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WETTE:—

- No. 69 (Unie) Wysigingswet op Beheer van die Uitvoer van Ingemaakte Vrugte en Groente, 1959.
No. 73 (Unie) Wet op Salarisse en Pensioene van Regters, 1959.
No. 79 (Unie) Wysigingswet op Versekering, 1959.

ACT

To amend the Canned Fruit and Vegetables Export Control Act, 1956.

(English text signed by the Governor-General.)
(Assented to 3rd July, 1959.)

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

Amendment of section 3 of Act 66 of 1956, as amended by section 1 of Act 83 of 1957 and section 1 of Act 28 of 1958.

1. Section *three* of the Canned Fruit and Vegetables Export Control Act, 1956, is hereby amended—

- (a) by the insertion in sub-section (1) after the word "who" of the words "are canners thereof and";
- (b) by the substitution for sub-section (2) of the following sub-section:

"(2) No exporter who is a canner of a particular kind of canned fruit or canned vegetables and who wishes to become a party to an agreement referred to in sub-section (1) in respect of that kind of canned fruit or canned vegetables and who undertakes to comply with the terms of such an agreement shall be debarred from becoming a party thereto."

Amendment of section 8 of Act 66 of 1956, as amended by section 2 of Act 83 of 1957, and section 2 of Act 28 of 1958.

2. Section *eight* of the Canned Fruit and Vegetables Export Control Act, 1956, is hereby amended by the substitution for the figures "1959" of the figures "1961".

Application of laws to South-West Africa.

3. The Canned Fruit and Vegetables Export Control Amendment Act, 1957 (Act No. 83 of 1957), the Canned Fruit and Vegetables Export Control Amendment Act, 1958 (Act No. 28 of 1958) and this Act shall apply also in the territory of South-West Africa.

Short title.

4. This Act shall be called the Canned Fruit and Vegetables Export Control Amendment Act, 1959.

ACT

To consolidate and amend the laws relating to the salaries, retirement from office and retiring pensions of judges of the Supreme Court of South Africa and to the payment of pensions to widows of such judges, and to provide for matters incidental thereto.

(English text signed by the Governor-General.)
(Assented to 3rd July, 1959.)

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

CHAPTER I.

JUDGES' SALARIES AND PENSIONS.

Salaries of judges.

1. (1) Any person who holds office, whether in an acting or a permanent capacity, as Chief Justice of South Africa, judge of appeal of the Appellate Division of the Supreme Court of South Africa or judge president or judge of a provincial or local division of the said court, shall be paid monthly in respect thereof a salary at the rate specified in the second column of the First Schedule opposite the designation of the office in which he serves.

(2) The amount of every salary payable in terms of sub-section (1) shall, with effect from the first day of the month of April next succeeding the date of commencement of this Act, be a charge on and payable out of the Consolidated Revenue Fund or the Territory Revenue Fund established under section *thirty-six* of the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925), according as such amount is payable by the State or the administration of the territory of South-West Africa.

Retirement of judges.

2. (1) Any person who holds an office referred to in sub-section (1) of section *one* in a permanent capacity—

(a) may retire from office if he has attained the age of sixty-five years and has served continuously, whether in an acting or a permanent capacity, in such office or in such office and one or more of the other offices referred to in the said sub-section for a period of not less than ten years; and

(b) shall retire from office on attaining the age of seventy years.

(2) If any person who holds an office referred to in sub-section (1) of section *one* in a permanent capacity becomes afflicted with a permanent infirmity of mind or body which disables him from the proper discharge of the duties of his office, the Governor-General may allow him to retire from office.

Pensions payable to judges after retirement or removal from office on grounds of infirmity.

3. (1) Any person who retires from office in terms of paragraph (a) of sub-section (1) of section *two* shall, after retirement, be paid monthly a pension at the rate specified in the third column of the First Schedule opposite the designation of the office held by him in a permanent capacity on retirement.

(2) Any person who—

(a) retires from office in terms of paragraph (b) of sub-section (1) of section *two*;

(b) is allowed in terms of sub-section (2) of section *two* to retire from office; or

(c) holds an office referred to in sub-section (1) of section *one* in a permanent capacity and is removed from office under sub-section (7) of section *ten* of the Supreme Court Act, 1959, on the grounds of incapacity arising out of an infirmity such as is referred to in sub-section (2) of section *two*,

shall, after retirement or removal from office, as the case may be, be paid monthly a pension at the following rate, namely—

if at the time of such retirement or removal he held office in a permanent capacity as—

- (i) Chief Justice of South Africa, one hundred and eighty pounds;
- (ii) judge of appeal, one hundred and seventy pounds;
- (iii) judge president, one hundred and sixty pounds; and
- (iv) any other judge, one hundred and fifty pounds,

per annum for every completed year of continuous service, whether in an acting or a permanent capacity, in the office so held by him or in such office and one or more of the other said offices, or portion of such a year: Provided that in no case shall any such person be paid a pension which is less than six hundred pounds per annum or more than the pension which is payable in terms of sub-section (1) of this section to a person who so holds the same office and retires from office in terms of paragraph (a) of sub-section (1) of section *two*.

