

Statutory Instrument No. 55 of 2000

MOTOR VEHICLE ACCIDENT FUND ACT, 1998
(No. 6 of 1998)

MOTOR VEHICLE ACCIDENT FUND REGULATIONS, 2000
(Published on 15th September, 2000)

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SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Finance and Development Planning by section 25 of the Motor Vehicle Accident Fund Act, 1998, the following Regulations are hereby made —

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| <p>1. These Regulations may be cited as the Motor Vehicle Accident Fund Regulations, 2000.</p> | <p>Citation</p> |
| <p>2. For purposes of section 11(2) of the Act, a levy of nine and a half (9.5) thebe per litre shall be retained by the seller on every litre of fuel sold by him, or by the importer on every litre of fuel imported, other than for resale and such levy shall be paid over to the Fund by the twenty fifth day of the month following the date of sale or importation.</p> | <p>Rate of levy</p> |
| <p>* 3. (1) No fuel levy shall be payable in respect of fuel utilised for the purposes of —</p> <ul style="list-style-type: none">(a) driving farm machinery or vehicles during the actual course of farming and ranching activities;(b) grinding mill;(c) driving railway rolling stock; and(d) operating stationary equipment: <p>Provided that payment shall first be made on all fuel as prescribed in regulation (2) and thereafter such levy shall be refunded by the Fund on application.</p> <p>(2) If a seller or importer proves to the satisfaction of the Fund that fuel was utilised for the purposes set out under subregulation (1) and the levy paid therefor, the Fund shall, upon an application being made to it, repay the levy.</p> <p>(3) An application made under subregulation (2) for the repayment of fuel levy shall be made to the Fund —</p> | <p>Exemption from payment of fuel levy</p> |

- (a) in writing in the form set out in Form A of the Schedule and shall contain or be accompanied by such evidence that fuel was utilised for the purposes stated under subregulation (1); and
 - (b) within three months of the utilisation of fuel for the aforesaid purposes.
- (4) Any person aggrieved by the refusal of the Fund to repay a levy may, within thirty days after receiving notification of the decision, appeal to the Board.

(5) In this regulation, "railway rolling stock" means a vehicle propelled by mechanical power of which the engine uses fuel for propulsion, and "stationary equipment" includes an electricity generator or a water pump that uses fuel in order for it to operate.

Claim for compensation

4. (1) A claim for compensation against the Fund under section 19 of the Act shall be made in Form B of the Schedule which shall include a duly completed medical report in the form marked as Appendix B1 attached thereto and a statement of the accident in question in the form marked as Appendix B2 attached thereto.

(2) Where a person is entitled to compensation as a third party in terms of section 12(5) of the Act, he may claim the amount due from the Fund on Form C of the Schedule.

Requirement of power of attorney

5. Whenever a claimant is represented by an attorney such attorney shall prove his mandate to the Fund by filing an appropriate power of attorney.

Determination of liability and compensation

6. (1) At any time after receiving a claim for compensation the Fund shall first determine the liability of the Fund.

(2) Where the Fund finds that the claimant is entitled to compensation, or is adjudged to be liable, the Fund shall determine the amount of the compensation payable and such compensation shall be calculated or limited to the sum prescribed in accordance with the Act.

(3) The Fund may require a medical examination to be conducted at its own expense by an independent medical practitioner appointed by the Fund:

Provided that the cost of any other medical examinations shall only be met where the cost has been incurred with the Fund's prior written approval.

(4) The provisions of this regulation shall apply *mutatis mutandis* in respect of actuarial computations performed by an actuary approved by the Board.

Manner of delivery of notices and determinations

7. (1) Any notice or determination made by the Fund shall be delivered by —
 (a) hand to the claimant who shall acknowledge receipt thereof in writing;
 (b) registered post to the address furnished in the claim form or to the offices of his legal representative.

(2) A claimant's statement of dissatisfaction made in terms of section 20 (2) of the Act shall be delivered to the office of the Fund by hand and the Fund shall acknowledge receipt thereof or by registered post.

Compensation for funeral expenses

8. For purposes of section 15(12) of the Act, the compensation payable by the Fund in respect of any funeral, including burial, shall not exceed P5000.

Reporting of vehicle accidents
 Cap. 69:01

9. For purposes of section 18 of the Act, the owner or driver of a motor vehicle involved in an accident shall make a report of the accident to the police in the manner and form prescribed from time to time in the Road Traffic Act.

Revocation of S.I. 113 of 1986

10. The Motor Vehicle Insurance Fund Regulations, 1986 are hereby revoked.