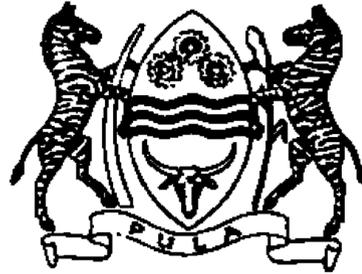


MOTOR VEHICLE INSURANCE FUND ACT, 1986

No. 30



of 1986

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation.
3. Driving without motor vehicle licence or insurance token prohibited.
4. Establishment of MVI Fund.
5. Monies of MVI Fund.
6. Powers and duties of the MVI Fund.
7. Advisory Committee.
8. Insurance token issued in certain cases.
9. Insurance of Motor Dealers vehicles.
10. Liability of MVI Fund.
11. Liability limited in certain cases.
12. Liability excluded in certain cases.
13. Claim for compensation lies against MVI Fund only.
14. Submission of information.
15. Prescription.
16. Procedure.
17. MVI Fund's right of recourse.
18. Termination of insurance.
19. Means of identifying certain insured vehicle.
20. Certain motor vehicle laws to apply in connection with insurance.
21. Regulations.
22. Savings.
23. Repeal of Motor Vehicle Insurance Act.

An Act to provide for compensation for certain loss or damage caused unlawfully by means of motor vehicles and for matters incidental thereto.

Date of Assent: 24.12.86

Date of Commencement: 1.1.87

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Motor Vehicle Insurance Fund Act, 1986, and shall come into force on the 1st January, 1987. Short title

Interpretation

- 2. (1) In this Act, unless the context indicates otherwise —**
- “appointed agent” means an agent appointed under section 6;**
 - “business” does not include any unlawful business;**
 - “conveyed”, in relation to the conveyance of a person in a motor vehicle, shall include being conveyed while in the act of entering or mounting the motor vehicle concerned for the purpose of being so conveyed or being in the act of alighting from the motor vehicle concerned after having been so conveyed;**
 - “insured” means insured under this Act;**
 - “insurer” means the Motor Vehicle Insurance Fund set up under section 4;**
 - “insurance period” means the period for which any motor vehicle licence or insurance token, as the case may be, is issued;**
 - “insurance token” means a token of insurance issued under section 8 or section 9;**
 - “insured motor vehicle” means a vehicle, other than any vehicle or class of vehicle excluded by the Minister by regulations made under this Act, registered in Botswana and carrying a current motor vehicle licence or a vehicle not registered in Botswana but insured by means of a declaration of insurance issued in terms of section 8 or section 9 relating to that particular vehicle;**
 - “motor dealer” means a person who, as a business or trade, manufactures, assembles, repairs or deals in motor vehicles;**
 - “motor vehicle” means any vehicle designed or adapted for propulsion or haulage on a road by means of any power (not being exclusively human or animal power) without the aid of rails, and includes any trailer of such a vehicle, but does not include a vehicle weighing not more than 230 kg. which is specially constructed for the use of a person who suffers from a physical defect or disability, and which is designed to carry only one person;**
 - “motor vehicle licence” means the licence issued under Part III of the Road Traffic Act;**
 - “MVI Fund” means the Motor Vehicle Insurance Fund established by section 4;**
 - “owner”, in relation to —**
 - (a) a motor vehicle which a motor dealer has in his possession during the course of his business and which may, in terms of any law relating to the licensing of motor vehicles, not be driven or used on a public road except under the authority of a motor dealer’s licence of which the motor dealer concerned is the holder, means that motor dealer;**
 - (b) a motor vehicle which has been received for delivery by a motor dealer in the course of his business of delivering new**

vehicles and which has not yet been delivered by him, means that motor dealer;

(c) a motor vehicle which is the subject of a hire-purchase agreement, means the purchaser under the hire purchase agreement in question;

(d) a motor vehicle leased under an agreement of lease for a period of at least 12 months, means the lessee concerned;

“prescribed territory” means any foreign territory prescribed by the Minister by regulations;

“reward”, with reference to the conveyance of any person in or upon a motor vehicle, does not include any reward rendering such conveyance illegal in terms of any provision of the Road Traffic Act;

“specifically insured” in relation to a motor vehicle, means insured by means of a declaration of insurance issued in terms of section 8, which relates to that particular motor vehicle;

“special circumstances” does not include any neglect, omission or ignorance.