Regulations.

4. The Governor-General may make regulations as to—
- (a) the periods for which and the circumstances and conditions under which leave of absence may be granted to judges or acting judges;
 - (b) the methods of transport of such judges, the scales of transport, travelling and subsistence allowances to be paid to them and the circumstances in which any such transport may be provided and any such allowances paid; and
 - (c) the clerical assistance or allowances in lieu thereof which may be provided out of public revenues to such judges in the discharge of their duties.

CHAPTER II.

JUDGES' WIDOWS PENSIONS.

Definitions.

5. In this chapter, unless the context otherwise indicates—
- (i) "fixed date" means the first day of June, 1956;
 - (ii) "judge" means any person holding the office of—
 - (a) Chief Justice of South Africa;
 - (b) judge of appeal of the Appellate Division of the Supreme Court of South Africa; or
 - (c) judge president or judge of any provincial or local division of the said court; (iv)
 - (iii) "pensionable service" means any period in respect of which contributions have been paid in terms of section *six* or *seven* and any period which has become pensionable service by virtue of an election under this Act or any law repealed by this Act; (iii)
 - (iv) "revenue" means, in the application of the said chapter in the Union, the Consolidated Revenue Fund, and, in its application in the territory of South-West Africa, the Territory Revenue Fund established under section *thirty-six* of the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925); (ii)
 - (v) "salary" means the salary payable to a judge in terms of sub-section (1) of section *one*; (v)
 - (vi) "service" means service as a judge and for the purposes of section *eight* includes—
 - (a) any service as a judge of the Natal Native High Court which was constituted under section *seven* of the Courts Act, 1898 (Act No. 49 of 1898 (Natal)); and
 - (b) any continuous period of service whether as an acting judge or as a judge or an acting judge of the High Court of South-West Africa, which is continuous with any service as a judge. (i)

Contributions by persons who became judges on or after the fixed date or become judges at or after commencement of this Act.

6. Any person who—
- (a) became a judge on or after the fixed date; or
 - (b) becomes a judge at or after the commencement of this Act,

shall, subject to the provisions of section *twelve*, pay contributions to revenue at the rate of four pounds per month as long as he remains a judge.

Contributions by certain judges who held the office of judge immediately prior to the fixed date.

7. (1) Any judge who held the office of judge immediately prior to the fixed date and in terms of any law repealed by this Act elected in writing on or before the thirty-first day of December, 1956, to contribute shall, subject to the provisions of section *twelve*, pay contributions to revenue at the rate of four pounds per month as long as he remains a judge.

(2) A judge who held the office of judge immediately prior to the fixed date and did not on or before the thirty-first day of December, 1956, elect in writing in terms of any such law to contribute shall not be permitted to contribute.

Option to contribute in respect of previous service.

8. Any judge referred to in paragraph (b) of section *six* who had service immediately prior to the date on which he became a judge may elect in writing within sixty days after such date to have any period of such service counted as pensionable service.

Option to contribute in respect of certain periods after retirement.

9. Any judge who had pensionable service and who is appointed to act as a judge immediately after his retirement in terms of sub-section (1) of section *two* may elect in writing within one month after he ceased so to act to have any period during which he so acted counted as pensionable service.

Contributions in respect of periods in regard to which an election has been made.

10. Any person who in terms of this Act or any law repealed by this Act elected to have any period counted as pensionable service shall contribute to revenue an amount calculated at the rate of four pounds for every month of such period, and if he so desires he may pay such amount in instalments at a rate of not less than two pounds per month.

Collection of contributions.

11. Contributions payable in terms of section *six* or sub-section (1) of section *seven* and instalments payable in terms of section *ten* shall be deducted by the responsible accounting officer in monthly instalments from—

(a) the salary of the person concerned, if he is a judge; or

(b) the pension of the person concerned, if he is a retired judge,

and shall be paid to revenue: Provided that when any judge is on leave without pay any contributions payable by him shall be paid by him to the said accounting officer.

Maximum contributions payable.

12. As soon as contributions amounting in the aggregate to nine hundred and sixty pounds have, in terms of this chapter, been obtained in respect of any person, such person shall not be required or permitted to make any further contributions.

