

1972. No. 235

[C]

MOTOR VEHICLES: THIRD PARTY RISKS

REGULATIONS, DATED 14TH SEPTEMBER 1972, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 10 OF THE MOTOR VEHICLES AND ROAD TRAFFIC ACT (NORTHERN IRELAND) 1930 AND SECTION 88 OF THE ROAD TRAFFIC ACT (NORTHERN IRELAND) 1970.

The Ministry of Home Affairs, on behalf of the Secretary of State, in exercise of the powers vested in it by Section 10 of the Motor Vehicles and Road Traffic Act (Northern Ireland) 1930(a) and Section 88 of the Road Traffic Act (Northern Ireland) 1970(b) and of all other powers enabling it in that behalf hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Third Party Risks) Regulations (Northern Ireland) 1972 and shall come into operation on 1st November 1972.

Regulations revoked

2. The Motor Cars (Third Party Risks) (Northern Ireland) Regulations 1934(c), the Motor Vehicles (Third Party Risks) (Amendment) Regulations (Northern Ireland) 1961(d) and the Motor Vehicles (Third Party Risks) (Amendment) Regulations (Northern Ireland) 1969(e) are hereby revoked.

Temporary use of existing forms

3. Nothing in these Regulations shall affect the validity of any certificate which has been issued before these Regulations came into force in a form prescribed by the Regulations mentioned in Regulation 2, as in force immediately before the coming into operation of these Regulations, and any certificate in such a form may continue to be issued until the expiration of three years from the coming into force of these Regulations.

Interpretation

4.—(1) In these Regulations:—

“the Act” means the Road Traffic Act (Northern Ireland) 1970;

“company” means an authorised insurer within the meaning of Part V of the Act or a body of persons by whom a security may be given in pursuance of that Part;

“Ministry” means the Ministry of Home Affairs;

“motor vehicle” has the meaning assigned to it by sections 182 and 190 of the Act;

“policy” means a policy of insurance in respect of third party risks arising out of the use of motor vehicles which complies with the requirements of Part V of the Act and includes a covering note;

“security” means a security in respect of third party risks arising out of the use of motor vehicles which complies with the requirements of Part V of the Act;

“specified body” means any of the bodies referred to in section 75(2)(a) of the Act;

(a) 20 & 21 Geo. 5. c. 24 (N.I.).

(b) 1970. c. 2 (N.I.).

(c) S.R. & O. (N.I.) 1934, No. 109.

(d) S.R. & O. (N.I.) 1961, No. 188.

(e) S.R. & O. (N.I.) 1969, No. 231.

(2) Any reference in these Regulations to a certificate in Form A, B, C, D, E or F shall be construed as a reference to a certificate in the form so headed and set out in Part I of the Schedule which has been duly made and completed subject to and in accordance with the provisions set out in Part II.

Issue of certificates of insurance or security

5.—(1) A company shall issue to every holder of a security or of a policy other than a covering note issued by the company:—

- (a) in the case of a policy or security relating to one or more specified vehicles a certificate of insurance in Form A or a certificate of security in Form D in respect of each such vehicle;
- (b) in the case of a policy or security relating to vehicles other than specified vehicles such number of certificates in Form B or Form D as may be necessary for the purpose of complying with the requirements of section 156(3) of the Act and of these Regulations as to the production of evidence that a motor vehicle is not being driven in contravention of section 75 of the Act;

Provided that where a security is intended to cover the use of more than ten motor vehicles at one time the company by whom it was issued may, subject to the consent of the Ministry issue one certificate only, and where such consent has been given the holder of the security may issue duplicate copies of such certificate duly authenticated by him up to such number and subject to such conditions as the Ministry may determine.

(2) Notwithstanding the foregoing provisions, where as respects third party risks a policy or security relating to a specified vehicle extends also to the driving by the holder of other motor vehicles, not being specified vehicles, the certificate may be in Form A or Form D, as the case may be, containing a statement in either case that the policy or security extends to such driving of other motor vehicles. Where such a certificate is issued by a company they may, and shall in accordance with a demand made to them by the holder, issue to him a further such certificate or a certificate in Form B.

(3) Every policy in the form of a covering note issued by a company shall have printed thereon or on the back thereof a certificate of insurance in Form C.

