Wet No. 42 van 1919), die Ouderdomspensioenwet, 1928 (Wet No. 22 van 1928), die Wet op Blindes, 1936 (Wet No. 11 van 1936), die Regeringsdiens Pensioenwet, 1936 (Wet No. 32 van 1936) en die Oorlogspensioenwet, 1942 (Wet No. 44 van 1942); om voorsiening te maak vir die verhoging van pensioene aan oudstryders, om die regte van sekere amptenare in verband met pensioene te reël, en om voorsiening te maak vir verdere hulp aan persone wat sekere pensioene ontvang.

(*Deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag in Engels geteken.*)
(*Goedgekeur op* 28 *April* 1943.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Vervanging van artikel 118 van Wet 13 van 1912, en skrapping van Sesde Bylae daarby.

1. Die „Zuid-Afrika Verdedigings Wet, 1912" word hierby gewysig—

(i) deur artikel *honderd-en-agtien* deur die volgende nuwe artikel te vervang:

„Voorziening in geval van dood of invaliditeit van lid van Verdedigingsmacht.

118. (1) De bepalingen van dit artikel zijn van toepassing—

(*a*) op een lid van de Verdedigingsmacht, geen lid van de Staande Macht zijnde, die lijdende is aan invaliditeit dewelke ontstaan is uit en in de loop van het vervullen van militaire plichten, of verergerd is door en in de loop van het vervullen van zodanige plichten: Met dien verstande dat zodanige invaliditeit niet aan het ernstige wangedrag van dat lid te wijten is; en

(*b*) op een weduwe, kind, ouder of andere afhankelike van een lid van de Verdedigingsmacht, geen lid van de Staande Macht zijnde, die overlijdt tengevolge van verwonding, letsel of ziekte welke uit en in de loop van het vervullen van militaire plichten ontstond, of door en in de loop van het vervullen van zodanige plichten verergerd is.

(2) De bepalingen van de Oorlogspensioenwet, 1942 (Wet No. 44 van 1942) zijn *mutatis mutandis* van toepassing op of ten opzichte van een ontslagen lid wiens invaliditeit onder de omstandigheden vermeld in paragraaf (*a*) van sub-artikel (1) ontstond.

(3) Een lid wiens invaliditeit onder de omstandigheden vermeld in paragraaf (*a*) van sub-artikel (1) ontstond, doch wie tengevolge van zodanige invaliditeit niet uit de Verdedigingsmacht ontslagen wordt, kan voor zodanige invaliditeit van de nodige geneeskundige of andere behandeling voorzien worden, en de Sekretaris van Verdediging kan, met goedkeuring van de Thesaurie (volgens betekenis van artikel *drie* van de Financiewet, No. 21 van 1911) aan zodanig lid een toelage volgens de schaal van ten hoogste vier honderd vyftig pond in het jaar toekennen ten opzichte van enig tijdperk gedurende hetwelk hij behandeling ontvangt of ten opzichte van enig tijdperk gedurende hetwelk zijne dienst-invaliditeit hem volgens oordeel van genoemde Sekretaris onbekwaam maakt zijn gewoon beroep uit te oefenen.

(4) De bepalingen van genoemde Oorlogspensioenwet, 1942, zijn *mutatis mutandis* van toepassing op of ten opzichte van een weduwe, kind, ouder of andere afhankelike van een lid wiens dood onder de omstandigheden vermeld in paragraaf (*b*) van sub-artikel (1) plaats vond.";

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(ii) by the deletion of the Sixth Schedule to the said Act.

Amendment of section 6 of Act 42 of 1919, as amended by section 5 of Act 41 of 1920.

2. Section *six* of the War Special Pensions Act, 1919, is hereby amended by the deletion, in sub-section (1), of the first proviso and of the word "further" in the second proviso.

Amendment of section 11 of Act 42 of 1919.

3. Section *eleven* of the War Special Pensions Act, 1919, is hereby amended by the substitution in sub-section (4), for the word "week" where it occurs for the second time, of the word "day".

Amendment of section 12 of Act 42 of 1919.

4. Section *twelve* of the War Special Pensions Act, 1919, is hereby amended by the substitution, in sub-section (1), for the words "the Second Schedule to this Act may be increased by an amount not exceeding fifty per cent." of the words "section *sixty-three* of the War Pensions Act, 1942 (Act No. 44 of 1942), may be increased by an amount not exceeding fifty per cent. up to the date of commencement of the Pension Laws Amendment Act, 1943, and thereafter by an amount not exceeding seventy-five per cent."

Amendment of section 22 of Act 42 of 1919, as amended by section 13 of Act 41 of 1920.

5. Section *twenty-two* of the War Special Pensions Act, 1919, is hereby amended by—

(i) the substitution for the words "of not less than seventy pounds a year in the case of an officer or, in the case of a soldier of sixteen shillings a week" of the words "in respect of a pensionable degree of disablement of not less than forty per cent."; and

(ii) the substitution for the words "provided under section *sixteen*" of the words "laid down in the Third or, as the case may be, the Sixth Schedule to the War Pensions Act, 1942".

Amendment of section 25 of Act 42 of 1919.

6. Section *twenty-five* of the War Special Pensions Act, 1919, is hereby amended—

(i) by the deletion, in sub-section (1), of the words "one hundred" and the substitution therefor of the words "one hundred and twenty";

(ii) by the deletion, in sub-section (3), of the words "one hundred and forty-four" and the substitution therefor of the words "one hundred and eighty".

Insertion of new section 52*bis* in Act 42 of 1919.

7. The following new section is hereby inserted in the War Special Pensions Act, 1919, after section *fifty-two*:

"Application of section 39 of Act 44 of 1942.

52*bis*. The provisions of section *thirty-nine* of the War Pensions Act, 1942, shall *mutatis mutandis* apply in respect of any benefit payable to or on behalf of any person under this Act."

Amendment of section 6 of Act 22 of 1928, as inserted by section 3 of Act 34 of 1931 and as amended by section 2 of Act 34 of 1937.

8. Section *six* of the Old Age Pensions Act, 1928, is hereby further amended by the addition of the following proviso at the end of sub-section (1) thereof:

"Provided that an allotment of pay or a dependant's allowance payable to any pensioner or to a war veteran (as defined in section *twenty-eight* of the War Pensions Act, 1941) in respect of a 'volunteer' as defined in section *one* of the War Pensions Act, 1942 (Act No. 44 of 1942), shall not be regarded as income (or means) for the purposes of this sub-section."

Amendment of section 5 of Act 11 of 1936.

9. Section *five* of the Blind Persons Act, 1936, is hereby amended—

(i) by the addition of the following words at the end of sub-section (2) thereof: "but shall not include any allotment of pay or a dependant's allowance payable to such person in respect of a 'volunteer' as defined in section *one* of the War Pensions Act, 1942 (Act No. 44 of 1942)";

(ii) by the addition thereto of the following new sub-section:

"(6) If in the opinion of the commissioner the physical condition of a blind person to whom a pension has been granted under this Act necessitates the regular attendance of any person, the commissioner may on such conditions as he may determine, in addition to the said pension grant to such blind person or to any person on his behalf, an allowance not exceeding eighteen pounds a year."

Substitution of new section for section 45 of Act 32 of 1936.

10. The following section is hereby substituted for section *forty-five* of the Government Service Pensions Act, 1936:

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(ii) deur die Sesde Bylae by genoemde Wet te skrap.

2. Artikel *ses* van die „Oorlogs Speciale Pensioenen Wet, 1919" word hierby gewysig deur die eerste voorbehoudsbepaling en die woord „voorts" in die tweede voorbehoudsbepaling by sub-artikel (1) te skrap. **Wysiging van artikel 6 van Wet 42 van 1919, soos gewysig deur artikel 5 van Wet 41 van 1920.**

3. Artikel *elf* van die „Oorlogs Speciale Pensioenen Wet, 1919", word hierby gewysig deur die woord „week" waar dit in sub-artikel (4) vir die tweede maal voorkom, deur die woord „dag" te vervang. **Wysiging van artikel 11 van Wet 42 van 1919.**

4. Artikel *twaalf* van die „Oorlogs Speciale Pensioenen Wet, 1919" word hierby gewysig deur in sub-artikel (1) die woorde „de Tweede Bijlage tot deze Wet betaalbaar, met een bedrag van niet meer dan vijftig percent verhoogd worden" deur die woorde „artikel *drie en zestig* van de Oorlogspensioenwet, 1942 (Wet No. 44 van 1942) betaalbaar, met een bedrag van niet meer dan vijftig percent tot op de datum van inwerkingtreding van de „Wysigingswet op die Pensioenwette, 1943", en daarna met een bedrag van niet meer dan vijf en zeventig percent verhoogd worden" te vervang. **Wysiging van artikel 12 van Wet 42 van 1918.**

5. Artikel *twee-en-twintig* van die „Oorlogs Speciale Pensioenen Wet, 1919" word hierby gewysig deur— **Wysiging van artikel 22 van Wet 42 van 1919, soos gewysig deur artikel 13 van Wet 41 van 1920.**

(i) die woorde „van niet minder dan zeventig pond per jaar in het geval van een officier of in het geval van een soldaat, van zestien shillings per week" deur die woorde „ten opzichte van een pensioengevende graad van invaliditeit van niet minder dan veertig percent" te vervang;

(ii) die woorde „bepaald is onder artikel *zestien*" deur die woorde „aangegeven is in de Derde of, naar gelang van het geval, de Zesde Bijlage tot de Oorlogspensioenwet, 1942" te vervang.

6. Artikel *vyf-en-twintig* van die „Oorlogs Speciale Pensioenen Wet, 1919" word hierby gewysig— **Wysiging van artikel 25 van Wet 42 van 1919.**

(i) deur in sub-artikel (1) die woord „honderd" deur die woorde „honderd en twintig" te vervang;

(ii) deur in sub-artikel (3) die woorde „honderd vier en veertig" deur die woorde „honderd en tachtig" te vervang.

7. Die volgende nuwe artikel word hierby na artikel *twee-en-vyftig* van die „Oorlogs Speciale Pensioenen Wet, 1919" ingevoeg: **Invoeging van nuwe artikel 52*bis* in Wet 42 van 1919.**

„Toepassing van artikel 39 van Wet 44 van 1942. 52*bis*. De bepalingen van artikel *negen en dertig* van de Oorlogspensioenwet, 1942, zijn *mutatis mutandis* van toepassing ten opzichte van een voordeel betaalbaar aan of ten behoeve van iemand volgens deze Wet."

8. Artikel *ses* van die Ouderdomspensioenwet, 1928, word hierby verder gewysig deur die volgende voorbehoudsbepaling aan sub-artikel (1) daarvan toe te voeg: **Wysiging van artikel 6 van Wet 22 van 1928, soos ingevoeg deur artikel 3 van Wet 34 van 1931 en soos gewysig deur artikel 2 van Wet 34 van 1937.**

„Met dien verstande dat 'n toewysing van soldy of 'n toelae aan 'n afhanklike wat aan 'n pensioentrekker of aan 'n oudstryder (soos in artikel *agt-en-twintig* van die Oorlogspensioenwet, 1941, omskryf) betaalbaar is ten opsigte van 'n ‚vrywilliger' soos in artikel *een* van die Oorlogspensioenwet, 1942 (Wet No. 44 van 1942) omskryf, nie as inkomste (of middele) by die toepassing van hierdie sub-artikel beskou word nie."

9. Artikel *vyf* van die Wet op Blindes, 1936, word hierby gewysig— **Wysiging van artikel 5 van Wet 11 van 1936.**

(i) deur die volgende woorde aan die end van sub-artikel (2) by te voeg: „dog omvat nie 'n toewysing van soldy of 'n toelae aan 'n afhanklike wat aan so iemand ten opsigte van 'n ‚vrywilliger', soos in artikel *een* van die Oorlogspensioenwet, 1942 (Wet No. 44 van 1942) omskryf, betaalbaar is nie.";

(ii) deur die volgende nuwe sub-artikel daaraan toe te voeg:

„(6) Indien die liggaamlike toestand van 'n blinde aan wie 'n pensioen kragtens hierdie Wet toegeken is, volgens oordeel van die kommissaris die gereelde oppassing van iemand vereis, kan die kommissaris, op sulke voorwaardes as wat hy bepaal, aan sodanige blinde of aan iemand ten behoewe van hom, bo en behalwe bedoelde pensioen 'n toelae van hoogstens agtien pond per jaar toeken."

10. Artikel *vyf-en-veertig* van die Regeringsdiens Pensioenwet, 1936, word hierby deur die volgende artikel vervang: **Vervanging van artikel 45 van Wet 32 van 1936.**

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"Certain benefits may not be granted or varied, except in accordance with statute.

45. As from the commencement of this Act—

(a) the grant of a pension or other similar benefit or any increase thereof, in respect of former employment in the public service or in the public or civil service of any part of South Africa now included in the Union or in respect of former employment by the Government during any period during which the employee concerned was a member of the Government Employees' Provident Fund established under section *sixty-three*; or

(b) the alteration of any condition, or the condonation of a breach of any condition upon which any such pension or benefit is by law earned or to be earned,

shall not be lawful unless the grant, increase, alteration or condonation is specifically authorized by statute."

Amendment of section 1 of Act 44 of 1942.

11. Section *one* of the War Pensions Act, 1942 (hereinafter referred to as the principal Act), is hereby amended by—

(i) the substitution for the definition of the expression "child", of the following new definition:

"'child' means a child of a volunteer born before, during or within five years after the termination of the volunteer's service, and includes a child whose mother the volunteer marries during such period, a child legally adopted by the volunteer during such period and any child regularly maintained by the volunteer at the time of his discharge from service";

(ii) the insertion of the words "whole-time" before the word "military" in the definition of the expression "volunteer";

(iii) the substitution for the definition of the expression "widow", of the following new definition:

"'widow', in relation to a volunteer, means the widow of the volunteer but does not include a woman whose marriage to such volunteer took place more than five years after the date of the volunteer's discharge from military service; and, except as is specially provided, does not include a woman who was separated, whether by order of court or otherwise, from her husband at the time of his death".

Amendment of section 5 of Act 44 of 1942.

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

(i) the insertion, in sub-section (1), of the words "in the opinion of the board" after the word "which" where it occurs for the second time;

(ii) the substitution for sub-section (2) of the following new sub-section:

"(2) If a volunteer who performed military service outside the Union during the war was, at the time of his departure from the Union on such service, classified in accordance with standing instructions by the responsible military authority in the A.1 or B.1 medical category, then, unless the classification of the volunteer in any such category was attributable to false information furnished by him, any disablement which arose during such service, and any subsequent increase in the degree of such disablement, and which, in the opinion of the board, is not due to his own serious misconduct shall be regarded, for the purposes of this Act as attributable to such service: Provided that the provisions of this sub-section shall not apply in respect of a volunteer who was classified as aforesaid in the B.1 medical category, unless he had served with front-line forces in a unit to which that category was appropriate".

(iii) the insertion, in sub-section (3), of the words "to whom the provisions of sub-section (2) do not apply" after the word "volunteer"; the substitution for the word "that" of the word "military" and the insertion, after the word "is" where it occurs for the second time, of the words "in the opinion of the board".

Amendment of section 6 of Act 44 of 1942.

13. Section *six* of the principal Act is hereby amended by the substitution for sub-section (2), of the following new sub-section:

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„Sekere voordele mag nie toegeken of gewysig word nie, behalwe volgens wetsbepaling.

45. Vanaf die inwerkingtreding van hierdie Wet—

(a) is die toekenning van 'n pensioen of ander soortgelyke voordeel, of 'n verhoging daarvan, ten opsigte van vorige diens in die staatsdiens of in die openbare of siviele diens van 'n deel van Suid-Afrika tans in die Unie opgeneem, of ten opsigte van vorige diens by die Regering gedurende 'n tydperk gedurende welke die betrokke werknemer 'n lid was van die Regerings-werknemersondersteuningsfonds kragtens artikel *drie-en-sestig* gestig; of

(b) is die verandering van 'n voorwaarde of die kondonasie van 'n versuim om 'n voorwaarde na te kom, waarop so 'n pensioen of voordeel volgens wet verdien word of moet word,

onwettig, tensy die toekenning, verhoging, verandering of kondonasie uitdruklik by wetsbepaling gemagtig word."

Wysiging van artikel 1 van Wet 44 van 1942.

11. Artikel *een* van die Oorlogspensioenwet, 1942 (hieronder die Hoofwet genoem) word hierby gewysig deur—

(i) die omskrywing van die uitdrukking „kind" deur die volgende nuwe omskrywing te vervang—

„ ,kind', 'n kind van 'n vrywilliger wat gebore is voor, gedurende of binne vyf jaar na die beëindiging van die vrywilliger se diens, en ook 'n kind met wie se moeder die vrywilliger gedurende daardie tydperk in die huwelik tree, 'n kind wat wettig deur die vrywilliger gedurende daardie tydperk aangeneem is en 'n kind wat ten tyde van sy ontslag uit diens gereeld deur die vrywilliger onderhou is";

(ii) in die omskrywing van die uitdrukking „vrywilliger" die woord „voltydse" voor die woord „militêre" in te voeg;

(iii) die omskrywing van die uitdrukking „weduwee" deur die volgende nuwe omskrywing te vervang—

„ ,weduwee', met betrekking tot 'n vrywilliger, die weduwee van die vrywilliger, maar omvat nie 'n vrou wie se huwelik met so 'n vrywilliger meer as vyf jaar na die datum van die vrywilliger se ontslag uit militêre diens plaasgevind het nie; en behalwe vir sover uitdruklik bepaal word, omvat dit nie 'n vrou wat van tafel en bed van haar man geskei was (ditsy deur regterlike bevel of andersins) ten tyde van sy dood nie."