Pension payable to widow of person who had pensionable service.

13. (1) On the death of any person who contributed there shall be paid to his widow a pension of three hundred pounds per annum together with thirty pounds per annum in respect of each completed year of the pensionable service of such person: Provided that the maximum pension to which such widow shall be entitled under this section shall not exceed six hundred pounds per annum.

(2) Such pension shall be payable with effect from the day following the day of the death of the person concerned and shall be paid from revenue.

(3) Any pension due to a widow under this section shall cease to be payable when she remarries.

(4) For the purposes of this section "widow" shall not include the widow of a person who contributed whose marriage to such person took place after he ceased to be a judge.

Unpaid contributions to form first charge on pension.

14. Whenever the widow of a person who contributed becomes entitled to a pension under section *thirteen* before the total amount payable by such person in terms of this chapter has been paid by him, the amount which remains unpaid shall be set off against the pension payable to her.

Contributions to be refunded in certain circumstances.

15. (1) If—

(a) any person is unmarried when he ceases to be a judge; or

(b) any person becomes a widower after he ceased to be a judge; or

(c) any person ceases to be a judge under circumstances in which no pension becomes payable to him in terms of Chapter I,

an amount equal to the aggregate of the amounts contributed by him in terms of this chapter shall be paid to him from revenue and the provisions of this chapter shall thereafter cease to apply in respect of him.

(2) If any judge who has contributed dies without leaving a widow an amount equal to the aggregate of the amounts contributed by him in terms of this chapter shall be paid to his estate from revenue.

Rights in respect of pensions not cedable or subject to execution.

16. (1) No right in respect of a pension payable under this chapter shall be capable of being ceded or of being hypothecated, and any such right shall not be liable to be attached or be subject to any form of execution under a judgment or order of court.

(2) If any person attempts to cede or hypothecate any right in respect of any such pension to which she is entitled under this chapter, payment of such pension may, if the Minister of Social Welfare and Pensions so directs, be withheld, suspended or discontinued: Provided that the said Minister may direct that such pension or part thereof be paid to one or more of the dependants of such person or to a trustee for such person or her dependants during such period as he may determine.

Effect of insolvency.

17. If the estate of any person who is in receipt of a pension under this chapter is sequestrated or surrendered, such person's pension shall be deemed not to form part of the assets in her insolvent estate.

Method of making election.

18. Any person who is entitled to make any election under this chapter shall do so by notice in writing to the Secretary for Justice.

Administration of Chapter II.

19. The head of the Department of Social Welfare and Pensions shall, subject to the control of the Minister of Social Welfare and Pensions, be charged with the general administration of this chapter.

Method of payment of pension.

20. Pensions payable under this chapter shall be paid in such instalments and on such dates and in such manner as the Minister of Social Welfare and Pensions may determine.

Contributions deemed for the purposes of income tax to be contributions to a pension fund.

21. Any sum contributed in terms of section *six* or sub-section (1) of section *seven* shall for the purposes of paragraph (i) of sub-section (2) of section *eleven* of the Income Tax Act, 1941 (Act No. 31 of 1941), and paragraph (k) of sub-section (2) of section *eleven* of the Income Tax Ordinance, 1942 (Ordinance No. 15 of 1942), of the territory of South-West Africa, be deemed to be a sum contributed to a pension fund.

CHAPTER III.

GENERAL.

Application of Act in South-West Africa.

22. (1) This Act and any amendment thereof shall also apply in the territory of South-West Africa.

(2) Any service, whether in an acting or a permanent capacity in the office of judge president or judge of the High Court of South-West Africa prior to the date of commencement of this Act shall for the purposes of sections *two* and *three* and sub-section (4) of this section, be deemed to be like service in the office of judge president or judge, respectively, of a provincial division of the Supreme Court of South Africa.

(3) Any salary or pension which is payable under Chapter I to a person in respect of service in the office of judge president or judge of the High Court of South-West Africa or the South-West Africa Division of the Supreme Court of South Africa shall be paid by the administration of the territory of South-West Africa.

(4) If any pension is payable under Chapter I to any person who has served continuously in the Union and in the territory of South-West Africa, whether in an acting or in a permanent capacity, in one or more of the offices referred to in sub-section (1) of section *one*, such an amount of such pension as bears to the whole thereof the same ratio as the period so served in the Union bears to the total of the period so served in the Union and the said territory, shall be paid by the State and the balance by the administration of the said territory.