6. Every certificate of insurance or certificate of security shall be issued not later than four days after the date on which the policy or security to which it relates is issued or renewed.

Avoidance of certain exceptions to policies or securities

7. There shall not be inserted in any policy or security issued or given for the purposes of the Act any condition, restriction or limitation as the case may be with regard to any of the following matters:—

- (a) the age or physical or mental condition of persons driving the vehicle;
- (b) the race, nationality, religion or occupation of persons driving the vehicle;
- (c) the period of driving experience of persons driving the vehicle;
- (d) the existence of any endorsement on the licence of a person driving the vehicle;
- (e) the condition of the vehicle;

- (f) the number of persons that the vehicle carries;
- (g) the weight or physical characteristics of the goods that the vehicle carries;
- (h) the times at which or the areas within which the vehicle is used;
- (i) the horse-power or cylinder capacity or value of the vehicle;
- (j) the carrying on the vehicle of any particular apparatus; or
- (k) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under the Vehicles (Excise) Act (Northern Ireland) 1954(f).

Production of evidence as alternatives to certificates

8. The following evidence that a motor vehicle is not or was not being driven in contravention of section 75 of the Act may be produced in pursuance of section 156 of the Act as an alternative to the production of a certificate of insurance or a certificate of security:—

- (1) a duplicate copy of a certificate of security issued in accordance with the proviso to Regulation 5(1)(b);
- (2) in the case of a motor vehicle of which the owner has for the time being deposited with the Accountant General of the Supreme Court the sum of fifteen thousand pounds in accordance with the provisions of section 75(2) of the Act, a certificate in Form E signed by the owner of the motor vehicle or by some person authorised by him in that behalf that such sum is on deposit;

Provided that where a deposit is intended to cover the use of more than 10 motor vehicles at one time then the certificate of deposit may be in such form as the Ministry may determine;

- (3) in the case of a motor vehicle owned by a specified body, a certificate in Form F signed by some person authorised in that behalf by such specified body that the said motor vehicle is owned by the said specified body.

9. Any certificate issued in accordance with Regulation 8(2) or (3) shall be destroyed by the owner of the vehicle to which it relates before the motor vehicle is sold or otherwise disposed of.

Production of evidence of insurance or security on application for excise licences

10.—(1) Any person applying for a vehicle licence under the Vehicles (Excise) Act (Northern Ireland) 1954 shall, except as hereinafter provided and subject to the provisions of Regulation 8 of the Motor Vehicles (International Motor Insurance Card) Regulations (Northern Ireland) 1969(g) produce to the Ministry either:—

- (a) a certificate of insurance, certificate of security or duplicate copy of a certificate of security issued in accordance with these Regulations indicating that on the date when the licence comes into operation there will be in force the necessary policy or the necessary security in relation to the user of the motor vehicle by the applicant or by other persons on his order or with his permission and such further evidence as may be necessary to establish that the certificate relates to such user; or

(f) 1954. c. 17.

(g) S.R. & O. (N.I.) 1969, No. 129.

- (b) in the case where the motor vehicle is one of more than ten motor vehicles owned by the same person in respect of which a policy or policies of insurance have been obtained by him from the same authorised insurer, a statement duly authenticated by the authorised insurer to the effect that on the date when the licence becomes operative an insurance policy which complies with Part V of the Act will be in force in relation to the user of the motor vehicle; or
- (c) evidence that section 75 of the Act does not apply to the motor vehicle at a time when it is being driven under the owner's control, in accordance with the following provisions:—
- (i) in the case of a motor vehicle of which the owner has for the time being deposited with the Accountant General of the Supreme Court the sum of fifteen thousand pounds in accordance with the provisions of section 75(2) of the Act, a certificate in Form E signed by the owner of the motor vehicle or by some person authorised by him in that behalf that such sum is on deposit;
 - (ii) in the case of a motor vehicle owned by a specified body a certificate in Form F signed by some person authorised in that behalf by such specified body that the vehicle in respect of which the application for a licence is made is owned by the said specified body.

(2) A person engaged in the business of letting motor vehicles on hire shall not, when applying for a licence under the Vehicles (Excise) Act (Northern Ireland) 1954, be required to comply with the provisions of paragraph (1) if the motor vehicle in respect of which the licence is applied for is intended to be used solely for the purpose of being let on hire and driven by the person by whom the motor vehicle is hired or by persons under his control.