(2) For the purposes of this Act a motor vehicle which is being propelled by any mechanical, animal or human power or by gravity or momentum shall be deemed to be driven by the person in control of the vehicle.

(3) For the purposes of this Act a person who has placed or left a motor vehicle at any spot shall be deemed to be driving that motor vehicle while it moves from that spot as a result of gravity, or while it is stationary at that spot or at a spot to which it moved from the first-mentioned spot as a result of gravity.

(4) Whenever any motor vehicle has been placed or left at any spot, it shall, for the purposes of this Act, be presumed, until the contrary is proved, that such vehicle was placed or left at such spot by the owner thereof.

3. (1) Subject to the provisions of subsection (2), no person shall drive a motor vehicle in any place unless a valid current motor vehicle licence or an insurance token is attached to that vehicle in the prescribed manner.

(2) The provisions of subsection (1) shall not apply in relation to any motor vehicle —

(a) of which the Government of Botswana is the owner; or

(b) which is not required to be licensed in terms of any law; or

(c) which the Minister may by regulations prescribe as being exempt from the requirements of Part III of the Road Traffic Act.

4. (1) There is hereby established a juristic person to be known as the Motor Vehicle Insurance Fund.

(2) The income of the MVI Fund shall be exempt from income tax.

Cap. 69:01

Driving
without
motor vehicle
licence or
insurance
token
prohibited

Cap. 69:01

Establish-
ment of MVI
Fund

(3) The Minister may from time to time appoint a Manager, Assistant Manager and such other staff as may be required for the proper management of the MVI Fund.

Monies of the
MVI Fund

5. (1) The monies of the MVI Fund shall consist of such sums as shall be paid into the Fund by the Government and such income as it shall receive from its investments.

(2) The monies of the MVI Fund shall, subject to section 22, be utilized to defray the expenses incurred by the manager of that fund in the exercise of his powers and the performance of his duties in terms of this Act, except in the case of claims for compensation contemplated in section 10 arising out of the driving in Botswana of motor vehicles registered in any prescribed territory and insured under the provisions of any law relating to the compulsory insurance of motor vehicles in force in those territories and in respect of which prescribed provision has been made for the payment of the said compensation.

Powers and
duties of
the MVI
Fund

6. (1) The MVI Fund —

- (a) (i) shall, subject to the Minister's approval, appoint as many agents as it deems advisable, on conditions agreed upon, to investigate or settle, subject to the provisions of the regulations, on its behalf claims for loss or damage referred to in section 10 arising from the driving of a motor vehicle in the case where the identity of the owner or driver thereof has been established or to commence, conduct, defend or abandon legal proceedings in connection with such claims; and
- (ii) shall, after approval by the Minister, cause the names of the said agents and the claims in respect of which those agents shall be liable, to be published in the Gazette;
- (b) shall, subject to the provisions of the regulations, investigate or settle claims made against it for loss or damage referred to in section 10 arising from the driving of a motor vehicle in the case where the identity of the owner or driver thereof cannot be established or to commence, conduct, defend or abandon legal proceedings in connection with such claims;
- (c) may, subject to the Minister's approval in every case, purchase or otherwise acquire goods, equipment, land, buildings, shares, debentures, stock, securities and all other kinds of movable or immovable property;
- (d) may, subject to the Minister's approval in every case, sell, lease, mortgage, encumber, dispose of, exchange, work, develop, build upon, improve or in any other way deal with its property;

