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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1526. 1 Augustus 1980.

No. 1526. 1 August 1980.

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

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

No. 99 van 1980: Wysigingswet op Finansiële Instellings, 1980.

No. 99 of 1980: Financial Institutions Amendment Act, 1980.

GENERAL EXPLANATORY NOTE:

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

ACT

To amend the provisions of the Insurance Act, 1943, relating to definitions; to provide for the appointment of an advisory committee on short-term insurance; and for the registration of insurers for home service business; relating to the requirements as to the registration of new insurers; and to money or approved securities deposited with the Treasury; to abolish sinking fund business; relating to the power of the Registrar of Insurance to permit insurers to depart in certain circumstances from certain provisions of the said Act; and to the prohibition of certain practices or methods of conducting business; to prohibit certain conditional transactions; relating to unregistered former insurance concerns; to facilitate the amalgamation or transfer of insurance business in certain respects; relating to the amounts which may be paid out by an insurer upon the death of insured children under 14 years of age; and to funeral policies and industrial business; to amend the provisions of the Stock Exchanges Control Act, 1947, to provide for restrictions on the administration and custody of investments in listed securities on behalf of other persons; and to create further offences; to amend the provisions of the Unit Trusts Control Act, 1947, relating to the nature of the securities which may be included in unit portfolios; to provide for the amalgamation of unit trust schemes and portfolios and for the cession, transfer and take-over of the rights of holders of unit certificates; relating to the application of the Companies Act, 1973, to management companies; and to the application of the said Unit Trusts Control Act to South West Africa; to amend the provisions of the Pension Funds Act, 1956, relating to definitions; to the investments which may be held by registered pension funds; to the reduction, transfer and attachment of pension benefits; and to the disposition of benefits upon the death of a member of a pension fund; to amend the provisions of the Friendly Societies Act, 1956, relating to the amounts of the benefits which may be paid by a friendly society upon the death of insured children under 14 years of age; and to the investments which may be held by friendly societies; to amend the provisions of the Participation Bonds Act, 1964, relating to definitions; to amend the provisions of the Banks Act, 1965, relating to definitions; and to the minimum capital and reserves, reserve balances and liquid assets to be held by a banking institution; and to provide that minors above 16 years of age and all married women may be depositors with banking institutions and that they shall have certain other powers; to amend the provisions of the Building Societies Act, 1965, relating to definitions; to provide that building societies may also do business in connection with rights of

bankinstellings mag wees en sekere ander bevoegdhede het; tot wysiging van die bepalings van die Bouverenigingswet, 1965, betreffende woordskrywings; om voorsiening te maak dat bouverenigings ook in verband met regte van huurpag besigheid kan doen; betreffende die bevoegdheid van bouverenigings om aandele uit te gee; en die maandelikse opgawes deur bouverenigings; en om verdere voorsiening te maak in verband met die beperkings op die bedrae wat as voorskotte deur bouverenigings verleen mag word; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Julie 1980.)

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

Wysiging van artikel 1 van Wet 27 van 1943, soos gewysig deur artikel 2 van Wet 73 van 1951, artikel 39 van Wet 24 van 1956, artikel 50 van Wet 25 van 1956, artikel 1 van Wet 79 van 1959, artikel 1 van Wet 10 van 1965, artikel 1 van Wet 41 van 1966, artikel 1 van Wet 65 van 1968, artikel 1 van Wet 39 van 1969, artikel 1 van Wet 91 van 1972, artikel 1 van Wet 101 van 1976, artikel 1 van Wet 94 van 1977, artikel 1 van Wet 80 van 1978 en artikel 1 van Wet 103 van 1979.

1. Artikel 1 van die Versekeringswet, 1943, word hierby gewysig deur in subartikel (1)— 5
- (a) subparagraaf (ii) van paragraaf (a) van die omskrywing van „goedgekeurde herversekerings” deur die volgende subparagraaf te vervang: 5
- „(ii) in die geval van **[leuens- en amortisasiefonds-besigheid]** leuensbesigheid, enige herversekerings 10 wat voor die eerste dag van Januarie 1952 aange-gaar is en betrekking het op polisse voor daardie datum uitgereik, en ander herversekerings wat onder buitengewone omstandighede op versoek van die betrokke versekeraar spesiaal deur die registra- 15 teur goedgekeur is; en”;
- (b) die omskrywing van „begrafnispolis” deur die volgende omskrywing te vervang: 15
- „begrafnispolis’ beteken ’n polis, indien aansoek daar-om gedoen is voor die inwerkingtreding van die 20 Wysigingswet op Finansiële Instellings, 1980, waarby die versekeraar ’n verpligting aanvaar as teenprestasie vir ’n premie of die belofte van ’n premie om, by die dood van iemand, voordele te 25 verskaf waarby bedrae wat in die geheel hoogstens 25 vyfhonderd rand beloop, betrokke is en wat hoof-saaklik bestaan uit—
- (a) voorsiening vir die begrafnis van daardie persoon; of 30
- (b) die toestaan van ’n ander nie-geldelike voor- 30 deel aan iemand, afgesien daarvan of die polis voorsiening maak vir die betaling, na keuse van die versekeraar of iemand anders, van ’n som geld in plaas van die voorsiening van bedoelde begrafnis of die toestaan 35 van bedoelde ander nie-geldelike voordeel, en afgesien daarvan of dit voorsiening maak vir die betaling van ’n som geld benewens die voorsiening van bedoelde begrafnis of die toestaan van bedoelde ander nie-geldelike voordeel;” 40
- (c) die volgende omskrywings na die omskrywing van „garansiepolis” in te voeg: 40
- „tuisdiensbesigheid’ beteken die besigheid om die verpligtings van ’n versekeraar kragtens tuisdiens- 45 polisse te aanvaar; „tuisdienspolis’ beteken ’n polis, indien dit uitge-reik is na die inwerkingtreding van die Wysigings-wet op Finansiële Instellings, 1980, waarby die versekeraar so ’n verpligting aanvaar as wat beskrywe word in die omskrywing van „leuens- 50 polis’ wat, voordat enige voordeel beoog in artikel 36 saamgelees met artikel 59 of enige bonus in berekening gebring word, nie in waarde die bedrag van duisend rand op enige lewe wat kragtens die

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leasehold; relating to the power of building societies to issue shares; and to the monthly returns by building societies; and to make further provision in connection with the restrictions on the amounts which may be made as advances by building societies; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 1 July 1980.)*

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

1. Subsection (1) of section 1 of the Insurance Act, 1943, is 5 hereby amended—
- (a) by the substitution for subparagraph (ii) of paragraph (a) of the definition of “approved reinsurances” of the following subparagraph:
- 10 “(ii) in the case of life **[and sinking fund]** business, any reinsurances effected prior to the first day of January, 1952, and relating to policies issued before that date, and any other reinsurances specially approved by the registrar in exceptional circumstances at the request of the insurer concerned; and”;
- 15 (b) by the substitution for the definition of “funeral policy” of the following definition:
- 20 “‘funeral policy’ means a policy, if application therefor was made before the commencement of the Financial Institutions Amendment Act, 1980, whereby the insurer assumes an obligation, in return for a premium or the promise of a premium, to provide, on the death of any person, benefits which involve amounts not exceeding in the aggregate five hundred rand and which consist principally of—
- 25 (a) provision for the funeral of that person; or
(b) the grant of some other non-monetary benefit to any person,
- 30 whether or not the policy provides for the payment, at the option of the insurer or any other person, of a sum of money in lieu of the provision of such funeral or the grant of such other non-monetary benefit, and whether or not it provides for the payment of a sum of money in addition to the provision of such funeral or the grant of such other non-monetary benefit;”;
- 35 (c) by the insertion after the definition of “guarantee policy” of the following definitions:
- 40 “‘home service business’ means the business of assuming the obligations of an insurer under home service policies;
- 45 ‘home service policy’ means a policy, if issued after the commencement of the Financial Institutions Amendment Act, 1980, whereby the insurer assumes such an obligation as is described in the definition of ‘life policy’ which, before any benefit contemplated in section 36 read with section 59 or any bonus is taken into account, does not exceed in value the sum of one thousand rand on any life

Amendment of section 1 of Act 27 of 1943, as amended by section 2 of Act 73 of 1951, section 39 of Act 24 of 1956, section 50 of Act 25 of 1956, section 1 of Act 79 of 1959, section 1 of Act 10 of 1965, section 1 of Act 41 of 1966, section 1 of Act 65 of 1968, section 1 of Act 39 of 1969, section 1 of Act 91 of 1972, section 1 of Act 101 of 1976, section 1 of Act 94 of 1977, section 1 of Act 80 of 1978 and section 1 of Act 103 of 1979.

- polis verseker is, te bowe gaan nie, ongeag of die versekeraar kragtens die polis onderneem 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;";
- (d) die omskrywing van „nywerheidspolis” deur die volgende omskrywing te vervang:
„nywerheidspolis” beteken—
- (a) 'n ander polis as 'n begrafnispolis, indien aansoek daarom gedoen is voor die inwerking-treding van die Wysigingswet op Finansiële Instellings, 1980, 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 duisend rand 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: Met dien verstande dat die eienaar van die polis en die versekeraar na die inwerking-treding van die Wysigingswet op Finansiële Instellings, 1980, op 'n ander wyse van betaling van die premies kan ooreenkom;
- (b) ook 'n opbetaalde polis wat na bedoelde inwerking-treding ingevolge artikel 62 (2) in die plek van 'n polis bedoel in artikel 62 (2) (b) uitgereik is;”;
- (e) die omskrywing van „lewenspolis” deur die volgende omskrywing te vervang:
„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—
- (aa) enige versekeringsooreenkoms wat gebruiklikerwys as 'n lewensversekeringsooreenkoms beskou word; en
- (bb) enige polis wat nie in waarde die bedrag van duisend rand op enige lewe wat kragtens die polis verseker is, te bowe gaan nie mits dit nie onder die naam „tuisdienspolis” uitgereik is nie of die versekeraar nie ingevolge die polis onderneem 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 nie;
- en by die toepassing van hierdie Wet word 'n lewenspolis of die versekeraar onder 'n lewenspolis

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- insured under the policy, irrespective of whether the insurer has undertaken under the policy 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;";
- 5 (d) by the substitution for the definition of "industrial policy" of the following definition:
 "industrial policy"—
- 10 (a) means a policy (other than a funeral policy), if application therefor was made before the commencement of the Financial Institutions Amendment Act, 1980, 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 thousand rand, 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 the owner of the policy and the insurer may expressly agree, after the said commencement, on another manner of payment of the premiums;
- 15 (b) includes a paid-up policy issued, after the said commencement, in terms of section 62 (2) in the place of a policy referred to in section 62 (2) (b);";
- 20 (e) by the substitution for the definition of "life policy" of the following definition:
 "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—
- 25 (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
- 30 (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—
- 35 (i) until the occurrence of the death of a particular person; or
- (ii) during the specified period or until the occurrence of the death of a particular person before the expiration of that period;
- 40 and the expression 'life policy' includes—
- 45 (aa) any contract of insurance which is customarily regarded as a life insurance contract; and
- (bb) any policy which does not exceed in value the sum of one thousand rand on any life insured under the policy provided that it shall not be issued under the name 'home service policy' or that the insurer has not undertaken under the policy 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;
- 50 and a life policy or the insurer under a life policy shall, for the purposes of this Act, be deemed to
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geag die lewe te verseker van die persoon van wie se dood of van die voortdoring 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 nie;”;

- (f) die omskrywing van „langtermyn-versekeringsbesigheid” deur die volgende omskrywing te vervang: „langtermyn-versekeringsbesigheid” beteken lewensbesigheid, nywerheidsbesigheid, begrafnisbesigheid of **amortisasiefondsbesigheid** tuisdiensbesigheid;”;
- (g) die omskrywing van „polis” deur die volgende omskrywing te vervang: „„polis” beteken enige geldige versekeringsooreenkom, ongeag die vorm waarin die regte en pligte van die partye by die ooreenkom uitgedruk of tot stand gebring word, en ook **[(a) ’n amortisasiepolis; en (b) enige statutêre vorm van verband, garansie of onderneming waarby ’n versekeraar ’n verpligting aanvaar as borg vir die nakoming van die skulde of ander verpligtings van enige persoon teen betaling van ’n som of somme geld of ’n belofte om dit te betaal] ’n garansiepolis**;”;
- (h) die omskrywings van „amortisasiefondsbesigheid” en „amortisasiepolis” te skrap.

Invoeging van artikel 2B in Wet 27 van 1943.

2. Die volgende artikel word hierby in die Versekeringswet, 1943, na artikel 2A ingevoeg:

„Advieskomitee oor korttermyn-versekeringswese.

2B. (1) (a) Die Minister stel ’n advieskomitee oor aangeleenthede betreffende korttermynversekeringswese aan, wat bestaan uit die registrateur as voorsitter en die ander lede wat die Minister van tyd tot tyd bepaal.

(b) ’n Lid van die advieskomitee beklee sy amp vir die tydperk wat die Minister bepaal en kan by verstryking van sy ampstermyn heraangestel word.

(2) By die toepassing van hierdie artikel is die bepalinge van artikel 2A (2) tot en met (6) mutatis mutandis van toepassing.”.

Invoeging van artikel 3quin in Wet 27 van 1943.

3. Die volgende artikel word hierby in die Versekeringswet, 1943, na artikel 3quat ingevoeg:

„Registrasie van sekere persone as versekeraars vir tuisdiensbesigheid.

3quin. Indien iemand op die datum van die inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1980, geregistreer is as ’n versekeraar wat gemagtig is om begrafnis- of nywerheidsbesigheid of begrafnis- en nywerheidsbesigheid te dryf en kragtens ’n begrafnis- of nywerheidspolis aanspreeklik is, registreer die registrateur so iemand op daardie datum kosteloos as ’n versekeraar wat gemagtig is om tuisdiensbesigheid te dryf, en reik hy aan so iemand ’n registrasiesertifikaat in daardie verband uit.”.

Wysiging van artikel 4 van Wet 27 van 1943, soos gewysig deur artikel 1 van Wet 19 van 1945,

4. Artikel 4 van die Versekeringswet, 1943, word hierby gewysig—

- (a) deur in paragraaf (c) van subartikel (3)*bis* die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

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- 5 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;";
- 10 (f) by the substitution for the definition of "long-term insurance business" of the following definition: "long-term insurance business' means any life business, industrial business, funeral business or **[sinking fund] home service** business;";
- 15 (g) by the substitution for the definition of "policy" of the following definition: "policy' means any valid insurance contract, whatever may be the form in which the rights and obligations of the parties to the contract are expressed or created, and includes **[(a) a sinking fund policy; and (b) any statutory form of bond, guarantee or undertaking in terms of which an insurer assumes an obligation as surety for the discharge of the debts or other obligations of any person in return for the payment or the promise of the payment of a sum or sums of money] a guarantee policy;**";
- 20 (h) by the deletion of the definitions of "sinking fund business" and "sinking fund policy".
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2. The following section is hereby inserted in the Insurance Act, 1943, after section 2A:

Insertion of section 2B in Act 27 of 1943.

