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**CHAPTER 133.****MOTOR VEHICLES (THIRD PARTY INSURANCE).**

**An Ordinance to make provision against third party risks arising out of the use of motor vehicles.** 3 of 1949.

[1ST APRIL, 1951.] \*

1. This Ordinance may be cited as the Motor Vehicles (Third Party Insurance) Ordinance, and shall apply to the Colony and Protectorate. Short title and application.

2. In this Ordinance unless the context otherwise requires— Interpretation.  
 “driving licence” means a licence to drive a motor vehicle granted under the provisions of the Road Traffic Ordinance; Cap. 132.

\* P.N. 120 of 1950.

“highway” includes any roadway to which the public have access;

“motor cycle” means a motor vehicle designed to travel on not more than two wheels and includes a combination of motor cycle and side-car;

“motor vehicle” means a vehicle propelled by mechanical power other than a vehicle constructed to run on rails and includes a motor cycle;

“owner” in relation to a motor vehicle which is the subject of a hiring agreement or a hire purchase agreement means the person in possession of the motor vehicle under that agreement;

“passenger vehicle” means a motor vehicle used for carrying passengers for hire or reward;

“police officer” means a member of the Sierra Leone Police Force, or an administrative officer;

“policy of insurance” includes a covering note;

“superior police officer” means any police officer of or above the rank of Assistant Superintendent;

“use” with its grammatical variations and cognate expressions means use on a highway.

Users of motor vehicles to be insured against third party risks.

3. (1) Subject to the provisions of this Ordinance no person shall use, or cause or permit any other person to use a motor vehicle unless there in in force in relation to the user of that motor vehicle by such person or such other person, as the case may be, such a policy of insurance or such a security in respect of third party risks as complies with the provisions of this Ordinance.

(2) If a person acts in contravention of this section he shall be liable on summary conviction to a fine of one hundred pounds or to imprisonment for one year or to both such fine and imprisonment and a person convicted of an offence under this section shall (unless the Court for special reasons sees fit to order otherwise and without prejudice to the power of the Court to order a longer period of disqualification) be disqualified for holding or obtaining a driving licence for a period of twelve months from the date of conviction.

A person disqualified by virtue of a conviction under this section for holding or obtaining a driving licence shall be deemed to be so disqualified under the provisions of the Road Traffic Ordinance.

“highway” includes any roadway to which the public have access;

“motor cycle” means a motor vehicle designed to travel on not more than two wheels and includes a combination of motor cycle and side-car;

“motor vehicle” means a vehicle propelled by mechanical power other than a vehicle constructed to run on rails and includes a motor cycle;

“owner” in relation to a motor vehicle which is the subject of a hiring agreement or a hire purchase agreement means the person in possession of the motor vehicle under that agreement;

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Users of motor vehicles to be insured against third party risks.

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(2) If a person acts in contravention of this section he shall be liable on summary conviction to a fine of one hundred pounds or to imprisonment for one year or to both such fine and imprisonment and a person convicted of an offence under this section shall (unless the Court for special reasons sees fit to order otherwise and without prejudice to the power of the Court to order a longer period of disqualification) be disqualified for holding or obtaining a driving licence for a period of twelve months from the date of conviction.

A person disqualified by virtue of a conviction under this section for holding or obtaining a driving licence shall be deemed to be so disqualified under the provisions of the Road Traffic Ordinance.

4. Notwithstanding the provisions of any law which prescribe a time within which proceedings may be brought before a Court, proceedings in respect of an offence under section 3 may be instituted—

(a) within a period of six months from the date of the commission of the alleged offence; or

(b) within a period which exceeds neither six months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is the longer.

5. The provisions of section 3 shall not apply—

(a) to the user of a motor vehicle owned by Government or by the Imperial Government while such motor vehicle is being used for the purposes of the Government owning such motor vehicle; or

(b) to the user of a passenger vehicle owned by a person who has deposited or keeps deposited with the Accountant General the sum of twenty-five thousand pounds or of any other vehicle owned by a person who has so deposited the sum of five thousand pounds in respect of such a motor vehicle at any time when such motor vehicle is being driven by the owner or by a servant of the owner in the course of his employment or is otherwise subject to the control of the owner; or

(c) to the user of a motor vehicle at any time when it is driven for police purposes by or under the direction of a superior police officer.

6. Notwithstanding anything in any law contained, no licence for a motor vehicle shall be issued under the Road Traffic Ordinance, until there has been produced to the licensing authority proof in such form as may be prescribed that on the date when the licence comes into operation there will be in force a policy of insurance or a security valid for the purposes of this Ordinance in relation to the user of the motor vehicle by the applicant for the licence or by other persons on his order or with his permission or that the user of such motor vehicle is not required to be covered by any such policy or security by reason of the provisions of section 5 of this Ordinance.

7. (1) A policy of insurance for the purposes of this Ordinance must be a policy which—

(a) is issued by an insurer approved by the Governor in Council; and

Limitation  
of time for  
proceedings.



Exemptions.

No motor  
vehicle to be  
licensed until  
user is  
insured.  
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Require-  
ments in  
respect of  
policies.

(b) insures such person or classes of person as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle covered by the policy:

Provided that such policy shall not be required to cover—

(a) liability in respect of the death arising out of and in the course of his employment of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment; or

(b) save in the case of a passenger vehicle or where persons are carried by reason of or in pursuance of a contract of employment, liability in respect of the death of or bodily injury to a person being carried in or upon or entering or getting on to or alighting from a motor vehicle at the time of the occurrence of the event out of which the claims arise; or

(c) any contractual liability.

(2) Notwithstanding anything in any law contained a person issuing a policy of insurance under this section shall be liable to indemnify the persons or classes of person specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of person.

Certificate of insurance.

(3) A policy shall be of no effect for the purpose of this Ordinance unless and until there is issued by the approved insurer in favour of the person by whom the policy is effected a certificate (in this Ordinance referred to as a "certificate of insurance") in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and of such other matters as may be prescribed.

Requirements in respect of insurance.

8. (1) For the purposes of this Ordinance a security must—

(a) be given either by an insurer approved by the Governor in Council or by some person, company or body of persons approved by the Governor in Council carrying on the business of giving securities of a like kind; and

(b) consist of an undertaking by the giver of the security to make good, subject to any conditions contained therein, any failure by the owner of any passenger vehicle or any other motor vehicle or such other persons or classes of person as may be specified in the security duly to discharge any such liability as is required to be covered by a policy of