- (e) may invest any monies not immediately required for the conduct of its business, in such manner as may from time to time be determined by the Minister, and realise, alter or reinvest such investments or otherwise deal with such monies or investments in such manner as may from time to time be determined by the Minister;
 - (f) may, subject to the Minister's approval in every case, borrow money and secure the payment thereof in such manner as it may deem fit;
 - (g) may, subject to the Minister's approval, make donations for research in connection with any matter relating to injuries sustained in motor vehicle accidents, on such conditions as it may deem advisable;
 - (h) may draw, draft, accept, endorse, discount, sign and issue promissory notes, bills and other negotiable or transferable instruments, with the exception of share certificates;
 - (i) shall utilize its funds for any purpose connected with or resulting from the exercise of its powers or the performance of its duties;
 - (j) shall reimburse the Government for services rendered to the MVI Fund by persons in the service of the Government;
 - (k) may do all such other things as are incidental or conducive to the exercise of its powers or the performance of its duties;
 - (l) may accept liability towards any other government or juristic person for payment of compensation in terms of any law relating to the compulsory insurance of motor vehicles in force in that territory caused by or arising out of the driving in that territory of any motor vehicle registered in Botswana.
- (2) The MVI Fund shall —
- (a) keep proper records of all its financial transactions and its assets and liabilities;
 - (b) as soon as possible after each audit in terms of subsection (3), submit to the Minister audited balance sheets and the report of the Auditor-General in respect of such audit together with a report on the MVI Fund's activities during the year to which the audit relates.
- (3) The accounts of the MVI Fund shall be audited annually by the Auditor-General.
- (4) The Minister shall table copies of the reports submitted to him in terms of subsection (2) in the National Assembly within one month after receipt thereof if the National Assembly is then in session or, if the National Assembly is not in session, within one month after the commencement of its next ensuing session.
7. (1) The Minister may establish an advisory committee to advise him in regard to —

- (a) the financial position of the MVI Fund;
- (b) the financing of the MVI Fund;
- (c) the investment of the monies of the MVI Fund; and
- (d) any matter from time to time referred to the advisory committee by the Minister.

(2) The members of the advisory committee shall be appointed by the Minister, and the committee shall consist of such number not exceeding seven as the Minister shall prescribe.

(3) A member of the advisory committee shall be appointed for such period and on such conditions (including conditions relating to the allowances, if any, payable to him in respect of services rendered by him as such a member) as the Minister may determine.

(4) The advisory committee may demand the production to it of statistics, books, accounts or other documents of the MVI Fund for the purpose of examination or making extracts therefrom or copies thereof.

(5) The manager of the MVI Fund shall provide all such persons as may be necessary to undertake all secretarial and administrative work arising out of the performance of the functions of the advisory committee.

Insurance
token issued
in certain
cases

8. (1) The MVI Fund shall be obliged to insure any vehicle not registered in Botswana or in any prescribed territory if the vehicle is to be driven in Botswana and the owner or driver thereof applies for such insurance.

(2) Such insurance shall be effected by means of a written declaration of insurance and a token which the MVI Fund shall issue to the applicant.

(3) Such declaration shall set forth —

- (a) such particulars of the insured motor vehicle as may be necessary to identify it;
- (b) a statement that the MVI Fund has insured the said vehicles;
- (c) the duration of the insurance.

(4) The application shall be made in a form to be prescribed by the Minister by regulations and any applicant who makes a false declaration in respect of any material particular in his application, which he knows to be false, shall be guilty of an offence and liable to a fine of P500.

(5) The MVI Fund shall issue to the insured a token bearing the particulars necessary to identify the vehicle insured and the duration of the insurance effected thereby. Such token shall be *prima facie* proof that the motor vehicle to which it relates has been duly insured by the MVI Fund under this Act.

Insurance of
Motor
Dealers'
vehicles

9. The provisions of section 8 shall *mutatis mutandis* apply in connection with an application made by a motor dealer for the

insurance of all motor vehicles of which he is the owner in connection with his business as a motor dealer and which under any law relating to the licensing of motor vehicles may under the authority of a motor dealer's licence be driven or operated on a road or street or in any other place to which the public has access, and when so driven or operated may display dealer's identification plates:

Provided that the declaration of insurance issued by the MVI Fund to the applicant in respect of such motor vehicles as aforesaid shall not refer to any particular motor vehicle but to all such motor vehicles, and upon the issue of such a declaration of insurance the MVI Fund shall be deemed to have insured under this Act every such motor vehicle which is not insured by means of a declaration of insurance relating specifically to that motor vehicle.