- 35 "Advisory committee on short-term insurance. **2B.(1) (a) The Minister shall appoint an advisory committee on matters relating to short-term insurance, consisting of the registrar as chairman and such other members as the Minister may from time to time determine.**
- 40 (b) A member of the advisory committee shall hold office for such period as the Minister may determine and shall be eligible for reappointment upon the expiration of his period of office.
- (2) For the purposes of this section the provisions of section 2A (2) to (6), both inclusive, shall apply mutatis mutandis."

45 3. The following section is hereby inserted in the Insurance Act, 1943, after section 3quat:

Insertion of section 3quin in Act 27 of 1943.

- 50 "Registration of certain persons as insurers for home service business. **3quin. If any person on the date of commencement of the Financial Institutions Amendment Act, 1980, is registered as an insurer authorized to carry on funeral or industrial business or funeral and industrial business and is liable under a funeral or industrial policy, the registrar shall on such date register such person free of charge as an insurer authorized to carry on home service business, and shall issue in that regard a certificate to such person.**"
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4. Section 4 of the Insurance Act, 1943, is hereby amended—
(a) by the substitution in paragraph (c) of subsection (3)bis for the words preceding subparagraph (i) of the following words:

Amendment of section 4 of Act 27 of 1943, as amended by section 1 of Act 19 of 1945,

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artikel 3 van
Wet 73 van 1951,
artikel 4 van
Wet 79 van 1959,
artikel 10 van
Wet 64 van 1960,
artikel 3 van
Wet 10 van 1965,
artikel 2 van
Wet 39 van 1969,
artikel 3 van
Wet 101 van 1976
en artikel 2 van
Wet 103 van 1979.

- „as 'n versekeraar wat gemagtig is om **enige ander soort langtermyn-versekeringsbesigheid as begrafnisbesigheid** lewensbesigheid te dryf, tensy hy die registrateur oortuig het—”;
- (b) deur paragraaf (d) van subartikel (3) *bis* deur die volgende paragraaf te vervang:
- „(d) as 'n versekeraar wat gemagtig is om **begrafnisbesigheid** tuisdiensbesigheid te dryf, tensy hy die registrateur oortuig het—
- (i) dat hy geld of goedgekeurde effekte of geld en goedgekeurde effekte met 'n totale waarde van minstens twintigduisend rand by die Tesourie gedeponeer het; of
- (ii) dat hy al sy verbintnisse kragtens nog lopende polisse ten opsigte van bedoelde besigheid uitgereik, by 'n geregistreerde versekeraar ten volle sal herverseker en geen verdere polisse, behalwe opbetaalde polisse kragtens artikel 62 (2), ten opsigte van daardie besigheid sal uitreik nie;”.

Wysiging van
artikel 6 van
Wet 27 van 1943,
soos vervang deur
artikel 6 van
Wet 10 van 1965
en gewysig deur
artikel 4 van
Wet 39 van 1969.

5. Artikel 6 van die Versekeringswet, 1943, word hierby gewysig—

- (a) deur die volgende subartikel na subartikel (2) in te voeg:
- „(2A) Enige geld of goedgekeurde effekte wat by die Tesourie gedeponeer is deur 'n versekeraar wat kragtens artikel 3 *quin* geregistreer is as 'n versekeraar wat gemagtig is om tuisdiensbesigheid te dryf, word geag gedeponeer te wees ten opsigte van tuisdiensbesigheid en die ander langtermyn-versekeringsbesigheid wat deur daardie versekeraar by die inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1980, gedryf was.”;
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- „(3) By die uitvaardiging van 'n bevel deur die hof dat die langtermyn-versekeringsbesigheid van 'n versekeraar in sy geheel of ten opsigte van enige soort daarvan gelikwieder moet word, word enige geld of effekte wat kragtens hierdie artikel of artikel 4 by die Tesourie gedeponeer is, aan die likwidateur wat die besigheid likwieder, beskikbaar gestel vir verdeling onder eienaars van lewenspolisse, nywerheidspolisse, begrafnispolisse en **amortisasiefondspolisse** tuisdienspolisse waarvolgens die versekeraar aanspreeklik is ten opsigte van die besigheid waarop die bevel betrekking het en wat uitgereik is in verband met die langtermynversekeringsbesigheid wat die versekeraar gedryf het op of voor die datum waarop die bevel uitgevaardig word.”.

Wysiging van
artikel 11 van
Wet 27 van 1943,
soos vervang deur
artikel 9 van
Wet 73 van 1951
en gewysig deur
artikel 8 van
Wet 10 van 1965
en artikel 3 van
Wet 103 van 1979.

6. Artikel 11 van die Versekeringswet, 1943, word hierby gewysig—

- (a) deur die voorbehoudsbepaling by subartikel (1) deur die volgende voorbehoudsbepaling te vervang:
- „Met dien verstande dat 'n wins- en verliesrekening nie vereis word nie in die geval van 'n maatskappy of vereniging wat geen aandeelkapitaal het nie, of van 'n versekeraar wat, hetsy in of buite die Republiek, geen ander besigheid as versekeringsbesigheid en slegs een soort versekeringsbesigheid **of slegs lewensbesigheid en amortisasiefondsbesigheid** dryf nie.”;
- (b) deur subartikel (6) deur die volgende subartikel te vervang:
- „(6) Op aansoek van 'n eienaar van 'n binnelandse polis uit kragte waarvan 'n geregistreerde versekeraar aanspreeklik is, en wat 'n lewenspolis, nywerheidspolis, begrafnispolis of **amortisasiepolis** tuisdienspolis is,

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5 “as an insurer authorized to carry on **any class of long term insurance business other than funeral business** life business, unless he has satisfied the registrar—”;

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

 “(d) as an insurer authorized to carry on **funeral** home service business unless he has satisfied the registrar—

 (i) that he has deposited with the Treasury money or approved securities or money and approved securities having an aggregate value of not less than twenty thousand rand; or

 (ii) that he will fully reinsure with a registered insurer all his liabilities under unmatured policies issued in respect of such business and will not issue any further policies, except paid-up policies in terms of section 62 (2), in respect of such business;”.

section 3 of Act 73 of 1951, section 4 of Act 79 of 1959, section 10 of Act 64 of 1960, section 3 of Act 10 of 1965, section 2 of Act 39 of 1969, section 3 of Act 101 of 1976 and section 2 of Act 103 of 1979.

20 5. Section 6 of the Insurance Act, 1943, is hereby amended—

(a) by the insertion after subsection (2) of the following subsection:

 “(2A) Any money or approved securities deposited with the Treasury by an insurer registered in terms of section 3quin as an insurer authorized to carry on home service business, shall be deemed to be deposited in respect of home service business and such other long-term insurance business as was carried on by the insurer at the commencement of the Financial Institutions Amendment Act, 1980.”;

Amendment of section 6 of Act 27 of 1943, as substituted by section 6 of Act 10 of 1965 and amended by section 4 of Act 39 of 1969.

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

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

6. Section 11 of the Insurance Act, 1943, is hereby amended—

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

 “Provided that a profit and loss account shall not be required to be furnished by a company or association which has no share capital, or by an insurer who carries on, either within or outside the Republic, no business other than insurance business and only one class of insurance business **for only life business and sinking fund business.**”;

Amendment of section 11 of Act 27 of 1943, as substituted by section 9 of Act 73 of 1951 and amended by section 8 of Act 10 of 1965 and section 3 of Act 103 of 1979.

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

 “(6) On the application of any owner of a domestic policy which is a life policy, industrial policy, funeral policy or **sinking fund** home service policy, under

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moet die versekeraar 'n kopie van die jongste inkomste-rekening, wins- en verliesrekening of balansstaat ingevolge subartikel (1) deur die versekeraar opgemaak, gratis aan die applikant verstrek."

Wysiging van artikel 18bis van Wet 27 van 1943, soos vervang deur artikel 4 van Wet 91 van 1972 en gewysig deur artikel 8 van Wet 101 van 1976, artikel 5 van Wet 94 van 1977 en artikel 6 van Wet 103 van 1979.

7. Artikel 18bis van die Versekeringswet, 1943, word hierby 5 gewysig deur die volgende subartikel by te voeg:

„(4) Die registrateur moet op aansoek van 'n versekeraar wat aanspreeklik is kragtens polisse waarkragtens die omvang van die voordele met verwysing na die waarde van bepaalde bates bereken word, daardie versekeraar toelaat om 10 in die mate en behoudens die voorwaardes wat die registrateur bepaal, af te wyk van die bepalings van artikel 17 (2) of 18 (2), al na die geval, indien die registrateur oortuig is dat die waarde van daardie bates, met die uitsondering van bates van die soort bedoel in Deel I van die Derde Bylae, 15 aansienlik toeneem het terwyl daardie versekeraar hulle besit het."

Wysiging van artikel 23B van Wet 27 van 1943, soos ingevoeg deur artikel 9 van Wet 103 van 1979.

8. Artikel 23B van die Versekeringswet, 1943, word hierby 20 gewysig deur die voorbehoudsbepaling by subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat die Minister nie sy toestemming vir sodanige verklaring gee nie tensy—

(a) die registrateur minstens dertig dae voordat sodanige toestemming gegee word, in die *Staatskoerant* kennis gegee het van sy voorneme om sodanige verklaring te 25 doen en in sodanige kennisgewing alle belanghebbende persone uitgenooi het om binne een-en-twintig dae vanaf sodanige kennisgewing skriftelike verhoë aangaande die voorgename verklaring tot hom te rig; **[en]**

(b) indien sodanige verklaring van toepassing is op 'n 30 versekeraar wat kragtens hierdie Wet geregistreer is om begrafnis-, nywerheids-, lewens- of **[amortisasie-fondsbesigheid]** tuisdiensbesigheid te dryf of op 'n persoon wat dienste lewer tot die aangaan, instandhouding of versorging van begrafnis-, nywerheids-, lewens- 35 of **[amortisasiefondspolisse]** tuisdienspolisse wat onderskryt is deur 'n geregistreerde versekeraar, die registrateur die advieskomitee wat kragtens artikel 2A aangestel is, daarvoor geraadpleeg het; en

(c) indien sodanige verklaring van toepassing is op 'n 40 versekeraar wat kragtens hierdie Wet geregistreer is om brand-, garansie-, see-, gemengde, motor- of persoonlike ongevallebesigheid te dryf of op 'n persoon wat dienste lewer tot die aangaan, instandhouding of versorging van 45 brand-, garansie-, see-, gemengde, motor- of persoonlike ongevallepolisse wat onderskryf is deur 'n geregistreerde versekeraar, die registrateur die advieskomitee wat kragtens artikel 2B aangestel is, daarvoor geraadpleeg het."

Invoeging van artikel 23C in Wet 27 van 1943.

9. Die volgende artikel word hierby in die Versekeringswet, 50 1943, na artikel 23B ingevoeg:

„Verbod op sekere voorwaarde-like transaksies.

23C. (1) Niemand mag aan 'n persoon (in hierdie artikel die skuldenaar genoem) geld leen of aanbied om geld te leen of 'n diens lewer of aanbied om 'n diens te lewer of goedere verhuur of aanbied om 55 goedere te verhuur of krediet verleen of aanbied om krediet te verleen of 'n geldlening of die lewering van 'n diens of die huur van goedere of die verlening van krediet in stand hou of aanbied om dit in stand te hou op voorwaarde dat 'n persoon, ongeag of hy die 60 skuldenaar is, 'n polis (behalwe 'n versekeringskontrak wat herverseker is of gaan word op die wyse bedoel in artikel 2 van die Uitvoerkrediet-herversekeringswet, 1957 (Wet No. 78 van 1957)) uitneem of hernieu, verander of opsê nie tensy—

(a) waar dit ter beveiliging van die betrokke skuld of 'n ander verpligting wat uit die betrokke transak-

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which a registered insurer is liable, the insurer 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 subsection (1).”.

5 7. Section 18bis of the Insurance Act, 1943, is hereby amended by the addition of the following subsection:

Amendment of section 18bis of Act 27 of 1943, as substituted by section 4 of Act 91 of 1972 and amended by section 8 of Act 101 of 1976, section 5 of Act 94 of 1977 and section 6 of Act 103 of 1979.

10 “(4) The registrar, on the application of an insurer liable under policies under which the extent of the benefits is to be calculated with reference to the value of specified assets, shall permit, to such extent and subject to such conditions as he may determine, such insurer to depart from the provisions of subsection 17 (2) or 18 (2), as the case may be, if the registrar is satisfied that the value of such assets, excluding assets of the kinds referred to in Part I of the Third Schedule, has increased substantially while being held by such insurer.”.

8. Section 23B of the Insurance Act, 1943, is hereby amended by the substitution for the proviso to subsection (1) of the following proviso:

Amendment of section 23B of Act 27 of 1943, as inserted by section 9 of Act 103 of 1979.

20 “Provided that the Minister shall not give his consent for such declaration unless—

(a) the registrar has given notice in the *Gazette* of his intention to make such declaration at least thirty days before such consent is given and has invited in such notice all interested persons to make representations in writing to him within twenty-one days of such notice regarding the intended declaration; **[and]**

25 (b) if such declaration applies to an insurer who is registered under this Act to carry on funeral, industrial, life or **[sinking fund]** home service business or to a person who renders services towards effecting, maintaining or servicing funeral, industrial, life or **[sinking fund]** home service policies underwritten by a registered insurer, the registrar has consulted the advisory committee appointed in terms of section 2A, about it; and

30 (c) if such declaration applies to an insurer who is registered under this Act to carry on fire, guarantee, marine, miscellaneous, motor or personal accident business or to a person who renders services towards effecting, maintaining or servicing fire, guarantee, marine, miscellaneous, motor or personal accident policies underwritten by a registered insurer, the registrar has consulted the advisory committee appointed in terms of section 2B, about it.”.

9. The following section is hereby inserted in the Insurance Act, 1943, after section 23B:

Insertion of section 23C in Act 27 of 1943.

50 **23C. (1)** No person shall lend or offer to lend money or render or offer to render any service or lease or offer to lease goods or grant or offer to grant credit to any person (hereinafter in this section referred to as the debtor) or maintain or offer to maintain any loan of money or the rendering of any service or the lease of any goods or the granting of credit on condition that any person, irrespective of whether he is the debtor, shall take out or renew, vary or cancel any policy (other than a contract of insurance which is reinsured or is to be reinsured in the manner contemplated in section 2 of the Export Credit Reinsurance Act, 1957 (Act No. 78 of 1957)) unless—

60 (a) where for the purposes of securing the debt in question or any other obligation arising from the

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sie voortspruit, redelik is om te vereis dat die betrokke persoon, met inagneming van—

- (i) die kredietwaardigheid van die skuldenaar;
- (ii) enige ander sekuriteit wat deur die skuldenaar verstrekk of aangebied is; en
- (iii) enige ander tersaaklike oorwegings,

'n polis van die aard en bedrag van die betrokke polis uitneem, hernieu, verander of opsê; en

(b) waar vereis word dat 'n nuwe polis uitgeneem word—

- (i) hy die skuldenaar in kennis stel dat hy 'n vrye keuse het ten opsigte van die versekeraar by en die tussenganger deur wie die polis uitgeneem word; of
- (ii) om onroerende goed te verseker wat verhipotekeer word of moet word om 'n skuld of ander verpligting te beveilig, die premies wat kragtens die polis betaalbaar is, redelik is in verhouding tot premies wat in die algemeen ten opsigte van so 'n polis gehef word: Met dien verstande dat 'n sertifikaat van die registrateur waarin hy verklaar dat na sy mening die betrokke premies redelik is, by die toepassing van hierdie subparagraaf voldoende bewys is dat daardie premies redelik is.