(5) If any pension is payable in terms of section *thirteen*

or any refund of contributions is to be made in terms of section *fifteen* in respect of any person who had service (which was or became pensionable service as defined in section *five*) both in the Union and the territory of South-West Africa—

(a) such an amount of such pension as bears to the whole thereof the same ratio as the period of such service in the Union bears to the total period of such service in the Union and the said territory, shall be paid out of the Consolidated Revenue Fund and the balance out of the Territory Revenue Fund established under section *thirty-six* of the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925); and

(b) such refund shall be made out of the fund into which such contributions had been paid in terms of this Act.

(6) For the purposes of sub-section (5) any period which became pensionable service by virtue of an election made under this Act or a law repealed by this Act by a person who became a judge or, after retirement, an acting judge in the Union or the said territory, shall be deemed to be service by such person in the Union or the said territory, respectively.

Repeal of laws.

23. (1) Subject to the provisions of sub-section (2), the laws mentioned in the Second Schedule are hereby repealed to the extent set out in the third column of the said Schedule.

(2) Anything done under any provision of a law repealed by sub-section (1) shall be deemed to have been done under the corresponding provision of this Act.

Short title and commencement.

24. This Act shall be called the Judges' Salaries and Pensions Act, 1959, and shall come into operation on the date of commencement of the Supreme Court Act, 1959.

First Schedule.

Designation of office.	Salary per annum.	Pension per annum.
Chief Justice of South Africa	£5,500.	£1,800.
Judge of Appeal	£5,000.	£1,700.
Judge President	£4,500.	£1,600.
Judge	£4,250.	£1,500.

Second Schedule.

LAWS REPEALED.

No. and year of law.	Title.	Extent of repeal.
Act No. 16 of 1912.	Judges' Salaries and Pensions Act, 1912.	The whole.
Act No. 30 of 1934.	Judges' Salaries (Amendment) Act, 1934.	The whole.
Act No. 27 of 1940.	Finance Act, 1940.	Section <i>eighteen</i> .
Act No. 41 of 1941.	Judges' Act, 1941.	The whole.
Act No. 36 of 1948.	Judges' Salaries and Pensions Amendment Act, 1948.	The whole.
Act No. 43 of 1952.	Judges' Salaries and Pensions Amendment Act, 1952.	The whole.
Act No. 44 of 1956.	Judges' Widows Pensions Act, 1956.	The whole.
Act No. 19 of 1958.	Judges' Salaries and Pensions Amendment Act, 1958.	The whole.

ACT

To amend the Insurance Act, 1943.

(English text signed by the Governor-General.)
(Assented to 4th July, 1959.)

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

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 and section 50 of Act 25 of 1956.

1. (1) Section *one* of the Insurance Act, 1943 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion in sub-section (1) before the definition of "approved reinsurances", of the following definition:

"'actuary' means any Fellow of the Institute of Actuaries of England or of the Faculty of Actuaries in Scotland or of the Society of Actuaries of America or of any other institute, faculty, society or chapter of actuaries approved by the Minister;"

(b) by the substitution in sub-section (1) in the definition of "industrial policy" for the words "one hundred" of the words "three hundred";

(c) by the substitution in sub-section (1) in paragraph (c) of the definition of "insurance business" for the words "if they fall within the scope of the regulations of the society or company concerned" of the words "in so far as they relate to a scheme or arrangement in terms of the regulations of the society or company concerned, under which the amount of the benefits afforded by such scheme or arrangement is not guaranteed and the liability of the society or company in respect of claims is limited to the amount standing to the credit of a fund specially maintained in respect of such claims";

(d) by the substitution in sub-section (1) for the definition of "principal officer" of the following definition: "'public officer' means the public officer in the Union appointed in terms of section *seven*;"

(e) by the insertion in sub-section (1) in the definition of "registered insurer" before the word "*four*" of the words "*three bis* or"; and

(f) by the addition at the end of sub-section (1) of the following definition: "'valuator' means a valuator appointed in terms of section *ten*."

(2) The amendment effected by paragraph (b) of sub-section (1) shall not apply in respect of any life policy in force at the commencement of that paragraph.

Amendment of section 2 of Act 27 of 1943.

2. Section *two* of the principal Act is hereby amended by insertion after sub-section (1) of the following sub-section:

"(1)*bis* The Minister may similarly appoint an officer to be styled the Deputy Registrar of Insurance who may, subject to the control and directions of the registrar, do anything which may lawfully be done by the registrar."

Insertion of section 3*bis* in Act 27 of 1943.

3. The following section is hereby inserted in the principal Act after section *three*:

"Provisions relating to existing co-operative insurers.