Wysiging van artikel 5 van Wet 44 van 1942.

12. Artikel *vyf* van die Hoofwet word hierby gewysig deur—

(i) die woorde „volgens oordeel van die raad" in subartikel (1) in te voeg na die woord „wat" waar dit vir die vierde maal voorkom;

(ii) sub-artikel (2) deur die volgende nuwe sub-artikel te vervang:

„(2) Indien 'n vrywilliger wat gedurende die oorlog militêre diens buite die Unie verrig het, op die tydstip toe hy die Unie in bedoelde diens verlaat het, volgens staande instruksies deur die verantwoordelike militêre owerheid in die A.1 of B.1 mediese kategorie ingedeel was, dan word enige ongeskiktheid wat gedurende sodanige diens ontstaan het en enige latere verhoging in die graad van sodanige ongeskiktheid, en wat volgens oordeel van die raad, nie aan sy eie ernstige wangedrag te wyte is nie, by die toepassing van hierdie Wet geag aan sodanige diens toe te skrywe te wees tensy die indeling van die vrywilliger in so 'n kategorie toe te skryf was aan valse inligting wat deur hom verstrek is: Met dien verstande dat die bepalings van hierdie sub-artikel nie ten opsigte van 'n vrywilliger wat soos voormeld in die B.1 mediese kategorie ingedeel was, van toepassing is nie, tensy hy by magte op die gevegsfront diens gedoen het in 'n eenheid waarvoor daardie kategorie passend was.";

(iii) in sub-artikel (3) die woorde „vrywilliger wat ontslaan is" deur die woorde „ontslane vrywilliger op wie die bepalings van sub-artikel (2) nie van toepassing is nie" te vervang; die woord „sodanige" deur die woord „militêre" te vervang, en deur die woorde „volgens oordeel van die raad" na die woord „toestand" in te voeg.

Wysiging van artikel 6 van Wet 44 van 1942.

13. Artikel *ses* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende nuwe sub-artikel te vervang:

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"(2) If the pensionable degree of disablement is assessed at less than twenty per cent., a gratuity in accordance with the rates set forth in the Ninth Schedule to this Act shall be awarded instead of a pension and allowances."

Amendment of section 9 of Act 44 of 1942.

14. Section *nine* of the principal Act is hereby amended by—

(i) the substitution, in sub-section (1), for the word " children " of the words " each child maintained by him "; and the substitution for the word " two ", of the word " five ";
(ii) the deletion of the last sentence in sub-section (2);
(iii) the insertion, after sub-section (2), of the following new sub-section:
" (2)*bis*. A volunteer to whom a disablement pension or an alternative pension has been awarded may be granted, at the discretion of the board, an amount not exceeding thirty pounds a year in respect of each child to meet charges or fees payable while such child is attending any school, college, technical institute or university ".

Amendment of section 10 of Act 44 of 1942.

15. Section *ten* of the principal Act is hereby amended by—

(i) the insertion, in sub-section (1), of the words " or a gratuity " before the word " shall ";
(ii) the addition thereto of the following new sub-section:
" (4) When a volunteer is, owing to his misconduct, dismissed from an institution in which he was undergoing any authorized medical or other treatment, his pension or allowances, if any, shall be subject to reduction at the discretion of the board by an amount not exceeding fifty per cent."

Amendment of section 13 of Act 44 of 1942.

16. Section *thirteen* of the principal Act is hereby amended by the substitution, in sub-section (1), for the word " fifty " of the words " seventy-five ".

Amendment of section 17 of Act 44 of 1942.

17. Section *seventeen* of the principal Act is hereby amended by—

(i) the deletion, in sub-section (1), of the words " unless the volunteer's death was caused by his own serious misconduct ";
(ii) the substitution, in sub-section (3), for the word and figure " sub-section (2) " of the words and figures " sub-sections (2) and (2)*bis*.";
(iii) the insertion, in sub-section (4), of the words " or separated " after the word " divorced ";
(iv) the insertion, in sub-section (5), of the words " or under paragraph (*a*) of section *nineteen* " after the word " sixteen ".

Amendment of section 18 of Act 44 of 1942.

18. Section *eighteen* of the principal Act is hereby amended by the substitution, in the first proviso to paragraph (*a*) of sub-section (1), for the words " child which is not being maintained by his widow " of the words " child whose mother is the widow but who is not being maintained by her ".

Amendment of section 19 of Act 44 of 1942.

19. Section *nineteen* of the principal Act is hereby amended by the addition thereto of the following new sub-section, the existing section being designated sub-section (1):

" (2) Where the widow of a deceased volunteer has applied for a pension in respect of the death of her husband but has remarried before such pension has actually been awarded to her, she may, if she was eligible for a pension at the date of her application, be awarded such a pension for the period up to the date of her remarriage, and may also be awarded a gratuity such as is referred to in sub-section (1)."

Insertion of new section 20*bis* in Act 44 of 1942.

20. The principal Act is hereby amended by the insertion after section *twenty* of the following new section:

" Allowance to parents of deceased unmarried volunteer.

20*bis*. If the parents of an unmarried volunteer whose death occurred in the circumstances described in section *seventeen* were not dependent on the volunteer and are not in pecuniary need, such parents may nevertheless, on application, be granted an allowance of thirteen pounds a year, and such allowance may be dealt with by them in any manner they think fit: Provided

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„(2) Indien die pensioengewende mate van ongeskiktheid op minder as twintig persent vasgestel word, word 'n gratifikasie volgens die in die Negende Bylae by hierdie Wet vermelde skale, in plaas van 'n pensioen en toelaes, toegeken".

Wysiging van artikel 9 van Wet 44 van 1942.

14. Artikel *nege* van die Hoofwet word hierby gewysig deur—

(i) in sub-artikel (1) die woord „kinders" deur die woorde „elke kind wat deur hom onderhou word" te vervang, en die woord „twee" deur die woord „vyf" te vervang;

(ii) die laaste sin in sub-artikel (2) te skrap;

(iii) die volgende nuwe sub-artikel na sub-artikel (2) in te voeg:

„(2)*bis*. Aan 'n vrywilliger aan wie 'n ongeskiktheids- of alternatiewe pensioen toegeken is, kan, volgens goeddunke van die raad, 'n bedrag van hoogstens dertig pond per jaar ten opsigte van elke kind toegeken word ter bestryding van koste of gelde wat betaalbaar is terwyl sodanige kind 'n skool, kollege, tegniese inrigting of universiteit bywoon."

Wysiging van artikel 10 van Wet 44 van 1942.

15. Artikel *tien* van die Hoofwet word hierby gewysig deur—

(i) in sub-artikel (1) die woorde „of 'n gratifikasie" na die woord „is", waar dit vir die eerste maal voorkom, in te voeg;

(ii) die volgende nuwe sub-artikel daaraan toe te voeg:

„(4) Wanneer 'n vrywilliger weens sy wangedrag ontslaan word uit 'n inrigting waarin hy goedgekeurde geneeskundige of ander behandeling ondergaan het, is sy pensioen of toelaes (indien daar is) onderhewig aan vermindering, volgens goeddunke van die raad, met 'n bedrag van hoogstens vyftig persent."

Wysiging van artikel 13 van Wet 44 van 1942.

16. Artikel *dertien* van die Hoofwet word hierby gewysig deur die woord „vyftig" in sub-artikel (1) deur die woorde „vyf-en-sewentig" te vervang.

Wysiging van artikel 17 van Wet 44 van 1942.

17. Artikel *sewentien* van die Hoofwet word hierby gewysig deur—

(i) in sub-artikel (1) die woorde „tensy die vrywilliger se dood deur sy eie ernstige wangedrag veroorsaak is" te skrap;

(ii) in sub-artikel (3) die woord en syfer „sub-artikel (2)" deur die woorde en syfers „sub-artikels (2) en (2)*bis*" te vervang;

(iii) in sub-artikel (4) die woorde „of van tafel en bed geskei" na die woord „geskei" in te voeg;

(iv) in sub-artikel (5) die woorde „of kragtens paragraaf (*a*) van artikel *negentien*" na die woord „*sestien*" in te voeg.

Wysiging van artikel 18 van Wet 44 van 1942.

18. Artikel *agtien* van die Hoofwet word hierby gewysig deur in die eerste voorbehoudsbepaling by paragraaf (*a*) van sub-artikel (1) die woorde „kind wat nie deur sy weduwee onderhou word nie" deur die woorde „kind wie se moeder die weduwee is maar wat nie deur haar onderhou word nie", te vervang.

Wysiging van artikel 19 van Wet 44 van 1942.

19. Artikel *negentien* van die Hoofwet word hierby gewysig deur die volgende nuwe sub-artikel daaraan toe te voeg, met aanduiding van die bestaande artikel as sub-artikel (1):

„(2) Wanneer die weduwee van 'n oorlede vrywilliger om 'n pensioen ten opsigte van die dood van haar eggenoot aansoek gedoen het, dog weer in die huwelik getree het voordat sodanige pensioen werklik aan haar toegeken is, dan kan aan haar, indien sy op datum van haar aansoek vir 'n pensioen in aanmerking kon kom, so 'n pensioen toegeken word vir die tydperk eindigende op die dag waarop sy weer in die huwelik tree, en kan ook aan haar 'n gratifikasie soos in sub-artikel (1) bedoel, toegeken word."

Invoeging van nuwe artikel 20*bis* in Wet 44 van 1942.

20. Die Hoofwet word hierby gewysig deur die volgende nuwe artikel na artikel *twintig* in te voeg:

„Toelae aan ouers van oorlede ongetroude vrywilliger.

20*bis*. Indien die ouers van 'n ongetroude vrywilliger wie se dood in die in artikel *sewentien* vermelde omstandighede plaasgevind het, nie van die vrywilliger afhanklik was nie en nie geldbehoeftig is nie, kan daar desnietemin aan sodanige ouers by aansoek 'n toelae van dertien pond per jaar toegeken word, en hulle kan oor sodanige toelae op enige wyse wat hulle goedvind, beskik: Met dien verstande dat die toekenning van 'n

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that the award of an allowance under this section shall not disqualify such parents for any award for which they may subsequently become eligible under section *twenty-three*."

Amendment of section 21 of Act 44 of 1942.

21. Section *twenty-one* of the principal Act is hereby amended by—

(i) the substitution in paragraph (*a*) of sub-section (1) and in paragraph (*a*) of sub-section (2) for the words "eighty-four pounds a year" of the words "the rates set forth in the second column of the Third Schedule,";

(ii) the insertion of the words "and gratuity" after the word "allowance" and the substitution for the word "rate" of the word "rates" in paragraph (*b*) of sub-section (1) and in paragraph (*b*) of sub-section (2);

(iii) the substitution for the word "two" of the word "five" in paragraph (ii) of the proviso to sub-section (2);

(iv) the substitution, in sub-section (3), for the words and figure "sub-section (2)" of the words and figures "sub-sections (2) and (2)*bis*."

Amendment of section 22 of Act 44 of 1942.

22. Section *twenty-two* of the principal Act is hereby amended by—

(i) the insertion of the words "and gratuities" after the word "allowances";

(ii) the addition of the following provision at the end thereof:

"The provisions of sub-sections (2) and (2)*bis*. of section *nine* shall *mutatis mutandis* apply in respect of a child".

Amendment of section 23 of Act 44 of 1942.

23. Section *twenty-three* of the principal Act is hereby amended by—

(i) the substitution, in sub-section (1), for the words "one hundred" of the words "one hundred and twenty" and by the deletion of the proviso to the said sub-section;

(ii) the substitution, in sub-section (3), for the words "one hundred and forty-four", of the words "one hundred and eighty";

(iii) the substitution, in sub-section (4), for the words "as may be" of the word "if";

(iv) the addition thereto of the following new sub-section:

"(5) In the event of the death of one of the parents, any pension awarded under this section may, as from the date of the death of such parent, in the discretion of the board be continued or transferred to the surviving parent at the same rate or at such higher or lower rate as the board may determine".

Amendment of section 25 of Act 44 of 1942.

24. Section *twenty-five* of the principal Act is hereby amended by the insertion after the words "*twenty-four*", of the words "and any allowance granted to her under section *twenty bis*.", and the substitution, for the words "that pension", of the words "such pension or allowance".

Amendment of section 26 of Act 44 of 1942.

25. Section *twenty-six* of the principal Act is hereby amended by—

(i) the substitution of the following paragraph for paragraph (*a*) of sub-section (1):

"(*a*) the rates of pension (other than alternative pensions) and gratuity shall be as indicated in the Fourth and Ninth Schedules respectively";

(ii) the addition of the following words at the end of paragraph (*b*) of sub-section (1): "unless such husband is, by reason of physical or mental infirmity, dependent upon her for maintenance, in which event an allowance at rates corresponding to those laid down in the ninth column of the Second Schedule may be granted in respect of him for as long as such infirmity continues";

(iii) the insertion in paragraph (i) (*a*) of sub-section (2), after the word "widow" of the words "or who had a child dependent for maintenance on her", and the substitution, in the said paragraph, for the words "subject to the conditions laid down in sub-section (2) of section *nine*", of the words "Provided that the provisions of sub-sections (2) and (2)*bis*. of section *nine* shall apply in respect of such a child";

(iv) the addition of the following new sub-paragraph to paragraph (i) of sub-section (2):

"(*d*) to the widower, if by reason of physical or mental infirmity he was dependent upon the volunteer for maintenance at the time of her death, a

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toelae kragtens hierdie artikel sodanige ouers nie verhinder om 'n toekenning waarvoor hulle later kragtens artikel *drie-en-twintig* in aanmerking mag kom, te ontvang nie."

21. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig deur— Wysiging van artikel 21 van Wet 44 van 1942.

(i) in paragraaf (*a*) van sub-artikel (1) en in paragraaf (*a*) van sub-artikel (2), die woorde „van hoogstens vier-en-tagtig pond per jaar" te vervang deur die woorde „wat die in die tweede kolom van die Derde Bylae aangegewe skale nie te bowe gaan nie,";

(ii) in paragraaf (*b*) van sub-artikel (1) en in paragraaf (*b*) van sub-artikel (2) die woorde „en gratifikasie" na die woord „toelae" in te voeg en die woord „skaal" deur die woord ‚skale" te vervang;

(iii) in paragraaf (ii) van die voorbehoudsbepaling by sub-artikel (2), die woord „twee" deur die woord „vyf" te vervang;

(iv) in sub-artikel (3) die woord en syfer „sub-artikel (2)" deur die woorde en syfers „sub-artikels (2) en (2)*bis*" te vervang.

22. Artikel *twee-en-twintig* van die Hoofwet word hierby gewysig deur— Wysiging van artikel 22 van Wet 44 van 1942.

(i) die woorde „en gratifikasies" na die woord „kindertoelaes" in te voeg;

(ii) die volgende bepaling aan die end daarvan by te voeg:

„Die bepalings van sub-artikels (2) en (2)*bis* van artikel *nege* is *mutatis mutandis* van toepassing ten aansien van 'n kind."

23. Artikel *drie-en-twintig* van die Hoofwet word hierby gewysig deur— Wysiging van artikel 23 van Wet 44 van 1942.

(i) in sub-artikel (1) die woord „honderd" deur die woorde „honderd-en-twintig" te vervang, en deur die voorbehoudsbepaling by genoemde sub-artikel te skrap;

(ii) in sub-artikel (3) die woorde „honderd vier-en-veertig" deur die woorde „honderd-en-tagtig" te vervang;

(iii) in sub-artikel (4) die woord „soos" deur die woord „indien" te vervang, en deur die woorde „mag word" te skrap;

(iv) die volgende nuwe sub-artikel daaraan toe te voeg:

„(5) Ingeval een van die ouers te sterwe kom, kan 'n kragtens hierdie artikel toegekende pensioen vanaf die datum van die dood van daardie ouer volgens goeddunke van die raad aan die langslewende ouer voortgesit of oorgedra word teen dieselfde skaal of teen so 'n hoër of laer skaal as wat die raad bepaal."

24. Artikel *vyf-en-twintig* van die Hoofwet word hierby gewysig deur na die woorde „toegeken is" die woorde „en 'n toelae wat kragtens artikel *twintig bis* aan haar toegeken is" in te voeg, en die woorde „daardie pensioen" deur die woorde „sodanige pensioen of toelae" te vervang. Wysiging van artikel 25 van Wet 44 van 1942.

25. Artikel *ses-en-twintig* van die Hoofwet word hierby gewysig deur— Wysiging van artikel 26 van Wet 44 van 1942.

(i) paragraaf (*a*) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(*a*) die skale van pensioen (behalwe alternatiewe pensioene) en gratifikasie dié is wat in die Vierde en Negende Bylaes, onderskeidelik, aangegee word.";

(ii) die volgende woorde aan die end van paragraaf (*b*) van sub-artikel (1) by te voeg: „tensy so 'n man weens liggaamlike of geestelike swakheid, vir onderhoud van haar afhanklik is, in welke geval 'n toelae teen skale wat met die in die negende kolom van die Tweede Bylae aangegewe skale ooreenkom, ten opsigte van hom toegeken kan word vir so lang sodanige swakheid voortduur";

(iii) in paragraaf (i) (*a*) van sub-artikel (2) die woorde „of wat 'n kind gehad het wat vir onderhoud van haar afhanklik was" na die woord „was" in te voeg, en in genoemde paragraaf die woorde „onderworpe aan die voorwaardes in sub-artikel (2) van artikel *nege* vermeld" te vervang deur die woorde „Met dien verstande dat die bepalings van sub-artikels (2) en (2)*bis* van artikel *nege* ten aansien van so 'n kind van toepassing is.";

(iv) die volgende nuwe sub-paragraaf aan paragraaf (i) van sub-artikel (2) toe te voeg:

„(*d*) aan die wewenaar, indien hy weens liggaamlike of geestelike swakheid vir onderhoud van die vrywilliger afhanklik was ten tyde van haar dood,

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pension and a gratuity at rates corresponding to those laid down in the second and third columns of the Third Schedule, for as long as such infirmity continues";

(v) the addition thereto of the following new sub-section:
"(3) For the purposes of this section, the word 'husband' or 'widower' does not include a man whose marriage to the volunteer took place more than five years after the date of her discharge from military service".