(2) Indien iemand anders as die skuldenaar 'n polis uitgeneem het waarop die bepalings van subartikel (1) van toepassing is, verstrekk hy 'n afskrif daarvan aan die skuldenaar binne veertien dae nadat die skuldenaar hom skriftelik daarom versoek het.''

Wysiging van artikel 24 van Wet 27 van 1943, soos gewysig deur artikel 4 van Wet 19 van 1945, artikel 21 van Wet 73 van 1951 en artikel 19 van Wet 10 van 1965.

10. Artikel 24 van die Versekeringswet, 1943, word hierby gewysig deur subartikel (7) deur die volgende subartikel te vervang:

„(7) Die bepalings van subartikel (6) is nie van toepassing 35
[(a) op 'n voormalige versekeraar ten opsigte van amortisasiefondsbesigheid, wat 'n geregistreerde versekeraar ten opsigte van lewensbesigheid is nie; of (b)]
 op 'n voormalige versekeraar wat geen polisse in die Republiek na die een-en-dertigste dag van Desember 1926 40
 uitgereik het nie: Met dien verstande dat as die Minister te eniger tyd oortuig is dat so 'n voormalige versekeraar nie finansiëel solied is nie, hy daardie voormalige versekeraar kan beveel om binne sodanige tydperk as wat die Minister mag vasstel, aan die bepalings van genoemde subartikel te 45
 voldoen.''

Wysiging van artikel 25 van Wet 27 van 1943, soos gewysig deur artikel 22 van Wet 73 van 1951 en artikel 8 van Wet 39 van 1969.

11. Artikel 25 van die Versekeringswet, 1943, word hierby gewysig deur die volgende subartikel by te voeg:

„(14) Indien enige besigheid van 'n versekeraar ingevolge
 hierdie artikel met enige besigheid van 'n ander versekeraar 50
 saamgesmelt het of aan 'n ander versekeraar oorgedra is, moet elke amptenaar (met inbegrip van 'n Registrateur van Aktes, 'n Meester van die Hooggeregshof en die Registrateur van Maatskappye) aan die hoof van 'n kantoor waarin goed of 'n verband of ander reg in die naam van of ten gunste van 55
 eersbedoelde versekeraar geregistreer is of 'n aanstelling van of deur eersbedoelde versekeraar gedoen is of 'n lisensie aan of ten gunste van eersbedoelde versekeraar uitgereik is, by voorlegging aan hom van 'n sertifikaat waarin die registrateur verklaar dat hy of die hof, al na die geval, die samesmelting of oordrag ingevolge hierdie artikel bekragtig het en by 60
 voorlegging aan hom van die betrokke titelbewys, verbandakte, akte, sertifikaat, aanstellingsbrief, lisensie of ander dokument die endossemente daarop maak en die inskrywings in sy registers of ander boeke maak wat nodig is om die 65

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transaction in question it is reasonable to require the person concerned, having regard to—

(i) the creditworthiness of the debtor;

(ii) any other security furnished or offered by the debtor; and

(iii) any other relevant considerations, to take out, renew, vary or cancel a policy of the nature and amount of the policy in question; and

(b) where it is required that a new policy is to be taken out—

(i) he informs the debtor that he has a free choice in respect of the insurer with and the intermediary through whom the policy is to be taken out; or

(ii) to insure immovable property which has been or is to be mortgaged to secure a debt or other obligation, the premiums payable under the policy are reasonable in relation to premiums generally charged in respect of any such policy: Provided that a certificate from the registrar in which he states that in his opinion the premiums in question are reasonable shall for the purposes of this subparagraph be sufficient proof of the reasonableness of such premiums.

(2) If any person other than the debtor has taken out a policy to which the provisions of subsection (1) apply, he shall furnish a copy thereof to the debtor within fourteen days after being requested therefor in writing by the debtor."

10. Section 24 of the Insurance Act, 1943, is hereby amended by the substitution for subsection (7) of the following subsection:

"(7) The provisions of subsection (6) shall not apply **[(a) to a former insurer in respect of sinking fund business who is a registered insurer in respect of life business; or (b)]** to a former insurer who has issued no policies in the Republic 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 subsection within such period as the Minister may determine."

Amendment of section 24 of Act 27 of 1943, as amended by section 4 of Act 19 of 1945, section 21 of Act 73 of 1951 and section 19 of Act 10 of 1965.

11. Section 25 of the Insurance Act, 1943, is hereby amended by the addition of the following subsection:

"(14) If in terms of this section any business of any insurer has been amalgamated with any business of any other insurer or transferred to any other insurer, every officer (including any Registrar of Deeds, any Master of the Supreme Court and the Registrar of Companies) in charge of any office in which property or any mortgage or other right is registered in the name of or by the first-mentioned insurer or an appointment of or in favour of the first-mentioned insurer was made or a licence was issued to or in favour of the first-mentioned insurer, upon production to him of a certificate in which the registrar states that he or the court, as the case may be, confirmed the amalgamation or transfer in terms of this section and upon production to him of the title deed, mortgage bond, deed, certificate, letter of appointment, licence or other document in question, shall make such endorsement thereon and such entries in his registers or other

Amendment of section 25 of Act 27 of 1943, as amended by section 22 of Act 73 of 1951, section 8 of Act 39 of 1969 and section 10 of Act 103 of 1979.

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- oordrag van die betrokke goed, verband, ander reg, aanstelling of lisensie aan die saamgesmelte besigheid of die versekeraar aan wie enige besigheid oorgedra is, al na die geval, te bewerkstellig of aan te teken, en geen here- of seëlregte of registrasie-, lisensie- of ander gelde is betaalbaar ten opsigte van enige endossement of inskrywing wat aldus gemaak is nie." 5
- Wysiging van artikel 31 van Wet 27 van 1943, soos gewysig deur artikel 26 van Wet 73 van 1951 en artikel 24 van Wet 10 van 1965.
12. Artikel 31 van die Versekeringswet, 1943, word hierby gewysig deur paragraaf (a) van subartikel (11) deur die volgende paragraaf te vervang: 10
- „(a) vir sover daardie bates ten opsigte van langtermynversekeringsbesigheid besit word, ten bate van eienaars van die lewenspolis, nywerheidspolis, begrafnispolis en **[amortisasiepolis]** tuisdienspolis waarvolgens die versekeraar aanspreeklik is en wat in verband met die langtermyn-versekeringsbesigheid deur die versekeraar in die Republiek gedryf, uitgereik is;” 15
- Wysiging van artikel 50 van Wet 27 van 1943, soos vervang deur artikel 11 van Wet 101 van 1976.
13. Artikel 50 van die Versekeringswet, 1943, word hierby gewysig—
- (a) deur paragraaf (a) deur die volgende paragraaf te 20
vervang:
- „(a) **[honderd]** tweehonderd-en-vyftig rand, indien die kind minder as ses jaar oud is; of”;
- (b) deur paragraaf (b) deur die volgende paragraaf te 25
vervang:
- „(b) **[tweehonderd]** vyfhonderd rand, indien die kind ses jaar oud of ouer, maar minder as veertien jaar oud is;”.
- Vervanging van artikel 52 van Wet 27 van 1943.
14. Artikel 52 van die Versekeringswet, 1943, word hierby deur die volgende artikel vervang: 30
- „Toepassing van artikels 34 tot 50 en 57A op nywerheidsbesigheid.
52. Die bepalinge van artikels 34 tot en met 50 en 57A is *mutatis mutandis* van toepassing in verband met nywerheidsbesigheid.”.
- Vervanging van artikel 57A van Wet 27 van 1943, soos ingevoeg deur artikel 18 van Wet 39 van 1969.
15. Artikel 57A van die Versekeringswet, 1943, word hierby deur die volgende artikel vervang: 35
- „Kwitansie moet uitgereik word vir sekere premie op begrafnispolis.
- 57A. (1) Indien enige betaling ontvang word ten opsigte van 'n premie op 'n begrafnispolis deur iemand wat deur 'n versekeraar wat kragtens daardie polis aanspreeklik is, gestuur is om die premie in te samel, of deur daardie versekeraar op enige ander wyse, moet [hy] so iemand of daardie versekeraar, na gelang van die geval, ten opsigte van daardie betaling 'n kwitansie uitreik wat die vervalldag van die premie ten opsigte waarvan die betaling ontvang is, duidelik aantoon. 40
- (2) 'n Premie wat ingevolge subartikel (1) ingesamel is, word geag deur die versekeraar ontvang te gewees het.” 45
- Vervanging van opskrif voor artikel 59 van Wet 27 van 1943.
16. Die opskrif voor artikel 59 van die Versekeringswet, 1943, word hierby deur die volgende opskrif vervang: 50
- „(D) **[Amortisasiefonds-besigheid]** Tuisdiensbesigheid”.
- Vervanging van artikel 59 van Wet 27 van 1943, soos gewysig deur artikel 38 van Wet 73 van 1951.
17. Artikel 59 van die Versekeringswet, 1943, word hierby deur die volgende artikel vervang:
- „Toepassing van artikels 34, 36 tot 50 en 57A op tuisdiensbesigheid.
59. Die bepalinge van artikels 34, **[en 51]** 36 tot en met 50 en 57A is *mutatis mutandis* van toepassing in verband met **[amortisasiefonds-besigheid]** tuisdiensbesigheid.”.

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5 books as may be necessary to effect or record the transfer of the property, mortgage, other right, appointment or licence in question to the amalgamated business or the insurer to whom any business was transferred, as the case may be, and no transfer or stamp duty or registration, licence or other fees shall be payable in respect of any endorsement or entry made as aforesaid.”.

10 12. Section 31 of the Insurance Act, 1943, is hereby amended by the substitution for paragraph (a) of subsection (11) of the following paragraph:

Amendment of section 31 of Act 27 of 1943, as amended by section 26 of Act 73 of 1951 and section 24 of Act 10 of 1965.

15 “(a) in so far as those assets are held in respect of long term insurance business, for the benefit of owners of such of the life policies, industrial policies, funeral policies and **【sinking fund】** home service policies under which the insurer is liable, as have been issued in connection with the long term insurance business carried on by the insurer in the Republic;”.

20 13. Section 50 of the Insurance Act, 1943, is hereby amended—

Amendment of section 50 of Act 27 of 1943, as substituted by section 11 of Act 101 of 1976.

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

“**(a) 【one hundred】 two hundred and fifty** rand, if the child is under six years of age; or”;

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

“**(b) 【two hundred】 five hundred** rand, if the child is six years old or older, but is under fourteen years of age;”.

30 14. The following section is hereby substituted for section 52 of the Insurance Act, 1943:

Substitution of section 52 of Act 27 of 1943.

“Application to industrial business of sections 34 to 50 and 57A.

52. The provisions of sections 34 to 50, both inclusive, and 57A shall apply *mutatis mutandis* in connection with industrial business.”.

35 15. The following section is hereby substituted for section 57A of the Insurance Act, 1943:

Substitution of section 57A of Act 27 of 1943, as inserted by section 18 of Act 39 of 1969.

“Receipt to be issued for certain premium on funeral policy.

57A. (1) If any payment is received in respect of a premium on a funeral policy by a person sent to collect the premium by the insurer who is liable under such policy, or by such insurer in any other manner, **【he】** such person or such insurer, as the case may be shall in respect of such payment issue a receipt which shall clearly indicate the due date of the premium in respect of which the payment has been received.

45 (2) A premium collected in terms of subsection (1), shall be deemed to have been received by the insurer.”.

16. The following heading is hereby substituted for the heading preceding section 59 of the Insurance Act, 1943:

Substitution of heading preceding section 59 of Act 27 of 1943.

“(D) **【Sinking Fund】 Home Service Business**”.

50 17. The following section is hereby substituted for section 59 of the Insurance Act, 1943:

Substitution of section 59 of Act 27 of 1943, as amended by section 38 of Act 73 of 1951.

“Application to home service business of sections 34, 36 to 50 and 57A.

55 59. The provisions of sections 34, **【and 51】 36 to 50**, both inclusive, and 57A shall apply *mutatis mutandis* in connection with **【sinking fund】 home service** business.”.

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Invoeging van artikel 59A in Wet 27 van 1943.

18. Die volgende artikel word hierby in die Versekeringswet, 1943, na artikel 59 ingevoeg:

„Verwysing na sekere tuisdienspolis as begrafnispolis.
59A. Indien 'n versekeraar kragtens 'n tuisdienspolis aanspreeklik is om enige begrafniskoste te betaal in verband met die begrafnis van 'n persoon wie se lewe kragtens die polis verseker is, kan die versekeraar vir bemarkingsdoeleindes na so 'n polis as 'n begrafnispolis verwys.'' 5

Wysiging van artikel 61 van Wet 27 van 1943, soos gewysig deur artikel 30 van Wet 46 van 1944.

19. Artikel 61 van die Versekeringswet, 1943, word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang: 10

„(a) eenhonderd rand vir een of meer van die volgende soorte besigheid, nl. vir lewensbesigheid, nywerheidsbesigheid of **[amortisasiefondsbesigheid]** tuisdiensbesigheid:''. 15

Wysiging van artikel 62 van Wet 27 van 1943, soos gewysig deur artikel 40 van Wet 73 van 1951 en artikel 7 van Wet 94 van 1977.

