**Pioneer General Assce Soc Ltd v Ziwa**

[1974] 1 EA 161 (CAK)

**Division:** Court of Appeal at Kampala

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**Date of judgment:** 17 April 1974

**Case Number:** 8/1974 (57/74)

**Before:** Sir William Duffus P, Law Ag V-P and Mustafa JA

**Sourced by:** LawAfrica

**Appeal from:** High Court of Uganda – Musoke, J

*[1] Insurance – Motor Insurance – Compulsory third party insurance – Owner of goods carried in*

*commercial vehicle – Carriage for hire or reward – Constitutes carriage for hire or reward.*

*[2] Statute – Repeal – Acquired rights – Statute repealed after traffic accident but before judgment –*

*Rights against insurer not affected – Interpretation Act* (*Cap.* 16), *s.* 15 (*T*)*.*

**Editor’s Summary**

The respondent hired a vehicle for the transport of his goods and was travelling in it as a passenger when he was injured. He recovered damages and then sued the appellant and recovered the amount of the damages. In the period between the accident and the obtaining of judgment against the operator of the vehicle, the legislation allowing recovery against the insurer had been repealed. On appeal there were two issues, firstly whether the respondent had any rights under a repealed Act, and secondly whether the vehicle was one in which passengers were carried for hire or reward.

**Held –**

(i) at the date of the accident the respondent had a right against the appellant which was not affected

by the subsequent repeal of the Act;

( ii) the transaction was clearly a commercial one and it was implicit that the owner or his agent would

accompany the goods (*Albert v. Motor Insurers’ Bureau* (1) considered).

Appeal dismissed.

**Case referred to Judgment:**

(1) *Albert v. Motor Insurers’ Bureau*, [1972] A.C. 301; [1971] 2 All E.R. 1345.

Judgment of the High Court sub. nom. Ziwa v. Pioneer General Assce [1974] E.A. 141 upheld.