Amendment of section 28 of Act 44 of 1942.

26. Section *twenty-eight* of the principal Act is hereby amended by—

(i) the substitution for paragraph (*a*) of sub-section (1), of the following paragraph:

"(*a*) disablement pensions and gratuities and allowances for wives and children shall be at the rates indicated in the Fifth and Ninth Schedules";

(ii) the addition at the end of paragraph (*c*) of sub-section (1) of the following proviso:
"Provided that a widow may, on remarriage, be granted a gratuity equal to the amount of the yearly pension laid down in the Sixth Schedule.";

(iii) the addition thereto of the following new sub-section:
"(3) Notwithstanding anything to the contrary in this Act contained, whenever in any particular case, the amount of any disablement pension and allowances under the Fifth Schedule, or the amount of any pension and allowance under the Sixth Schedule, is less than the amount which would have been payable had that case been governed by section *twenty-six* of the War Special Pensions Act Amendment Act, 1920 (Act No. 41 of 1920), the rates prescribed under the last-mentioned section shall apply in such case".

Amendment of section 30 of Act 44 of 1942.

27. Section *thirty* of the principal Act is hereby amended by—

(i) the insertion in sub-section (1) after the word "which" where it occurs for the second time, of the words "in the opinion of the board"; the insertion in the proviso to the said sub-section, after the word "is" of the words "in the opinion of the board"; and the addition, at the end of the said sub-section, of the following further proviso:
"Provided further that an allowance for a wife shall be payable in respect of only one woman";

(ii) the substitution, in sub-section (2), for the word "two", of the word "five";

(iii) the substitution for sub-section (3) of the following sub-section:
"(3) If the degree of disablement is assessed at less than twenty per cent., a gratuity at the rates indicated in the Ninth Schedule may be awarded";

(iv) the addition thereto of the following new sub-section:
"(5) The allowances payable in respect of children shall terminate, in the case of a male child, when he reaches the age of fourteen years and, in the case of a female child, when she reaches the age of sixteen years, or contracts a union which is recognized as a marriage by the law of the Union (including native law and custom), whichever event occurs first, unless a child is incapable, through mental or physical infirmity, of earning a livelihood, provided the infirmity existed before the child reached the age of fourteen years".

Amendment of section 31 of Act 44 of 1942.

28. Section *thirty-one* of the principal Act is hereby amended by—

(i) the substitution, for sub-section (1), of the following sub-section:
"(1) If the death of a native volunteer occurs in the circumstances described in sub-section (1) of section *seventeen* there may be granted—

(*a*) to the widow (if there is only one) a pension of twenty-five pounds per annum together with allowances at the rate of six pounds per annum for each child of the volunteer;

(*b*) to each widow (if there is more than one) a pension not exceeding twenty-five pounds per

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'n pensioen en 'n gratifikasie teen skale wat met die in die tweede en derde kolomme van die Derde Bylae aangegewe skale ooreenkom, vir so lang sodanige swakheid voortduur.";

(v) die volgende nuwe sub-artikel daaraan toe te voeg:

„(3) By die toepassing van hierdie artikel sluit die woord „man" of „wewenaar" nie 'n man in wie se huwelik met die vrywilliger meer as vyf jaar na die datum van haar ontslag uit militêre diens plaasgevind het nie."

26. Artikel *agt-en-twintig* van die Hoofwet word hierby gewysig deur— Wysiging van artikel 28 van Wet 44 van 1942.

(i) paragraaf (*a*) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(*a*) word ongeskiktheidspensioene en gratifikasies en toelaes vir vroue en kinders toegeken teen die skale in die Vyfde en Negende Bylaes vermeld;";

(ii) die volgende voorbehoudsbepaling aan die end van paragraaf (*c*) van sub-artikel (1) by te voeg:

„Met dien verstande dat wanneer 'n weduwee weer in die huwelik tree, 'n gratifikasie gelyk aan die bedrag van die in die Sesde Bylae vermelde jaarlikse pensioen, aan haar toegeken kan word.";

(iii) die volgende nuwe sub-artikel daaraan toe te voeg:

„(3) Ondanks andersluidende bepalings in hierdie Wet vervat, wanneer die bedrag van 'n ongeskiktheidspensioen en toelaes kragtens die Vyfde Bylae, of die bedrag van 'n pensioen en toelae kragtens die Sesde Bylae, in een of ander bepaalde geval minder is as die bedrag wat betaalbaar sou gewees het indien die geval deur artikel *ses-en-twintig* van die „Oorlogs Speciale Pensioenen Wet Wijzigings Wet, 1920" (Wet No. 41 van 1920), beheers was, dan is die kragtens laasgenoemde artikel bepaalde skale van toepassing in so 'n geval."

27. Artikel *dertig* van die Hoofwet word hierby gewysig deur— Wysiging van artikel 30 van Wet 44 van 1942.

(i) in sub-artikel (1), na die woord „wat" waar dit vir die derde maal voorkom, die woorde „volgens oordeel van die raad" in te voeg; in die voorbehoudsbepaling by genoemde sub-artikel, die woorde „volgens oordeel van die raad" na die woord „toestand" in te voeg; en deur die volgende verdere voorbehoudsbepaling aan die end van genoemde sub-artikel by te voeg:

„Met dien verstande voorts dat 'n toelae vir 'n eggenote ten opsigte van slegs een vrou betaalbaar is";

(ii) in sub-artikel (2) die woord „twee" deur die woord „vyf" te vervang;

(iii) sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Indien die mate van ongeskiktheid op minder as twintig persent vasgestel word, dan kan 'n gratifikasie teen die in die Negende Bylae vermelde skale toegeken word";

(iv) die volgende nuwe sub-artikel daaraan toe te voeg:

„(5) Die toelaes wat ten opsigte van kinders betaalbaar is, hou op, in die geval van 'n manlike kind, wanneer hy die leeftyd van veertien jaar bereik, en in dié van 'n vroulike kind, wanneer sy die leeftyd van sestien jaar bereik of 'n verbinding aangaan wat as 'n huwelik erken word deur die reg van die Unie (met inbegrip van naturellereg en -gebruik), na gelang van watter gebeurtenis die eerste plaasvind, tensy 'n kind weens geestelike of liggaamlike swakheid nie in staat is om 'n lewensbestaan te maak nie, mits die swakheid bestaan het voordat die kind die leeftyd van veertien jaar bereik het."

28. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur— Wysiging van artikel 31 van Wet 44 van 1942.

(i) sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Indien die dood van 'n naturelle-vrywilliger in die in sub-artikel (1) van artikel *sewentien* vermelde omstandighede plaasvind, kan daar toegeken word—

(*a*) aan die weduwee (indien daar slegs een is), 'n pensioen van vyf-en-twintig pond per jaar, tesame met toelaes teen die skaal van ses pond per jaar vir elke kind van die vrywilliger;

(*b*) aan elke weduwee (indien daar meer as een is), 'n pensioen van hoogstens vyf-en-twintig pond

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annum together with allowances at the rate of six pounds per annum for each child of the volunteer;

(c) to parents a pension not exceeding twenty-five pounds per annum on the ground of their dependence on the volunteer or by reason of the fact that they are wholly or partly incapable of self-support from age or infirmity and are in pecuniary need;

(d) to other dependants, a gratuity not exceeding fifty pounds.";

(ii) the deletion, in sub-section (3), of all the words preceding the word "unless", and the substitution therefor of the following words: "The allowances payable in respect of children shall terminate, in the case of a male child, when he reaches the age of fourteen years and in the case of a female child, when she reaches the age of sixteen years or contracts a union which is recognized as a marriage by the law of the Union (including native law and custom), whichever event occurs first,";

(iii) the addition thereto of the following new sub-sections:

"(4) The provisions of sections *twenty*, *twenty-one* and *twenty-two* may be applied *mutatis mutandis* in respect of a deceased native volunteer: Provided a separated wife shall not be awarded a pension exceeding eighteen pounds per year, and a reputed wife shall not be awarded a pension exceeding fifteen pounds per year; and provided further that in the application as aforesaid of sections *twenty-one* and *twenty-two*, no gratuities shall be payable in respect of children, and the allowances payable in respect of children shall be at the rate of six pounds per annum for each child of the volunteer.

(5) Any pension granted to a woman under this section shall cease when she contracts or again contracts a union which is recognized as a marriage by the law of the Union (including native law and custom), but any allowances payable in respect of children may be continued, subject to the provisions of sub-section (3) and to such conditions as the commissioner may determine."

Amendment of section 32 of Act 44 of 1942.

29. Section *thirty-two* of the principal Act is hereby amended by the addition thereto of the following new paragraph:

"(c) a special pensions board of not more than five members to consider such cases as are referred to in section *thirty-five*".

Amendment of section 33 of Act 44 of 1942.

30. Section *thirty-three* of the principal Act is hereby amended by the substitution for paragraph (b) of sub-section (2), of the following paragraph:

"(b) of claims to pension of widows, motherless children, parents or dependants of a volunteer on the ground that the death of the volunteer did not occur in the circumstances described in sub-section (1) of section *seventeen*".

Amendment of section 34 of Act 44 of 1942.

31. Section *thirty-four* of the principal Act is hereby amended by the deletion, in sub-section (1) of the words "and make a recommendation to him upon" and by the substitution, in sub-section (3), for the word "recommendation" of the word "finding".

Substitution of new section for section 35 of Act 44 of 1942.

32. The following section is hereby substituted for section *thirty-five* of the principal Act:

"Functions of special pensions board.

35. (1) The special pensions board may consider the case of any volunteer or of any widow, child, parent or dependant of a volunteer, who is affected by the rejection of an application by the board or on appeal by the military pensions appeal board.

(2) Notwithstanding the provisions of sub-section (1), in a case where the condition of the discharged volunteer has been accepted as merely aggravated by military service and the total degree of the volunteer's disability is such as materially to affect his earning capacity in the open labour market, the special pensions board may, subject to the provisions of sub-section (3), accord him such additional relief as it may deem fit.

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per jaar, tesame met toelaes teen die skaal van ses pond per jaar vir elke kind van die vrywilliger;

(c) aan ouers, 'n pensioen van hoogstens vyf-en-twintig pond per jaar op grond van hul afhanklikheid van die vrywilliger of vanweë die feit dat hulle weens ouderdom of swakheid geheel of gedeeltelik nie in staat is om hulself te onderhou nie en geldbehoeftig is;

(d) aan ander afhanklikes, 'n gratifikasie van hoogstens vyftig pond.";

(ii) in sub-artikel (3) al die woorde wat die woord „tensy" voorafgaan te skrap en deur die volgende woorde te vervang: „Die toelaes wat ten opsigte van kinders betaalbaar is hou op, in die geval van 'n manlike kind, wanneer hy die leeftyd van veertien jaar bereik, en in dié van 'n vroulike kind, wanneer sy die leeftyd van sestien jaar bereik of 'n verbinding aangaan wat as 'n huwelik erken word deur die reg van die Unie (met inbegrip van naturellereg en -gebruik), na gelang van watter gebeurtenis die eerste plaasvind,";

(iii) die volgende nuwe sub-artikels daaraan toe te voeg:

„(4) Die bepalings van artikels *twintig*, *een-en-twintig* en *twee-en-twintig*, kan *mutatis mutandis* ten opsigte van 'n oorlede naturelle-vrywilliger toegepas word: Met dien verstande dat aan 'n van tafel en bed geskeide vrou 'n pensioen van nie meer as agtien pond per jaar, en aan 'n vermeende vrou 'n pensioen van nie meer as vyftien pond per jaar, toegeken mag word nie; en met dien verstande voorts dat by die toepassing soos voormeld van artikels *een-en-twintig* en *twee-en-twintig* geen gratifikasies ten opsigte van kinders betaalbaar is nie en dat die toelaes wat ten opsigte van kinders betaalbaar is, teen die skaal van ses pond per jaar vir elke kind van die vrywilliger geskied.

(5) 'n Pensioen wat kragtens hierdie artikel aan 'n vrou toegeken is, hou op wanneer sy 'n verbinding aangaan wat as 'n huwelik erken word deur die reg van die Unie, (met inbegrip van naturellereg en -gebruik) of weer so 'n huwelik aangaan, dog enige toelaes wat ten opsigte van kinders betaalbaar is kan voortgesit word, onderworpe aan die bepalings van sub-artikel (3) en aan sulke voorwaardes as wat die kommissaris bepaal."

29. Artikel *twee-en-dertig* van die Hoofwet word hierby gewysig deur die volgende nuwe paragraaf daaraan toe te voeg: *Wysiging van artikel 32 van Wet 44 van 1942.*

„(c) 'n buitengewone pensioenraad bestaande uit hoogstens vyf lede, om sulke gevalle as wat in artikel *vyf-en-dertig* bedoel word, te oorweeg."

30. Artikel *drie-en-dertig* van die Hoofwet word hierby gewysig deur paragraaf (b) van sub-artikel (2) deur die volgende paragraaf te vervang: *Wysiging van artikel 33 van Wet 44 van 1942.*

„(b) van aansprake op 'n pensioen deur weduwees, moederlose kinders, ouers of afhanklikes van 'n vrywilliger op grond daarvan dat die dood van die vrywilliger nie in die omstandighede in sub-artikel (1) van artikel *sewentien* vermeld, plaasgevind het nie.".

31. Artikel *vier-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde, „en by hom 'n aanbeveling daaromtrent te doen" te skrap, en deur in sub-artikel (3) die woord „aanbeveling" deur die woord „bevinding" te vervang. *Wysiging van artikel 34 van Wet 44 van 1942.*

32. Artikel *vyf-en-dertig* van die Hoofwet word hierby deur die volgende artikel vervang: *Vervanging van artikel 35 van Wet 44 van 1942.*

„Werksaamhede van die buitengewone pensioenraad.

35. (1) Die buitengewone pensioenraad kan die geval van enige vrywilliger of van 'n weduwee, kind, ouer of afhanklike van 'n vrywilliger, wat deur die afwysing van 'n aansoek deur die raad, of op appèl deur die militêre pensioene-appèlraad, geraak word, oorweeg.

(2) Ondanks die bepalings van sub-artikel (1), kan die buitengewone pensioenraad, onderworpe aan die bepalings van sub-artikel (3), in 'n geval waar dit aangeneem is dat die toestand van die ontslane vrywilliger slegs vererger is deur militêre diens, en die algehele mate van die vrywilliger se ongeskiktheid sodanig is dat dit sy verdienstevermoë in die ope arbeidsmark aanmerklik beïnvloed, aan hom sodanige verdere hulp verleen as wat die raad gerade ag.

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(3) The special pensions board shall take into consideration the general circumstances of the disabled volunteer, or of the widow, children, parents or dependants of a deceased volunteer, the extent of the volunteer's disablement and the length and nature of his military service, and in no case shall it grant a lump sum exceeding one hundred and twenty pounds to any one individual in any one year or an annuity exceeding one hundred and eighty pounds to any one individual.

(4) Notwithstanding the provisions of sub-section (1), if a disabled volunteer while following a course of training authorized by a vocational board suffers an injury or an aggravation of an injury which, in the opinion of the special pensions board, arose out of and in the course of such training and is not due to the volunteer's own serious misconduct, the said board may, if such injury or aggravation results in additional disability or death, accord him, or, in the case of death, his widow, children, parents or other dependants, such relief as it may deem fit, but subject to the provisions of sub-section (3).

(5) Notwithstanding anything to the contrary in this Act contained, an award made by the special pensions board, or by the Special Grants Board prior to the commencement of the Pension Laws Amendment Act, 1943, shall be effective or shall be deemed to have been effective, from such date as the special pensions board or the Special Grants Board may determine or may have determined, as the case may be.

(6) If a person to whom the Special Grants Board or the special pensions board has made an award is subsequently awarded a benefit in terms of some other provision of this Act, the award by the Special Grants Board or the special pensions board may, in the discretion of the commissioner, be set off against any such benefit.

(7) No appeal shall lie against a decision of the special pensions board under this section, but the said board may at any time reconsider and vary or reverse any such decision or any decision given by the Special Grants Board prior to the commencement of the Pension Laws Amendment Act, 1943."

Amendment of section 36 of Act 44 of 1942.

33. Section *thirty-six* of the principal Act is hereby amended by the substitution, in paragraph (*b*), for the words "special grants board" of the words "special pensions board".

Amendment of section 37 of Act 44 of 1942.

34. Section *thirty-seven* of the principal Act is hereby amended by the deletion of the proviso to sub-section (1) and the substitution therefor of the following proviso:

"Provided that—

(*a*) the Minister shall not exercise any power conferred upon him by this sub-section unless he has given the person concerned a reasonable opportunity of making written representations to him against the proposed exercise of any such power; and

(*b*) if the Minister exercises any such power in respect of a volunteer, he shall, in all cases where a wife, child, parent or other dependant of such volunteer is, or would be eligible for an allowance under this Act and is worthy of assistance, direct that such allowance be granted or continued; and

(*c*) the Minister may, in his discretion, direct that any allowance authorized under paragraph (*b*) of this proviso be increased by an amount not exceeding one half of any pension which would have been payable to the volunteer concerned had such power not been exercised as aforesaid."