10. (1) The MVI Fund shall, subject to the provisions of this Act and on the prescribed conditions, be obliged to compensate any person whomsoever (in this Act called "the third party") for any loss or damage which the third party has suffered as a result of —

Liability of
MVI Fund

(a) any bodily injury to himself;

(b) the death of or any bodily injury to any person,

in either case caused by or arising out of the driving of any insured motor vehicle by any person whomsoever at any place in Botswana, if the injury or death is due to the negligence or other unlawful act of the person who drove the motor vehicle (in this Act called "the driver") or of the owner of the motor vehicle or his servant in the execution of his duty.

(2) The provisions of subsection (1) also apply in respect of loss or damage resulting from or arising out of the driving of a motor vehicle in a prescribed territory.

(3) No interest shall be payable on the amount of any compensation which a court awards to any third party by virtue of the provisions of subsection (1), unless 14 days have elapsed from the date of the court's relevant order.

(4) In issuing any order as to costs on making such award, the court may take into consideration any written offer in settlement of the claim concerned against it or him, made by the MVI Fund or its appointed agent before the relevant summons was served on it or him.

(5) Where a claim for compensation under subsection (1) —

(a) includes a claim for the costs of the future accommodation of any person in a hospital or nursing home or treatment of or rendering of a service or supplying of goods to him, the MVI Fund or its appointed agent shall be entitled, after furnishing the third party concerned with an undertaking

to that effect, to compensate the third party in respect of the said costs after the costs have been incurred and on proof thereof;

(b) includes a claim for future loss of income or support, the MVI Fund or its appointed agent shall be entitled, after furnishing the third party in question with an undertaking to that effect, to pay the amount payable by it or him in respect of the said loss, by instalments as agreed upon.

(6) Where a third party is entitled to compensation in terms of this section and has incurred costs in respect of accommodation of himself or any other person in a hospital or nursing home or the treatment of or any service rendered or goods supplied to himself or any other person, the person who provided the accommodation or treatment or rendered the service or supplied the goods (in this case called the supplier) may claim the amount direct from the MVI Fund or the appointed agent, as the case may be, on a prescribed form, and such a claim shall be subject, *mutatis mutandis*, to the provisions applicable to the claim of the third party concerned.

Liability
limited in
certain cases

11. (1) The liability of the MVI Fund, in connection with any one occurrence to compensate a third party for any loss or damage contemplated in section 10 which is the result of any bodily injury to or the death of any person who, at the time of the occurrence which caused that injury or death, was being conveyed in or on the motor vehicle concerned, shall be limited —

(a) to the sum of P12,000 in respect of any bodily injury to or death of any one such person who at the time of the occurrence which caused that injury or death was being conveyed in the motor vehicle in question —

(i) for reward; or

(ii) in the course of the business of the owner of that motor vehicle; or

(iii) in the case of an employee of the driver or owner of that motor vehicle, in respect of whom subsection (2) does not apply, in the course of his employment; or

(b) in the case of a person who was being conveyed in the motor vehicle concerned under circumstances other than the circumstances referred to in paragraph (a), to the sum of P12,000 in respect of loss of income or of support and the costs of accommodation in a hospital or nursing home, treatment, the rendering of a service and the supplying of goods resulting from bodily injury to or the death of one such person, excluding the payment of compensation in respect of any other loss or damage, but exclusive of the cost of recovering the said compensation.

(2) Where the loss or damage contemplated in section 10 is suffered as a result of bodily injury to or death of an employee of the driver or owner of the motor vehicle concerned and the third party is entitled to compensation under the Workmen's Compensation Act, in respect of such injury or death —

Cap. 47:03

(a) the liability of the MVI Fund, in respect of the bodily injury to or death of any one such employee shall be limited in total to the sum representing the difference between the amount which that third party could, but for the provisions of this paragraph, have claimed from the appointed agent or the amount of P12,000 (whichever is the lesser) and any lesser amount to which that third party is entitled by way of compensation under the said Act:

(b) the total liability of the MVI Fund, in connection with any one occurrence to pay compensation in terms of paragraph (a) to third parties so entitled shall be limited to the sum of P100,000 irrespective of the number of such employees whose bodily injuries or deaths were caused by or arose out of that occurrence; and

(c) the MVI Fund shall not be liable under the said Act for the amount of the compensation to which any such third party is entitled thereunder, without, however, any liability of the MVI Fund to pay costs awarded against it in any legal proceedings being affected by anything in this subsection contained.