3*bis*. (1) Any co-operative society or co-operative company referred to in paragraph (c) of the definition of 'insurance business' in sub-section (1) of section *one* which immediately before the commencement of this section was lawfully carrying on in the Union any class of insurance business (hereinafter called a co-operative insurer) and which intends to continue to carry on that class of business shall within a period of three months as from such commence-

ment apply for registration under this Act by furnishing to the registrar the documents and particulars prescribed by regulation for the purposes of section *four*, as far as any such regulation is applicable, and, in the case of life business, a copy of every table or statement, and of the report, mentioned in sub-section (2) of section *thirty-four*.

(2) Except as provided in sub-section (3) of this section, the provisions of sub-section (3) of section *four* shall thereupon *mutatis mutandis* apply in respect of such an application for registration.

(3) In the case of a co-operative insurer Part I of the First Schedule to this Act shall be deemed to provide that the amount of the deposit with the Treasury shall be as follows, namely—

- (a) before registration, an amount equal to twenty per cent. of the amount of the deposit which, had this sub-section not been enacted, would have been prescribed by the said Part I; and
- (b) within each succeeding period of twelve months after registration, an amount equal to the amount arrived at in terms of paragraph (a) until the total amount of the deposit equals the amount of the deposit which would have been so prescribed.

(4) Notwithstanding the provisions of sub-section (1) of section *five*, a co-operative insurer who has within a period of three months as from the commencement of this section applied for registration in terms of sub-section (1) of this section, may without having been registered under this Act, continue to carry on any class of insurance business in respect of which he has so applied for registration during the said period of three months and thereafter until he has been so registered or until his application has been refused; Provided that a co-operative insurer who at any time before the expiration of the said period of three months lawfully issued a policy which is still in force at such expiration may continue to carry on any insurance business relating to that policy (except issue another policy which is not a paid-up policy issued in terms of sub-section (2) of section *sixty-two*) even though he has not applied for registration in terms of sub-section (1) of this section, and a co-operative insurer whose application has been refused may, after the date of such refusal, continue likewise to carry on insurance business relating to any policy in force at such date.

(5) In the case of a co-operative insurer the provisions of sections *twelve* and *thirteen* shall apply as if such insurer had commenced to carry on insurance business on the date of commencement of this section.”.

Amendment of section 4 of Act 27 of 1943, as amended by section 1 of Act 19 of 1945 and section 3 of Act 73 of 1951.

4. Section *four* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (3) after the words “such a deposit has been made” of the words “and has paid to the registrar a registration fee of one pound”;
- (b) by the addition at the end of the proviso to sub-section (3) of the following paragraphs:
 - “(f) under a name which is, in the opinion of the registrar, calculated to mislead the public;
 - (g) other than a company incorporated and registered or deemed to have been incorporated and registered under the Companies Act, 1926 (Act No. 46 of 1926), or the Companies Ordinance, 1928 (Ordinance No. 19 of 1928), of the Territory, or a co-operative society or co-operative company registered or deemed to be registered under the Co-operative Societies Act, 1939, or the Co-operation Proclamation, 1922, of the Territory, or a corporate body established under the provisions of any other law.”; and

(c) by the addition to sub-section (3) of the following further proviso:

"Provided further that the registrar may refuse to register any person as an insurer authorized to carry on any insurance business, unless such person satisfies the registrar that such business will be in the public interest and complies with such conditions as the registrar may deem it desirable to impose in the public interest."

Insertion of section 4bis in Act 27 of 1943.

5. The following section is hereby inserted in the principal Act after section four:

"Change of name. 4bis. (1) A registered insurer shall not without the approval in writing of the registrar—

- (a) alter the name under which he is registered under this Act;
- (b) use or refer to himself by a name other than the name under which he is so registered, or a literal translation thereof; or
- (c) use or refer to himself by an abbreviation of or derivation from such name:

Provided that the provisions of this sub-section shall not authorize the change of any name without compliance with the requirements of any other law relating to such a change of name.

(2) In considering any application for approval in terms of sub-section (1), the registrar shall observe the provisions of paragraphs (e) and (f) of the proviso to sub-section (3) of section four as if he were considering an application for registration under that section.

(3) When a registered insurer has altered his name as aforesaid the registrar shall, at the request of the insurer and on payment by him of a fee of one pound, alter the name of the insurer in his register of insurers and issue to him a certificate of such alteration."

Amendment of section 6 of Act 27 of 1943, as amended by section 5 of Act 73 of 1951.