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(3) Die buitengewone pensioenraad moet die algemene omstandighede van die ongeskikte vrywilliger, of van die weduwee, kinders, ouers of afhanklikes van 'n oorlede vrywilliger in aanmerking neem, asook die mate van die vrywilliger se ongeskiktheid en die duur en aard van sy militêre diens, en hy mag in geen geval 'n ronde som van meer as honderd-en-twintig pond aan een enkele persoon in een jaar, of 'n jaargeld van meer as honderd-en-tagtig pond aan een enkele persoon toeken nie.

(4) Ondanks die bepalings van sub-artikel (1), indien 'n ongeskikte vrywilliger terwyl hy 'n deur 'n beroepsraad goedgekeurde tydperk van opleiding ondergaan, 'n besering of 'n verergering van 'n besering opdoen wat, volgens oordeel van die buitengewone pensioenraad, uit en in die loop van sodanige opleiding ontstaan het en nie aan die vrywilliger se eie ernstige wangedrag te wyte is nie, kan genoemde raad, indien verdere ongeskiktheid of die dood as gevolg van sodanige besering of verergering intree, aan hom (of, ingeval die dood ingetree het) aan sy weduwee, kinders, ouers of ander afhanklikes, sodanige hulp verleen as wat genoemde raad goed vind, dog onderworpe aan die bepalings van sub-artikel (3).

(5) Ondanks andersluidende bepalings in hierdie Wet vervat, word 'n toekenning wat deur die buitengewone pensioenraad, of deur die Buitengewone Toekenningsraad voor die inwerkingtreding van die Wysigingswet op die Pensioenwette, 1943, gemaak is, van krag of word dit geag van krag te gewees het, vanaf sodanige datum as wat die buitengewone pensioenraad of die Buitengewone Toekenningsraad, bepaal of bepaal het, na gelang van die geval.

(6) Indien aan iemand aan wie die Buitengewone Toekenningsraad of die buitengewone pensioenraad 'n toekenning gemaak het, later 'n voordeel ingevolge 'n ander bepaling van hierdie Wet toegeken word, kan die toekenning deur die Buitengewone Toekenningsraad of die buitengewone pensioenraad, volgens goeddunke van die kommissaris, teen sodanige voordeel in rekening gebring word.

(7) Teen 'n beslissing van die buitengewone pensioenraad ingevolge hierdie artikel kan nie geappelleer word nie, dog genoemde raad kan te eniger tyd so 'n beslissing of 'n beslissing deur die Buitengewone Toekenningsraad voor die inwerkingtreding van die Wysigingswet op die Pensioenwette, 1943, gegee, in hersiening neem en wysig of vernietig."

33. Artikel *ses-en-dertig* van die Hoofwet word hierby gewysig deur in paragraaf (*b*) die woorde „Buitengewone Toekenningsraad" deur die woorde „buitengewone pensioenraad" te vervang. **Wysiging van artikel 36 van Wet 44 van 1942.**

34. Artikel *sewen-en-dertig* van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by sub-artikel (1) te skrap en deur die volgende voorbehoudsbepaling te vervang: **Wysiging van artikel 37 van Wet 44 van 1942.**

„Met dien verstande dat—

(*a*) die Minister nie 'n bevoegdheid deur hierdie sub-artikel aan hom verleen mag uitoefen nie tensy hy die betrokke persoon 'n redelike geleentheid gegee het om skriftelike vertoë teen die voorgestelde uitoefening van so 'n bevoegdheid aan hom te rig; en

(*b*) die Minister, indien hy so 'n bevoegdheid ten opsigte van 'n vrywilliger uitoefen, in alle gevalle waar 'n vrou, kind, ouer of ander afhanklike van so 'n vrywilliger vir 'n toelae kragtens hierdie Wet in aanmerking kom of sou kom, en hulp verdien, moet gelas dat sodanige toelae toegeken of voortgesit moet word; en

(*c*) die Minister volgens goeddunke kan gelas dat 'n toelae wat ingevolge paragraaf (*b*) van hierdie voorbehoudsbepaling gemagtig is, verhoog moet word met 'n bedrag wat nie meer beloop nie as die helfte van 'n pensioen wat aan die betrokke vrywilliger betaalbaar sou gewees het indien sodanige bevoegdheid nie soos voormeld uitgeoefen was nie."

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Amendment of section 39 of Act 44 of 1942.

35. Section *thirty-nine* of the principal Act is hereby amended—

(i) by the substitution in sub-section (1) for the word "person" where it occurs for the first time, of the word "volunteer";

(ii) by the addition thereto of the following new sub-section:-

"(3) The provisions of sub-sections (1) and (2) may be applied, *mutatis mutandis*, in connection with any benefit payable to a widow, parent or other dependant of a deceased volunteer."

Amendment of section 41 of Act 44 of 1942.

36. Section *forty-one* of the principal Act is here amended by the substitution in the English version of sub-section (1), for the word "to" of the word "or".

Amendment of section 42 of Act 44 of 1942.

37. Section *forty-two* of the principal Act is hereby amended by the addition thereto of the following new sub-section, the existing section being designated sub-section (1):

"(2) The Minister may, subject to such conditions as he may determine, authorize any person to exercise on his behalf any of the powers conferred upon him by or under this Act, and the commissioner may, with the approval of the Minister, similarly delegate his powers under this Act."

Insertion of new section 45*bis* in Act 44 of 1942.

38. The principal Act is hereby amended by the insertion after section *forty-five* of the following new section:

"Members of other forces serving with Union forces.

45. *bis.* When a member of the forces of any other Government is required to serve with the Union forces, any compensation payable by such Government in respect of the death or disablement of such member as a result of service during the war and during the period of service with the Union forces, may be borne by the Union Government: Provided that any benefits payable by the Union Government in such circumstances shall be limited to the amount which would have been payable had the said benefits been assessable under this Act."

Amendment of section 46 of Act 44 of 1942.

39. Section *forty-six* of the principal Act is hereby amended by the substitution in sub-section (1) of the word "benefit" for the word "pension" in both places where it occurs.

Amendment of section 47 of Act 44 of 1942.

40. Section *forty-seven* of the principal Act is hereby amended by the insertion in paragraphs (*b*) and (*c*) of sub-section (1), of the words "notification to the applicant of the" before the words "volunteer's death" where those words occur for the second time.

Substitution of new section for section 48 of Act 44 of 1942.

41. The following section is hereby substituted for section *forty-eight* of the principal Act:

"Provision with regard to allowances to children.

48. Notwithstanding anything to the contrary in this Act contained, the benefits provided in this Act for a child of a disabled or deceased volunteer may, provided such child is not self-supporting, be granted to or in respect of such child irrespective of whether the disabled volunteer (or, in the case of a deceased volunteer, the child's mother) is eligible for a benefit under this Act."

Amendment of section 51 of Act 44 of 1942.

42. Section *fifty-one* of the principal Act is hereby amended—

(i) by the insertion, in sub-section (1), after the word "members", where it occurs for the first time, of the words "and to the widows, children, parents";

(ii) by the addition at the end of paragraph (*a*) of sub-section (1), of the words "provided such disablement is, in the opinion of the board, not due to the member's own serious misconduct";

(iii) by the deletion of the proviso to sub-section (1);

(iv) by the substitution, in sub-section (2), for the words "Such treatment", of the words "and not being less than the rates of pension (excluding allowances) for men and women volunteers respectively, laid down in the Schedules to this Act, in respect of one hundred per cent. disability. In the case of a person who is not a member of the Essential Services Protection Corps, such treatment".

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35. Artikel *negen-en-dertig* van die Hoofwet word hierby gewysig— *Wysiging van artikel 39 van Wet 44 van 1942.*

(i) deur in sub-artikel (1) die woord „iemand" waar dit vir die eerste maal voorkom, deur die woorde „'n vrywilliger" te vervang;

(ii) deur die volgende nuwe sub-artikel daaraan toe te voeg:

„(3) Die bepalings van sub-artikels (1) en (2) kan *mutatis mutandis* toegepas word in verband met 'n voordeel wat aan 'n weduwee, ouer of ander afhanklike van 'n oorlede vrywilliger betaalbaar is."

36. Artikel *een-en-veertig* van die Hoofwet word hierby gewysig deur die woord „to" in die Engelse teks van sub-artikel (1) deur die woord „or" te vervang. *Wysiging van artikel 41 van Wet 44 van 1942.*

37. Artikel *twee-en-veertig* van die Hoofwet word hierby gewysig deur die volgende nuwe sub-artikel daaraan toe te voeg, met aanduiding van die bestaande artikel as sub-artikel (1): *Wysiging van artikel 42 van Wet 44 van 1942.*

„(2) Die Minister kan, onderworpe aan sulke voorwaardes as wat hy bepaal, enigeen magtig om die bevoegdhede deur of kragtens hierdie Wet aan hom verleen, namens hom uit te oefen, en die kommissaris kan, met die goedkeuring van die Minister, op soortgelyke wyse sy bevoegdhede kragtens hierdie Wet oordra."

38. Die Hoofwet word hierby gewysig deur die volgende nuwe artikel na artikel *vyf-en-veertig* in te voeg: *Invoeging van nuwe artikel 45bis in Wet 44 van 1942.*

„Lede van ander magte wat by Uniemagte diens doen. **45*bis*.** Wanneer van 'n lid van die magte van 'n ander Regering vereis word om by die Uniemagte diens te doen, dan kan enige vergoeding wat deur sodanige Regering betaalbaar is ten opsigte van die dood of ongeskiktheid van so 'n lid ten gevolge van diens gedurende die oorlog en gedurende die tydperk van diens by die Uniemagte, deur die Unie-Regering gedra word: Met dien verstande dat voordele wat onder sulke omstandighede deur die Unie-Regering betaalbaar is, beperk word tot die bedrag wat betaalbaar sou gewees het indien genoemde voordele kragtens hierdie Wet bereken moes word."

39. Artikel *ses-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „pensioen", op albei plekke waar dit voorkom, deur die woord „voordeel" te vervang. *Wysiging van artikel 46 van Wet 44 van 1942.*

40. Artikel *sewen-en-veertig* van die Hoofwet word hierby gewysig deur in paragrawe (*b*) en (*c*) van sub-artikel (1) die woorde „kennisgewing aan die applikant van die" voor die woorde „vrywilliger se dood", waar daardie woorde vir die tweede maal voorkom, in te voeg. *Wysiging van artikel 47 van Wet 44 van 1942.*

41. Artikel *agt-en-veertig* van die Hoofwet word hierby deur die volgende artikel vervang: *Vervanging van artikel 48 van Wet 44 van 1942.*

„Bepalings met betrekking tot toelaes aan kinders. **48.** Ondanks andersluidende bepalings in hierdie Wet vervat, kan die voordele waarvoor in hierdie Wet voorsiening gemaak word vir 'n kind van 'n ongeskikte of oorlede vrywilliger toegeken word aan of ten opsigte van so 'n kind (mits sodanige kind nie homself onderhou nie), onverskillig of die ongeskikte vrywilliger (of, in die geval van 'n oorlede vrywilliger, die kind se moeder), vir 'n voordeel kragtens hierdie Wet in aanmerking kom al dan nie."

42. Artikel *een-en-vyftig* van die Hoofwet word hierby gewysig— *Wysiging van artikel 51 van Wet 44 van 1942.*

(i) deur in sub-artikel (1), na die woord „lede" waar dit die eerste maal voorkom, die woorde „en op die weduwees, kinders, ouers" in te voeg;

(ii) deur die volgende woorde aan die end van paragraaf (*a*) van sub-artikel (1) by te voeg: „mits sodanige ongeskiktheid, volgens oordeel van die raad, nie aan die lid se eie ernstige wangedrag te wyte is nie.";

(iii) deur die voorbehoudsbepaling by sub-artikel (1) te skrap;

(iv) deur in sub-artikel (2) die woorde „Bedoelde behandeling of toelaes kan" te skrap en deur die volgende woorde te vervang: „en nie laer synde nie as die skale van pensioen (toelaes uitgesluit) vir manlike en vroulike vrywilligers onderskeidelik, wat in die Bylaes by hierdie Wet ten opsigte van ongeskiktheid van honderd persent aangegee word. In die geval van 'n persoon wat nie 'n lid van die Korps ter Beveiliging van Noodsaaklike Dienste is nie, kan bedoelde behandeling of toelaes toegeken word".

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Substitution of new section for section 63 of Act 44 of 1942.

43. The following section is hereby substituted for section *sixty-three* of the principal Act:

"Assessment or re-assessment of benefits payable in terms of other laws.

63. Any pension, allowances or gratuity payable under the provisions of the War Special Pensions Act, 1919 (Act No. 42 of 1919), to any person (including any person to whom any such benefit as aforesaid is by any other law made payable on the basis or in terms of the said Act), shall be assessed or reassessed in accordance with the degree of disablement laid down in Schedule One and the rates laid down in Schedules Two to Seven inclusive, and Nine, with effect from the first day of April, 1942, if such assessment or reassessment is of advantage to the person concerned: Provided that—

(i) no gratuity referred to in sub-section (5) of section *seventeen* shall be granted unless the death of the volunteer occurred on or after the first day of April, 1942;

(ii) no gratuity awarded with effect from a date prior to the first day of April, 1942, in respect of disablement assessed at less than twenty per cent. shall be reassessed."

Insertion of Ninth Schedule in Act 44 of 1942.

44. The Schedule to this Act is hereby inserted in the principal Act as the Ninth Schedule.

Increase of war veterans' pensions.

45. (1) For such period commencing on the first day of April, 1943, as the Minister of Finance (or any other Minister of State acting in his stead), may determine, all veterans' pensions awarded or to be awarded under the provisions of Part II of the War Pensions Act, 1941 (Act No. 45 of 1941), shall be increased by an amount equal to one-third of such pensions or equal to one-third of the amount which would have been awarded had this section not been enacted.

(2) If a war veteran who is in receipt of a pension under the provisions of the Old Age Pensions Act, 1928 (Act No. 22 of 1928), applies for a veteran's pension under Part II of the said War Pensions Act, 1941, before the first day of October, 1943, and his application is granted, such pension, increased in accordance with the provisions of sub-section (1), shall take effect from the first day of April, 1943, if he was on that date qualified for such a pension.

(3) The amount by which a veteran's pension is increased in accordance with sub-section (1), shall not be regarded as income or means for the purposes of sub-section (1) of section *six* of the Old Age Pensions Act, 1928, or of sub-section (1) of section *five* of the Blind Persons Act, 1936.

Regulation of rights of certain officers in connection with pensions.

46. (1) Notwithstanding anything in any other law contained, if a person who is a member of the pension and provident scheme established under section *twelve* of the Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917), or of the provident fund established under section *nineteen* of the Higher Education Act, 1923 (Act No. 30 of 1923), is transferred to a post in the public service or is appointed directly to such a post without any break in his service, he may, in lieu of making an election in terms of sub-section (2) or (3) of section *twenty-six* of the Government Service Pensions Act, 1936 (Act No. 32 of 1936), elect to continue to be a member of the said scheme or fund (as the case may be), in which case the contributions payable by the Government and the council concerned in terms of the regulations governing the said scheme or fund shall be paid from revenue. The further election for which provision is made in this section, may be made within a period of one month after such person has been called upon by the head of his department to do so, and shall be subject to the approval of the Treasury. If such person fails to make an election in terms of this section or of sub-section (2) or (3) of section *twenty-six* of the said Government Service Pensions Act, 1936, he shall be deemed to have elected the benefits under paragraph (*a*) of the said sub-section (3).

(2) The provisions of section *nineteen* of the said Government Service Pensions Act, 1936, shall apply to any person so transferred or appointed as if he were a new member as defined in that Act, and in the application of the said provisions to any

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Vervanging van artikel 63 van Wet 44 van 1942.

43. Artikel *drie-en-sestig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Berekening of herberekening van voordele ingevolge ander wette betaalbaar.

63. 'n Pensioen, toelaes of 'n gratifikasie wat ingevolge die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919" (Wet No. 42 van 1919), betaalbaar is aan iemand (met inbegrip van iemand aan wie so 'n voordeel as voormeld by enige ander wet betaalbaar gemaak word op die basis of volgens voorskrif van bedoelde Wet), word, met ingang van die eerste dag van April, 1942, bereken of herbereken ooreenkomstig die mate van ongeskiktheid in Bylae Een, en die skale in Bylaes Twee tot en met Sewe, en Nege bepaal, mits sodanige berekening of herberekening vir die betrokke persoon tot voordeel is: Met dien verstande dat—

(i) geen gratifikasie in sub-artikel (5) van artikel *sewentien* vermeld, toegeken mag word nie tensy die dood van die vrywilliger op of na die eerste dag van April 1942 plaasgevind het;

(ii) geen gratifikasie wat toegeken is met ingang van 'n datum voor die eerste dag van April 1942, ten opsigte van ongeskiktheid vasgestel op minder as twintig persent, herbereken word nie."

Invoeging van Negende Bylae in Wet 44 van 1942.

44. Die Bylae by hierdie Wet word hierby in die Hoofwet as die Negende Bylae ingevoeg.

Verhoging van oudstryders-pensioene.

45. (1) Vir so 'n tydperk vanaf die eerste dag van April 1943, as wat die Minister van Finansies (of 'n ander Staatsminister wat namens hom optree), bepaal, word alle oudstryders-pensioene wat ingevolge die bepalings van Deel II van die Oorlogspensioenwet, 1941 (Wet No. 45 van 1941), toegeken is of dien te word, verhoog met 'n bedrag gelyk aan een-derde van sodanige pensioene of gelyk aan een-derde van die bedrag wat toegeken sou geword het indien hierdie artikel nie ingevoer was nie.