12. (1) The MVI Fund shall not be obliged to compensate any person in terms of section 10 for any loss or damage —

Liability excluded in certain cases

(a) for which neither the driver nor the owner of the motor vehicle concerned would have been liable if section 13 had not been enacted; or

(b) suffered as a result of bodily injury to or the death of any person who, at the time of the occurrence which caused that injury or death —

(i) was being conveyed for reward on a motor vehicle which is a motor cycle; or

(ii) is a person referred to in section 11 (1) (b) and a member of the household, or responsible in law for the maintenance, of the driver of the motor vehicle concerned, and was being conveyed in or upon the motor vehicle concerned; or

(c) if the claim concerned has not been instituted and prosecuted by the claimant, or on behalf of the claimant by —

(i) any person entitled to practise as an attorney within Botswana; or

(ii) any person who is in the service of, or who is a representative, of the Government or a city, district or town council.

Claim for compensation lies against MVI Fund only

13. When a third party is entitled under section 10 to claim from the MVI Fund any compensation in respect of any loss or damage resulting from any bodily injury to or the death of any person caused by or arising out of the driving of a motor vehicle by the owner thereof or by any other person with the consent of the owner, that third party shall not be entitled to claim compensation in respect of that loss or damage from the owner or from the person who so drove the vehicle, or if that person drove the vehicle as a servant in the execution of his duty, from his employer, unless the MVI Fund is unable or refuses to pay the compensation.

Submission of information

14. (1) When, as the result of the driving of a motor vehicle, any person other than the driver of that motor vehicle has been killed or injured, the owner and the driver, if he is not the owner, of the motor vehicle shall (if reasonably possible, within 14 days after the occurrence) furnish an appointed agent or the MVI Fund, as the case may be, on the prescribed form with particulars of the occurrence and also the prescribed statements.

(2) Any person who fails to comply with any provision of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding P200, unless he is unable to comply with the provision concerned and his inability is not due to his own action or default.

(3) The appointed agent shall within 14 days after the third party has complied with the provisions of section 16 (2) (b), furnish the third party or his agent with a copy of the information and statements which the said owner or driver furnished in terms of subsection (1) of this section.

(4) Any person who furnishes false information in connection with the particulars of registration and licensing of the motor vehicle or a token of identification issued in terms of section 8 (5) and attached, at the time of an occurrence out of which a claim in terms of section 10 arises, to a motor vehicle to which it relates and which is involved in that occurrence, shall be guilty of an offence and liable on conviction to a fine not exceeding P250.

Prescription.

15. (1) (a) Notwithstanding the provisions of any other law relating to prescription, but subject to the provisions of paragraph (b) of this subsection, the right to claim compensation under section 10 from an appointed agent in respect of claims referred to in section 6 (1) (a) (i) shall become prescribed upon the expiration of a period of two years from the date upon which the claim arose: Provided that prescription shall be suspended during the period of three months referred to in subsection (2) of this section and section 16 (2) (a).

(b) Prescription of a claim for compensation under sections 6 (1) (a) and 10 shall not run against —
(i) a minor;

- (ii) any person detained as a patient in terms of the provisions of the Mental Disorders Act; or
- (iii) a person under curatorship.

(2) If an appointed agent does not within two months after receipt of a claim as set out in section 16 (1) object to the validity thereof, prescription shall be further suspended, notwithstanding the provisions of subsection (1), until after the expiration of a further period of three months from the date which the appointed agent by registered post directed to the claimant or his representative —

- (a) repudiates liability; or
- (b) conveys an offer of settlement of the claim to the claimant or his representative.

