

MOTOR VEHICLE ACCIDENT FUND ACT
(Cap. 69:02)

MOTOR VEHICLE ACCIDENT FUND (AMENDMENT) REGULATIONS, 2022
(Published on 4th November, 2022)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Amendment of regulation 2 of Cap. 69:02 (Sub. Leg.)
3. Amendment of regulation 7 of the Regulations
4. Amendment of regulation 11 of the Regulations
5. Deletion of regulation 12
6. Amendment of regulation 15 of the Regulations

IN EXERCISE of the powers conferred on the Minister of Finance by section 32 of the Motor Vehicle Accident Fund Act, the following Regulations are hereby made —

Citation

1. These Regulations may be cited as the Motor Vehicle Accident Fund (Amendment) Regulations, 2022.

Amendment of regulation 2 of Cap. 69:02 (Sub. Leg.)

2. The Motor Vehicle Accident Fund Regulations (herein referred to as “the Regulations”) are amended in regulation 2 by deleting the definition of “third party insurance cover”.

Amendment of regulation 7 of the Regulations

3. The Regulations are amended by substituting for regulation 7, the following new regulation —

“Foreign registered vehicle levy

7. (1) A person who drives a foreign registered vehicle shall, upon entry into Botswana, pay a levy on foreign registered vehicle in the sum of —

- (a) P150 for any vehicle, except for a bus or mini-bus;
- (b) P300 for mini-bus;
- (c) P400 for a bus; or
- (d) P400 for a commercial vehicle defined under the Road Traffic Act.”.

(2) The levy on foreign registered vehicle payable in terms of subregulation (1) shall be paid to the Botswana Unified Revenue Services which shall, in turn, pay the total of the levy on foreign registered vehicle received by it to the Fund by the 25th day of the month following receipt of payment.

(3) A levy charged on foreign registered motor vehicles paid under subregulation (1) shall be valid for a period of 90 days from the date of payment.

(4) A driver of a foreign registered motor vehicle who fails to pay a levy on foreign registered vehicle commits an offence and is liable to a fine not exceeding P5, 000 or to imprisonment for a term not exceeding six months, or to both.”.

Amendment of regulation 11 of the Regulations

4. The Regulations are amended at regulation 11 by inserting immediately after subregulation (2), the following new subregulations —

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6. The following
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“(3) For purposes of computing loss of income for a claimant under section 20 (2) (a) of the Act, the age of retirement for the claimant shall, whichever occurs first —

- (a) be as specified in the claimant’s current employment contract; or
- (b) not exceed the age of 60 years.

(4) For purposes of section 20 (2) (a), a maximum monthly income of P6, 000 shall apply to computation of loss of income.”.

5. The Regulations are amended by deleting regulation 12.

Deletion of regulation 12

6. The Regulations are amended by substituting for regulation 15, the following new regulation —

Amendment of regulation 15 of the Regulations

“Maximum total benefits 15. (1) For purposes of section 22 (1) (a) of the Act, the total benefits payable by the Fund, including but not limited to, all medical expenses, loss of income, incidentals and funeral expenses payable under the Act shall not exceed P1, 000, 000 for an injured party:

Provided that a maximum monthly income of P6, 000 shall apply to computation of loss of income.

(2) For the purposes of section 22 (13) of the Act, medical attention and rehabilitative compensation for a negligent party shall not exceed P300 000.”.

MADE this 19th day of October, 2022.

PEGGY O. SERAME,
Minister of Finance.

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Statutory Instrument No. 145 of 2022

Statutory Instrument No. 145 of 2022

MOTOR VEHICLE ACCIDENT FUND ACT
(Cap. 69:02)

MOTOR VEHICLE ACCIDENT FUND (BENEFITS FOR LOSS OF SUPPORT)
ORDER, 2022
(Published on 4th November, 2022)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

- 1. Citation
- 2. Benefits for loss of support

IN EXERCISE of the powers conferred on the Minister by section 22 (15) of the Motor Vehicle Accident Fund Act, the following Order is hereby made —

Citation

1. This Order may be cited as the Motor Vehicle Accident Fund (Benefit for Loss of Support) Order, 2022.

Benefits for loss of support

2. (1) For the purposes of section 20 (2) (c) of the Act, the total benefits payable to a dependant by the Fund in respect of loss of financial support shall not exceed the sum of P300, 000.

(2) For purposes of computing loss of support for a claimant under section 20 (2) (b) of the Act, the age of retirement for the deceased shall, whichever occurs first —

- (a) be as specified in the deceased's current employment contract; or
- (b) not exceed the age of 60 years.

(3) For purposes of subregulation (1), a maximum monthly payment of P6, 000 shall apply to computation of loss of support.

(4) If at any time during payment of instalments under section 20 (2) (c) of the Act —

- (a) the dependant's current income equates to or exceeds that which was claimed for loss of support, duly adjusted for inflation; or
- (b) the dependant has not attained the age of 18 years but is legally adopted, the Fund may cease payment of loss of support or reduce further payments to the dependant.

MADE this 19th day of October, 2022.

PEGGY O. SERAME,
Minister of Finance.

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