(2) Indien 'n oudstryder wat 'n pensioen ingevolge die bepalings van die Ouderdomspensioenwet, 1928 (Wet No. 22 van 1928), ontvang, voor die eerste dag van Oktober 1943, om 'n oudstryderspensioen ingevolge Deel II van genoemde Oorlogspensioenwet, 1941, aansoek doen en sy aansoek toegestaan word, word sodanige pensioen (verhoog ooreenkomstig die bepalings van sub-artikel (1)), van krag vanaf die eerste dag van April 1943, indien hy op daardie datum vir so 'n pensioen in aanmerking kon kom.

(3) Die bedrag waarmee 'n oudstryderspensioen ooreenkomstig sub-artikel (1) verhoog word, word nie by die toepassing van sub-artikel (1) van artikel *ses* van die Ouderdomspensioenwet, 1928, of van sub-artikel (1) van artikel *vyf* van die Wet op Blindes, 1936, as inkomste (of middele), beskou nie.

Reëling van regte van sekere amptenare in verband met pensioene.

46. (1) Ondanks andersluidende wetsbepalings, indien iemand wat lid is van die pensioen- en spaarfondsskema kragtens artikel *twaalf* van die „Wet tot Additionele Regeling van het Hoger Onderwijs, 1917" (Wet No. 20 van 1917), ingestel, of van die voorsorgsfonds kragtens artikel *negentien* van die „Hoger Onderwijs Wet, 1923" (Wet No. 30 van 1923), ingestel, na 'n pos in die staatsdiens oorgeplaas word of sonder onderbreking van sy diens direk in so 'n pos aangestel word, kan hy, in plaas van 'n keuse volgens sub-artikel (2) of (3) van artikel *ses-en-twintig* van die Regeringsdiens Pensioenwet, 1936 (Wet No. 32 van 1936), te doen, kies om lid van genoemde skema of fonds (na gelang van die geval), te bly, en in daardie geval word die bydraes wat deur die Regering en die betrokke raad betaalbaar is ooreenkomstig die regulasies wat op bedoelde skema of fonds betrekking het, uit inkomste bestry. Die verdere keuse waarvoor in hierdie artikel voorsiening gemaak word, kan gedoen word binne 'n tydperk van 'n maand nadat so iemand deur die hoof van sy departement aangesê is om sulks te doen, en is onderworpe aan die goedkeuring van die Tesourie. Indien so iemand versuim om 'n keuse ooreenkomstig hierdie artikel of sub-artikel (2) of (3) van artikel *ses-en-twintig* van genoemde Regeringsdiens Pensioenwet, 1936, te doen, word dit beskou dat hy die voordele kragtens paragraaf (*a*) van genoemde sub-artikel (3) gekies het.

(2) Die bepalings van artikel *negentien* van genoemde Regeringsdiens Pensioenwet, 1936, is op 'n aldus oorgeplaaste of aangestelde persoon van toepassing asof hy 'n nuwe lid volgens die betekenis van daardie Wet was, en by die toe-

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such person, his pensionable age shall be determined in accordance with the definition of "pensionable age" in section *eighty-three* of that Act.

(3) In this section the expressions "public service", "revenue" and "Treasury" shall bear the meanings respectively assigned to them in section *eighty-three* of the said Government Service Pensions Act, 1936.

(4) This section shall be deemed to have come into operation on the thirtieth day of June, 1942.

Further assistance to persons in receipt of certain pensions.

47. (1) The Minister of Finance may appoint a committee of persons under the chairmanship of an officer in his department, to consider any application for relief by any person who—

(*a*) is in receipt of a civil pension in respect of the former service of such person or of any other person, in the employ of the Government or of the Government of any part of South Africa now included in the Union, under any law administered by the office or department of the said Minister; and

(*b*) is in necessitous circumstances as a result of conditions arising from the present war.

(2) The said committee shall have power, notwithstanding anything in any other law contained, to supplement the pension of any such person by the award of a bonus in accordance with such rates as the said Minister may from time to time prescribe in respect of any class of such persons and with effect from a date not earlier than the first day of April, 1943.

(3) Any such bonus may be paid during the period of the present war and thereafter until the date referred to in sub-section (4), at the same or at such reduced rate as the said Minister may prescribe.

(4) The provisions of this section shall cease to be in operation on a date to be fixed by the Governor-General by Proclamation in the *Gazette*.

Commencement.

48. Sections *two*, *four*, *thirteen*, paragraphs (iii) and (iv) of section *seventeen*, sections *eighteen*, *nineteen*, paragraph (i) of section *twenty-one*, paragraph (i) of section *twenty-two*, paragraph (iv) of section *twenty-three*, paragraph (i) of section *twenty-five*, section *twenty-six*, paragraph (iii) of section *twenty-seven*, sections *thirty-seven*, *thirty-eight*, *thirty-nine*, *forty*, *forty-one*, paragraphs (i) and (iv) of section *forty-two* and section *forty-four* shall be deemed to have come into operation on the first day of April, 1942, section *eight* and paragraph (i) of section *nine* on the first day of November, 1942, and paragraph (ii) of section *nine* on the first day of April, 1943.

Short title.

49. This Act shall be called the Pension Laws Amendment Act, 1943.

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passing van genoemde bepalings op so iemand, word sy pensioenleeftyd bepaal ooreenkomstig die omskrywing van „pensioenleeftyd" in artikel *drie-en-tagtig* van daardie Wet.

(3) In hierdie artikel het die uitdrukkings „staatsdiens", „inkomste" en „Tesourie" die betekenisse wat onderskeidelik daaraan toegeskryf word in artikel *drie-en-tagtig* van genoemde Regeringsdiens Pensioenwet, 1936.

(4) Hierdie artikel word geag op die dertigste dag van Junie 1942 in werking te getree het.

Verdere hulp aan persone wat sekere pensioene ontvang.

47. (1) Die Minister van Finansies kan 'n komitee van persone onder voorsitterskap van 'n amptenaar in sy departement aanstel om oorweging te skenk aan enige aansoek om bystand deur 'n persoon—

(*a*) wat 'n burgerlike pensioen ontvang ten opsigte van die vorige diens van daardie of 'n ander persoon by die Regering of by die Regering van 'n deel van Suid-Afrika tans in die Unie opgeneem, uit kragte van een of ander wet wat deur die kantoor of departement van genoemde Minister uitgevoer word; en

(*b*) wat in behoeftige omstandighede verkeer ten gevolge van toestande wat uit die huidige oorlog voortspruit.

(2) Bedoelde komitee is, ondanks enige ander wetsbepaling, bevoeg om die pensioen van so 'n persoon aan te vul deur die toekenning van 'n bonus ooreenkomstig sulke skale as wat bedoelde Minister van tyd tot tyd ten opsigte van enige kategorie van sulke persone voorskryf, en met ingang van 'n datum wat nie vroeër as die eerste dag van April 1943 is nie.

(3) So 'n bonus kan vir die duur van die huidige oorlog, en daarna tot op die in sub-artikel (4) bedoelde datum betaal word, teen dieselfde skaal of teen so 'n verminderde skaal as wat bedoelde Minister voorskryf.

(4) Die bepalings van hierdie artikel tree buite werking op 'n datum deur die Goewerneur-generaal by Proklamasie in die *Staatskoerant* bepaal te word.

Inwerkingtreding.

48. Artikels *twee, vier, dertien,* paragrawe (iii) en (iv) van artikel *sewentien,* artikels *agtien, negentien,* paragraaf (i) van artikel *een-en-twintig,* paragraaf (i) van artikel *twee-en-twintig,* paragraaf (iv) van artikel *drie-en-twintig,* paragraaf (i) van artikel *vyf-en-twintig,* artikel *ses-en-twintig,* paragraaf (iii) van artikel *sewen-en-twintig,* artikels *sewen-en-dertig, agt-en-dertig, negen-en-dertig, veertig, een-en-veertig,* paragrawe (i) en (iv) van artikel *twee-en-veertig* en artikel *vier-en-veertig* word geag op die eerste dag van April 1942 in werking te getree het; artikel *agt* en paragraaf (i) van artikel *nege* op die eerste dag van November 1942, en paragraaf (ii) van artikel *nege* op die eerste dag van April 1943.

Kort titel.

49. Hierdie Wet heet die Wysigingswet op die Pensioenwette, 1943.

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Schedule.

(NINTH SCHEDULE TO ACT NO. 44 OF 1942).

GRATUITIES PAYABLE WHERE THE DEGREE OF PENSIONABLE DISABLEMENT IS ASSESSED AT LESS THAN 20 PER CENT.

RANK.	DEGREE OF DISABLEMENT AND DURATION.															
	1 to 5 per cent.				6 to 10 per cent.				11 to 15 per cent.				16 to 19 per cent.			
	6 months.	12 months.	24 months.	Permt.	6 months.	12 months.	24 months.	Permt.	6 months.	12 months.	24 months.	Permt.	6 months.	12 months.	24 months.	Permt.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
European Male Volunteers and Women Doctors.																
Lieut.-General	8 15 0	17 10 0	35 0 0	87 10 0	17 10 0	35 0 0	70 0 0	175 0 0	26 5 0	52 10 0	105 0 0	262 10 0	35 0 0	70 0 0	140 0 0	350 0 0
Major-General	8 2 6	16 5 0	32 10 0	81 5 0	16 5 0	32 10 0	65 0 0	162 10 0	24 7 6	48 15 0	97 10 0	243 15 0	32 10 0	65 0 0	130 0 0	325 0 0
Brigadier-General	7 10 0	15 0 0	30 0 0	75 0 0	15 0 0	30 0 0	60 0 0	150 0 0	22 10 0	45 0 0	90 0 0	225 0 0	30 0 0	60 0 0	120 0 0	300 0 0
Brigadier	6 17 6	13 15 0	27 10 0	68 15 0	13 15 0	27 10 0	55 0 0	137 10 0	20 12 6	41 5 0	82 10 0	206 5 0	27 10 0	55 0 0	110 0 0	275 0 0
Colonel	6 5 0	12 10 0	25 0 0	62 10 0	12 10 0	25 0 0	50 0 0	125 0 0	18 15 0	37 10 0	75 0 0	187 10 0	25 0 0	50 0 0	100 0 0	250 0 0
Lieut.-Colonel	5 12 6	11 5 0	22 10 0	56 5 0	11 5 0	22 10 0	45 0 0	112 10 0	16 17 6	33 15 0	67 10 0	168 15 0	22 10 0	45 0 0	90 0 0	225 0 0
All ranks up to and including Major	5 0 0	10 0 0	20 0 0	50 0 0	10 0 0	20 0 0	40 0 0	100 0 0	15 0 0	30 0 0	60 0 0	150 0 0	20 0 0	40 0 0	80 0 0	200 0 0
All ranks } Wife	15 0	1 10 0	3 0 0	7 10 0	1 10 0	3 0 0	6 0 0	15 0 0	2 5 0	4 10 0	9 0 0	22 10 0	3 0 0	6 0 0	12 0 0	30 0 0
All ranks } Each child	7 6	15 0	1 10 0	3 15 0	15 0	1 10 0	3 0 0	7 10 0	1 2 6	2 5 0	4 10 0	11 5 0	1 10 0	3 0 0	6 0 0	15 0 0
Nurses and Women Volunteers.																
Matron-in-Chief or Colonel	5 12 6	11 5 0	22 10 0	56 5 0	11 5 0	22 10 0	45 0 0	112 10 0	16 17 6	33 15 0	67 10 0	168 15 0	22 10 0	45 0 0	90 0 0	225 0 0
Asst. Matron-in-Chief, Prin. Matron or Lieut.-Colonel	5 5 0	10 10 0	21 0 0	52 10 0	10 10 0	21 0 0	42 0 0	105 0 0	15 15 0	31 10 0	63 0 0	157 10 0	21 0 0	42 0 0	84 0 0	210 0 0
Sen. Matron, Junior Matron or Major	4 17 6	9 15 0	19 10 0	48 15 0	9 15 0	19 10 0	39 0 0	97 10 0	14 12 6	29 5 0	58 10 0	146 5 0	19 10 0	39 0 0	78 0 0	195 0 0
Nursing Sister, Staff Nurse or Capt. and Lieut.	4 10 0	9 0 0	18 0 0	45 0 0	9 0 0	18 0 0	36 0 0	90 0 0	13 10 0	27 0 0	54 0 0	135 0 0	18 0 0	36 0 0	72 0 0	180 0 0
Sen. and Jun. Probationer Nurses or 2nd/Lieut.	4 2 6	8 5 0	16 10 0	41 5 0	8 5 0	16 10 0	33 0 0	82 10 0	12 7 6	24 15 0	49 10 0	123 15 0	16 10 0	33 0 0	66 0 0	165 0 0
All ranks up to and including W.O. I	3 15 0	7 10 0	15 0 0	37 10 0	7 10 0	15 0 0	30 0 0	75 0 0	11 5 0	22 10 0	45 0 0	112 10 0	15 0 0	30 0 0	60 0 0	150 0 0
Each child maintained by volunteer	7 6	15 0	1 10 0	3 15 0	15 0	1 10 0	3 0 0	7 10 0	1 2 6	2 5 0	4 10 0	11 5 0	1 10 0	3 0 0	6 0 0	15 0 0
Non-European Volunteers (other than Natives).																
All ranks	1 17 6	3 15 0	7 10 0	18 15 0	3 15 0	7 10 0	15 0 0	37 10 0	5 12 6	11 5 0	22 10 0	56 5 0	7 10 0	15 0 0	30 0 0	75 0 0
Wife	6 0	12 0	1 4 0	3 0 0	12 0	1 4 0	2 8 0	6 0 0	18 0	1 16 0	3 12 0	9 0 0	1 4 0	2 8 0	4 16 0	12 0 0
Each child	2 6	5 0	10 0	1 5 0	5 0	10 0	1 0 0	2 10 0	7 6	15 0	1 10 0	3 15 0	10 0	1 0 0	2 0 0	5 0 0
Native Volunteers.																
All ranks	1 5 0	2 10 0	5 0 0	12 10 0	2 10 0	5 0 0	10 0 0	25 0 0	3 15 0	7 10 0	15 0 0	37 10 0	5 0 0	10 0 0	20 0 0	50 0 0
Wife	4 6	9 0	18 0	2 5 0	9 0	18 0	1 16 0	4 10 0	13 6	1 7 0	2 14 0	6 15 0	18 0	1 16 0	3 12 0	9 0 0
Each child	1 6	3 0	6 0	15 0	3 0	6 0	12 0	1 10 0	4 6	9 0	18 0	2 5 0	6 0	12 0	1 4 0	3 0 0

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Bylae.

(NEGENDE BYLAE VAN WET NO. 44 VAN 1942).

GRATIFIKASIES BETAALBAAR WANNEER DIE MATE VAN PENSIOENGEWENDE ONGESKIKTHEID OF MINDER AS 20 PERSENT VASGESTEL WORD.