(3) If a third party's claim for compensation has become prescribed under subsection (1) of this section and a court having jurisdiction in respect of such a claim is satisfied, upon application by the third party concerned —

- (a) where the claim became prescribed before compliance by that third party with the provisions of section 16 (1), that by reason of special circumstances he or, if he instructed any other person to comply with those provisions on his behalf, such person could not reasonably have been expected to comply with the said provisions before the date on which the claim became prescribed; or
- (b) where the claim became prescribed after compliance by him with the said provisions, that by reason of special circumstances he or, if he instructed any other person to act on his behalf in this connection, such person could not reasonably have been expected to serve any process by which the running of prescription could have been interrupted, on the appointed agent before that date; and
- (c) that the appointed agent is not prepared to waive its right to invoke the prescription,

the court may grant leave to the third party to comply with the said provisions and serve process in any action for enforcement of the claim on the appointed agent in accordance with the provisions of section 16 (2) before a date determined by the court, or, as the case may be, to serve such process on the appointed agent before a date so determined.

(4) The court shall not grant an application referred to in subsection (3) unless —

- (a) the application is made within a period of three months after the date on which the claim became prescribed in terms of subsection (1); and
- (b) the third party has given security to the satisfaction of the court for the costs of the appointed agent in connection with the application.

(5) A plea of prescription in terms of subsection (1) shall not be upheld in any action in which the relevant process was served on the appointed agent by virtue of leave granted under subsection (3).

(6) Notwithstanding the provisions of the Workmen's Compensation Act, any right to recover an amount which under that Act is required to be paid to a third party in circumstances other than those mentioned in section 11 (2) of this Act, shall for the purposes of subsection (1) (excluding the proviso) and subsection (3) of this section be deemed to be a right to claim compensation under section 10 of this Act arising on the same date as the claim of such third party under the last-mentioned section:

Provided that if the recovery of any such amount has been debarred under this subsection, any compensation thereafter awarded to the third party under this Act shall be reduced by the amount concerned.

Procedure

16. (1) A claim for compensation under section 10 shall —

(a) be set out in the prescribed manner on a prescribed form which shall include provision for a medical report or reports, completed by the prescribed person or persons, in regard to the cause of the death or the nature and treatment of the bodily injury in connection with which the claim is instituted and for the prescribed supporting proof and particulars;

(b) be sent by registered post or delivered by hand, at his registered office or local branch office, to the appointed agent who in terms of regulations must handle the claims, and who shall, in the case of delivery by hand, at the time of the delivery acknowledge receipt thereof and the date of such receipt in writing.

(2) No such claim shall be enforceable by legal proceedings commenced by a summons served on the appointed agent —

(a) before the expiration of a period of three months as from the date on which the claim was sent or delivered by hand, as the case may be, to the appointed agent as provided for in subsection (1); and

(b) before all the prescription requirements of the appointed agent have been complied with:

Provided that if the appointed agent repudiates in writing liability for the claim before the expiration of the said period, the claimant may at any time after such repudiation serve summons on the appointed agent.

(3) An action to enforce such a claim may be brought in any court of otherwise competent jurisdiction within whose area of jurisdiction the occurrence which caused the injury or death took place.

17. When the MVI Fund has paid any compensation under section 10 it may, under the prescribed circumstances, without having obtained a formal cession of the right of action, recover from the owner of the motor vehicle concerned or from any person whose negligence or other unlawful act caused the loss or damage concerned, so much of the amount paid by way of compensation as the third party concerned could, but for the provisions of section 12, have recovered from the owner or from the person whose negligence or other unlawful act caused the loss or damage, as the case may be, if the MVI Fund had not paid any such compensation.

MVI Fund's
right of
recourse

18. The insurance of a motor vehicle which is insured under this Act shall terminate —

Termination
of
insurance

- (a) on the expiration of the motor vehicle licence issued in respect of a vehicle registered in Botswana; or
- (b) on the expiration of the current insurance token issued under this Act in respect of that motor vehicle, as the case may be.