6. Section six of the principal Act is hereby amended—

- (a) by the insertion in sub-sections (1) and (4) after the words "section three" of the words ", three bis";
- (b) by the insertion in paragraph (a) of sub-section (5) after the word "on" of the words "any particular class of";
- (c) by the substitution in sub-section (5) for the words "his long term" of the words "the said class of", and for the words "such insurance business" of the words "such class of insurance business"; and
- (d) by the insertion in sub-section (6) after the word "any" of the words "particular class of".

Substitution of section 7 of Act 27 of 1943.

7. The following section is hereby substituted for section seven of the principal Act:

"Principal office and public officer in Union.

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

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

(3) Process in any legal proceedings against a registered insurer may be served by leaving it at the principal office of the insurer in the Union, and if such office within the Union is no longer in existence service upon the registrar shall be deemed to be service upon the insurer."

Amendment of section 9 of Act 27 of 1943, as amended by section 7 of Act 73 of 1951.

8. Section nine of the principal Act is hereby amended—

- (a) by the addition at the end of sub-section (3) of the following proviso:

"Provided that where in the opinion of the registrar

special circumstances justify it, a non-Union insurer may appoint one of his servants as his auditor.”; and

- (b) by the substitution in sub-sections (4) and (10) for the word “actuary” wherever it occurs of the word “valuator”.

Substitution of section 10 of Act 27 of 1943, as amended by section 8 of Act 73 of 1951.

9. The following section is hereby substituted for section ten of the principal Act:

“Appoint-
ment,
powers and
duties of
valuator.

10. (1) Every Union insurer carrying on long term insurance business shall have a valuator for that insurance business, whether carried on in the Union or elsewhere, and every non-Union insurer carrying on such business in the Union shall have a valuator for that business.

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

(3) A registered insurer shall not appoint a person as his valuator unless he is an actuary: Provided that if the registrar is of the opinion that in any particular case special circumstances exist which make the application of the preceding provisions of this sub-section undesirable, he may authorize the appointment as valuator of any person who, in the registrar’s opinion, has sufficient actuarial knowledge.

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

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

(6) The valuator of a registered insurer shall satisfy himself that the statement of the insurer’s liabilities in respect of long term insurance business, prepared by the insurer in terms of sections twelve and thirteen, is correct in so far as it relates to liabilities under unmaturing policies and to such further extent as may be directed by the registrar at the request of the insurer and shall, if he has so satisfied himself, attest the statement accordingly, or, if he cannot so satisfy himself, attest it subject to such qualifications as he deems necessary.

(7) In attesting any statement under sub-section (6) the valuator shall state—

- (a) whether he has compared the number of deaths amongst the persons whose lives were insured by the insurer with the number of deaths which would have occurred had such persons been subject to the rates of mortality incorporated in the mortality table used for calculating the liabilities, and, if so, in respect of what period such comparison was made and the results of the comparison;
- (b) whether he has compared the rate of interest which the insurer earned in the past in respect of all the assets referred to in paragraph (a) of sub-section (1) of section seventeen (in the case of a Union insurer), or the assets referred to in sub-section (1) of section eighteen (in the case of a non-Union insurer), with the rate of interest used in calculating the liabilities, and, if so, the period in respect of which and the method by which the rate of interest earned by the insurer was calculated, and the result of the comparison; and
- (c) whether he has compared the expenses of conducting the classes of insurance business in question (including commissions and other

expenses incurred in connection with the receipt of applications for policies or the collection of premiums) with the allowance for expenses made in calculating the liabilities, and, if so, the methods by which the comparison was made, and the results of the comparison,

or, if any of the comparisons referred to in paragraphs (a), (b) and (c) have not been made, in what manner he has satisfied himself of the suitability of the mortality table used, or, as the case may be, of the rate of interest used, or of the allowance for expenses made, in calculating the liabilities.”.

Amendment of section 15 of Act 27 of 1943, as substituted by section 13 of Act 73 of 1951.

10. (1) Section *fifteen* of the principal Act is hereby amended by the substitution for paragraph (f) of the following paragraph:

“(f) Every asset which a registered insurer holds in respect of long term insurance business and which is of a kind specified in paragraph 3, 4, 5 or 6 of the Third Schedule to this Act shall be shown at an amount which does not exceed the lesser of the two amounts stated below, namely—

(i) the cost to the insurer concerned of acquiring the asset, after deducting the amount of any interest due or accrued which was included in such cost, and after making such adjustments (if any) in respect of brokerage, stamp duty and underwriting commission as may be required by the methods of bookkeeping habitually applied by the insurer concerned; or

(ii) the amount of capital payable on redemption (whether in one sum or by instalments):

Provided that where the amount arrived at in terms of sub-paragraph (i) differs from the amount referred to in sub-paragraph (ii), the insurer concerned may show the asset at an amount which has been arrived at by a method of annual adjustments approved by the registrar: Provided further that to the amount determined in accordance with the foregoing provisions there may be added the amount of any interest due or accrued at the date to which the statement relates.”.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of January, 1952.