20. Artikel 62 van die Versekeringswet, 1943, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:
 „(1) As 'n premie op 'n lewenspolis, nywerheidspolis of **[amortisasiepolis]** tuisdienspolis wat 'n binnelandse polis is, nie op sy vervalddag 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 vervalddag 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 'n binnelandse lewenspolis **[of 'n amortisasiepolis]** met maandelikse tussenpose, of met tussenpose van minder as 'n maand betaalbaar is, die bepaling van hierdie subartikel 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 respyt tydperk waarvoor hierin voorsiening gemaak word, die versekeraar die reg het om die bedrag van die onbetaalde premie van die vordering af te trek.''; 20 25 30 35 40

(b) deur subartikel (2) deur die volgende subartikel te vervang:
 „(2) Indien 'n premie kragtens 'n binnelandse polis wat— 45

- (a) 'n lewenspolis is waarop minstens drie jaar se premies betaal is; of
- (b) 'n nywerheidspolis is waarop minstens vyf jaar se premies betaal is; of
- (c) 'n **[amortisasiepolis]** tuisdienspolis is waarop minstens **[drie]** vyf jaar se premies betaal is, 50

nie binne die in subartikel (1) vermelde tydperk betaal is nie, moet die versekeraar wat kragtens daardie polis aanspreeklik is, ooreenkomstig reëls deur hom opgestel en deur die registrateur goedgekeur, of 'n opbetaalde polis, vry van die verpligting om verdere premies daarop te betaal, teen teruggawe en in die plek van bedoelde polis uitreik, of **[(tensy die polis 'n amortisasiepolis is)]** die instandhoudingswaarde van die polis aanwend om die polis in stand te hou vir 'n tydperk en op 'n wyse wat volgens voorskrif van bedoelde reëls bepaal word: 55 60
 Met dien verstande dat—

- (i) bedoelde reëls die grondslag waarop en die metodes waarvolgens die bedrag van so 'n instandhoudingswaarde en die bedrag van so 'n opbetaalde polis bereken moet word, moet uiteensit, en moet vermeld of die eienaar van so 'n opbetaalde polis op toekomstige bonusse daarop geregtig sal wees; 65
 en

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18. The following section is hereby inserted in the Insurance Act, 1943, after section 59:

Insertion of section 59A in Act 27 of 1943.

5 "Reference to certain home service policies as funeral policies.

59A. If an insurer is liable under a home service policy to pay any funeral costs in connection with the funeral of a person whose life is insured under the policy, the insurer may for marketing purposes refer to such a policy as a funeral policy."

19. Section 61 of the Insurance Act, 1943, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

Amendment of section 61 of Act 27 of 1943, as amended by section 30 of Act 46 of 1944.

"(a) one hundred rand for one or more of the following classes of business, viz., for life business, industrial business or **[sinking fund]** home service business;"

20. Section 62 of the Insurance Act, 1943, is hereby amended—

Amendment of section 62 of Act 27 of 1943, as amended by section 40 of Act 73 of 1951 and section 7 of Act 94 of 1977.

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

"(1) If any premium under a life policy, industrial policy or **[sinking fund]** home service policy which is a domestic 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 the premiums under a domestic life policy **[or a sinking fund policy]** are payable at monthly intervals, or at intervals of less than one month, the provisions of this subsection 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.";

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

"(2) If any premium under a domestic policy which is—
 (a) a life policy under which at least three years' premiums have been paid; or
 (b) an industrial policy under which at least five years' premiums have been paid; or
 (c) a **[sinking fund]** home service policy under which at least **[three]** five years' premiums have been paid,

has not been paid within the period specified in subsection (1), the insurer who is liable under that policy shall, in accordance with rules made by him and approved by the registrar, either issue, 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, or **[(unless the policy is a sinking fund policy)]** apply the non-forfeiture 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: Provided that—

(i) the said rules shall specify the basis on which and the methods by which the amount of any such non-forfeiture value and the amount of any such paid-up policy is to be calculated, and whether any such paid-up policy shall entitle the owner to any future bonuses thereon; and

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- (ii) die eienaar van 'n polis van sy regte kragtens hierdie subartikel afstand kan doen.'';
- (c) deur subartikel (3) deur die volgende subartikel te vervang:
 - „(3) Die bepalings van subartikel (2) is nie ten opsigte van 'n lewenspolis, **[of]** nywerheidspolis of tuisdienspolis van 'n besondere klas wat 'n versekeraar uitgereik het of voornemens is om uit te reik, van toepassing nie indien die registrateur oortuig is dat weens die aard van bedoelde polisse dit uit 'n aktuariële oogpunt vir die versekeraar nie doenlik is om ten opsigte van polisse in daardie klas voldoende fondse op te hoop ten einde hom in staat te stel om aansienlike voordele van die aard in daardie subartikel beskryf, toe te staan nie.''. 15

Vervanging van artikel 64 van Wet 27 van 1943.

21. Artikel 64 van die Versekeringswet, 1943, word hierby deur die volgende artikel vervang:

„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 uitsluitlik tot bewys van die kontrak wat in gevolge die polis aangegaan is.''. 20 25 30 35

Wysiging van Tweede Bylae by Wet 27 van 1943, soos vervang deur artikel 45 van Wet 73 van 1951 en gewysig deur artikel 35 van Wet 10 van 1965, artikel 26 van Wet 39 van 1969 en artikel 14 van Wet 101 van 1976.

22. Die Tweede Bylae by die Versekeringswet, 1943, word hierby gewysig—

- (a) deur die opskrif voor artikel 9 deur die volgende opskrif te vervang:
 - „Minimum Grondslag vir Verbintenisse kragtens **[Amortisasiepolisse]** Tuisdienspolisse'';
- (b) deur artikel 9 deur die volgende artikel te vervang:
 - „9. Die bepalings van artikel 7 van hierdie bylae is mutatis mutandis van toepassing op 'n berekening van die verbintenisse kragtens nog lopende tuisdienspolisse op 'n minimum grondslag.''. 40 45

Invoeging van artikel 2C in Wet 7 van 1947.

23. Die volgende artikel word hierby in die Wet op Beheer van Effektebeurse, 1947, na artikel 2B ingevoeg:

„Beperkings op administrasie en bewaring van beleggings in genoteerde effekte namens ander persone. 2C. (1) Niemand mag as 'n staande kenmerk van sy besigheid, beleggings in genoteerde effekte of beleggings waarvan genoteerde effekte 'n deel uitmaak, namens iemand anders administreer of in veilige bewaring hou nie tensy hy— 50 55

- (a) 'n effektemakelaar is; of
- (b) 'n bankinstelling is wat kragtens die Bankwet, 1965, geregistreer is; of
- (c) 'n maatskappy is wat as 'n bestuursmaatskappy of 'n maatskappy of instelling is wat as 'n trustee kragtens die Wet op Beheer van Effekte-trustskemas, 1947, geregistreer is; of 60
- (d) 'n prokureur is wat vir eie rekening of in vennootskap of as 'n lid van 'n professionele maatskappy as prokureur praktiseer; of

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- (ii) the owner of a policy may waive any of his rights under this subsection.”;
- (c) by the substitution for subsection (3) of the following subsection:
- 5 “(3) The provisions of subsection (2) shall not apply in connection with any particular kind of life policy, **[or]** industrial policy or home service policy which an insurer has issued or proposes to issue if the registrar is satisfied that the actuarial nature of such policies prevents the insurer from accumulating, in respect of policies of that kind, sufficient funds to enable him to grant any substantial benefit of a kind described in that subsection.”.

21. The following section is hereby substituted for section 64 of 15 the Insurance Act, 1943:

Substitution of section 64 of Act 27 of 1943.

“Lost policies. 64. When a domestic 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.”.

22. The Second Schedule to the Insurance Act, 1943, is hereby amended—

Amendment of the Second Schedule to Act 27 of 1943, as substituted by section 45 of Act 73 of 1951 and amended by section 35 of Act 10 of 1965, section 26 of Act 39 of 1969 and section 14 of Act 101 of 1976.

- (a) by the substitution for the heading preceding section 9 of the following heading:
 “*Minimum Basis for Liabilities under **[Sinking Fund]** Home Service Policies*”;
- (b) by the substitution for section 9 of the following section:
 “9. The provisions of section 7 of this Schedule shall apply *mutatis mutandis* to a calculation of the liabilities under unmatured home service policies on a minimum basis.”.

23. The following section is hereby inserted in the Stock Exchanges Control Act, 1947, after section 2B:

Insertion of section 2C in Act 7 of 1947.

45 “Restrictions on administration and custody of investments in listed securities on behalf of other persons. 2C. (1) No person shall, as a regular feature of his business, administer or hold in safe custody on behalf of any other person any investments in listed securities or any investments of which listed securities form part unless he is—

50 (a) a stock-broker; or

(b) a banking institution registered under the Banks Act, 1965; or

(c) a company which is registered as a management company or a company or institution which is registered as a trustee under the Unit Trusts Control Act, 1947; or

55 (d) an attorney practising as such on his own account or in partnership or as a member of a professional company; or

- (e) 'n rekenmeester of ouditeur is wat kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), as 'n rekenmeester en ouditeur geregistreer is en openbare praktyk as sodanig beoefen; of 5
- (f) iemand is wat deur die registrateur goedgekeur is of iemand is wat lid is van 'n kategorie persone wat deur die registrateur goedgekeur is, en voldoen aan die voorwaardes wat die Minister van tyd tot tyd in die *Staatskoerant* bepaal. 10
- (2) By die toepassing van subartikel (1) word daar geag dat die administrasie of veilige bewaring van genoteerde effekte nie 'n staande kenmerk van iemand se besigheid is nie—
- (a) tensy hy— 15
 - (i) vir homself of vir iemand anders, regstreeks of onregstreeks, werk werf wat die administrasie of bewaring van sodanige effekte uitmaak of daarvoor adverteer of daarmee smous; of 20
 - (ii) 'n geldwaardige teenprestasie (behalwe gelde wat 'n prokureur of 'n rekenmeester of ouditeur bedoel in subartikel (1) normaalweg vir gelewerde dienste hef) ontvang vir die administrasie of bewaring van sodanige effekte; of 25
- (b) indien daardie effekte deel uitmaak van die bates—
 - (i) in 'n bestorwe of insolvente boedel en hy die betrokke eksekuteur, administrateur of kurator is of iemand is wat namens sodanige eksekuteur, administrateur of kurator sodanige effekte administreer of in veilige bewaring hou; of 30
 - (ii) van iemand wat onder kuratele is en hy die betrokke kurator is of namens sodanige kurator sodanige effekte administreer of in veilige bewaring hou; of 35
 - (iii) van 'n maatskappy wat in likwidasie of onder geregtelike bestuur is en hy die betrokke likwidateur of geregtelike bestuurder is of namens sodanige likwidateur of geregtelike bestuurder sodanige effekte administreer of in veilige bewaring hou; of 40
 - (iv) van 'n trust *inter vivos* en hy die betrokke trustee is of namens sodanige trustee sodanige effekte administreer of in veilige bewaring hou; of 45
 - (v) van 'n minderjarige en hy die betrokke voog is of namens sodanige voog sodanige effekte administreer of in veilige bewaring hou." 50

Wysiging van artikel 25 van Wet 7 van 1947, soos vervang deur artikel 37 van Wet 86 van 1971 en gewysig deur artikel 3 van Wet 67 van 1973.

24. Artikel 25 van die Wet op Beheer van Effektebeurse, 1947, word hierby gewysig deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang: 55
 „(c) die bepalings van artikel 2B, 2C, 13, 13A, 18, 20A of 22 (1) oortree of versuim om daaraan te voldoen;”.

Vervanging van sekere uitdrukkings in Wet 7 van 1947.

25. Die Wet op Beheer van Effektebeurse, 1947, word hierby gewysig deur die uitdrukkings „Maatskappywet, 1926 (Wet No. 46 van 1926)” en „Maatskappywet, 1926” oral waar hulle voorkom deur onderskeidelik die uitdrukkings „Maatskappywet, 1973 (Wet No. 61 van 1973)” en „Maatskappywet, 1973” te vervang. 60

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- (e) an accountant or auditor registered in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), as an accountant and auditor and engaged in public practice as such; or
 - (f) a person approved by the registrar or a person who is a member of a category of persons approved by the registrar, and complies with such conditions as the Minister may determine from time to time in the *Gazette*.
- (2) For the purposes of subsection (1) it shall be deemed that the administration or safe custody of listed securities is not a regular feature of the business of any person—
- (a) unless he—
 - (i) either for himself or for any other person, directly or indirectly, canvasses, advertises or touts for any work being the administration or safe custody of such securities; or
 - (ii) receives any valuable consideration (other than fees normally charged by an attorney or an accountant or auditor referred to in subsection (1) for services rendered) for the administration or custody of such securities; or
 - (b) if such securities form part of the assets—
 - (i) in any deceased or insolvent estate and he is the executor, administrator or trustee concerned or a person administering or holding in safe custody such securities on behalf of such executor, administrator or trustee; or
 - (ii) of any person under curatorship and he is the curator concerned or a person administering or holding in safe custody such securities on behalf of such curator; or
 - (iii) of a company in liquidation or under judicial management and he is the liquidator or judicial manager concerned or a person administering or holding in safe custody such securities on behalf of such liquidator or judicial manager; or
 - (iv) of a trust *inter vivos* and he is the trustee concerned or a person administering or holding in safe custody such securities on behalf of such trustee; or
 - (v) of a minor and he is the guardian concerned or a person administering or holding in safe custody such securities on behalf of such guardian.”.

50 **24.** Section 25 of the Stock Exchanges Control Act, 1947, is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:
 “(c) contravenes or fails to comply with the provisions of section 2B, 2C, 13, 13A, 18, 20A or 22 (1);”.

Amendment of section 25 of Act 7 of 1947, as substituted by section 37 of Act 86 of 1971 and amended by section 3 of Act 67 of 1973.

55 **25.** The Stock Exchanges Control Act, 1947, is hereby amended by the substitution for the expressions “Companies Act, 1926 (Act No. 46 of 1926)” and “Companies Act, 1926”, wherever they occur, of the expressions “Companies Act, 1973 (Act No. 61 of 1973)” and “Companies Act, 1973”, respectively.

Substitution of certain expressions in Act 7 of 1947.

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Wysiging van artikel 3 van Wet 18 van 1947, soos gewysig deur artikel 3 van Wet 11 van 1962 en artikel 2 van Wet 65 van 1963.

26. Artikel 3 van die Wet op Beheer van Effektetrustskemas, 1947, word hierby gewysig deur in paragraaf (a) van subartikel (2) die uitdrukking „Maatskappywet, 1926 (Wet No. 46 van 1926)” deur die uitdrukking „Maatskappywet, 1973 (Wet No. 61 van 1973)” te vervang.

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Wysiging van artikel 8 van Wet 18 van 1947, soos vervang deur artikel 7 van Wet 11 van 1962 en gewysig deur artikel 3 van Wet 65 van 1963, artikel 6 van Wet 58 van 1966, artikel 5 van Wet 65 van 1968, artikel 2 van Wet 75 van 1970 en artikel 18 van Wet 101 van 1976.

27. Artikel 8 van die Wet op Beheer van Effektetrustskemas, 1947, word hierby gewysig deur subparagraaf (ii) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:

- „(ii) effekte van 'n besondere kategorie (behalwe goedgekeurde effekte) uitgereik deur 'n bepaalde onderneming 10 ingesluit het wat meer bedra as vyf persent van die totale bedrag verteenwoordigende al die effekte van daardie kategorie deur bedoelde onderneming uitgereik, of, in die geval van effekte in enige beleggingsmaatskappy, tien persent van die totale bedrag van uitgereikte 15 effekte van enige besondere kategorie in bedoelde maatskappy behalwe vir sover die oorskryding te wyte is aan 'n samesmelting, sessie, oordrag of oorname ingevolge artikel 23A, maar onderworpe aan die voorbehoud dat—
- (aa) so lank as wat bedoelde vyf of tien persent, na gelang van die geval, oorskry word, die bestuursmaatskappy geen verdere beleggings in effekte van die betrokke kategorie mag maak nie;
- (bb) die bestuursmaatskappy binne twaalf maande na die 25 datum waarop daardie samesmelting, sessie, oordrag of oorname van krag word of binne die verdere tydperk wat die registrateur van tyd tot tyd bepaal, die effekte van die betrokke kategorie moet verminder tot ten minste bedoelde vyf of tien 30 persent, na gelang van die geval; en”.

