1994 No. 46

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Third-Party Risks) Regulations (Northern Ireland) 1994

Made . . . . . *10th February 1994*

Coming into operation . . *1st April 1994*

The Department of the Environment, in exercise of the powers conferred on it by Articles 103(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**a**) 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) 1994 and shall come into operation on 1st April 1994.

Interpretation

2.—(1) In these Regulations—

"company" means an authorised insurer within the meaning of Part VIII of the Order;

"motor vehicle" has the meaning assigned to it by Articles 2 and 212 of the Order;

"the Order" means the Road Traffic (Northern Ireland) Order 1981;

"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 VIII of the Order;

"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 VIII of the Order;

"specified body" means any of the bodies referred to in sub-paragraph (*a*) or (*aa*) of Article 90(2)(**b**) of the Order.

(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 Schedule 1 which has been duly made and completed subject to and in accordance with the provisions set out in Part II.

(**a**) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of "Department" and "prescribed"
(**b**) Article 90 was amended by S.I. 1984/1986 (N.I. 15), S.I. 1991/194 (N.I. 1) and S.R. 1994 No. 18

Issue of certificates of insurance or security

3.—(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 Article 180(4) of the Order and of these Regulations as to the production of evidence that a motor vehicle is not being driven in contravention of Article 90 of the Order;

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 Department 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 Department 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) On every policy in the form of a covering note issued by a company there shall be printed on the front or on the back a certificate of insurance in Form C.

(4) 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

4. There shall not be inserted in any policy or security issued or given for the purposes of the Order 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 1971(**a**).

Production of evidence as alternatives to certificates

5. The following evidence that a motor vehicle is not or was not being driven in contravention of Article 90 of the Order may be produced 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 3(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 for the time being specified in Article 90(2)(*b*) of the Order(**b**), 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 Department 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;

(4) in the case of a vehicle normally based in the territory, other than the United Kingdom and Gibraltar, of a member State of the European Community or of Austria, Czech Republic, Finland, Hungary, Norway, Slovakia, Sweden or Switzerland, a document issued by the insurer of the vehicle which indicates the name of the insurer, the number or other identifying particulars of the insurance policy issued in respect of the vehicle and the period of the insurance cover. In this paragraph the territory of the State in which a vehicle is normally based is—

(*a*) the territory of the State in which the vehicle is registered, or

(*b*) in cases where no registration is required for the type of vehicle, but the vehicle bears an insurance plate or distinguishing sign analogous to a registration plate, the territory of the State in which the insurance plate or the sign is issued, or

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(**a**) 1971 c. 10; the Act was extended to Northern Ireland by section 10 of the Finance Act 1991 (c. 31)
(**b**) Article 90(2)(*b*) was amended by S.R. 1994 No. 18

(c) in cases where neither registration plate nor insurance plate nor distinguishing sign is required for the type of vehicle, the territory of the State in which the keeper of the vehicle is permanently resident.

Certain certificates to be destroyed

6. Any certificate issued in accordance with regulation 5(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

7.—(1) Any person applying for a vehicle licence under the Vehicles (Excise) Act 1971 shall, except as hereinafter provided and subject to the provisions of regulation 8 of the Motor Vehicles (International Motor Insurance Card) (Northern Ireland) Regulations 1969(**a**) produce to the Department 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

(*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 VIII of the Order will be in force in relation to the user of the motor vehicle; or

(*c*) evidence that Article 90 of the Order 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 for the time being specified in Article 90(2)(*b*) of the Order, 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.

(**a**) S.R. & O. (N.I.) 1969 No. 129; to which there are amendments not relevant to these Regulations

(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 1971, 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

8.—(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 for the time being specified in Article 90(2)(*b*) of the Order 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 Department or to any superintendent of the Royal Ulster Constabulary on request any particulars thereof.

Notification to the Department of ineffective policies or securities

9. 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 Department of the date on which the policy or security ceased to be effective.