RANG.	MATE VAN ONGESKIKTHEID EN DUUR.															
	1 tot 5 persent.				6 tot 10 persent.				11 tot 15 persent.				16 tot 19 persent.			
	6 maande.	12 maande.	24 maande.	Permt.	6 maande.	12 maande.	24 maande.	Permt.	6 maande.	12 maande.	24 maande.	Permt.	6 maande.	12 maande.	24 maande.	Permt.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s d.	£ s. d.	£ s. d.
	Blanke Manlike Vrywilligers en Vroulike Geneeshere.															
Luitenant-generaal	8 15 0	17 10 0	35 0 0	87 10 0	17 10 0	35 0 0	70 0 0	175 0 0	26 5 0	52 10 0	105 0 0	262 10 0	35 0 0	70 0 0	140 0 0	350 0 0
Generaal-majoor	8 2 6	16 5 0	32 10 0	81 5 0	16 5 0	32 10 0	65 0 0	162 10 0	24 7 6	48 15 0	97 10 0	243 15 0	32 10 0	65 0 0	130 0 0	325 0 0
Brigadier-generaal	7 10 0	15 0 0	30 0 0	75 0 0	15 0 0	30 0 0	60 0 0	150 0 0	22 10 0	45 0 0	90 0 0	225 0 0	30 0 0	60 0 0	120 0 0	300 0 0
Brigadier	6 17 6	13 15 0	27 10 0	68 15 0	13 15 0	27 10 0	55 0 0	137 10 0	20 12 6	41 5 0	82 10 0	206 5 0	27 10 0	55 0 0	110 0 0	275 0 0
Kolonel	6 5 0	12 10 0	25 0 0	62 10 0	12 10 0	25 0 0	50 0 0	125 0 0	18 15 0	37 10 0	75 0 0	187 10 0	25 0 0	50 0 0	100 0 0	250 0 0
Luitenant-Kolonel	5 12 6	11 5 0	22 10 0	56 5 0	11 5 0	22 10 0	45 0 0	112 10 0	16 17 6	33 15 0	67 10 0	168 15 0	22 10 0	45 0 0	90 0 0	225 0 0
Alle range tot en met Majoor	5 0 0	10 0 0	20 0 0	50 0 0	10 0 0	20 0 0	40 0 0	100 0 0	15 0 0	30 0 0	60 0 0	150 0 0	20 0 0	40 0 0	80 0 0	200 0 0
Alle range } Vrou	15 0	1 10 0	3 0 0	7 10 0	1 10 0	3 0 0	6 0 0	15 0 0	2 5 0	4 10 0	9 0 0	22 10 0	3 0 0	6 0 0	12 0 0	30 0 0
Alle range } Elke kind	7 6	15 0	1 10 0	3 15 0	15 0	1 10 0	3 0 0	7 10 0	1 2 6	2 5 0	4 10 0	11 5 0	1 10 0	3 0 0	6 0 0	15 0 0
	Verpleegsters en Vroulike Vrywilligers.															
Opper-matrone of Kolonel	5 12 6	11 5 0	22 10 0	56 5 0	11 5 0	22 10 0	45 0 0	112 10 0	16 17 6	33 15 0	67 10 0	168 15 0	22 10 0	45 0 0	90 0 0	225 0 0
Asst. Opper-matrone, Eerste matrone of Luit.-Kolonel	5 5 0	10 10 0	21 0 0	52 10 0	10 10 0	21 0 0	42 0 0	105 0 0	15 15 0	31 10 0	63 0 0	157 10 0	21 0 0	42 0 0	84 0 0	210 0 0
Sen. Matrone, Junior Matrone of Majoor	4 17 6	9 15 0	19 10 0	48 15 0	9 15 0	19 10 0	39 0 0	97 10 0	14 12 6	29 5 0	58 10 0	146 5 0	19 10 0	39 0 0	78 0 0	195 0 0
Hoofverpleegster, Stafverpleegster of Kaptein en Luitenant	4 10 0	9 0 0	18 0 0	45 0 0	9 0 0	18 0 0	36 0 0	90 0 0	13 10 0	27 0 0	54 0 0	135 0 0	18 0 0	36 0 0	72 0 0	180 0 0
Senior en Junior Leerlingverpleegsters of 2de Luitenant	4 2 6	8 5 0	16 10 0	41 5 0	8 5 0	16 10 0	33 0 0	82 10 0	12 7 6	24 15 0	49 10 0	123 15 0	16 10 0	33 0 0	66 0 0	165 0 0
Alle range tot en met Adjudant-onderoffisier Klas I	3 15 0	7 10 0	15 0 0	37 10 0	7 10 0	15 0 0	30 0 0	75 0 0	11 5 0	22 10 0	45 0 0	112 10 0	15 0 0	30 0 0	60 0 0	150 0 0
Elke kind wat deur vrywilliger onderhou word	7 6	15 0	1 10 0	3 15 0	15 0	1 10 0	3 0 0	7 10 0	1 2 6	2 5 0	4 10 0	11 5 0	1 10 0	3 0 0	6 0 0	15 0 0
	Nie-blanke Vrywilligers (behalwe Naturelle).															
Alle range	1 17 6	3 15 0	7 10 0	18 15 0	3 15 0	7 10 0	15 0 0	37 10 0	5 12 6	11 5 0	22 10 0	56 5 0	7 10 0	15 0 0	30 0 0	75 0 0
Vrou	6 0	12 0	1 4 0	3 0 0	12 0	1 4 0	2 8 0	6 0 0	18 0	1 16 0	3 12 0	9 0 0	1 4 0	2 8 0	4 16 0	12 0 0
Elke kind	2 6	5 0	10 0	1 5 0	5 0	10 0	1 0 0	2 10 0	7 6	15 0	1 10 0	3 15 0	10 0	1 0 0	2 0 0	5 0 0
	Naturelle-vrywilligers.															
Alle range	1 5 0	2 10 0	5 0 0	12 10 0	2 10 0	5 0 0	10 0 0	25 0 0	3 15 0	7 10 0	15 0 0	37 10 0	5 0 0	10 0 0	20 0 0	50 0 0
Vrou	4 6	9 0	18 0	2 5 0	9 0	18 0	1 16 0	4 10 0	13 6	1 7 0	2 14 0	6 15 0	18 0	1 16 0	3 12 0	9 0 0
Elke kind	1 6	3 0	6 0	15 0	3 0	6 0	12 0	1 10 0	4 6	9 0	18 0	2 5 0	6 0	12 0	1 4 0	3 0 0

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No. 34, 1943.]

ACT

To enable persons (other than natives) enrolled upon the voters' lists of divisions in any province who are on whole-time war service during the present war to vote in the Union at any general election of members of the House of Assembly or of the provincial council of that province; and to extend in certain respects the application of the Active Service Voters Act, No. 37 of 1941.

(*Signed by the Officer Administering the Government in Afrikaans.*)
(*Assented to 28th April,* 1943.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. In this Act unless the context indicates otherwise—

"Electoral Act" means the Electoral Act, No. 12 of 1918, as amended;

"general election" means a general election of members of the House of Assembly or a general election of members of the provincial council of any province;

"prescribed" means prescribed by this Act;

"regulations" means the regulations framed under section *nine*;

"the proclamation" means the proclamation issued under sub-section (1) of section *thirty-six* of the Electoral Act;

"this Act" includes the regulations;

"unit" means any unit of a force or service referred to in paragraph (*a*) of the definition of "war service";

"war service" means—

(*a*) service with any force or service established by or under—

(i) the South Africa Defence Act, No. 13 of 1912, as amended; or

(ii) the proclamations and regulations validated by section *two* of the War Measures Act, No. 13 of 1940; or

(iii) any regulation made under section *one bis* of the latter Act, as inserted by section *one* of the War Measures (Amendment) Act, No. 32 of 1940; or

(*b*) service with any naval, military or air force or service of an ally of the Union.

Application of Act.

2. This Act shall not apply to the election of members of the House of Assembly under the provisions of the Representation of Natives Act, No. 12 of 1936.

Department of Defence to facilitate voting.

3. The Secretary for Defence shall cause arrangements to be made to enable the persons who are entitled to do so to vote in terms of this Act.

Voters on war service may vote as in this Act provided.

4. Notwithstanding anything to the contrary contained in any other law, any person on whole-time war service whose name appears in either section of the voters' list for any division in any province framed in accordance with the provisions of sub-section (1) of section *six* of the Census, Delimitation and Electoral Act, No. 23 of 1941, and who is in the Union, shall, if arrangements can be made in terms of section *three* to enable him to do so, be entitled to vote at a general election in accordance with the provisions of section *five*.

Method of voting.

5. (1) Immediately after the publication of the proclamation the officer commanding each unit in the Union shall transmit to the Chief Electoral Officer a nominal roll of all persons (other than natives) under his command, who are on whole-time war service and in the Union.

(2) A commanding officer may from time to time send supplementary nominal rolls in terms of sub-section (1).

(3) The Chief Electoral Officer shall examine each roll received by him under sub-section (1) or (2) and shall delete all names—

(i) which do not appear in the index in his office of voters who are entitled to vote at the election in question; or

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No. 34, 1943.]

WET

Om persone (behalwe naturelle) wat op die kieserslyste van afdelings in enige provinsie ingeskryf is en wat gedurende die huidige oorlog voltydse oorlogsdiens doen, in staat te stel om by 'n algemene verkiesing van lede van die Volksraad of van die provinsiale raad van daardie provinsie in die Unie te stem; en om in sekere opsigte die toepassing van die Wet op Kiesers in Aktiewe Diens, No. 37 van 1941, uit te brei.

(*Deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag in Afrikaans geteken.*)
(*Goedgekeur op* 28 *April* 1943.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken— Woordbepaling.

„Kieswet" die Kieswet, No. 12 van 1918, soos gewysig:

„algemene verkiesing" 'n algemene verkiesing van lede van die Volksraad of 'n algemene verkiesing van lede van die provinsiale raad van enige provinsie;

„voorgeskryf" deur hierdie Wet voorgeskryf;

„regulasies" die kragtens artikel *nege* uitgevaardigde regulasies;

„die proklamasie" die ingevolge sub-artikel (1) van artikel *ses-en-dertig* van die Kieswet uitgevaardigde proklamasie;

„hierdie Wet" ook die regulasies;

„eenheid" enige eenheid van 'n in paragraaf (*a*) van die woordbepaling van „oorlogsdiens" bedoelde mag of diens;

„oorlogsdiens"—

(*a*) diens by enige mag of diens ingestel deur of kragtens—

(i) die „Zuid Afrika Verdedigings Wet", No. 13 van 1912, soos gewysig; of

(ii) die proklamasies en regulasies wat deur artikel *twee* van die Wet op Oorlogsmaatreëls, No. 13 van 1940, bekragtig is; of

(iii) enige regulasie wat kragtens artikel *een bis* van laasgenoemde Wet, soos ingevoeg deur artikel *een* van die Oorlogsmaatreëlwysigingswet, No. 32 van 1940, uitgevaardig is; of

(*b*) diens by enige see-, militêre of lugmag of diens van 'n bondgenoot van die Unie.

2. Hierdie Wet is nie van toepassing op die verkiesing van lede van die Volksraad ingevolge die bepalings van die Naturelle-Verteenwoordigings-Wet, No. 12 van 1936, nie. Toepassing van Wet.

3. Die Sekretaris van Verdediging laat reëlings tref om daartoe geregtigde persone in staat te stel om hulle stemme ooreenkomstig die bepalings van hierdie Wet uit te bring. Departement van Verdediging vergemaklik stemming.

4. Ondanks andersluidende wetsbepalings is iemand wat binne die Unie en in voltydse oorlogsdiens is, en wie se naam voorkom op enigeen van die twee afdelings van die kieserslys vir enige afdeling in enige provinsie, opgestel ooreenkomstig sub-artikel (1) van artikel *ses* van die Sensus-, Afbakenings- en Kieswet, No. 23 van 1941, geregtig om by 'n algemene verkiesing sy stem ingevolge die bepalings van artikel *vyf* uit te bring, mits reëlings ingevolge artikel *drie* getref kan word om hom in staat te stel om sulks te doen. Kiesers in oorlogsdiens kan ingevolge hierdie Wet stem.

5. (1) Onmiddellik na afkondiging van die proklamasie stuur die bevelvoerende offisier van elke eenheid in die Unie aan die Hoofverkiesingsbeampte 'n naamlys deur van alle persone (behalwe naturelle) in sy kommandement wat in voltydse oorlogsdiens en binne die Unie is. Wyse waarop gestem word.

(2) 'n Bevelvoerende offisier kan van tyd tot tyd aanvullende naamlyste ingevolge sub-artikel (1) deurstuur.

(3) Die Hoofverkiesingsbeampte ondersoek elke ingevolge sub-artikel (1) of (2) deur hom ontvange lys, en haal alle name uit—

(i) wat nie in die in sy kantoor gehoue indeks voorkom nie van kiesers wat geregtig is om by die betrokke verkiesing te stem; of

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(ii) in respect of which he is unable to satisfy himself as to identity.

(4) The Chief Electoral Officer shall thereupon, in respect of each person whose name remains on such roll issue to the commanding officer concerned in an envelope addressed to the voter—

(i) a ballot paper for the division in which such person is registered as a voter;
(ii) a covering envelope; and
(iii) a ballot paper envelope

such as are referred to in paragraphs (*a*), (*c*) and (*d*) respectively of regulation (14) of the Second Schedule to the Electoral Act, 1918, Amendment Act, No. 11 of 1926.

(5) Upon receipt of the papers referred to in sub-section (4) the commanding officer or the next senior officer available of each unit shall, in the manner prescribed issue such papers and make arrangements for each voter secretly to record his vote and for the transmission of the ballot papers so as to reach the Chief Electoral Officer not later than 8 p.m. on polling day.

Rejection of votes.

6. The Chief Electoral Officer shall reject any vote transmitted to him in terms of sub-section (5) of section *five* unless it has been given in accordance with the provisions of this Act.

Results of poll to be telegraphed to returning officer.

7. When the result of the examination of ballot papers received by the Chief Electoral Officer has been ascertained, he shall without delay telegraph to the returning officer concerned, the number of votes to be added to the votes recorded for the candidates in the electoral division of which he is returning officer.

How expenditure to be defrayed.

8. The expenditure incurred by the Chief Electoral Officer in connection with the carrying out of the provisions of this Act shall be defrayed, in the case of an election of members of the House of Assembly, out of the Consolidated Revenue Fund, and in the case of an election of members of a provincial council, out of the provincial revenue fund of the province concerned.

Regulations.

9. The Governor-General may make regulations in regard to any of the following matters—

(*a*) the appointment of persons to carry out the provisions of this Act, and their powers and functions;
(*b*) the manner in which the identity of a voter shall be established;
(*c*) the method by which votes shall be given under this Act;
(*d*) the sorting of votes so given, the rejection of invalid votes and the acceptance of valid votes;
(*e*) the maintenance of secrecy of the voting in terms of this Act;
(*f*) the forms to be used in connection with any of the matters mentioned in this Act;
(*g*) the prohibition of acts or omissions which may interfere with the carrying out of the objects and purposes of this Act;
(*h*) penalties not exceeding those provided in the Electoral Act for any contravention of or failure to comply with the regulations made under this section, and the jurisdiction of courts to try any such contravention or failure and to impose any such penalty;
(*i*) generally for the better carrying out of any of the objects and purposes of this Act, the scope of this provision not being limited in any way by the mention in this section of particular matters.

Immaterial mistakes not to affect validity of election.

10. No election shall be set aside by any court by reason of any mistake or non-compliance with the provisions of this Act, if it appears to the court that the votes were recorded and dealt with in accordance with the principles laid down in this Act.

Application of Act 37 of 1941.

11. (1) In the application of the Active Service Voters Act, 1941—

(i) " defence forces " shall be deemed to include any naval, military or air force or service of an ally of the Union; and
(ii) any person contesting a seat at a general election as an independent candidate, whether connected with a political organization or not, shall be deemed to constitute a political party or group.

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(ii) ten opsigte waarvan hy hom nie omtrent identiteit tevrede kan stel nie.

(4) Daarop reik die Hoofverkiesingsbeampte aan die betrokke bevelvoerende offisier uit, ten opsigte van elke persoon wie se naam nog op die lys is, in 'n aan die kieser geadresseerde omslag sodanige—

(i) stembriefie vir die afdeling waarin bedoelde persoon as 'n kieser ingeskryf is;
(ii) omslag-envelop; en
(iii) stembriefie-envelop,

as wat onderskeidelik in paragrawe (*a*), (*c*) en (*d*) van regulasie (14) van die Tweede Bylae tot die „Kieswet, 1918, Wijzigings Wet", No. 11 van 1926, bedoel word.

(5) By ontvangs van die in sub-artikel (4) vermelde stukke reik die bevelvoerende offisier van elke eenheid of naasvolgende senior offisier wat beskikbaar is op die voorgeskrewe wyse daardie stukke uit en reël dat elke kieser sy stem in die geheim kan uitbring en dat die stembriefies weggestuur word sodat hulle die Hoofverkiesingsbeampte nie later bereik nie as 8 n.m. op stemdag.

Afkeuring van stemme.

6. Die Hoofverkiesingsbeampte moet 'n ingevolge sub-artikel (5) van artikel *vyf* aan hom versende stembriefie afkeur tensy dit ooreenkomstig die bepalings van hierdie Wet uitgebring is.

Uitslag van stemmery word aan kiesbeampte getelegrafeer.

7. Wanneer die uitslag van die ondersoeking vasgestel is van die deur die Hoofverkiesingsbeampte ontvange stembriefies, telegrafeer hy onverwyld aan die betrokke kiesbeampte die getal stemme wat bygetel moet word by die stemme ten gunste van die kandidate in die kiesafdeling waarvan hy kiesbeampte is.

Hoe onkoste bestry moet word.

8. Die onkoste deur die Hoofverkiesingsbeampte gemaak in verband met die uitvoering van die bepalings van hierdie Wet word, in die geval van 'n verkiesing van lede van die Volksraad, uit die Gekonsolideerde Inkomstefonds, en in die geval van 'n verkiesing van lede van 'n provinsiale raad, uit die provinsiale inkomstefonds van die betrokke provinsie bestry.

Regulasies.

9. Die Goewerneur-generaal kan regulasies met betrekking tot een of meer van die volgende aangeleenthede uitvaardig—

(*a*) die aanstelling van persone om die bepalings van hierdie Wet uit te voer, en hul bevoegdhede en werksaamhede;
(*b*) die wyse waarop die identiteit van 'n kieser vasgestel moet word;
(*c*) die wyse waarop stemme ingevolge hierdie Wet uitgebring moet word;
(*d*) die sortering van die stemme wat aldus uitgebring is, die afkeuring van ongeldige stemme en die aanname van geldige stemme;
(*e*) die bewaring van geheimhouding van die stemming ooreenkomstig hierdie Wet;
(*f*) die vorms wat gebruik moet word in verband met enigeen van die in hierdie Wet vermelde aangeleenthede;
(*g*) die verbod op enige handeling of versuim wat die uitvoering van die oogmerke en doeleindes van hierdie Wet mag belemmer;
(*h*) strawwe die in die Kieswet bepaalde strawwe nie te bowegaande nie, vir 'n oortreding van of versuim om te voldoen aan die ingevolge hierdie artikel uitgevaardigde regulasies, en die bevoegdheid van howe om 'n sodanige oortreding of versuim te bereg en 'n sodanige straf op te lê;
(*i*) oor die algemeen vir die beter bereiking van enigeen van die oogmerke en doeleindes van hierdie Wet, maar die omvang van hierdie bepaling word nie in enige opsig beperk deur die vermelding in hierdie artikel van bepaalde aangeleenthede nie.

Onbelangrike foute raak nie die geldigheid van 'n verkiesing nie.

10. Geen verkiesing word deur 'n hof nietig verklaar nie vanweë een of ander fout of nie-nakoming van die bepalings van hierdie Wet indien dit aan die hof blyk dat die stemme ooreenkomstig die beginsels in hierdie Wet neergelê, uitgebring en behandel is.

Toepassing van Wet 37 van 1941.