Wysiging van artikel 10 van Wet 18 van 1947, soos gewysig deur artikel 9 van Wet 11 van 1962.

28. Artikel 10 van die Wet op Beheer van Effektetrustskemas, 1947, word hierby gewysig deur in paragraaf (b) van subartikel (4) die uitdrukking „subartikel (7) van artikel sewentig van die Maatskappywet, 1926 (Wet No. 46 van 1926)” deur die 35 uitdrukking „artikel 216 (2) van die Maatskappywet, 1973 (Wet No. 61 van 1973)” te vervang.

Wysiging van artikel 14 van Wet 18 van 1947, soos gewysig deur artikel 12 van Wet 11 van 1962.

29. Artikel 14 van die Wet op Beheer van Effektetrustskemas, 1947, word hierby gewysig deur in paragraaf (b) die uitdrukking „Maatskappywet, 1926 (Wet No. 46 van 1926)” deur die 40 uitdrukking „Maatskappywet, 1973 (Wet No. 61 van 1973)” te vervang.

Wysiging van artikel 20 van Wet 18 van 1947, soos gewysig deur artikel 18 van Wet 11 van 1962 en artikel 19 van Wet 101 van 1976.

30. Artikel 20 van die Wet op Beheer van Effektetrustskemas, 1947, word hierby gewysig deur die uitdrukking „Maatskappywet, 1926 (Wet No. 46 van 1926)” oral waar dit voorkom deur die 45 uitdrukking „Maatskappywet, 1973 (Wet No. 61 van 1973)” te vervang.

Invoeging van artikel 23A in Wet 18 van 1947.

31. Die volgende artikel word hierby in die Wet op Beheer van Effektetrustskemas, 1947, na artikel 23 ingevoeg:

„Samesmelting van effektetrustskemas en groepe en sessie, oordrag of oorname van regte van besitters van onderaandeelsertifikate in effektetrustskemas en groepe.

23A. (1) Twee of meer effektetrustskemas of 50 groepe mag nie saamsmelt nie, en die regte van die besitters van onderaandeelsertifikate in 'n effektetrustskema of groep mag nie anders as in die omstandighede bedoel in artikel 18 aan 'n ander persoon of effektetrustskema of groep gesedeer of oorgedra word of deur 'n ander persoon of effektetrustskema of groep oorgeneem word nie, behalwe met die vooraf verkreë toestemming van—

(a) die besitters van 'n meerderheid in waarde van onderaandeelsertifikate in elke effektetrustskema 60 of groep (hieronder in hierdie artikel 'n oorspronklike skema of groep genoem) waarop 'n

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26. Section 3 of the Unit Trusts Control Act, 1947, is hereby amended by the substitution in paragraph (a) of subsection (2) for the expression "Companies Act, 1926 (Act No. 46 of 1926)" of the expression "Companies Act, 1973 (Act No. 61 of 1973)".
- Amendment of section 3 of Act 18 of 1947, as amended by section 3 of Act 11 of 1962 and section 2 of Act 65 of 1963.
27. Section 8 of the Unit Trusts Control Act, 1947, is hereby amended by the substitution for subparagraph (ii) of paragraph (a) of subsection (1) of the following subparagraph:
- Amendment of section 8 of Act 18 of 1947, as substituted by section 7 of Act 11 of 1962 and amended by section 3 of Act 65 of 1963, section 6 of Act 58 of 1966, section 5 of Act 65 of 1968, section 2 of Act 75 of 1970 and section 18 of Act 101 of 1976.
- “(ii) securities of any one class (other than approved securities) issued by any one concern to an amount in excess of five per centum of the aggregate amount representing all the securities of that class issued by that concern, or, in the case of securities in any investment company, ten per centum of the aggregate amount of the issued securities of any one class in such company except in so far as the excess is due to an amalgamation, cession, transfer or take-over in terms of section 23A, but subject to the condition that—
- (aa) the management company shall not make any further investments in securities of the class in question as long as the said five or ten per centum, as the case may be, is exceeded;
- (bb) the management company shall within 12 months after the date on which such amalgamation, cession, transfer or take-over becomes effective or within such further period as the registrar may determine from time to time, reduce the securities of the class in question to at least the said five or ten per centum, as the case may be; and”.
28. Section 10 of the Unit Trusts Control Act, 1947, is hereby amended by the substitution in paragraph (b) of subsection (4) for the expression "subsection (7) of section seventy of the Companies Act, 1926 (Act No. 46 of 1926)" of the expression "section 216 (2) of the Companies Act, 1973 (Act No. 61 of 1973)".
- Amendment of section 10 of Act 18 of 1947, as amended by section 9 of Act 11 of 1962.
29. Section 14 of the Unit Trusts Control Act, 1947, is hereby amended by the substitution in paragraph (b) for the expression "Companies Act, 1926 (Act No. 46 of 1926)" of the expression "Companies Act, 1973 (Act No. 61 of 1973)".
- Amendment of section 14 of Act 18 of 1947, as amended by section 12 of Act 11 of 1962.
30. Section 20 of the Unit Trusts Control Act, 1947, is hereby amended by the substitution for the expression "Companies Act, 1926 (Act No. 46 of 1926)" wherever it occurs of the expression "Companies Act, 1973 (Act No. 61 of 1973)".
- Amendment of section 20 of Act 18 of 1947, as amended by section 18 of Act 11 of 1962 and section 19 of Act 101 of 1976.
31. The following section is hereby inserted in the Unit Trusts Control Act, 1947, after section 23:
- Insertion of section 23A in Act 18 of 1947.
- 23A. (1) Two or more unit trust schemes or portfolios shall not amalgamate, and the rights of the holders of unit certificates in a unit trust scheme or portfolio shall, except in the circumstances referred to in section 18, not be ceded or transferred to or be taken over by any other person or unit trust scheme or portfolio except with the prior consent of—
- (a) the holders of a majority in value of unit certificates in each unit trust scheme or portfolio (hereinafter in this section referred to as an original scheme or portfolio) to which a pro-
- Amalgamation of unit trust schemes and portfolios and cession, transfer or take-over of rights of holders of unit certificates in unit trust schemes and portfolios.

- voorgestelde samesmelting, sessie, oordrag of oorname betrekking het; en
- (b) die registrateur, wat hy verleen op die voorwaardes wat hy skriftelik bepaal.
- (2) 'n Afskrif van die transaksie (hieronder in hierdie artikel die voorgestelde transaksie genoem) waarby die voorgestelde samesmelting, sessie, oordrag of oorname bewerkstellig sal word en enige ander besonderhede wat nodig is om die registrateur in staat te stel om sy bevoegdhede kragtens hierdie artikel uit te oefen, moet deur die deelnemers aan die voorgestelde transaksie by die registrateur ingedien word.
- (3) Die registrateur verleen sy toestemming kragtens subartikel (1) (b) slegs indien hy oortuig is dat—
- (a) elke besitter van onderaandeelsertifikate in 'n oorspronklike skema of groep 'n redelike tyd voor die datum wat ingevolge subartikel (4) deur die registrateur bepaal is skriftelik van die besonderhede van die voorgestelde transaksie voorsien is, met inbegrip van besonderhede van die bepalinge van subartikel (4) en van die prosedure wat die betrokke bestuursmaatskappy en trustee voornemens is om te volg ten einde te verseker dat elke sodanige besitter op die datum waarop die voorgestelde transaksie van krag word in die nuwe effeketrustskema of groep onderaandeel sal besit met 'n gesamentlike geldwaarde wat nie minder is as die gesamentlike geldwaarde van die onderaandeel wat daardie besitter onmiddellik voor die datum waarop die voorgestelde transaksie van krag word in 'n oorspronklike skema of groep besit het;
- (b) die voorgestelde transaksie nie tot nadeel van enige besitter van onderaandeelsertifikate in 'n oorspronklike skema of groep is nie; en
- (c) die besitters van 'n meerderheid in waarde van onderaandeelsertifikate in 'n oorspronklike skema of groep nie geweier het om hulle toestemming tot die voorgestelde transaksie te verleen nie.
- (4) By die toepassing van subartikel (1) (a) word daar geag dat die besitters van 'n meerderheid in waarde van onderaandeelsertifikate in 'n oorspronklike skema of groep hulle toestemming tot die voorgestelde transaksie verleen het tensy die besitters van 'n meerderheid in waarde van onderaandeelsertifikate in daardie skema of groep voor of op 'n datum wat deur die registrateur bepaal en skriftelik deur die betrokke bestuursmaatskappy aan elke sodanige besitter bekend gemaak is, daardie bestuursmaatskappy skriftelik in kennis gestel het dat hulle weier om hulle toestemming tot die voorgestelde transaksie te verleen.
- (5) Wanneer 'n voorgestelde transaksie van krag word—
- (a) bind die bepalinge van die trustakte van die nuwe effeketrustskema of groep of van die effeketrustskema of groep wat deur sessie, oordrag of oorname regte verkry het die besitters van onderaandeelsertifikate in 'n oorspronklike skema of groep;
- (b) gaan al die effekte, kontant en ander bates van 'n oorspronklike skema of groep oor op en word dit deel van die nuwe effeketrustskema of groep of, na gelang van die geval, die effeketrustskema of groep wat daardie effekte, kontant en bates deur sessie, oordrag of oorname verkry het;
- (c) is die bepalinge van die trustakte van die nuwe effeketrustskema of groep of van die effekte-

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posed amalgamation, cession, transfer or take-over refers; and

- (b) the registrar, granted on such conditions as he in writing may determine.

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(2) A copy of the transaction (hereinafter in this section referred to as the proposed transaction) whereby the proposed amalgamation, cession, transfer or take-over is to be effected and such other particulars as may be necessary to enable the registrar to exercise his powers under this section, shall be submitted to the registrar by the parties to the proposed transaction.

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(3) The registrar shall grant his consent under subsection (1) (b) only if he is satisfied that—

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(a) every holder of unit certificates in an original scheme or portfolio has been furnished in writing, within a reasonable period before the date determined by the registrar in terms of subsection (4), with particulars of the proposed transaction, including particulars of the provisions of subsection (4) and of the procedure which the management company and trustee concerned intend to follow so as to ensure that every such holder shall, on the date on which the proposed transaction becomes effective, hold in the new unit trust scheme or portfolio units with an aggregate money value which is not less than the aggregate money value of the units which such holder, immediately before the date on which the proposed transaction becomes effective, held in an original scheme or portfolio;

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(b) the proposed transaction will not be detrimental to any holder of unit certificates in an original scheme or portfolio; and

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(c) the holders of a majority in value of unit certificates in an original scheme or portfolio have not refused their consent to the proposed transaction.

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(4) For the purposes of subsection (1) (a), it shall be deemed that holders of a majority in value of unit certificates in an original scheme or portfolio have given their consent to the proposed transaction unless the holders of a majority in value of unit certificates in such scheme or portfolio in writing notified the management company in question on or before a date determined by the registrar and disclosed by the management company in writing to every such holder, that they refused their consent to the proposed transaction.

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(5) When a proposed transaction becomes effective—

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(a) the provisions of the trust deed of the new unit trust scheme or portfolio or of the unit trust scheme or portfolio which acquired rights by cession, transfer or take-over shall bind the holders of unit certificates in an original scheme or portfolio;

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(b) all the securities, cash and any other asset of an original scheme or portfolio shall vest in and form part of the new unit trust scheme or portfolio or, as the case may be, the unit trust scheme or portfolio which acquired such securities, cash and other assets by cession, transfer or take-over;

65

(c) the provisions of the trust deed of the new unit trust scheme or portfolio or of the unit trust

- trustskema of groep wat deur sessie, oordrag of oorname regte verkry het, van toepassing op die effekte, kontant en bates bedoel in paragraaf (b) en op enige voordele wat daaruit die besitters van onderaandeelsertifikate toeval; en 5
- (d) kry 'n besitter van 'n onderaandeelsertifikaat in 'n oorspronklike skema of groep onderaandeel in die nuwe effektetrustskema of groep of in die effektetrustskema of groep wat deur sessie, oordrag of oorname regte verkry het, met dieselfde gesamentlike geldwaarde as dié van die onderaandeel wat daardie besitter onmiddellik voor die datum waarop die voorgestelde transaksie van krag geword het in 'n oorspronklike skema of groep besit het. 10 15
- (6) Indien 'n voorgestelde transaksie van krag word, moet elke Registrateur van Aktes—
- (a) in wie se registrasiekantoor goed of ander regte in die naam van of ten gunste van 'n oorspronklike skema of groep geregistreer is; 20
- (b) by voorlegging aan hom van 'n sertifikaat waarin die registrateur verklaar dat—
- (i) hy ingevolge subartikel (1) (b) toestemming tot daardie voorgestelde transaksie verleen het; en 25
- (ii) die betrokke samesmelting, sessie, oordrag of oorname behoorlik plaasgevind het; en
- (c) by voorlegging aan hom van die betrokke titelbewys of ander akte of dokument, 30 op daardie titelbewys of ander akte of dokument en in sy registers of ander boeke, die endossemente en inskrywings maak wat as gevolg van voormelde samesmelting, sessie, oordrag of oorname nodig is om die oordrag van voormelde goed of ander regte aan die nuwe effektetrustskema of groep of, na gelang van die geval, aan die effektetrustskema of groep wat deur die betrokke sessie, oordrag of oorname regte verkry het, te bewerkstellig of aan te teken. 35
- (7) Geen here- of seëlregte of registrasie- of ander gelde is betaalbaar ten opsigte van 'n endossement of inskrywing wat ingevolge subartikel (6) gemaak is nie, en geen seëlregte of ander gelde is betaalbaar ten opsigte van die uitreiking van 'n vervangende onderaandeelsertifikaat of die oordrag van bates as gevolg van 'n samesmelting, sessie, oordrag of oorname ingevolge hierdie artikel nie. 40 45
- (8) Behalwe vir sover hierdie artikel anders bepaal, doen enige samesmelting, sessie, oordrag of oorname ingevolge hierdie artikel nie afbreuk aan die regte van enige skuldeiser of enige verpligting met betrekking tot 'n oorspronklike skema of groep nie.''. 50

Wysiging van artikel 26 van Wet 18 van 1947, soos gewysig deur artikel 24 van Wet 11 van 1962.

