



Republic of Namibia  
Annotated Statutes

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## Assessment of Damages Act 9 of 1969 (RSA)

(RSA GG 2305)

came into force in South Africa and South West Africa

on date of publication: 19 March 1969

(see section 2 of Act)

**APPLICABILITY TO SOUTH WEST AFRICA:** Section 2 states “The provisions of this Act and any amendment thereof shall apply also in the territory of South West Africa, including that portion of the said territory known as the Eastern Caprivi Zipfel and referred to in section 35(5) of the South West Africa Constitution Act, 1968 (Act No. 39 of 1968).”

**TRANSFER TO SOUTH WEST AFRICA:** Although this Act makes no reference to any minister, because of its subject matter it probably fell under the Executive Powers (Justice) Transfer Proclamation, AG 33 of 1979, dated 12 November 1979. In any event, there were no amendments to the Act in South Africa prior to Namibian independence.

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## ACT

To amend the law relating to the assessment of damages for loss of support as a result of a person's death.

*(Afrikaans text signed by the State President)*

*(Assented to 7th March, 1969)*

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### ARRANGEMENT OF SECTIONS

1. Insurance moneys, pensions and certain benefits not to be taken into account in the assessment of damages for loss of support
2. Application of Act to South-West Africa
3. Short title

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

**Insurance moneys, pensions and certain benefits not to be taken into account in the assessment of damages for loss of support**

**Assessment of Damages Act 9 of 1969 (RSA)**

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1. (1) When in any action, the cause of which arose after the commencement of this Act, damages are assessed for loss of support as a result of a person's death, no insurance money, pension or benefit which has been or will or may be paid as a result of the death, shall be taken into account.

(2) For the purposes of subsection (1) -

- (i) "benefit" means any payment by a friendly society or trade union for the relief or maintenance of a member's dependants;
- (ii) "insurance money" includes a refund of premiums and any payment of interest on such premiums;
- (iii) "pension" includes a refund of contributions and any payment of interest on such contributions, and also any payment of a gratuity or other lump sum by a pension or provident fund or by an employer in respect of a person's employment.

**Application of Act to South-West Africa**

2. The provisions of this Act and any amendment thereof shall apply also in the territory of South-West Africa, including that portion of the said territory known as the Eastern Caprivi Zipfel and referred to in section 38(5) of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968).

**Short title**

3. This Act shall be called the Assessment of Damages Act, 1969.