Keeping of records by companies

11.—(1) Every company by whom a policy or a security is issued shall keep a record of the following particulars relative thereto and of any certificates issued in connection therewith:—

- (a) the full name and address of the person to whom the policy, security or certificate is issued;
- (b) in the case of a policy relating to one or more specified motor vehicles the registration mark of each such motor vehicle;
- (c) the date on which the policy or security comes into force and the date on which it expires;
- (d) in the case of a policy the conditions subject to which the persons or classes of persons specified in the policy will be indemnified;
- (e) in the case of a security the conditions subject to which the undertaking given by the company under the security will be implemented;

and every such record shall be preserved for one year from the date of expiry of the policy or security.

(2) Every specified body shall keep a record of the motor vehicles owned by them in respect of which a policy or a security has not been obtained, and of any certificates issued by them under these Regulations in respect of such motor vehicles, and of the withdrawal or destruction of any such certificates,

(3) Any person who has deposited and keeps deposited with the Accountant General of the Supreme Court the sum of fifteen thousand pounds in accordance with the provisions of section 75(2) of the Act shall keep a record of the motor vehicles owned by him and of any certificates issued by him or on his behalf under these Regulations in respect of such motor vehicles and of the withdrawal or destruction of any such certificates.

(4) Any company, specified body or other person by whom records of documents are required by these Regulations to be kept shall without charge furnish the Ministry or to any superintendent of the Royal Ulster Constabulary on request any particulars thereof.

Notification to the Ministry of ineffective policies or securities

12. Where to the knowledge of a company a policy or security issued by them ceases to be effective without the consent of the person to whom it was issued, otherwise than by effluxion of time or by reason of his death, the company shall forthwith notify the Ministry of the date on which the policy or security ceased to be effective.

Provided that such notification need not be made if the certificate relating to the policy or security has been received by the company from the person to whom the certificate was issued on or before the date on which the policy or security ceases to be effective.

Return of certificates to issuing company

13. Where a certificate of insurance has been delivered to the person by whom a policy has been effected, or where a certificate of security has been issued to the person to whom a security has been given and such policy or security has been cancelled in pursuance of the provisions of section 80 of the Act, a new policy or security shall not be issued to that person nor shall the said policy or security be transferred to any other person unless and until the certificate has been returned to the company or the company are satisfied that it has been lost or destroyed.

Issue of fresh certificates

14. Where any company by whom a certificate of insurance or a certificate of security has been issued are satisfied that the certificate has become defaced or has been lost or destroyed they shall, if they are requested to do so by the person to whom the certificate was issued, issue to him a fresh certificate. In the case of a defaced certificate the company shall not issue a fresh certificate unless the defaced certificate is returned to the company.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 14th day of September 1972.

(L.S.)

E. N. Barry,
Assistant Secretary.

SCHEDULE

PART I

Forms of Certificates

FORM A

Certificate of Motor Insurance

Certificate No. Policy No. (Optional)

- 1. Registration mark of vehicle.
- 2. Name of policy holder.
- 3. Effective date of the commencement of insurance for the purposes of the relevant law.
- 4. Date of expiry of insurance.
- 5. Persons or classes of persons entitled to drive.
- 6. Limitations as to use.

I/We hereby certify that the policy to which this certificate relates satisfies the requirements of the relevant law applicable in Northern Ireland.

.....
Authorised Insurers

NOTE: For full details of the insurance cover reference should be made to the policy.

FORM B

Certificate of Motor Insurance

Certificate No. Policy No. (Optional)

- 1. Description of vehicles.
- 2. Name of policy holder.
- 3. Effective date of the commencement of insurance for the purposes of the relevant law.
- 4. Date of expiry of insurance.
- 5. Persons or classes of persons entitled to drive.
- 6. Limitations as to use.

I/We hereby certify that the policy to which this certificate relates satisfies the requirements of the relevant law applicable in Northern Ireland.

.....
Authorised Insurers

NOTE: For full details of the insurance cover reference should be made to the policy.

FORM C

Certificate of Motor Insurance

I/We hereby certify that this covering note satisfies the requirements of the relevant law applicable in Northern Ireland.