32. Artikel 26 van die Wet op Beheer van Effektetrustskemas, 1947, word hierby gewysig—

- (a) deur in paragraaf (a) van subartikel (1) die uitdrukking „honderd-en-dertien van die Maatskappywet, 1926 (Wet No. 46 van 1926)” deur die uitdrukking „346 van die Maatskappywet, 1973 (Wet No. 61 van 1973)” te vervang; 55
- (b) deur in paragraaf (b) van subartikel (1) die uitdrukking „sub-artikel (2) van artikel honderd-vyf-en-negentig” deur die uitdrukking „artikel 427 (2)” te vervang. 60

Wysiging van artikel 28 van Wet 18 van 1947, soos gewysig deur artikel 26 van Wet 11 van 1962 en artikel 6 van Wet 65 van 1968.

33. Artikel 28 van die Wet op Beheer van Effektetrustskemas, 1947, word hierby gewysig deur in paragraaf (a) van subartikel (2) die uitdrukking „Maatskappywet, 1926 (Wet No. 46 van 1926)” deur die uitdrukking „Maatskappywet, 1973 (Wet No. 61 van 1973)” te vervang. 65

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- scheme or portfolio which acquired rights by cession, transfer or take-over, shall apply to the securities, cash and assets referred to in paragraph (b) and to any benefits which accrue therefrom to holders of unit certificates; and
- 5 (d) a holder of a unit certificate in an original scheme or portfolio shall acquire units in the new unit trust scheme or portfolio or in the unit trust
- 10 scheme or portfolio which acquired rights by cession, transfer or take-over, having the same aggregate money value as that of the units held, immediately before the date on which the proposed transaction became effective, by such holder in an original scheme or portfolio.
- 15 (6) If a proposed transaction becomes effective, every Registrar of Deeds—
- (a) in whose deeds registry property or other rights are registered in the name of or in favour of an original scheme or portfolio;
- 20 (b) on production to him of a certificate in which the registrar states that—
- (i) he in terms of subsection (1) (b) has granted consent to the proposed transaction; and
- 25 (ii) the amalgamation, cession, transfer or take-over in question has been carried out properly; and
- (c) on production to him of the title deed or other deed or document in question,
- 30 shall, on such title deed or other deed or document and in his registers or other books, make such endorsements and entries as may be necessary as a result of the said amalgamation, cession, transfer or take-over to effect or record the transfer of the said property or other rights to the new unit trust scheme or portfolio or, as the case may be, to the unit trust
- 35 scheme or portfolio acquiring rights by means of the cession, transfer or take-over in question.
- (7) No transfer or stamp duty or registration or other fees shall be payable in respect of any endorsement or entry made in terms of subsection (6), and no stamp duty or other fees shall be payable in respect of the issue of a substituting unit certificate or the transfer of assets as a result of any amalgamation, cession, transfer or take-over in terms of this section.
- 40 (8) Except in so far as this section provides otherwise, no amalgamation, cession, transfer or take-over in terms of this section shall derogate from the rights of any creditor or any obligation relating to an original scheme or portfolio."

- 50 32. Section 26 of the Unit Trusts Control Act, 1947, is hereby amended—
- (a) by the substitution in paragraph (a) of subsection (1) for the expression "*one hundred and thirteen* of the Companies Act, 1926 (Act No. 46 of 1926)" of the expression "*346* of the Companies Act, 1973 (Act No. 61 of 1973)";
- 55 (b) by the substitution in paragraph (b) of subsection (1) for the expression "*sub-section (2) of section one hundred and ninety-five*" of the expression "*section 427 (2)*".
- 60 33. Section 28 of the Unit Trusts Control Act, 1947, is hereby amended by the substitution in paragraph (a) of subsection (2) for the expression "*Companies Act, 1926 (Act No. 46 of 1926)*" of the expression "*Companies Act, 1973 (Act No. 61 of 1973)*".

Amendment of section 26 of Act 18 of 1947, as amended by section 24 of Act 11 of 1962.

Amendment of section 28 of Act 18 of 1947, as amended by section 26 of Act 11 of 1962 and section 6 of Act 65 of 1968.

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Wysiging van artikel 33 van Wet 18 van 1947, soos vervang deur artikel 8 van Wet 65 van 1968.

34. Artikel 33 van die Wet op Beheer van Effektetrustskemas, 1947, word hierby gewysig deur in paragraaf (b) van subartikel (5) die uitdrukking „70 (7) van die Maatskappywet, 1926 (Wet No. 46 van 1926)“ deur die uitdrukking „216 (2) van die Maatskappywet, 1973 (Wet No. 61 van 1973)“ te vervang. 5

Vervanging van artikel 35 van Wet 18 van 1947, soos vervang deur artikel 20 van Wet 101 van 1976.

35. Artikel 35 van die Wet op Beheer van Effektetrustskemas, 1947, word hierby deur die volgende artikel vervang:

„Sekere bepalinge van Deel I is van toepassing op en ten opsigte van effekte-trustskemas in eiendoms-aandeel.

35. Artikels 7, 8 *ter*, 9, 10 *bis*, 11 (1), (2) en (3) (behalwe subartikel (1) (c)), 12, 13, 14, 16, 17, 18 (1), 19, 20, 21, 22 (behalwe subartikels (1) (f) en (2) (c)), 23, 23A, 24, 25, 26 en 27 is *mutatis mutandis* en vir sover hulle toegepas kan word, op en ten opsigte van 'n bestuursmaatskappy in eiendomsaandeel en 'n trustee ingevolge 'n effektetrustskema in eiendomsaandeel van toepassing, en by die toepassing daarvan word 'n verwysing daarin na amortisasie van kwyndende bates vertolk as 'n verwysing na waardevermindering van bates.“

Wysiging van artikel 38 van Wet 18 van 1947, soos gewysig deur artikel 37 van Wet 11 van 1962.

36. Artikel 38 van die Wet op Beheer van Effektetrustskemas, 1947, word hierby gewysig— 20

(a) deur in subartikel (1) die uitdrukking „Maatskappywet, 1926 (Wet No. 46 van 1926)“ deur die uitdrukking „Maatskappywet, 1973 (Wet No. 61 van 1973)“ te vervang;

(b) deur subartikel (2) deur die volgende subartikel te 25 vervang:

„(2) By die toepassing van artikel **[honderd-drie-en-sestig]** 357 van bedoelde Wet ten opsigte van 'n bestuursmaatskappy, word die registrator geag ingesluit te wees onder die persone aan wie kennis 30 kragtens subartikel **[(2)] (1) (b)** van daardie artikel gegee moet word.“;

(c) deur subartikel (3) deur die volgende subartikel te 40 vervang:

„(3) By die toepassing van artikel **[honderd-vyf-en-negentig]** 427 (2) van bedoelde Wet ten opsigte van 'n bestuursmaatskappy, word **[sub-artikel (5) van daardie artikel]** artikel 346 (4) (a) uitgelê asof die woorde ,of **[aan]** die Registrator van Effektetrustmaatskappye aangestel kragtens die Wet op Beheer 40 van Effekte-trustskemas, 1947' **[na]** voor die woord **[„Meester“]** ,ingedien' ingevoeg was.“

Wysiging van artikel 42*bis* van Wet 18 van 1947, soos ingevoeg deur artikel 15 van Wet 48 van 1964.

37. Artikel 42*bis* van die Wet op Beheer van Effektetrustskemas, 1947, word hierby gewysig deur subartikel (2) te skrap.

Wysiging van artikel 1 van Wet 24 van 1956, soos gewysig deur artikel 21 van Wet 101 van 1976, artikel 9 van Wet 94 van 1977 en artikel 10 van Wet 80 van 1978.

38. Artikel 1 van die Wet op Pensioenfondse, 1956, word 45 hierby gewysig deur in subartikel (1) subparagraaf (i) van paragraaf (b) van die omskrywing van „afhanklike“ deur die volgende subparagraaf te vervang:

„(i) die eggenote of eggenoot van die lid is, met inbegrip van 'n party by 'n gewoontehuwelik volgens Swart reg 50 en gewoonte of by 'n verbintenis wat volgens die leerstellings van 'n **[Indiese]** Asiatiese godsdienst as 'n huwelik erken word; of“.

Wysiging van artikel 19 van Wet 24 van 1956, soos gewysig deur artikel 13 van Wet 80 van 1959, artikel 9 van Wet 58 van 1966, artikel 1 van Wet 30 van 1969, artikel 2 van Wet 23 van 1970,

39. Artikel 19 van die Wet op Pensioenfondse, 1956, word 55 hierby gewysig—

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

„(f) deposito's by of **[obligasies op 'n effektebeurs in die Republiek genoteer en]** wissels, skuldbriewe of effekte uitgereik of gewaarborg deur of lenings 60 aan of gewaarborg deur die Land- en Landboubank van Suid-Afrika;“;

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34. Section 33 of the Unit Trusts Control Act, 1947, is hereby amended by the substitution in paragraph (b) of subsection (5) for the expression "70 (7) of the Companies Act, 1926 (Act No. 46 of 1926)" of the expression "216 (2) of the Companies Act, 1973 (Act No. 61 of 1973)".
- Amendment of section 33 of Act 18 of 1947, as substituted by section 8 of Act 65 of 1968.
35. The following section is hereby substituted for section 35 of the Unit Trusts Control Act, 1947:
- Substitution of section 35 of Act 18 of 1947, as substituted by section 20 of Act 101 of 1976.
- 10 "Certain provisions of Part I to apply to and in respect of unit trust schemes in property shares.
- 15 35. Sections 7, 8ter, 9, 10bis, 11 (1), (2) and (3) (excluding subsection (1) (c)), 12, 13, 14, 16, 17, 18 (1), 19, 20, 21, 22 (excluding subsections (1) (f) and (2) (c)), 23, 23A, 24, 25, 26 and 27 shall *mutatis mutandis* and in so far as they can be applied, apply to and in respect of a management company in property shares and a trustee under a unit trust scheme in property shares, and in the application thereof a reference therein to amortization of wasting assets shall be construed as a reference to depreciation of assets."
- 20 36. Section 38 of the Unit Trusts Control Act, 1947, is hereby amended—
- Amendment of section 38 of Act 18 of 1947, as amended by section 37 of Act 11 of 1962.
- (a) by the substitution in subsection (1) for the expression "Companies Act, 1926 (Act No. 46 of 1926)" of the expression "Companies Act, 1973 (Act No. 61 of 1973)";
- 25 (b) by the substitution for subsection (2) of the following subsection:
- "(2) In the application of section **one hundred and sixty-three** 357 of the said Act in respect of a management company, the registrar shall be deemed to be included among the persons to whom notice is required to be given under subsection **(2)** (1) (b) of that section.";
- 30 (c) by the substitution for subsection (3) of the following subsection:
- 35 "(3) In the application of section **one hundred and ninety-five** 427 (2) of the said Act in respect of a management company, **subsection (5) of that section** section 346 (4) (a) shall be construed as if the words 'or to the Registrar of Unit Trust Companies appointed under the Unit Trusts Control Act, 1947,' were inserted after the **word "Master"** words 'shall be lodged with the Master' in that section."
- 40
37. Section 42bis of the Unit Trusts Control Act, 1947, is hereby amended by the deletion of subsection (2).
- Amendment of section 42bis of Act 18 of 1947, as inserted by section 15 of Act 48 of 1964.
- 45 38. Section 1 of the Pension Funds Act, 1956, is hereby amended by the substitution in subsection (1) for subparagraph (i) of paragraph (b) of the definition of "dependant" of the following subparagraph:
- Amendment of section 1 of Act 24 of 1956, as amended by section 21 of Act 101 of 1976, section 9 of Act 94 of 1977 and section 10 of Act 80 of 1978.
- 50 "(i) the spouse of the member, including a party to a customary union according to Black law and custom or to a union recognized as a marriage under the tenets of any **Indian Asiatic** religion; or"
39. Section 19 of the Pension Funds Act, 1956, is hereby amended—
- Amendment of section 19 of Act 24 of 1956, as amended by section 13 of Act 80 of 1959, section 9 of Act 58 of 1966, section 1 of Act 80 of 1969, section 2 of Act 23 of 1970,
- 55 (a) by the substitution for paragraph (f) of subsection (1) of the following paragraph:
- "(f) deposits with or **debentures quoted on a stock exchange in the Republic** bills, bonds or securities issued or guaranteed by or loans to or guaranteed by the Land and Agricultural Bank of South Africa;"
- 60

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artikel 7 van
Wet 91 van 1972,
artikel 23 van
Wet 101 van 1976,
artikel 11 van
Wet 94 van 1977,
artikel 11 van
Wet 80 van 1978
en artikel 14 van
Wet 103 van 1979.

- (b) deur subparagraaf (iii) van paragraaf (a) van subartikel (5) deur die volgende subparagraaf te vervang:
„(iii) om aanbouings of veranderings aan te bring aan 'n woning of 'n woning in stand te hou of te herstel wat aan 'n lid of sy eggenote of haar eggenoot behoort en wat deur die lid of 'n afhanklike van die lid bewoon word of bewoon sal word.’’

Wysiging van
artikel 37A van
Wet 24 van 1956,
soos vervang deur
artikel 12 van
Wet 94 van 1977.

40. Artikel 37A van die Wet op Pensioenfondse, 1956, word hierby gewysig deur in subartikel (1) die woorde voor die voorbehoudsbepaling deur die volgende woorde te vervang:
„Behalwe in die mate by hierdie Wet, die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), en die Wet op Onderhoud, 1963 (Wet No. 23 van 1963), veroorloof, kan geen voordeel waarvoor in die statute van 'n geregistreerde fonds voorsiening gemaak word (met inbegrip van 'n jaargeld wat so 'n fonds vir 'n lid by 'n versekeraar gekoop het of sal koop), of reg op so 'n voordeel, of reg ten opsigte van bydraes deur of ten behoeve van 'n lid gestort, ondanks andersluidende bepalings van die statute van so 'n fonds, verminder, oorgedra of andersins gesedeer, of verpand of met verband beswaar word nie, of ingevolge 'n vonnis of bevel van 'n geregshof in beslag geneem of aan enige vorm van tenuitvoerlegging onderwerp word nie, of tot die bedrag van hoogstens drieduisend rand per jaar in berekening gebring word nie by 'n vasstelling van 'n vonnisskuldenaar se finansiële toestand ingevolge artikel 65 van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), en in die geval waar die betrokke lid of bevoordeelde poog om so 'n voordeel of reg oor te dra of andersins te sedeer, of om dit te verpand of met verband te beswaar, kan die betrokke fonds betaling daarvan terughou of opskort **[of geheel en al staak]**.’’

Vervanging van
artikel 37C van
Wet 24 van 1956,
soos vervang deur
artikel 13 van
Wet 80 van 1978.

