

BECHUANALAND PROTECTORATE.

HIGH COMMISSIONER'S NOTICE

No. 29 OF 1947.

It is hereby notified for general information that, under and by virtue of the powers vested in him by section *twenty-four* of the Bechuanaland Protectorate Motor Vehicle Insurance Proclamation, 1946 (No. 18 of 1946), His Excellency the High Commissioner has been pleased to make the following regulations relating to the insurance of motor vehicles in the Bechuanaland Protectorate.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

High Commissioner's Office,
Cape Town, 24th January, 1947.

INTERPRETATION.

1. In these regulations "the Proclamation" means the Bechuanaland Protectorate Motor Vehicle Insurance Proclamation, 1946 (No. 18 of 1946), and the sections quoted are the sections of that Proclamation, and any expression to which a meaning has been assigned in the said Proclamation bears when used in these regulations the meaning which has been so assigned.

APPLICATION FOR INSURANCE.

2. (1) An application under section *three* (1) for the insurance of a particular motor vehicle shall be made by the owner or his authorised representative in the form M.V.A. 1 and any subsequent application if it relates to the further insurance of such motor vehicle over a successive insurance period may be made in the form M.V.A. 11: Provided that there has been no change of ownership of such motor vehicle.

(2) An application by a motor dealer or his authorised representative under section *five* for the insurance of all motor vehicles of which he is owner in connection with his business as a motor dealer shall be made in the form M.V.A. 2.

DECLARATION OF INSURANCE.

3. (1) A declaration of insurance issued by a registered company in terms of section *three* (2) and *three* (3) shall be in the form M.V.A. 3.

(2) A declaration of insurance issued by a registered company to a motor dealer in terms of section *five* shall be in the form M.V.A. 4.

SECURITY IN LIEU OF INSURANCE.

4. (1) If at any time the Resident Commissioner is satisfied that any person who has deposited security under section *twenty-one* thereafter fails to meet in full his liabilities under section *nineteen* (3), such security shall vest in the Resident Commissioner for the purpose of the liabilities of the depositor under the Proclamation.

(2) In terms of section *twenty-one* (11) the deposit made under section *twenty-one* shall be made available for the payment of the compensation and costs mentioned in sub-section (10) thereof by draft on the Government of the Bechuanaland Protectorate; provided that where the deposit was in the form of security such security or portion thereof shall be realised to the extent of the amount of such draft and the sum or the security deposited shall be regarded as reduced by that amount. When the deposit is insufficient to meet in full all claims for compensation and costs from all persons the value of the deposit shall be apportioned between the different persons entitled to such compensation and costs in proportion to their relative claims.

PROHIBITION AGAINST DRIVING UNINSURED MOTOR VEHICLE REGISTERED AT A PLACE OUTSIDE THE BECHUANALAND PROTECTORATE.

5. (1) In accordance with section *nineteen* (2) (b) the provisions of section *nineteen* (1) shall not apply in connection with a motor vehicle which is registered at a place outside the Territory in terms of a law in force at that place,

(a) if the person who drives or permits another person to drive the said vehicle is in possession of an insurance declaration in the form M.V.A. 10 issued by a registered company as defined in the Proclamation or group of such registered companies in respect of such motor vehicle, valid for the whole period during which the motor vehicle is to be driven in the Territory, or

(b) if the person who drives or permits another person to drive the said vehicle is in possession of a declaration of insurance issued under and by virtue of the provisions of Act No. 29 of 1942 of the Union of South Africa by a registered company as defined in the Proclamation: provided that such declaration of insurance is issued subject to an undertaking by such registered company to pay compensation in respect of such motor

vehicle to any persons whatsoever in the circumstances and subject to the conditions prescribed by the Proclamation, or

(c) if the owner is the holder of a valid certificate of exemption issued in terms of the said Act in respect of the said vehicle and has undertaken that the deposit made by him in respect of such certificate of exemption shall *mutatis mutandis* be regarded as a deposit made in terms of section *twenty-one* while the said vehicle is in the Territory.

(2) When a registered company or group of registered companies issues an insurance declaration in respect of a motor vehicle in terms of the preceding sub-paragraph, it shall issue together with that declaration a token of identity in the form prescribed by paragraph 8 (2) of these regulations whereon are inscribed the particulars for which provision is made on the prescribed form.

(3) The person to whom a token of identity relating to a motor vehicle has been issued in terms of the preceding sub-paragraph shall attach the token to the vehicle in the manner prescribed by paragraph 9 of these regulations and shall keep it attached thereto throughout the duration of the insurance in connection wherewith the token was issued.

(4) The form M.V.A. 9 may be used when application is made to a registered company or group of registered companies for an insurance declaration referred to in this paragraph.

TOKEN OF INSURANCE.

6. The token of insurance issued by a registered company to the owner of a motor vehicle under section *four* (1) shall be in the form M.V.A. 5.

TOKEN OF EXEMPTION.

7. In terms of section *twenty-one* (3) the token of exemption referred to in section *twenty-one* (2) shall be in the form M.V.A. 6.

TOKEN OF IDENTITY.

8. (1) The token to identify any motor vehicle mentioned in section *nineteen* (2) (a) shall be issued by the Government Secretary and shall be in the form M.V.A. 7, and any such token so issued shall be attached to the vehicle to which it relates in the manner prescribed in paragraph 9 of these regulations and kept attached thereto so long as the vehicle remains in the ownership of any person, State or Government referred to in section *nineteen* (2) (a) who or which before alienating or abandoning a

motor vehicle bearing such token shall remove the token or cause it to be removed and as soon as may be thereafter shall return it or cause it to be returned to the Government Secretary: Provided that where the vehicle bears marking by which it can be identified as a vehicle referred to in section *nineteen* (2) (a) such marking may be regarded as a token of identity for the purposes of the Proclamation and these regulations, but the Government Secretary may in his discretion issue a token in the form M.V.A. 7 in respect of any such vehicle.

(2) The token to identify any motor vehicle mentioned in section *nineteen* (2) (b) shall be in the form M.V.A. 8.

MANNER OF ATTACHING TOKEN TO A MOTOR VEHICLE.

9. In terms of section *twenty* (1) a token of insurance M.V.A. 5 and in terms of section *twenty-one* (4) a token of exemption M.V.A. 6 issued under the provisions of the Proclamation and in terms of section *twenty-four* (c) a token of identity M.V.A. 7 and a token of identity M.V.A. 8 issued under the provisions of these regulations, shall be attached to the front part of the vehicle to which it relates in a conspicuous place so that the whole text is conveniently and plainly visible at all times from outside the vehicle on the near side and be kept in such manner and maintained in such condition as to ensure that the text remains clearly legible.

10. The forms M.V.A. 1, M.V.A. 2, M.V.A. 3, M.V.A. 4, M.V.A. 5, M.V.A. 6, M.V.A. 7, M.V.A. 8, M.V.A. 9, M.V.A. 10 and M.V.A. 11 referred to in these regulations shall be as set forth in High Commissioner's Notice No. 31 of 1947.