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,