

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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CAPE TOWN, 16TH JUNE, 1971.

KAAPSTAD, 16 JUNIE 1971.

[No. 3150.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1017.

16th June, 1971.

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

No. 58 of 1971: Apportionment of Damages Amendment Act, 1971.

No. 1017.

16 Junie 1971.

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

No. 58 van 1971: Wysigingswet op die Verdeling van Skadevergoeding, 1971.

ACT

To amend the Apportionment of Damages Act, 1956, so as further to amend the law relating to the liability of persons jointly or severally liable in delict for the same damage; to provide for matters incidental thereto; to apply the said Act also to the Eastern Caprivi Zipfel; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 4th June, 1971.)

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

Amendment of
section 2 of Act
34 of 1956.

1. Section 2 of the Apportionment of Damages Act, 1956 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after subsection (1) of the following subsections:

“(1A) Subject to the provisions of the first proviso to subsection (6) (a), a person shall for the purposes of this section be regarded as a joint wrongdoer if he would have been a joint wrongdoer but for the fact that he is married in community of property to the plaintiff.

(1B) Subject to the provisions of the second proviso to subsection (6) (a), if it is alleged that the plaintiff has suffered damage as a result of any injury to or the death of any person and that such injury or death was caused partly by the fault of such injured or deceased person and partly by the fault of any other person, such injured person or the estate of such deceased person, as the case may be, and such other person shall for the purposes of this section be regarded as joint wrongdoers.”; and

(b) by the addition to subsection (6) (a) of the following provisos:

“Provided that the amount of the damages recovered by the plaintiff referred to in subsection (1A) from any joint wrongdoer against whom the judgment has been given shall, for the purpose of the recovery of a contribution from the person referred to in the last-mentioned subsection, not be deemed to form part of the joint estate of such plaintiff and such person except in so far as any such amount relates to an asset of the said joint estate: Provided further that if the court, in determining the full amount of the damage suffered by the plaintiff referred to in subsection (1B), deducts from the estimated value of the support of which the plaintiff has been deprived by reason of the death of any person, the value of any benefit which the plaintiff has acquired from the estate of such deceased person, no contribution which the said joint wrongdoer

Act No. 58, 1971 APPORTIONMENT OF DAMAGES AMENDMENT ACT, 1971.

may so recover from the estate of the said deceased person shall deprive the plaintiff of the said benefit or any portion thereof.”.

Substitution of section 6 of Act 34 of 1956.

2. The following section is hereby substituted for section 6 of the principal Act:

“Applica- 6. This Act and any amendment thereof shall
tion of Act apply also in the territory of South-West Africa,
to South- including the Eastern Caprivi Zipfel.”.

Saving.

3. The provisions of section 1 of this Act shall not apply in respect of any wrongful act committed before the commencement of this Act.

Short title.

4. This Act shall be called the Apportionment of Damages Amendment Act, 1971.