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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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

Prys 10c Price
Oorsee 15c Overseas
POSVRY—POST FREE

Vol. 45.] KAAPSTAD, 19 MAART 1969. / CAPE TOWN, 19TH MARCH, 1969. [No. 2305.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 402. 19 Maart 1969.

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

No. 9 van 1969: Wet op die Berekening van Skadevergoeding, 1969.

DEPARTMENT OF THE PRIME MINISTER.

No. 402. 19th March, 1969.

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

No. 9 of 1969: Assessment of Damages Act, 1969.

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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.)

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.

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; (iii)

(ii) "insurance money" includes a refund of premiums and any payment of interest on such premiums; (ii)

(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. (i)

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.

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WET

Tot wysiging van die reg met betrekking tot die berekening van skadevergoeding vir die verlies van onderhoud ten gevolge van iemand se dood.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 7 Maart 1969.)

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

Versekeringsgelde, pensioene en sekere voordele word by die berekening van skadevergoeding vir verlies van onderhoud, nie in aanmerking geneem nie.

1. (1) Wanneer in 'n geding waarvan die oorsaak na die inwerkingtreding van hierdie Wet ontstaan het, skadevergoeding bereken word vir die verlies van onderhoud ten gevolge van iemand se dood, word geen versekeringsgeld, pensioen of voordeel wat ten gevolge van die dood betaal is of betaal sal word of moontlik betaal sal word, in aanmerking geneem nie.

(2) By die toepassing van subartikel (1) beteken—

(i) „pensioen" ook 'n terugbetaling van bydraes en 'n betaling van rente op sodanige bydraes, en ook 'n betaling van 'n gratifikasie of ander ronde som deur 'n pensioen- of voorsieningsfonds of deur 'n werkgewer ten opsigte van iemand se diens; (iii)

(ii) „versekeringsgeld" ook 'n terugbetaling van premies en 'n betaling van rente op sodanige premies; (ii)

(iii) „voordeel" 'n betaling deur 'n onderlinge hulpvereniging of vakvereniging vir die bystand of onderhoud van 'n lid se afhanklikes. (i)

Toepassing van Wet op Suidwes-Afrika.

2. Die bepalings van hierdie Wet en 'n wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van daardie gedeelte van genoemde gebied wat as die Oostelike Caprivi Zipfel bekend staan en wat in artikel 38 (5) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968) genoem word.

Kort titel.

3. Hierdie Wet heet die Wet op die Berekening van Skadevergoeding, 1969.