41. Artikel 37C van die Wet op Pensioenfondse, 1956, word hierby deur die volgende artikel vervang:
„Beskikking oor pensioen-voordele by afsterwe van lid.
37C. Ondanks andersluidende bepalings van 'n Wet of van die statute van 'n geregistreerde fonds, maar behoudens 'n pand ooreenkomstig artikel 19 (5) (b) (i) en behoudens die bepalings van artikels 37A (3) en 37D, maak enige voordeel wat deur so 'n fonds ten opsigte van 'n gestorwe lid betaalbaar is, nie deel van die bates in die boedel van so 'n lid uit nie, maar word op die volgende wyse daarmee gehandel:
(a) Indien **[daar afhanklikes]** die fonds binne twaalf maande na die dood van die lid **[is]** van 'n afhanklike of afhanklikes van die lid te wete kom of 'n afhanklike of afhanklikes van die lid opspoor, word die voordeel aan sodanige afhanklike of, in die verhoudings wat billik geag word deur die persoon wat die besigheid van die fonds bestuur, aan sodanige afhanklikes betaal.
(b) Indien **[daar geen afhanklikes van die lid is nie of indien geen afhanklike van 'n lid]** die fonds nie binne twaalf maande na die dood van die lid **[deur die fonds opgespoor kan word]** van 'n afhanklike van die lid te wete kom of 'n afhanklike van die lid opspoor nie, en die lid 'n benoemde, wat nie 'n afhanklike van die lid is nie, skriftelik by die fonds aangewys het om die voordeel te ontvang, word die voordeel aan sodanige benoemde betaal: Met dien verstande dat waar die totale bedrag van die skulde in die boedel van die lid die totale bedrag van die bates in sy boedel te bowe gaan, soveel van die voordeel as wat gelyk is aan die verskil tussen

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(b) by the substitution for subparagraph (iii) of paragraph (a) of subsection (5) of the following subparagraph:
 5 “(iii) to make additions or alterations to or to maintain or repair a dwelling which belongs to the member or his or her spouse and which is occupied or will be occupied by the member or a dependant of the member.”.

section 7 of Act 91 of 1972, section 23 of Act 101 of 1976, section 11 of Act 94 of 1977, section 11 of Act 80 of 1978 and section 14 of Act 103 of 1979.

40. Section 37A of the Pension Funds Act, 1956, is hereby amended by the substitution in subsection (1) for the words 10 preceding the proviso of the following words:

15 “Save to the extent permitted by this Act, the Income Tax Act, 1962 (Act No. 58 of 1962), and the Maintenance Act, 1963 (Act No. 23 of 1963), no benefit provided for in the rules of a registered fund (including an annuity purchased or to be purchased by the said fund from an insurer for a member), or right to such benefit, or right in respect of contributions made by or on behalf of a member, shall notwithstanding anything to the contrary contained in the rules of such a fund, be capable of being reduced, transferred or otherwise ceded, or of being pledged or hypothecated, or be liable to be attached or subjected to any form of execution under a judgment or order of a court of law, or to the extent of not more than three thousand rand per annum, be capable of being taken into account in a determination of a judgment debtor’s financial position in terms of section 65 of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944), and in the event of the member or beneficiary concerned attempting to transfer or otherwise cede, or to pledge or hypothecate, such benefit or right, the fund concerned may withhold or 30 suspend **[or entirely discontinue]** payment thereof.”.

Amendment of section 37A of Act 24 of 1956, as substituted by section 12 of Act 94 of 1977.

41. The following section is hereby substituted for section 37C of the Pension Funds Act, 1956:

35 “Disposition of pension benefits upon death of member. 37C. Notwithstanding anything to the contrary contained in any law or in the rules of a registered fund, any benefit payable by such a fund in respect of a deceased member, shall, subject to a pledge in accordance with section 19 (5) (b) (i) and subject to the provisions of sections 37A (3) and 37D, not form part of the assets in the estate of such a member, but shall be dealt with in the following manner:

40 (a) If **[there are]** the fund within twelve months of the death of the member becomes aware of or traces a dependant or dependants of the member, the benefit shall be paid to such dependant or, in 45 such proportions as may be deemed equitable by the person managing the business of the fund, to such dependants.

50 (b) If **[there are no dependants of the member or if no]** the fund does not become aware of or cannot trace any dependant of **[a]** the member **[can be traced by the fund]** within twelve months of the death of the member, and the member has designated in writing to the fund a nominee who is not a dependant of the member, to receive the benefit, the benefit shall be paid to such nominee: Provided that where the aggregate amount of the debts in the estate of the member exceeds the aggregate amount of the assets in his estate, so much of the benefit as is equal to the 55

Substitution of section 37C of Act 24 of 1956, as substituted by section 13 of Act 80 of 1978.

bedoelde totale bedrag van skulde en bedoelde totale bedrag van bates in die boedel inbetaal word en die balans van bedoelde voordeel aan die benoemde betaal word.

- (c) Indien **【daar geen afhanklikes van die lid is nie of indien geen afhanklikes van die lid】** die fonds nie binne twaalf maande na die dood van die lid **【deur die fonds opgespoor kan word】** van 'n afhanklike van die lid te wete kom of 'n afhanklike van die lid opspoor nie, **【of】** en 10 indien die lid nie 'n benoemde aangewys het nie, word die voordeel in die boedel van die lid gestort of, indien daar nie ten opsigte van die lid 'n inventaris ingevolge artikel 9 van die Boedelwet, 1965 (Wet No. 66 van 1965), deur die Meester van die Hooggeregshof ontvang is nie, in die Voogdyfonds gestort." 15

Wysiging van artikel 19 van Wet 25 van 1956, soos gewysig deur artikel 27 van Wet 101 van 1976.

42. Artikel 19 van die Wet op Onderlinge Hulpverenigings, 1956, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: 20

„(1) Geen vereniging mag die lewe van 'n kind benede die leeftyd van veertien jaar verseker nie vir 'n som geld wat òf alleen òf tesame met enige bedrag wat, volgens die wete van daardie vereniging, by die dood van daardie kind betaalbaar is deur enige ander vereniging of deur 'n 25 versekeraar wat versekeringsbesigheid binne die bedoeling van die Versekeringswet dryf, meer bedra as—

- (a) **【honderd】** tweehonderd-en-vyfzig rand, indien die kind minder as ses jaar oud is; of
(b) **【tweehonderd】** vyfhonderd rand, indien die kind ses 30 jaar oud of ouer, maar minder as veertien jaar oud is.".

Wysiging van artikel 20 van Wet 25 van 1956, soos gewysig deur artikel 15 van Wet 80 van 1959 en artikel 28 van Wet 101 van 1976.

43. Artikel 20 van die Wet op Onderlinge Hulpverenigings, 1956, word hierby gewysig deur paragraaf (f) van subartikel (2) deur die volgende paragraaf te vervang:

„(f) deposito's by of **【obligasies op 'n effektebeurs in die Republiek genoteer en】** wissels, skuldbriewe of effekte uitgereik of gewaarborg deur of lenings aan of gewaarborg deur die Land- en Landboubank van Suid-Afrika;" 35

Wysiging van artikel 1 van Wet 48 van 1964, soos gewysig deur artikel 1 van Wet 98 van 1967.

44. Artikel 1 van die Wet op Deelnemingsverbande, 1964, 40 word hierby gewysig deur paragraaf (b) van die omskrywing van „deelnemingsverband" deur die volgende paragraaf te vervang:

- „(b) waardeur, indien dit op of na die eerste dag van Oktober 1967 aldus geregistreer word en tensy—
(i) dit gelyke voorkeur geniet met so 'n bestaande 45 verband ten opsigte van dieselfde onroerende goed en dieselfde verbandgewer; of
(ii) eiendomsreg in daardie onroerende goed ooreenkomstig die bepalings van die Wet op Deeltitels, 1971 (Wet No. 66 van 1971), kragtens 'n deeltitel- 50 bewys gehou word en daardie onroerende goed onmiddellik voor eiendomsreg aldus daarin gehou is, deel uitgemaak het van onroerende goed waarvoor 'n verband of verbande op naam van die benoemde maatskappy bedoel in paragraaf (a) 55 geregistreer was,

die totale bedrag wat gesekureer word by registrasie nie minder as twintigduisend rand is nie;".

Wysiging van artikel 1 van Wet 23 van 1965, soos gewysig deur

45. Artikel 1 van die Bankwet, 1965, word hierby gewysig deur in subartikel (1) die volgende omskrywing na die omskrywing van 60 „onaangetaste reserwefondse" in te voeg:

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difference between such aggregate amount of debts and such aggregate amount of assets shall be paid into the estate and the balance of such benefit shall be paid to the nominee.

5 (c) If **[there are no dependants]** the fund does not become aware of or cannot trace any dependant of the member **[or if no dependants of the member can be traced by the fund]** within twelve months of the death of the member, **[or]** and if the member has not designated a nominee, the benefit shall be paid into the estate of the member or, if no inventory in respect of the member has been received by the Master of the Supreme Court in terms of section 9 of the Estates Act, 1965 (Act No. 66 of 1965), into the Guardian's Fund."

42. Section 19 of the Friendly Societies Act, 1956, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 19 of Act 25 of 1956, as amended by section 27 of Act 101 of 1976.

20 "(1) No society shall insure the life of a child who is under the age of fourteen years for any sum of money which either alone or together with any amount which to the knowledge of the said society is payable on the death of that child by any other society or by any insurer carrying on insurance business within the meaning of the Insurance Act, exceeds—

- 25 (a) **[one hundred]** two hundred and fifty rand, if the child is under six years of age; or
- 30 (b) **[two hundred]** five hundred rand, if the child is six years old or older, but is under fourteen years of age."

43. Section 20 of the Friendly Societies Act, 1956, is hereby amended by the substitution for paragraph (f) of subsection (2) of the following paragraph:

Amendment of section 20 of Act 25 of 1956, as amended by section 15 of Act 80 of 1959 and section 28 of Act 101 of 1976.

35 "(f) deposits with or **[debentures quoted on a stock exchange in the Republic and]** bills, bonds or securities issued or guaranteed by or loans to or guaranteed by the Land and Agricultural Bank of South Africa;"

44. Section 1 of the Participation Bonds Act, 1964, is hereby amended by the substitution for paragraph (b) of the definition of "participation bond" of the following paragraph:

Amendment of section 1 of Act 48 of 1964, as amended by section 1 of Act 98 of 1967.

45 "(b) by which, if it is so registered on or after the first day of October 1967, and unless—

- (i) it ranks equally with such an existing bond in respect of the same immovable property and the same mortgagor; or
- (ii) ownership in such immovable property is held under a sectional title deed in accordance with the provisions of the Sectional Titles Act, 1971 (Act No. 66 of 1971), and such immovable property immediately before the holding of ownership therein in the said manner, formed part of immovable property over which a mortgage or mortgages were registered in the name of the nominee company referred to in paragraph (a),

55 the total sum secured at registration is not less than twenty thousand rand;"

45. Section 1 of the Banks Act, 1965, is hereby amended by the insertion in subsection (1) after the definition of "co-operative society" of the following definition:

Amendment of section 1 of Act 23 of 1965, as amended by

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artikel 12 van
Wet 91 van 1972,
artikel 37 van
Wet 101 van 1976,
artikel 18 van
Wet 80 van 1978
en artikel 27 van
Wet 103 van 1979.

„onmiddellik opeisbare verpligting’ ’n verpligting wat op aanvraag betaalbaar is met inbegrip van daggeld, ’n deposito wat deur middel van tjeks opvraagbaar is en ’n transmissie-deposito;”.

Wysiging van
artikel 14 van
Wet 23 van 1965,
soos gewysig deur
artikel 3 van
Wet 23 van 1970,
artikel 44 van
Wet 101 van 1976
en artikel 29 van
Wet 103 van 1979.

46. Artikel 14 van die Bankwet, 1965, word hierby gewysig 5
deur in subartikel (1) die woorde wat die voorbehoudsbepaling
voorafgaan deur die volgende woorde te vervang:

„’n Bankinstelling wat nie ’n diskontohuis is nie, moet ’n
gestorte aandelekapitaal en onaangetaste reserwefondse in die
Republiek in stand hou wat tesame nie minder bedra nie as— 10

(a) tweehonderdduisend rand; of

(b) ses persent van **[die]** ’n bedrag wat die gemiddelde is
van die totale bedrae van sy verpligtings teenoor die
publiek in die Republiek aan die einde van elk van die
maande van die voorafgaande kalenderkwartaal soos 15
aangegee in die [jongste kwartaalstaat] maandop-
gawes wat hy ingevolge artikel 13 (1) **[(b)]** (a) ten
opsigte van daardie maande aan die Registrateur ver-
strek het,

na gelang van watter bedrag die grootste is:” 20

Wysiging van
artikel 16 van
Wet 23 van 1965,
soos vervang deur
artikel 13 van
Wet 91 van 1972.

47. Artikel 16 van die Bankwet, 1965, word hierby gewysig
deur subartikel (2) deur die volgende subartikel te vervang:

„(2) By die toepassing van die bepalings van subartikel (1)

[kan—

(a) ’n handelsbank (soos omskryf in artikel 17 (3))— 25

(i) die bedrag in voorbehoudsbepaling (ii) by arti-
kel 14 (1) bedoel; en

(ii) die bedrag van ’n verrekeningsverpligting wat
voortvloei uit ’n saldo in voorbehoudsbepaling
(i) by artikel 17 (1) bedoel; en 30

(b) ’n bankinstelling die bedrae wat ingevolge voorbe-
houdsbepaling (iii) by artikel 17 (1) van die ver-
pligtinge in paragraaf (a) van daardie artikel bedoel,
afgetrek kan word,

van sy korttermynverpligtings aftrek] is die bepalings van 35
voorbehoudsbepalings (i), (ii), (iii) en (v) by artikel 17 (1)
mutatis mutandis van toepassing.”

Wysiging van
artikel 17 van
Wet 23 van 1965,
soos vervang deur
artikel 14 van
Wet 91 van 1972
en gewysig deur
artikel 46 van
Wet 101 van 1976.

48. Artikel 17 van die Bankwet, 1965, word hierby gewysig
deur die volgende paragraaf by die voorbehoudsbepaling by
subartikel (1) te voeg: 40

„(v) ’n bankinstelling by die bepaling van sy verpligtings

bedoel in paragraaf (a), ten opsigte van elkeen van sy
takke, met inbegrip van sy hoofkantoor, waarvan die
totale bedrag aan onmiddellik opeisbare verpligtings
daaglik bepaal kan word, die gemiddelde daaglikse 45
bedrag van daardie verpligtings op al die besigheidsdae
in die betrokke maand in plaas van die bedrag van
daardie verpligtings aan die einde van daardie maand in
berekening moet bring.”

Invoeging van
artikel 23 in
Wet 23 van 1965.

49. Die volgende artikel word hierby in die Bankwet, 1965, na 50
artikel 22 ingevoeg:

„Minder-
jarige en
getroude
vroue.

