

1973. No. 448

[C]

EUROPEAN COMMUNITIES

Motor Vehicles: Compulsory Insurance

REGULATIONS, DATED 31ST OCTOBER 1973 MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 2 OF THE EUROPEAN COMMUNITIES ACT 1972.

The Ministry of Home Affairs, on behalf of the Secretary of State, in exercise of the powers vested in it by section 2 of the European Communities Act 1972(a) and the European Communities (Designation) Order 1972(b) and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the European Communities (Motor Vehicles: Compulsory Insurance) (Northern Ireland) Regulations 1973 and shall come into operation on the 1st January 1974.

2.—(1) In these Regulations—

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

“the Ministry” means the Ministry of Home Affairs;

“vehicle” means any motor vehicle intended for travel on land and propelled by mechanical power, but not running on rails, and any trailer, whether or not coupled.

(2) For the purposes of these Regulations the territory 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

(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.

(3) The Interpretation Act (Northern Ireland) 1954(d) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament of Northern Ireland.

3. Section 77(1) of the Act shall have effect as if—

(a) in paragraph (b) after the words “on a road” there were inserted the words “in Northern Ireland”;

(b) after paragraph (b) there were added the following paragraph:—

“(b) insures the insured in respect of any liability which may be incurred by the insured in respect of the use of the vehicle and of any trailer, whether or not coupled, in the territory other than Northern Ireland and Gibraltar of each of the

(a) 1972. c. 68.

(b) S.I. 1972, No. 1811 (1972 III, p. 5216).

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

(d) 1954. c. 33.

member states of the Communities according to the law on compulsory insurance against civil liability in respect of the use of vehicles of the state where the liability may be incurred;”.

4. Section 78(1)(b) of the Act shall have effect as if the words from “and up to the amount” to “of not less than five thousand pounds,” were omitted and there were added at the end the following proviso:—

“Provided that in the case of liabilities arising out of the use of a motor vehicle on a road in Northern Ireland the amount secured need not exceed in the case of an undertaking relating to the use of public service vehicles twenty-five thousand pounds and in any other case five thousand pounds.”

5.—(1) It shall be an offence for a person to use a specified motor vehicle registered in Northern Ireland, or any trailer kept by a person permanently resident in Northern Ireland, whether or not coupled, in the territory other than Northern Ireland and Gibraltar of any of the member states of the Communities, unless a policy of insurance is in force in relation to the person using that vehicle which insures him in respect of any liability which may be incurred by him in respect of the use of the vehicle in such territory according to the law on compulsory insurance against civil liability in respect of the use of vehicles of the state where the liability may be incurred.

(2) In this Regulation “specified motor vehicles” means a motor vehicle which is exempted from the provisions of section 75(1) of the Act.

(3) A person guilty of an offence under this Regulation shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(4) Proceedings for an offence under this Regulation may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Northern Ireland.

(5) Sections 75(5) and 163A of the Act shall apply for the purposes of an offence under this Regulation as they apply to an offence under section 75 of the Act.

6.—(1) Any person appointed by the Ministry for the purpose (in this Regulation referred to as an “appointed person”) may require a person having custody of any vehicle being a vehicle which is normally based in the territory of a state which is not a member of the Communities or in the non-European territory of a member state or in Gibraltar, when entering Northern Ireland, to produce evidence that any loss or injury which may be caused by such a vehicle is covered throughout the territory in which the treaty establishing the European Economic Community is in force, in accordance with the requirements of the laws of the various member states on compulsory insurance against civil liability in respect of the use of vehicles.

(2) An appointed person may, if no such evidence is produced or if he is not satisfied by such evidence, prohibit the use of the vehicle in Northern Ireland.

(3) Where an appointed person prohibits the use of a vehicle, he may also direct the driver to remove the vehicle to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle in accordance with the direction.