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Authorised Insurers

FORM D

Certificate of Security

Certificate No. Security No. (Optional)

- 1. Name of holder of security.
- 2. Effective date of the commencement of security for the purposes of the relevant law.
- 3. Date of expiry of security.
- 4. Conditions to which security is subject.

I/We hereby certify that the security to which this certificate relates satisfies the requirements of the relevant law applicable in Northern Ireland.

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Persons giving security

NOTE: For full details of the cover reference should be made to the security.

FORM E

Certificate of Deposit

I/We hereby certify that I am/we are the owner(s) of the vehicle of which the registration mark is and that in pursuance of the relevant law applicable in Northern Ireland I/we have on deposit with the Accountant General of the Supreme Court the sum of fifteen thousand pounds.

Signed

on behalf of

FORM F

Certificate of Ownership

We hereby certify that the vehicle of which the registration mark is

..... is owned by

Signed

on behalf of

PART II

Provisions relating to the forms and completion of certificates

1. Every certificate shall be printed and completed in black on white paper or similar material. This provision shall not apply to any reproduction of a seal or monogram or similar device referred to in paragraph 2.

2. No certificate shall contain any advertising matter, either on the face or on the back thereof:

Provided that the name and address of a company by whom a certificate is issued, or a reproduction of the seal of the company or any monogram or similar device of the company, or the name and address of an insurance broker shall not be deemed to be advertising matter for the purposes of this paragraph if it is printed or stamped at the foot or on the back of such certificate.

3. The whole of each form as set out in Part I shall in each case appear on the face of the form, the items being in the order so set out and the certification being set out at the end of the form.

4. The particulars to be inserted on the said forms shall so far as possible appear on the face of the form, but where in the case of any of the numbered headings in Forms A, B or D, this cannot conveniently be done, any part of such particulars may be inserted on the back of the form, provided that their presence on the back is clearly indicated under the relevant heading.

5. The particulars to be inserted on any of the said forms shall not include particulars relating to any exceptions purporting to restrict the insurance under the relevant policy or the operation of the relevant security which are by Regulation 7 rendered of no effect as respects the third party liabilities required by sections 77 and 78 of the Act to be covered by a policy or security.

6.—(1) In any case where it is intended that a certificate of insurance, certificate of security or a covering note shall be effective not only in Northern Ireland, but also in any of the following territories, that is to say Great Britain, the Isle of Man, the Island of Guernsey, the Island of Jersey or the Island of Alderney, Forms A, B, C and D may be modified by the addition thereto, where necessary, of a reference to the relevant legal provisions of such of those territories as may be appropriate.

(2) A certificate of insurance or a certificate of security may contain either on the face or on the back of the certificate a statement as to whether or not the policy or security to which it relates satisfies the requirements of the relevant law in any of the territories referred to in this paragraph.

7. Every certificate of insurance or certificate of security shall be duly authenticated by or on behalf of the company by whom it is issued.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations consolidate with amendments the Regulations revoked by Regulation 2.

The Regulations relate to the issue of certificates of insurance or security (Regulations 5 and 6 and the Schedule), evidence which may be produced to show that a motor vehicle is not being driven in contravention of the compulsory third party insurance requirements (Regulation 8), the duty to destroy certain certificates (Regulation 9), the production of evidence of insurance or security on application for a vehicles excise licence (Regulation 10), the keeping of records by insurance companies and certain other persons relating to certificates (Regulation 11), the notification to the Ministry of ineffective policies or securities (Regulation 12), the duty to return certificates to the issuing company (Regulation 13) and the issue of fresh certificates (Regulation 14). The amendments, for the most part of a minor nature, make the following changes:—

- (a) references to enactments are brought up to date;
- (b) the evidence specified in Regulation 8 is no longer restricted to being produced by the driver of a motor vehicle in pursuance of section 156 of the Road Traffic Act (Northern Ireland) 1970;
- (c) the evidence which may be required from a person applying for a licence for a motor vehicle is extended in the case when he presents a certificate of insurance or security to such further evidence as may be necessary to connect the certificate to the applicant and his vehicle;
- (d) an explanatory note is added to some of the prescribed certificates making it clear that they do not contain a full summary of the policy or security; and
- (e) reference in certificates to specific enactments is no longer required.