23. Ondanks andersluidende wetsbepalings—

(a) kan ’n minderjarige bo die ouderdom van sestien 55
jaar of ’n getroude vrou, hetsy onder maritale
mag al dan nie, ’n deposant wees by ’n
bankinstelling en sonder die toestemming of
bystand van sy voog of haar eggenoot, na gelang
van die geval, alle nodige dokumente verly, alle
nodige kwitansies gee, sy of haar deposito sedeer
of verpand, teen sy of haar deposito leen en in 60
die algemeen met sy of haar deposito handel
soos hy of sy goetvind en geniet hy of sy al die

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“‘demand liability’ means a liability which is payable at call and includes call money, a deposit withdrawable by cheque and a transmission deposit;”.

section 12 of Act 91 of 1972, section 37 of Act 101 of 1976, section 18 of Act 80 of 1978 and section 27 of Act 103 of 1979.

46. Section 14 of the Banks Act, 1965, is hereby amended by the substitution in subsection (1) for the words preceding the proviso of the following words:

“A banking institution (other than a discount house) shall maintain in the Republic a paid-up share capital and unimpaired reserve funds together amounting to not less than—

(a) two hundred thousand rand; or

(b) six per cent of **the** an amount which represents the average of the total amounts of its liabilities to the public in the Republic at the end of each of the months of the preceding calendar quarter as shown in the last preceding quarterly statement monthly returns furnished to the Registrar in terms of section 13 (1) **the** (a) in respect of such months, whichever is the greater.”.

Amendment of section 14 of Act 23 of 1965, as amended by section 3 of Act 23 of 1970, section 44 of Act 101 of 1976 and section 29 of Act 103 of 1979.

47. Section 16 of the Banks Act, 1965, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) For the purposes of the provisions of subsection (1) —

(a) a commercial bank (as defined in section 17 (3)) may deduct from its short-term liabilities—

(i) the amount referred to in proviso (ii) to section 14 (1); and

(ii) the amount of a clearance liability resulting from a balance referred to in proviso (i) to section 17 (1); and

(b) a banking institution may deduct from its short-term liabilities the amounts which may in terms of proviso (iii) to section 17 (1) be deducted from the liabilities referred to in paragraph (a) of that section the provisions of provisos (i), (ii), (iii) and (v) of section 17 (1) shall apply mutatis mutandis.”.

Amendment of section 16 of Act 23 of 1965, as substituted by section 13 of Act 91 of 1972.

48. Section 17 of the Banks Act, 1965, is hereby amended by the addition of the following paragraph to the proviso to subsection (1):

“(v) in determining its liabilities referred to in paragraph (a), a banking institution shall, in respect of each of its branches, including its head office, where the total amount of its demand liabilities can be determined daily, bring into account the average daily amount of such liabilities for all the business days in the month in question, instead of the amount of such liabilities at the end of such month.”.

Amendment of section 17 of Act 23 of 1965, as substituted by section 14 of Act 91 of 1972 and amended by section 46 of Act 101 of 1976.

49. The following section is hereby inserted in the Banks Act, 1965, after section 22:

Insertion of section 23 in Act 23 of 1965.

23. Notwithstanding anything to the contrary contained in any law—

(a) a minor over the age of sixteen years or a married woman, whether under marital power or not, may be a depositor with a banking institution and may without the consent or assistance of his guardian or her husband, as the case may be, execute all necessary documents, give all necessary acquittances and cede, pledge, borrow against and generally deal with his or her deposit as he or she thinks fit and shall enjoy all the

Minors and married women.

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- voorregte en is hy of sy onderworpe aan al die verpligtings wat vir deposante geld;
- (b) is die eggenoot van 'n vrou wat 'n deposant by 'n bankinstelling is, nie geregtig om sonder haar skriftelike toestemming, van die bankinstelling besonderhede te eis betreffende die deposito's wat sy by daardie bankinstelling het nie."

Wysiging van artikel 1 van Wet 24 van 1965, soos gewysig deur artikel 1 van Wet 64 van 1968, artikel 5 van Wet 67 van 1973, artikel 54 van Wet 101 van 1976 en artikel 22 van Wet 80 van 1978.

50. Artikel 1 van die Bouverenigingswet, 1965, word hierby gewysig—

- (a) deur die volgende omskrywing na die omskrywing van 10 „aandeelhouer" in te voeg:
 „administrasieraad' 'n administrasieraad soos omskryf in artikel 1 van die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945);";
- (b) deur die volgende omskrywing na die omskrywing van 15 „raad" in te voeg:
 „reg van huurpag' 'n reg van huurpag op grond wat ingevolge die bepalings van artikel 6A van die Swartes (Stadsgebiede) Konsolidasiewet, 1945, toegeken is;";
- (c) deur paragraaf (g) van die omskrywing van „stedelike vaste eiendom" deur die volgende paragraaf te vervang:
 „(g) 'n reg van huurpag wat ingevolge artikel 6A (4) van die Swartes (Stadsgebiede) Konsolidasiewet, 1945, geregistreer is mits daardie reg van huurpag 'n oorblywende termyn van minstens twintig jaar het;";

Wysiging van artikel 22 van Wet 24 van 1965, soos gewysig deur artikel 5 van Wet 64 van 1968, artikel 1 van Wet 91 van 1969, artikel 24 van Wet 80 van 1978 en artikel 32 van Wet 103 van 1979.

51. Artikel 22 van die Bouverenigingswet, 1965, word hierby gewysig deur die volgende subparagraaf by paragraaf (mB) van subartikel (1) te voeg:

- „(vi) die oprigting van geboue vir woondoelendes op grond waarop 'n reg van huurpag toegeken is of ten opsigte waarvan die toekenning van 'n reg van huurpag beoog word;"

Wysiging van artikel 28 van Wet 24 van 1965, soos gewysig deur artikel 3 van Wet 99 van 1967, artikel 7 van Wet 64 van 1968, artikel 8 van Wet 23 van 1970 en artikel 7 van Wet 67 van 1973.

52. Artikel 28 van die Bouverenigingswet, 1965, word hierby gewysig—

- (a) deur die voorbehoudsbepaling by subartikel (1) te skrap;
 (b) deur subartikel (1A) te skrap.

Wysiging van artikel 34 van Wet 24 van 1965.

53. Artikel 34 van die Bouverenigingswet, 1965, word hierby gewysig deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

- „Elke permanente vereniging moet nie later nie as die een-en-twintigste dag van elke kalendermaand aan die registrateur 'n staat in die deur die Minister voorgeskrewe vorm stuur wat deur **[twee direkteure en die sekretaris]** 'n direkteur en die hoof-uitvoerende beampte en hoof-rekenmeester onderteken is en waarin aangegee word—"

Wysiging van artikel 40 van Wet 24 van 1965, soos gewysig deur artikel 13 van Wet 64 van 1968, artikel 10 van Wet 23 van 1970,

54. Artikel 40 van die Bouverenigingswet, 1965, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- „(2) Behoudens die bepalings van subartikel (6) mag 'n permanente vereniging nie teen sekuriteit van 'n verminderbare verband op vaste eiendom meer voorskiet as tagtig

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- privileges and be liable to all the obligations attaching to depositors;
- 5 (b) the husband of a woman who is a depositor with a banking institution shall, save with her written consent, not be entitled to demand from the banking institution any particulars concerning the deposits she holds with that banking institution.”.
- 10 **50.** Section 1 of the Building Societies Act, 1965, is hereby amended—
- (a) by the insertion before the definition of “advance” of the following definition:
“administration board’ means an administration board as defined in section 1 of the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945);”
- 15 (b) by the insertion after the definition of “Republic” of the following definition:
“right of leasehold’ means a right of leasehold, in respect of land, granted in terms of the provisions of section 6A of the Blacks (Urban Areas) Consolidation Act, 1945;”
- 20 (c) by the substitution for paragraph (g) of the definition of “urban immovable property” of the following paragraph:
 25 “(g) any right of leasehold registered in terms of section 6A (4) of the Blacks (Urban Areas) Consolidation Act, 1945, provided such right of leasehold has a remaining period of not less than twenty years;”.
- 30 **51.** Section 22 of the Building Societies Act, 1965, is hereby amended by the addition of the following subparagraph to paragraph (mB) of subsection (1):
“(vi) the erection of buildings for residential purposes on land on which a right of leasehold has been granted or in respect of which the grant of a right of leasehold is being contemplated;”.
- 35 **52.** Section 28 of the Building Societies Act, 1965, is hereby amended—
- (a) by the deletion of the proviso to subsection (1);
- (b) by the deletion of subsection (1A).
- 40 **53.** Section 34 of the Building Societies Act, 1965, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
“Every permanent society shall not later than the twenty-first day of every calendar month transmit to the registrar a statement, in the form prescribed by the Minister and signed by [two directors and the secretary] a director and the chief executive officer and chief accountant, showing as at the close of business at the end of the preceding calendar month—”.
- 45 **54.** Section 40 of the Building Societies Act, 1965, is hereby amended by the substitution for subsection (2) of the following subsection:
“(2) Subject to the provisions of subsection (6) a permanent society shall not on the security of a reducible mortgage of immovable property advance more than eighty

Amendment of section 1 of Act 24 of 1965, as amended by section 1 of Act 64 of 1968, section 5 of Act 67 of 1973, section 54 of Act 101 of 1976 and section 22 of Act 80 of 1978.

Amendment of section 22 of Act 24 of 1965, as amended by section 5 of Act 64 of 1968, section 1 of Act 91 of 1969, section 24 of Act 80 of 1978 and section 32 of Act 103 of 1979.

Amendment of section 28 of Act 24 of 1965, as amended by section 3 of Act 99 of 1967, section 7 of Act 64 of 1968, section 8 of Act 23 of 1970 and section 7 of Act 67 of 1973.

Amendment of section 34 of Act 24 of 1965.

Amendment of section 40 of Act 24 of 1965, as amended by section 13 of Act 64 of 1968, section 10 of Act 23 of 1970,

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artikel 9 van
Wet 67 van 1973
en artikel 29 van
Wet 80 van 1978.

persent van die redelik vasgestelde waarde van die verhipo-
tekeerde eiendom of reg van huurpag of die oorgedraagde
huurkontrak of lisensie nie: Met dien verstande dat—
(a) indien kollaterale sekuriteit gestel word, hy 'n bedrag
kan voorskiet— 5
[(a)] (i) van hoogstens die aldus vasgestelde waarde van
bedoelde eiendom, reg van huurpag, huurkontrak of
lisensie; en
[(b)] (ii) van hoogstens die som van—
[(i)] (aa) tagtig persent van die aldus vasgestelde 10
waarde van bedoelde eiendom, reg van huur-
pag, huurkontrak of lisensie; plus
[(ii)] (bb) die waarde van die kollaterale sekuriteit
bereken volgens voorskrif van artikel 46 (2);
(b) indien 'n woonhuis op die betrokke eiendom opgerig 15
is of staan te word, hy ook 'n bedrag kan voorskiet
gelyk aan hoogstens tagtig persent van die som—
(i) van die koste van die oordrag van bedoelde
eiendom, reg van huurpag, huurkontrak of lisensie;
(ii) van die koste van die registrasie van die verband en 20
van alle seëlregte;
(iii) in die geval van 'n reg van huurpag, van die leges
en koste wat aan 'n administrasieraad betaalbaar is
ten opsigte van die toekenning en registrasie van
daardie reg, maar nie ook die bedrag wat betaalbaar 25
is vir die gebruik van die grond of die koste van
verbeterings of ten opsigte van elektrisiteits- en
waterverspreidingsnetwerke nie.''

Wysiging van
artikel 47 van
Wet 24 van 1965.

55. Artikel 47 van die Bouverenigingswet, 1965, word hierby
gewysig deur subartikel (3) deur die volgende subartikel te 30
vervang:

„(3) In die geval van 'n eiendom (behalwe onbeboude
grond waarop 'n gebou opgerig word of staan te word) of 'n
reg van huurpag (behalwe ten opsigte van onbeboude grond
waarop 'n gebou opgerig word of staan te word) wat 35
hoogstens ses maande voor die datum van waardasie deur
aankoop verkry is, mag die waardasie nie die ware koopsom
van sodanige eiendom, soos deur die betrokke partye vir die
doeleindes van hereregte verklaar, of van sodanige reg van
huurpag, soos deur die koper verklaar, met meer as honderd 40
rand oorskry nie, tensy die raad van die vereniging op grond
van die gegewens aan hom verstrekk, besluit dat 'n hoër
waardasie as sodanige koopsom volgens sy oordeel redeli-
kerwys geregverdig is, in watter geval 'n juiste afskrif van 45
sodanige besluit binne dertig dae vanaf die datum waarop die
raad aldus besluit, aan die registrateur gestuur moet word.''

Kort titel en
inwerkingtreding.

56. (1) Hierdie Wet heet die Wysigingswet op Finansiële
Instellings, 1980.
(2) Die bepalings van artikel 7 word geag op 31 Desember 1979
in werking te getree het. 50
(3) Die bepalings van artikels 50, 51, 54 en 55 word geag op 1
April 1979 in werking te getree het.
(4) Die bepalings van artikel 23 tree in werking op 'n datum
wat die Staatspresident by proklamasie in die *Staatskoerant*
bepaal. 55

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per cent of the value reasonably determined of the property or the right of leasehold hypothecated or the lease or licence ceded: Provided that—

section 9 of Act 67 of 1973 and section 29 of Act 80 of 1978.

5 (a) if collateral security is furnished it may advance an amount—

[(a)] (i) not exceeding the value so determined of the said property, right of leasehold, lease or licence; and

[(b)] (ii) not exceeding the sum of—

10 [(i)] (aa) eighty per cent of the value so determined of the said property, right of leasehold, lease or licence; plus

[(ii)] (bb) the value of the collateral security calculated as provided in section 46 (2);

15 (b) if a dwelling house has been or is to be erected on the property in question, it may also advance an amount equal to not more than eighty per cent of the sum—

(i) of the costs of the transfer of the said property, right of leasehold, lease or licence;

20 (ii) of the costs of the registration of the mortgage and of all stamp duties;

25 (iii) in the case of a right of leasehold, of the fees and charges payable to an administration board in respect of the grant and registration of such right, but not including the amount payable for the use of the land or the costs of improvements or in respect of electricity and water reticulation systems.”

55. Section 47 of the Building Societies Act, 1965, is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of section 47 of Act 24 of 1965.

30 “(3) In the case of a property (other than vacant land upon which a building is in the course of erection or about to be erected) or a right of leasehold (other than in respect of vacant land on which a building is in the course of erection or about to be erected) acquired by purchase not more than
35 six months before the date of valuation, the valuation shall not exceed the true purchase price of such property as declared by the parties concerned for transfer duty purposes, or of such right of leasehold, as declared by the purchaser, by
40 more than one hundred rand, unless the board of the society resolves that on the information furnished to it a valuation in excess of such purchase price is in its opinion reasonably justified, in which event a true copy of such resolution shall be forwarded to the registrar within thirty days from the date on which the board so resolves.”

45 56. (1) This Act shall be called the Financial Institutions Amendment Act, 1980.

Short title and commencement.

(2) The provisions of section 7 shall be deemed to have come into operation on 31 December 1979.

50 (3) The provisions of sections 50, 51, 54 and 55 shall be deemed to have come into operation on 1 April 1979.

(4) The provisions of section 23 shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.