Amendment of section 17 of Act 27 of 1943, as substituted by section 15 of Act 73 of 1951.

11. (1) Section *seventeen* of the principal Act is hereby amended—

(a) by the substitution in paragraph (a) of sub-section (2) for the word “forty” of the word “thirty”; and

(b) by the substitution in sub-section (3) for the word “actuary” where it occurs for the first time of the word “valuator”.

(2) (a) Paragraph (a) of sub-section (1) shall come into operation on the first day of January, 1964, and prior to that date paragraph (a) of sub-section (2) of section *seventeen* of the principal Act shall be construed as if for the word “forty” occurring therein there had been substituted with effect from the first day of January, 1960, the word “thirty-eight”, and with effect from the first day of January in each succeeding year the word “thirty-six”, the word “thirty-four” and the word “thirty-two” respectively.

(b) The provisions of paragraph (a) shall apply *mutatis mutandis* to every Union insurer in respect of his short term insurance business.

Amendment of section 18 of Act 27 of 1943, as substituted by section 16 of Act 73 of 1951.

12. (1) Section *eighteen* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (2) for the word “forty” of the word “thirty”.

(2) (a) Sub-section (1) shall come into operation on the first day of January, 1964, and prior to that date paragraph (a) of sub-section (2) of section *eighteen* of the principal Act shall be construed as if for the word “forty” occurring therein there had been substituted with effect from the first day of January, 1960, the word “thirty-eight”, and with effect from the first day of January in each succeeding year the word “thirty-six”, the word “thirty-four” and the word “thirty-two” respectively.

- (b) The provisions of paragraph (a) shall apply *mutatis mutandis* to every non-Union insurer in respect of the short term insurance business which he carries on in the Union.

Amendment of section 21 of Act 27 of 1943, as substituted by section 19 of Act 73 of 1951.

13. Section *twenty-one* of the principal Act is hereby amended—

- (a) by the insertion in paragraph (a) of sub-section (1) after the word "*three*" of the words "*, three bis*";
- (b) by the substitution in paragraph (d) of sub-section (1) for the words "a bank" of the words "a banking institution registered otherwise than provisionally in terms of the Banking Act, 1942 (Act No. 38 of 1942)," and for the words "such bank" of the words "such banking institution"; and
- (c) by the deletion of the word "and" after paragraph (d) of sub-section (1) and the insertion after the said paragraph of the following paragraph:
"*(d)bis* an asset consisting of an advance to a discount house approved by the South African Reserve Bank, if such advance is repayable within the Union; and".

Insertion of section 28*bis* in Act 27 of 1943.

14. The following section is hereby inserted in the principal Act after section *twenty-eight*:

"Registrar 28*bis*. The registrar may by notice in writing may require certain persons to furnish information. require any person who is not a registered insurer and who he has reason to suspect is carrying on any class of insurance business, to transmit to him within a period stated in such notice any document or information relating to his affairs which the registrar may require, and any such person shall comply with the requirements of the registrar to his satisfaction within the said period or within such further period as the registrar may allow."

Amendment of section 29 of Act 27 of 1943, as amended by section 25 of Act 73 of 1951.

15. Section *twenty-nine* of the principal Act is hereby amended by the substitution in paragraph (g) of sub-section (1) and in sub-section (3) for the word "actuary" of the word "valuator".

Amendment of section 30 of Act 27 of 1943.

16. Section *thirty* of the principal Act is hereby amended by the addition to sub-section (1) of the following further proviso:

"Provided further that no application shall be made for an order, and an order shall not be made, for the judicial management of the business of a registered insurer who is a co-operative society or co-operative company registered or deemed to be registered under the Co-operative Societies Act, 1939 or the Co-operation Proclamation, 1922 of the Territory."

Amendment of section 32 of Act 27 of 1943, as amended by section 27 of Act 73 of 1951.

17. Section *thirty-two* of the principal Act is hereby amended by the insertion in sub-section (5) after the word "companies" of the words "or, in the case of a registered insurer who is a co-operative society or co-operative company registered or deemed to be registered under the Co-operative Societies Act, 1939 or the Co-operation Proclamation, 1922 of the Territory, the law relating to the winding-up or dissolution of any such society or company,".

Amendment of section 34 of Act 27 of 1943 as amended by section 28 of Act 73 of 1951.

