

1993 No. 57

## EUROPEAN COMMUNITIES

## ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Compulsory Insurance) Regulations  
(Northern Ireland) 1993

Made . . . . . 12th February 1993

Coming into operation . . . . . 22nd March 1993

The Department of the Environment, being a department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to compulsory insurance in respect of, and other means of providing for, civil liability in relation to motor vehicles and trailers, in exercise of the powers conferred by that section and of all other powers enabling it in that behalf, makes the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Motor Vehicles (Compulsory Insurance) Regulations (Northern Ireland) 1993 and shall come into operation on 22nd March 1993.

*Interpretation*

2. The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

*Amendments to the Road Traffic (Northern Ireland) Order 1981*

3.—(1) Article 92 of the Road Traffic (Northern Ireland) Order 1981(d) (requirements in respect of policies of insurance) shall be amended in accordance with paragraphs (2) to (4).

(2) After paragraph (1)(b) of that Article insert the following sub-paragraph—

“(bb) in the case of a vehicle normally based in the territory of another member State, insures the insured in respect of any civil liability which may be incurred by the insured as a result of an event related to the use of the vehicle in Northern Ireland if—

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(a) S.I. 1972/1811

(b) 1972 c. 68

(c) 1954 c. 33 (N.I.)

(d) S.I. 1981/154 (N.I. 1); Article 92 was amended by S.R. 1989 No. 84 reg. 3

- (i) according to the law of that territory, the insured would be required to be insured in respect of a civil liability which would arise under that law as a result of that event if the place where the vehicle was used when the event occurred were in that territory, and
- (ii) the cover required by that law would be higher than that required by sub-paragraph (b);”.

(3) In sub-paragraph (c) of paragraph (1) of that Article (which requires a policy to provide insurance in respect of certain liabilities in accordance with the law on compulsory motor insurance of the State where the liability may be incurred) at the beginning insert “in the case of a vehicle normally based in Northern Ireland” and for the words from “the law” to the end of the sub-paragraph substitute—

- “(i) the law on compulsory insurance against civil liability in respect of the use of vehicles, of the State in whose territory the event giving rise to the liability occurred; or
- (ii) if it would give higher cover, the law which would be applicable under this Part if the place where the vehicle was used when that event occurred were in Northern Ireland;”.

(4) After paragraph (2) of that Article insert the following paragraph—

“(2A) In the case of a person—

(a) carried in or upon a vehicle; or

(b) entering or getting on to, or alighting from, a vehicle,

the provisions of paragraph (2)(a) relating to cover for liability in respect of death and bodily injury do not apply unless cover for such liability is in fact provided pursuant to a requirement of the Employers’ Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972(a).”.

Sealed with the Official Seal of the Department of the Environment on  
12th February 1993.

(L.S.)

*Trevor Pearson*

Assistant Secretary

*(This note is not part of the Regulations.)*

These Regulations amend Article 92 (requirements in respect of policies of insurance) of the Road Traffic (Northern Ireland) Order 1981 (“the 1981 Order”) and implement the provisions of the Third Council Directive 90/232/EEC of 14th May 1990 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles (O.J. No. L129, 19.5.90, p. 33) (“the Council Directive”), so as to provide that—

- (i) in accordance with Article 2 of the Council Directive, the insurance required includes the cover required by the law applicable where the vehicle is used or the cover required by the law applicable where the vehicle is normally based (as defined in Article 1(4) of Council Directive 72/166/EEC of 24th April 1972 (O.J. No. L103, 2.5.72, p. 1) as amended by Article 4 of Council Directive 84/5/EEC of 30th December 1983 (O.J. No. L8, 11.1.84, p. 17)) when that cover is higher (regulation 3(2) and (3)); and
- (ii) the exemption (which offends against Article 1 of the Council Directive) provided by Article 92(2)(a) of the 1981 Order in relation to cover for liability to employees in respect of death or bodily injury shall not, in the case of persons carried in or upon a vehicle, or entering or getting on to, or alighting from, a vehicle, apply unless those persons are covered by insurance required by the Employers’ Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (regulation 3(4)).

Copies of the EEC Directives referred to in this note may be obtained from Her Majesty’s Stationery Office.