

Namibia

Assessment of Damages Act, 1969

Legislation as at 1969-03-19.

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Republic of Namibia
Annotated Statutes

Assessment of Damages Act, 1969

Act 9 of 1969

Published in [South African Government Gazette no. 2305](#) on 19 March 1969

Assented to on 7 March 1969

Commenced on 19 March 1969

[Up to date as at 14 July 2020]

[APPLICABILITY TO SOUTH WEST AFRICA: Section 2 states “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 35(5) of the South West Africa Constitution Act, 1968 (Act No. 39 of 1968).”]

[TRANSFER TO SOUTH WEST AFRICA: Although this Act makes no reference to any minister, because of its subject matter it probably fell under the Executive Powers (Justice) Transfer Proclamation, AG 33 of 1979, dated 12 November 1979. In any event, there were no amendments to the Act in South Africa prior to Namibian independence.]

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)

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

1. Insurance moneys, pensions and certain benefits not to be taken into account in the assessment of damages for loss of support

- (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;

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

2. Application of Act to South-West Africa

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).

3. Short title

This Act shall be called the Assessment of Damages Act, 1969.