19. (1) The owner of a motor vehicle to whom an insurance token relating to that vehicle has been issued in terms of section 8, shall attach the token to the vehicle in the prescribed manner and shall keep it attached thereto throughout the duration of the insurance in connection wherewith the token was issued, and the owner of a motor vehicle to whom an insurance token in respect thereof has been issued in terms of section 9 shall attach the token to such vehicle in the prescribed manner and keep it attached thereto while such vehicle is driven or operated on a road or street or in any place to which the public has access, during the period of insurance in connection wherewith the token was issued. If any owner fails to comply with any requirement of the preceding provisions of this subsection he shall be guilty of an offence and liable to a fine of P100.

Means of
identifying
certain
insured
vehicle

(2) If it is proved that at a particular time a motor vehicle did not bear, in the prescribed manner, such an insurance token as aforesaid which related to that motor vehicle, that motor vehicle shall, for the purposes of section 3(1), be deemed not to have been insured under this Act at that time, unless it is proved that the vehicle was in fact so insured at that time.

20. (1) Any person who drives a motor vehicle other than a motor vehicle exempted by the Minister by regulations made under section 3(2) in any place in Botswana without —

Certain
motor vehicle
laws to
apply in
connection
with
insurance

- (a) a valid current motor vehicle licence, or
- (b) a valid current insurance token,

attached thereto in the prescribed manner shall be guilty of an offence and shall, in addition to any punishment under any other law for the time being in force, be liable for a first offence to a fine

of P500 and to imprisonment for six months, and for each subsequent offence to a fine of P1000 and to imprisonment for twelve months.

(2) The provisions of any written law in force in any area which deal with the production to a proper authority or the falsification, fabrication, alteration, defacement or improper use, in any such area, of licences, certificates, tokens or marks relating to motor vehicles shall *mutatis mutandis* apply in that area in connection with the production, falsification, fabrication, alteration, defacement or improper use of a motor vehicle licence, declaration of insurance or insurance token issued under this Act and, apart from any such provision, any person who attaches to a motor vehicle or who drives a motor vehicle to which is attached any such motor vehicle licence or token as aforesaid which does not relate to that motor vehicle, or a false or a fabricated or altered motor vehicle licence or token, shall be guilty of an offence and liable to a fine of P1 000.

Regulations

21. (1) the Minister may make regulations for the better carrying out of the purposes and provisions of this Act, and, in particular and without prejudice to the generality of the foregoing, may make regulations with respect to any of the following matters —

- (a) prescribing anything required by this Act to be prescribed, and the manner in which any form so prescribed shall be completed or rendered;
- (b) the manner in which an insurance token shall be attached to and displayed on a motor vehicle;
- (c) prescribing the powers and duties in connection with the administration of this Act which may be exercised or performed by such persons as the Minister may designate;
- (d) the exclusion of any vehicle or class of vehicle from those insured under this Act;
- (e) after consultation with the Minister for the time being responsible for health, prescribing the tariff of fees in respect of the accommodation of any person in hospital or nursing home or of any treatment, services or goods supplied to any person which may be claimed under section 10 (6) from the MVI Fund for the cost of such accommodation, treatment, services or goods;
- (f) matters in respect of which statistics are to kept by appointed agents, the manner in which such statistics shall be compiled and the furnishing of information in connection therewith,

or prescribing or otherwise dealing with any matter which may in terms of any provision of this Act be prescribed or otherwise dealt with by regulations.

(2) Regulations made under subsection (1) may provide for penalties not exceeding a fine of P500 and imprisonment for three months for any contravention thereof or failure to comply therewith or with any order or direction given thereunder.

22. (1) The provisions of this Act shall not apply with reference to a claim for compensation which arose prior to the commencement of this Act under a law repealed by section 23, and any such claim shall be dealt with as if this Act had not come into force.

Savings

(2) The liability for all agreements and undertakings concluded by any registered insurance company under the Motor Vehicle Insurance Act, prior to the commencement of this Act shall, where applicable, remain in force as if this Act had not come into force.

Cap. 69:02

23. The Motor Vehicle Insurance Act, is repealed.

Repeal of
Motor
Vehicle
Insurance
Act

PASSED by the National Assembly this 16th day of December, 1986.

C.G. MOKOBI,
Clerk of the National Assembly.