11. (1) By die toepassing van die Wet op Kiesers in Aktiewe Diens, 1941—

(i) word „verdedigingsmagte" geag in te sluit enige see-, militêre of lugmag of diens van 'n bondgenoot van die Unie;
(ii) word enige persoon wat 'n setel by 'n algemene verkiesing as 'n onafhanklike kandidaat bestry, geag 'n politieke party of groep uit te maak, onverskillig of hy in verbinding staan met 'n politieke organisasie al dan nie.

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(2) In the preparation of the ballot paper for the purposes of the said Act the Chief Electoral Officer shall include the names of all political parties or groups contesting the election in any one or more divisions and the independent candidates as if all such candidates formed one group: Provided that, in the event of similarity of names of parties or groups being in the opinion of the Chief Electoral Officer likely to cause confusion, or in the event of more than one candidate contesting the same seat under the name of the same party or group, or as independents, such officer shall use such description as he thinks fit in order to distinguish candidates.

(3) Any person who would have been entitled had he been out of the Union, to record his vote under the provisions of that Act, shall still be entitled to vote thereunder if he arrives in the Union before polling day but too late to vote under the provisions of this Act: Provided that he shall so record his vote that the ballot paper reaches the Chief Electoral Officer before 8 p.m. on polling day.

Short title.

12. This Act may be cited as the War Service Voters Act, 1943, and shall expire on the date fixed by the Governor-General in terms of section *seven* of the War Measures Act, No. 13 of 1940, as the date of expiry of that Act.

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(2) By die opstel van die stembriefie vir die doeleindes van bedoelde Wet sluit die Hoofverkiesingsbeampte die name in van alle politieke partye of groepe wat die verkiesing in een of meer afdelings bestry, en die onafhanklike kandidate asof hulle almal een groep uitmaak: Met dien verstande dat ingeval die name van partye of groepe so eners is dat, na mening van die Hoofverkiesingsbeampte verwarring waarskynlik veroorsaak sal word, of ingeval meer as een kandidaat dieselfde setel bestry, namens dieselfde party of groep of as onafhanklikes, bedoelde beampte sodanige beskrywing moet gebruik as wat hy dienstig ag om kandidate te onderskei.

(3) Iemand wat geregtig sou gewees het om ingevolge die bepalings van daardie Wet sy stem uit te bring as hy buite die Unie was, is geregtig om nog daarvolgens te stem indien hy voor die stemdag in die Unie aankom maar te laat om ingevolge die bepalings van hierdie Wet sy stem uit te bring: Met dien verstande dat hy so stem dat sy stembriefie die Hoofverkiesingsbeampte voor 8 n.m. op die stemdag bereik.

12. Hierdie Wet heet die Wet op Kiesers in Oorlogsdiens, 1943, en tree buite werking op die datum deur die Goewerneur-generaal bepaal ingevolge artikel *sewe* van die Wet op Oorlogsmaatreëls, No. 13 van 1940, as die datum van buitewerkingtreding van daardie Wet. Kort titel.

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No. 35, 1943.]

ACT

To make further provision with regard to the restrictions upon trading by Asiatics in the Province of the Transvaal and the occupation by them of land in that Province, and to impose restrictions with regard to the acquisition and occupation of land in the Province of Natal.

(*Signed by the Officer Administering the Government in English.*)
(*Assented to* 28*th April*, 1943.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. In this Act—

"Asiatic" has the meaning assigned to that expression by section *eleven* of the Asiatics (Land and Trading) Amendment Act (Transvaal), 1919 (Act No. 37 of 1919), and includes any Asiatic company as defined in the said section: Provided that for the purposes of this definition an interest which is held on behalf of or for the benefit of an Asiatic shall be deemed to be held by an Asiatic;

"European" includes a company which is not an Asiatic company in terms of the preceding definition;

fixed date" means, in relation to the municipal area of Durban, in the Province of Natal, the twenty-second day of March, 1943, and in relation to any other area in respect of which the provisions of section *six* apply, the date as from which the said provisions have by the relative proclamation under section *eight* been applied in respect of that area;

"Minister" means the Minister of the Interior or any other Minister of State to whom the Governor-General has assigned the administration of this Act or any other Minister of State acting on behalf of any such Minister; and

"premises" includes any room or apartment in any building.

Amendment of section 1 of Act 37 of 1919 as amended by section 6 of Act 35 of 1932, section 1 of Act 35 of 1935, section 7 of Act 30 of 1936, section 1 of Act 32 of 1937, section 1 of Act 28 of 1939, and section 1 of Act 28 of 1941.

2. Section *one* of the Asiatics (Land and Trading) Amendment Act (Transvaal), 1919, is hereby amended by the substitution in sub-section (5) for the words "the thirtieth day of April, 1943", of the words "a date to be fixed by the Governor-General by proclamation in the *Gazette*."

Amendment of section 2 of Act 28 of 1939 as amended by section 2 of Act 28 of 1941.

3. Section *two* of the Asiatics (Transvaal Land and Trading) Act, 1939, is hereby amended—

(*a*) by the deletion in sub-section (1) of the words "and before the first day of May, 1943"; and

(*b*) by the deletion in paragraph (*a*) of sub-section (2) and in sub-section (3) of the words "at any time before the first day of May, 1943".

Amendment of section 3 of Act 28 of 1939 as amended by section 2 of Act 28 of 1941.

4. Section *three* of the Asiatics (Transvaal Land and Trading) Act, 1939, is hereby amended by the deletion in sub-section (1) of the words "and before the first day of May, 1943".

Restriction on certain agreements relating to certain land in Natal.

5. (1) No European shall, except under the authority of a permit issued under section *seven*, enter into any agreement with an Asiatic in terms of which any party to the agreement acquires or purports to acquire—

(*a*) any land or premises in any area in respect of which the provisions of this section apply in terms of section *eight*; or

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No. 35, 1934.]

WET

Om verdere voorsiening te maak betreffende die beperkings op handeldryf deur Asiate in die provinsie Transvaal en okkupasie van grond deur hulle in daardie provinsie, en om beperkings op te lê met betrekking tot die verkryging en okkupasie van grond in die provinsie Natal.

(*Deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag in Engels geteken.*)
(*Goedgekeur op* 28 *April* 1943.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Woordbepalings.

1. In hierdie Wet—

het „Asiaat" die betekenis wat in artikel *elf* van die „Aziaten (Grond en Bezigheid) Wijzigingswet (Transvaal), 1919" (Wet No. 37 van 1919) daaraan geheg word, en sluit dit in 'n Asiatiese maatskappy soos in genoemde artikel omskryf: Met dien verstande dat by die toepassing van hierdie omskrywing 'n belang wat namens of ten voordeel van 'n Asiaat gehou word, geag word deur 'n Asiaat gehou te word;

beteken „Europeaan" ook 'n maatskappy wat nie volgens die voorgaande omskrywing 'n Asiatiese maatskappy is nie;

beteken „vasgestelde datum", met betrekking tot die munisipale gebied van Durban, in die provinsie Natal, die twee-en-twintigste dag van Maart 1943, en met betrekking tot enige ander gebied ten opsigte waarvan die bepalings van artikel *ses* van toepassing is, die datum vanaf welke genoemde bepalings by die toepaslike proklamasie kragtens artikel *agt* ten opsigte van daardie gebied toegepas is;

beteken „Minister" die Minister van Binnelandse Sake of 'n ander Staatsminister aan wie die Goewerneur-generaal die uitvoering van hierdie Wet opgedra het of 'n ander Staatsminister wat namens so 'n Minister optree; en

beteken „perseel" ook 'n kamer of vertrek in 'n gebou.

Wysiging van artikel 1 van Wet 37 van 1919, soos gewysig deur artikel 6 van Wet 35 van 1932, artikel 1 van Wet 35 van 1935, artikel 7 van Wet 30 van 1936, artikel 1 van Wet 32 van 1937, artikel 1 van Wet 28 van 1939, en artikel 1 van Wet 28 van 1941.

2. Artikel *een* van die „Aziaten (Grond en Bezigheid) Wijzigingswet (Transvaal), 1919", word hiermee gewysig deur in sub-artikel (5) die woorde „die dertigste dag van April 1943" te vervang deur die woorde „een datum door de Goeverneur-generaal by proklamatie in de *Staatskoerant* te worden vastgesteld,".

Wysiging van artikel 2 van Wet 28 van 1939, soos gewysig deur artikel 2 van Wet 28 van 1941.

3. Artikel *twee* van die Wet op Asiate (Grond en Besigheid in Transvaal), 1939, word hiermee gewysig—

(*a*) deur in sub-artikel (1) die woorde „en voor die eerste dag van Mei 1943" te skrap; en

(*b*) deur in paragraaf (*a*) van sub-artikel (2) en in sub-artikel (3) die woorde „te eniger tyd voor die eerste dag van Mei 1943" te skrap.

Wysiging van artikel 3 van Wet 28 van 1939, soos gewysig deur artikel 2 van Wet 28 van 1941.

4. Artikel *drie* van die Wet op Asiate (Grond en Besigheid in Transvaal), 1939, word hiermee gewysig deur in sub-artikel (1) die woorde „en voor die eerste dag van Mei 1943" te skrap.

Beperking op sekere ooreenkomste met betrekking tot sekere grond in Natal.

5. (1) Geen Europeaan mag, behalwe op gesag van 'n kragtens artikel *sewe* uitgereikte permit, met 'n Asiaat 'n ooreenkoms aangaan nie waarvolgens 'n party by die ooreenkoms—

(*a*) enige grond of perseel in 'n gebied ten opsigte waarvan die bepalings van hierdie artikel ooreenkomstig artikel *agt* van toepassing is; of

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(b) any right to occupy or to allow any other person to occupy any such land or premises for an indefinite period or for a period of ten years or longer or for a period which, together with any period or periods for which the holder of such right is entitled to renew the agreement, equals or exceeds a period of ten years; or

(c) any share in or debenture of any company which is the owner of any such land or premises or the holder of any such right,

and no Asiatic shall, except under the said authority, enter into any such agreement with a European.

(2) Any such agreement entered into after the commencement of this Act between a European and an Asiatic, otherwise than under the authority of such a permit, shall be null and void.

(3) Any such agreement relating to land or premises in the municipal area of Durban, in the Province of Natal, or to any share in or debenture of a company which is the owner of any such land or premises or the holder of any right referred to in paragraph (b) of sub-section (1) in respect of any such land or premises, entered into on or after the twenty-second day of March, 1943, and before the commencement of this Act, between a European and an Asiatic, shall be null and void, if such a permit is not granted in respect thereof within a period of three months after the said commencement.

(4) In this section any reference to a European or an Asiatic includes a reference to any person acting for the benefit of a European or Asiatic, as the case may be.

Restriction upon occupation of certain land in Natal.

6. (1) No European shall occupy and no person shall allow any European to occupy any land or premises in any area in respect of which the provisions of this section apply in terms of section *eight*, which was not on the fixed date occupied or deemed under sub-section (2) to have been occupied by a European, and no Asiatic shall occupy and no person shall allow any Asiatic to occupy any such land or premises which was not on the said date occupied or so deemed to have been occupied by an Asiatic, except under the authority of a permit issued under section *seven*.

(2) If after the fixed date any building is completed, erected or extended in any such area, or if at the fixed date any premises in any such area are unoccupied, the Minister shall, on the written application of the owner of such building or premises, by written notice to such owner, determine whether such building or such extended portion of any such building or such premises, as the case may be, shall for the purposes of sub-section (1) be deemed to have been occupied at the fixed date by a European or by an Asiatic.

(3) The provisions of sub-section (1) shall not render it unlawful for any person to occupy any premises as a *bona fide* guest in an hotel or to reside as an employee on any premises owned or occupied by his employer.

Permits.

7. (1) The Minister may, in his discretion, direct that a permit be issued, to be signed by an officer thereto appointed by him, authorizing any agreement referred to in section *five* or the occupation of or the granting of permission to occupy any land or premises in respect of which the provisions of section *six* apply.

(2) In exercising his powers under sub-section (1), the Minister may take into consideration the relative needs of Europeans and Asiatics in the area concerned, in regard to housing, the amenities of life and educational and recreational facilities, and any other matters which in his opinion are relevant to the question whether or not any permit applied for should be granted.

Areas in respect of which sections 5 and 6 apply.

8. (1) The provisions of sections *five* and *six* shall apply in respect of the municipal area of Durban, in the Province of Natal, and in respect of any other area in the said Province in respect of which they may be applied by the Governor-General by proclamation in the *Gazette*.

(2) The Governor-General may by proclamation in the *Gazette* declare that the provisions of sections *five* and *six* shall cease to apply in respect of the said municipal area, or in respect of any area in respect of which they have been applied under sub-section (1).

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(*b*) 'n reg om enige sodanige grond of perseel te okkupeer of om 'n ander persoon toe te laat om dit te okkupeer vir 'n onbepaalde tydperk of vir 'n tydperk van tien jaar of langer of vir 'n tydperk wat, tesame met enige tydperk of tydperke waarvoor die besitter van bedoelde reg geregtig is om die ooreenkoms te hernu, gelykstaan met of langer is dan 'n tydperk van tien jaar; of

(*c*) 'n aandeel in of obligasie van 'n maatskappy wat die eienaar is van enige sodanige grond of perseel of die besitter van enige sodanige reg,

verkry of heet te verkry, en geen Asiaat mag, behalwe op genoemde gesag, so 'n ooreenkoms met 'n Europeaan aangaan nie.

(2) Enige sodanige ooreenkoms wat na die inwerkingtreding van hierdie Wet, anders dan op gesag van so 'n permit, tussen 'n Europeaan en 'n Asiaat aangegaan is, is van nul en gener waarde.

(3) So 'n ooreenkoms met betrekking tot grond of 'n perseel in die munisipale gebied van Durban, in die provinsie Natal, of tot 'n aandeel in of obligasie van 'n maatskappy wat die eienaar is van enige sodanige grond of perseel of die besitter is van 'n in paragraaf (*b*) van sub-artikel (1) bedoelde reg ten opsigte van enige sodanige grond of perseel, wat op of na die twee-en-twintigste dag van Maart 1943 en voor die inwerkingtreding van hierdie Wet tussen 'n Europeaan en 'n Asiaat aangegaan is, is van nul en gener waarde as so 'n permit nie binne 'n tydperk van drie maande vanaf genoemde inwerkingtreding ten opsigte daarvan toegestaan word nie.

(4) 'n Verwysing in hierdie artikel na 'n Europeaan of 'n Asiaat is ook 'n verwysing na 'n persoon wat ten voordeel van 'n Europeaan of Asiaat, na gelang van die geval, optree.

Beperking op okkupasie van sekere grond in Natal.

6. (1) Geen Europeaan mag enige grond of perseel in 'n gebied ten opsigte waarvan die bepalings van hierdie artikel ooreenkomstig artikel *agt* van toepassing is, wat nie op die vasgestelde datum deur 'n Europeaan geokkupeer was of kragtens sub-artikel (2) geag word geokkupeer te gewees het nie, okkupeer nie, en niemand mag toelaat dat hy dit okkupeer nie, en geen Asiaat mag enige sodanige grond wat nie op genoemde datum deur 'n Asiaat geokkupeer was of aldus geag word geokkupeer te gewees het nie, okkupeer nie, en niemand mag toelaat dat hy dit okkupeer nie, dan alleen op gesag van 'n kragtens artikel *sewe* uitgereikte permit.

(2) Indien 'n gebou in so 'n gebied na die vasgestelde datum voltooi, opgerig of vergroot word, of indien 'n perseel in so 'n gebied op die vasgestelde datum nie geokkupeer is nie, dan moet die Minister, op skriftelike aansoek deur die eienaar van daardie gebou of perseel, by skriftelike kennisgewing aan daardie eienaar bepaal of die gebou of die vergrootte gedeelte van so 'n gebou of die perseel, na gelang van die geval, vir die doeleindes van sub-artikel (1) geag moet word op die vasgestelde datum deur 'n Europeaan of deur 'n Asiaat geokkupeer te gewees het.

(3) Die bepalings van sub-artikel (1) maak dit nie onwettig vir enige persoon om 'n perseel as *bona fide* gas in 'n hotel te okkupeer nie of om as werknemer te woon op 'n perseel wat die eiendom is van sy werkgewer of deur hom geokkupeer word nie.

Permitte.

7. (1) Die Minister kan na goeddunke die uitreiking van 'n permit gelas (onderteken te word deur 'n amptenaar wat hy daartoe aanstel) wat 'n in artikel *vyf* bedoelde ooreenkoms, of die okkupasie of die verlening van verlof tot okkupasie van enige grond of perseel ten opsigte waarvan die bepalings van artikel *ses* van toepassing is, magtig.

(2) By die uitoefening van sy bevoegdhede kragtens sub-artikel (1) kan die Minister die onderskeie behoeftes van Europeane en Asiate in die betrokke gebied, wat betref behuising, daaglikse geriewe en onderwys- en ontspanningsfasiliteite, in aanmerking neem, asook enige ander aangeleentheid wat na sy mening ter sake is by die vraag of 'n permit waarom aansoek gedoen is, al dan nie toegestaan behoort te word.

Gebiede ten opsigte waarvan artikels 5 en 6 van toepassing is.

8. (1) Die bepalings van artikels *vyf* en *ses* is van toepassing ten opsigte van die munisipale gebied van Durban in die provinsie Natal, en ten opsigte van enige ander gebied in genoemde provinsie ten opsigte waarvan hul deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* toegepas mag word.

(2) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* verklaar dat die bepalings van artikels *vyf* en *ses* ten opsigte van genoemde munisipale gebied of ten opsigte van enige ander gebied ten opsigte waarvan hul kragtens sub-artikel (1) toegepas is, buite werking tree.