18. Section *thirty-four* of the principal Act is hereby amended by the substitution for the word "actuary" in paragraph (a) of sub-section (3) of the word "valuator" and for the word "actuary's" in paragraph (b) of the said sub-section of the word "valuator's".

Amendment of section 65 of Act 27 of 1943, as amended by section 41 of Act 73 of 1951.

19. Section *sixty-five* of the principal Act is hereby amended by the substitution in paragraph (a) for the words "principal officer" of the words "public officer".

Amendment of section 71 of Act 27 of 1943, as amended by section 43 of Act 73 of 1951.

20. Section *seventy-one* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (c) of sub-section (1) for the word "actuary" of the word "valuator"; and

- (b) by the substitution in paragraph (a) of sub-section (4) for the words "principal officer" of the words "public officer" and for the word "actuary" of the word "valuator".

Insertion of sections 73bis and 73ter in Act 27 of 1943.

21. The following sections are hereby inserted in the principal Act after section *seventy-three*:

"Penalty for failure to submit documents or to furnish information.

73bis. Any person who fails to submit, transmit or furnish to the registrar within any period fixed by or under this Act any statement, report, return or other document or information required by or under this Act to be so submitted, transmitted or furnished, shall, irrespective of any criminal action that may have been taken or may be taken against such person under this Act, be liable to pay such penalty (if any) as the registrar may deem fit but not exceeding ten pounds for every day after the expiration of such period that he continues so to fail, and the registrar may by action in any competent court recover from such person such penalty or such portion thereof (if any) as he in his discretion considers the circumstances justify him in claiming.

Penalty for failure to comply with financial provisions.

73ter. Any person who fails to comply with the provisions of sub-section (1), (2) or (4) of section *seventeen* or of sub-section (1), (2) or (4) of section *eighteen*, shall be liable to pay such penalty (if any) as the registrar may deem fit but not exceeding one hundred pounds, and the registrar may by action in any competent court recover from such person such penalty or such portion thereof (if any) as he in his discretion considers the circumstances justify him in claiming."

Insertion of section 75bis in Act 27 of 1943.

22. The following section is hereby inserted in the principal Act after section *seventy-five*:

"Restriction upon use of certain names.

75bis. (1) After the expiration of a period of twelve months from the commencement of this section, no person who is not—

- (a) a registered insurer; or
(b) a former insurer or deemed to be a former insurer, in terms of section *twenty-four*,

shall without the approval in writing of the registrar use in respect of or apply to any business or undertaking carried on by him, or permit to be so used or applied, any name, style or description in which the word "insure" or the word "assure" or any derivative of either word occurs.

(2) The registrar shall issue a certificate in respect of any change of name by virtue of the provisions of sub-section (1).

(3) Any person who has changed his name by virtue of the provisions of sub-section (1) shall on receipt of the certificate referred to in sub-section (2), produce such certificate or a copy thereof, certified as a true copy by the registrar, to the officer in charge of the deeds registry in which is registered any deed bearing the previous name.

(4) Such officer shall, if any such deed is at any time produced to him, without charge substitute the new name for the previous name on such deed and in all the relevant registers in the said registry."

Amendment of section 77ter of Act 27 of 1943, as inserted by section 44 of Act 73 of 1951.

23. Section *seventy-seven ter* of the principal Act is hereby amended—

- (a) by the deletion of paragraphs (a), (b), (c) and (d) of sub-section (1); and
(b) by the deletion in paragraph (g) of sub-section (1) of the words "paragraph (c) of sub-section (1) of section *twenty*, sub-section (12) of section *thirty-one*,".

Amendment of the Third Schedule to Act 27 of 1943, as substituted by section 46 of Act 73 of 1951.

24. The Third Schedule to the principal Act is hereby amended—

- (a) by the insertion in paragraph 1 after the words "section *three*" of the words " , *three bis*";
(b) by the substitution in paragraph 2 for the words "commercial bank as defined in" of the words

“banking institution registered otherwise than provisionally in terms of”;

- (c) by the addition at the end of paragraph 5 of the words “or the Land and Agricultural Bank of South Africa”;
- (d) by the substitution in paragraph 6 for the word “Minister” of the word “registrar”; and
- (e) by the insertion after paragraph 7 of the following paragraph:

“*7bis.* Advances to a discount house approved by the South African Reserve Bank.”.

Application of Act to South-West Africa.

25. This Act shall, to the same extent as the principal Act, apply also in the territory of South-West Africa.

Short title and commencement.

26. (1) This Act shall be called the Insurance Amendment Act, 1959, and shall, subject to the provisions of sub-section (2), come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(2) Different dates may in terms of sub-section (1) be fixed in respect of the several provisions of this Act.