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(3) The Governor-General shall not issue any proclamation under sub-section (1), unless a commission appointed by him has investigated the expediency of issuing such proclamation, and has made a report to him in regard thereto.

Penalties and ejectment orders.

9. (1) Any person who contravenes the provisions of sub-section (1) of section *five* or of sub-section (1) of section *six*, shall be guilty of an offence and liable to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment, and in the case of a continuing contravention, to a fine not exceeding five pounds for every day during which such contravention is continued.

(2) The court which has convicted any person of a contravention of sub-section (1) of section *six*, may make an order for the ejectment of the person convicted from the land or premises in respect of which the conviction took place.

Duration of sections 2 and 3 of Act 28 of 1939, as amended, and of sections 5 to 9 of this Act.

10. Sections *two* and *three* of the Asiatics (Transvaal Land and Trading) Act, 1939, and sections *five* to and including *nine* of this Act shall cease to have effect on the thirty-first day of March, 1946: Provided that the operation of any of the said sections may, after due enquiry and consideration, from time to time be extended by resolution of both Houses of Parliament for such period or periods as may be specified in such resolution.

Short title.

11. This Act shall be called the Trading and Occupation of Land (Transvaal and Natal) Restriction Act, 1943.

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(3) Die Goewerneur-generaal vaardig nie 'n proklamasie kragtens sub-artikel (1) uit nie, tensy 'n deur hom aangestelde kommissie ondersoek ingestel het of dit raadsaam is om die proklamasie uit te vaardig en aan hom in dié verband verslag gedoen het.

Strafbepaling en ontruimingsbevele.

9. (1) Iemand wat die bepalings van sub-artikel (1) van artikel *vyf* of van sub-artikel (1) van artikel *ses* oortree, is aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en gevangenisstraf, en in die geval van 'n voortdurende oortreding, met 'n boete van hoogstens vyf pond vir elke dag gedurende welke die oortreding voortduur.

(2) Die hof wat iemand weens 'n oortreding van sub-artikel (1) van artikel *ses* veroordeel het, kan 'n bevel uitreik wat gelas dat die veroordeelde uit die grond of perseel ten opsigte waarvan die veroordeling plaasgevind het, uitgesit word.

Duur van artikels 2 en 3 van Wet 28 van 1939, soos gewysig, en van artikels 5 tot en met 9 van hierdie Wet.

10. Artikels *twee* en *drie* van die Wet op Asiate (Grond en Besigheid in Transvaal), 1939, en artikels *vyf* tot en met *nege* van hierdie Wet, tree op die een-en-dertigste dag van Maart 1946 buite werking: Met dien verstande dat die geldigheid van enigeen van genoemde artikels, na behoorlike ondersoek en oorweging, van tyd tot tyd by besluit van albei Huise van die Parlement, vir die tydperk of tydperke in die besluit vermeld, verleng kan word.

Kort titel.

11. Hierdie Wet heet die Wet tot Beperking van Handel en Okkupasie van Grond (Transvaal en Natal), 1943.

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No. 36, 1943.]

ACT

To amend the laws relating to the Land and Agricultural Bank of South Africa.

(*Signed by the Officer Administering the Government in Afrikaans.*)
(*Assented to 28th April*, 1943.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 23 of Act 18 of 1912, as amended by section 20 of Act 36 of 1921, section 4 of Act 58 of 1934, section 4 of Act 24 of 1938, and section 5 of Act 12 of 1940.

1. Section *twenty-three* of the Land Bank Act, 1912 (which, as amended, is hereinafter referred to as the principal Act) is hereby amended by the substitution in sub-sections (2), (3) and (4) for the words " sixty per cent." of the word " two-thirds ".

Amendment of section 27 of Act 18 of 1912, as amended by section 20 of Act 36 of 1921.

2. Section *twenty-seven* of the principal Act is hereby amended—

(*a*) by the insertion in sub-section (1), after the word " shall ", of the words " subject to the provisions of sub-section (4)," ;
(*b*) by the addition at the end of sub-section (2) of the words " or by the board or a member thereof or by an adviser or officer of the bank." ; and
(*c*) by the addition at the end thereof, of the following sub-sections :

" (4) The board may, in lieu of transmitting any application to a magistrate under sub-section (1), transmit it to the officer in charge of any branch of the bank operating in the district referred to in the said sub-section, for a valuation of the security by a valuator appointed under this Act or by an adviser or officer of the bank.

(5) Any member of the board and any adviser or officer of the bank who values any such security shall for the purposes of sub-section (3) of section *forty-seven* be deemed to act as a valuator.".

Amendment of section 43 of Act 18 of 1912, as amended by section 2 of Act 36 of 1921 and section 9 of Act 40 of 1922.

3. Section *forty-three* of the principal Act is hereby amended by the insertion in sub-section (3) after the words " may be ", of the words " invested in Government or municipal stock or securities or in any other stock or securities approved by the board, or be ".

Amendment of section 3 of Act 36 of 1921, as amended by section 9 of Act 40 of 1922.

4. Section *three* of the Land Bank Act Further Amendment Act, 1921, is hereby amended by the deletion of the words " withdrawable at not less than one month's notice.".

Short title.

5. This Act shall be called the Land Bank Amendment Act, 1943.

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No. 36, 1943.]

WET

Tot wysiging van die wette op die Land- en Landboubank van Suid-Afrika.

(Deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag in Afrikaans geteken.)
(Goedgekeur op 28 April 1943.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Artikel *drie-en-twintig* van die Landbank Wet, 1912 (wat, soos gewysig, hieronder die Hoofwet genoem word) word hiermee gewysig deur in sub-artikels (2), (3) en (4) die woorde "zestig percent" deur die woorde "twee derden" te vervang.

Wysiging van artikel 23 van Wet 18 van 1912, soos gewysig deur artikel 20 van Wet 36 van 1921, artikel 4 van Wet 58 van 1934, artikel 4 van Wet 24 van 1938, en artikel 5 van Wet 12 van 1940.

2. Artikel *sewen-en-twintig* van die Hoofwet word hiermee gewysig—

Wysiging van artikel 27 van Wet 18 van 1912, soos gewysig deur artikel 20 van Wet 36 van 1921.

(*a*) deur in sub-artikel (1), na die woord „ moet " die woorde „ behoudens het bij sub-artikel (4) bepaalde ", in te voeg;

(*b*) deur aan die end van sub-artikel (2) die woorde „ of door de raad of een lid ervan of door een raadgever of beambte van de bank.", by te voeg; en

(*c*) deur aan die end daarvan die volgende sub-artikels by te voeg:

„ (4) De raad kan, in plaats van een aanvrage ingevolge sub-artikel (1) aan een magistraat te zenden, de aanvrage aan de beambte zenden die toezicht heeft over een tak van de bank die in het bij sub-artikel (1) bedoeld distrikt zaken doet, voor een waardering van de zekerheid door een krachtens deze Wet benoemde taksateur of door een raadgever of beambte van de bank.

(5) Een lid van de raad en een raadgever of beambte van de bank die bedoelde zekerheid waardeert, wordt bij de toepassing van sub-artikel (3) van artikel *zeven-en-veertig* geacht als taksateur op te treden."

3. Artikel *drie-en-veertig* van die Hoofwet word hiermee gewysig deur in sub-artikel (3) die woorde „ worden aangewend " te vervang deur die woorde „ in Staats- of municipale effekten of obligaties of in ander door de raad goedgekeurde effekten of obligaties belegd worden, of aangewend worden ".

Wysiging van artikel 43 van Wet 18 van 1912, soos gewysig deur artikel 2 van Wet 36 van 1921, en artikel 9 van Wet 40 van 1922.

4. Artikel *drie* van die „ Landbank Wet Verdere Wysigingswet, 1921 ", word hiermee gewysig deur die woorde „ opeisbaar na niet minder dan een maand kennisgeving ", te skrap.

Wysiging van artikel 3 van Wet 36 van 1921, soos gewysig deur artikel 9 van Wet 40 van 1922.

5. Hierdie Wet heet die Landbank-wysigingswet, 1943.

Kort titel.

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No. 38, 1943.]

ACT

To amend the Housing Act, 1920 (Act No. 35 of 1920) and the Additional Housing Act, 1937 (Act No. 41 of 1937) and to validate certain powers of attorney and mortgage bonds.

(*Signed by the Officer Administering the Government in Afrikaans.*)
(*Assented to 28th April*, 1943.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:

Amendment of section 3 of Act 35 of 1920.

1. Section *three* of the Housing Act, 1920 (which, as amended, is hereinafter referred to as the principal Act) is hereby amended by the substitution in sub-section (2) for the word " Treasury " where it occurs for the first time, of the word " Minister ".

Amendment of section 6 of Act 35 of 1920.

2. Section *six* of the principal Act is hereby amended by the addition of the following proviso to paragraph (*b*) of sub-section (4) thereof—

" Provided that the administrator may in any particular case, at the request of the local authority and on the recommendation of the central housing board, extend the period of twenty years mentioned in this paragraph by such further period as the said board shall determine."

Amendment of section 10 of Act 35 of 1920.

3. Section *ten* of the principal Act is hereby amended by the substitution in sub-section (1) for the words " into the Treasury " in both places where they occur, of the words " to the Minister ".

Amendment of section 14 of Act 35 of 1920.

4. Section *fourteen* of the principal Act is hereby amended by the substitution for the word " Treasury " in sub-section (1), of the word " Minister ".

Insertion of new section 19*bis* in Act 35 of 1920.

5. The principal Act is hereby amended by the insertion of the following new section after section *nineteen*—

" Delegation of certain functions, powers and duties to central housing board.

19*bis*. The Minister may, if he deems it expedient to do so, in writing authorize the central housing board to perform or carry out any function, power or duty vested in or imposed upon him by or under section *eleven* (but subject to the proviso to sub-section (1) of that section) and anything done by the said board under and within the scope of such authority shall be as valid and effective as if done by the Minister himself."

Amendment of section 21 of Act 35 of 1920.

6. Section *twenty-one* of the principal Act is hereby amended by the addition thereto of the following sub-section—

" (3) The powers conferred and the duties imposed upon a local authority by this Act shall be deemed to be such powers and duties as are referred to in section *eleven* of the Public Health Act, 1919 (Act No. 36 of 1919)."

Amendment of section 2 of Act 41 of 1937, as amended by section 25 of Act 27 of 1940.

7. Section *two* of the Additional Housing Act, 1937, is hereby amended—

(*a*) by the substitution in sub-section (3) for the words " The Treasury shall, at the request of the Minister," of the words " The Minister shall " ; and

(*b*) by the deletion in the said sub-section of the words " the Treasury on behalf of ".

Amendment of section 5 of Act 41 of 1937.

8. Section *five* of the Additional Housing Act, 1937, is hereby amended by the addition of the following new sub-sections at the end thereof—

" (5) Whenever for any good and sufficient reason the board considers it expedient to do so, it may approve of the substitution of any other person as mortgagor in place of the borrower under any mortgage bond passed to secure a building loan, provided the person so to be substituted as mortgagor, complies with the requirements of paragraph (*h*) of sub-section (1).

(6) Notwithstanding anything in sub-section (1) contained, the lending building society may, at any time after a building loan has been granted by it to an individual borrower (including any individual substituted as mortgagor in place of the borrower under sub-section (5) or deemed to have been so substituted), on good cause shown and subject to the approval of the board, extend the period for repayment of such loan, to a period in excess of twenty years."

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No. 38, 1943.]

WET

Tot wysiging van die Woningwet, 1920 (Wet No. 35 van 1920) en die Addisionele Woningwet, 1937 (Wet No. 41 van 1937), en om sekere prokurasies en verbande geldig te maak.

(*Deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag in Afrikaans geteken.*)
(*Goedgekeur op* 28 *April* 1943.)

DIT WORD BEPAAL deur sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Wysiging van artikel 3 van Wet 35 van 1920.

1. Artikel *drie* van die Woningwet, 1920 (wat, soos gewysig, hieronder die Hoofwet genoem word), word hierby gewysig deur die vervanging in sub-artikel (2) van die woord „Thesaurie" waar dit vir die eerste maal voorkom, deur die woord „Minister".

Wysiging van artikel 6 van Wet 35 van 1920.

2. Artikel *ses* van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling aan paragraaf (*b*) van sub-artikel (4) daarvan toe te voeg—

„Met dien verstande dat de administrateur in een bepaald geval op verzoek van de plaatselike autoriteit en op aanbeveling van de centrale woningraad het tijdperk van twintig jaren in deze paragraaf vermeld, verlengen kan met zulk verder tijdperk als genoemde raad bepaalt".

Wysiging van artikel 10 van Wet 35 van 1920.

3. Artikel *tien* van die Hoofwet word hierby gewysig deur die vervanging in sub-artikel (1) van die woord „Thesaurie", op albei plekke waar dit voorkom, deur die woord „Minister".

Wysiging van artikel 14 van Wet 35 van 1920.

4. Artikel *veertien* van die Hoofwet word hierby gewysig deur die vervanging van die woord „Thesaurie" in sub-artikel (1) deur die woord „Minister".

Invoeging van nuwe artikel 19*bis* in Wet 35 van 1920.

5. Die Hoofwet word hierby gewysig deur die invoeging van die volgende nuwe artikel na artikel *negentien*—

„Overdracht van zekere werkzaamheden, bevoegdheden en plichten aan centrale woningraad.

19*bis*. De Minister kan, indien hij het dienstig acht zulks te doen, de centrale woningraad schriftelik machtigen om een werkzaamheid, bevoegdheid of plicht hem bij of krachtens artikel *elf* verleend of opgedragen (doch met inachtneming van de voorbehoudsbepaling bij sub-artikel (1) van dat artikel) uit te oefenen of na te komen, en enig iets dat genoemde raad krachtens en binnen het bestek van zulke machtiging doet, is geldig en bindend alsof het door de Minister zelf gedaan is."

Wysiging van artikel 21 van Wet 35 van 1920.

6. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel daaraan toe te voeg—

„(3) De bevoegdheden verleend en de plichten opgedragen aan een plaatselike autoriteit bij deze Wet, worden geacht zulke bevoegdheden en plichten te zijn als die vermeld in artikel *elf* van de Volksgezondheidswet, 1919 (Wet No. 36 van 1919)."

Wysiging van artikel 2 van Wet 41 van 1937, soos gewysig deur artikel 25 van Wet 27 van 1940.

7. Artikel *twee* van die Addisionele Woningwet, 1937, word hierby gewysig—

(*a*) deur die vervanging in sub-artikel (3) van die woorde „Die Tesourie moet op versoek van die Minister" deur die woorde „Die Minister moet"; en

(*b*) deur die skrapping in genoemde sub-artikel van die woorde „die Tesourie namens".

Wysiging van artikel 5 van Wet 41 van 1937.

8. Artikel *vyf* van die Addisionele Woningwet, 1937, word hierby gewysig deur die toevoeging van die volgende nuwe sub-artikels aan die end daarvan—

„(5) Die raad kan, indien hy dit om afdoende redes dienstig ag, sy goedkeuring daaraan verleen dat iemand anders as verbandgewer in die plek van die geldopnemer gestel word luidens 'n verband gepasseer ter versekering van 'n boulening, mits so iemand wat die verbandgewer aldus vervang, aan die vereistes van paragraaf (*h*) van sub-artikel (1) voldoen.

(6) Ondanks die bepalings van sub-artikel (1), kan die voorskietende bouvereniging te eniger tyd nadat 'n boulening deur hom verstrek is aan 'n geldopnemer, synde 'n indiwidu, (met inbegrip van 'n indiwidu wat kragtens sub-artikel (5) as verbandgewer in die plek van die geldopnemer gestel is of wat geag word aldus in sy plek gestel te gewees het), mits grondige redes aangevoer word en onderworpe aan die raad se goedkeuring, die tydperk vir die terugbetaling van sodanige lening verleng tot 'n tydperk wat twintig jaar te bowe gaan."

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Validation of certain powers of attorney and bonds granted or passed in connection with building loans.

9. Any person who, before the commencement of this Act, was substituted as mortgagor in place of the borrower under any mortgage bond passed to secure a building loan granted under the Additional Housing Act, 1937 (Act No. 41 of 1937), shall be deemed to have been so substituted in terms of sub-section (5) of section *five* of the said Act, as inserted by this Act, and any power of attorney granted or mortgage bond passed by such a person before the commencement of this Act in connection with or in pursuance of his substitution in place of the borrower as aforesaid, shall be as valid and effectual as it would be if, at the time it was granted or passed, as the case may be, such person had been duly substituted in place of the borrower in terms of the said sub-section (5).

Short title.

10. This Act shall be called the Housing Acts Amendment Act, 1943.

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9. Iemand wat voor die inwerkingtreding van hierdie Wet as verbandgewer in die plek van die geldopnemer gestel is luidens 'n verband gepasseer ter versekering van 'n boulening kragtens die Addisionele Woningwet, 1937 (Wet No. 41 van 1937) verstrek, word geag aldus in die plek van die geldopnemer gestel te gewees het ingevolge sub-artikel (5) van artikel *vyf* van bedoelde Wet, soos deur hierdie Wet ingevoeg, en 'n prokurasie of verband deur so iemand verleen of gepasseer voor die inwerkingtreding van hierdie Wet in verband met of ingevolge sy vervanging van die geldopnemer soos voormeld, is ewe geldig en bindend as wat dit sou gewees het indien so iemand, toe dit verleen of gepasseer is, behoorlik ooreenkomstig genoemde sub-artikel (5) in die plek van die geldopnemer gestel was.

Geldigmaking van sekere prokurasies en verbande verleen of gepasseer in verband met boulenings.

10. Hierdie Wet heet die Wysigingswet op die Woningwette, 1943.

Kort titel.

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