

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

(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.

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

10. 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 Article 95 of the Order, 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

11. 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.

Temporary use of existing forms

12. Nothing in these Regulations shall effect the validity of any certificate which has been issued before these Regulations came into operation in a form prescribed by the Regulations mentioned in Schedule 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 operation of these Regulations.

Revocation

13. The Regulations set out in Schedule 2 are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on
10th February 1994.

(L.S.)

Trevor Pearson

Assistant Secretary

PART I

FORM 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 for the time being specified in Article 90(2)(b) of the Road Traffic (Northern Ireland) Order 1981.

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 a white background. This provision shall not prevent the reproduction of a seal or monogram or similar device referred to in paragraph 2, or the presence of a background pattern (of whatever form and whether coloured or not) on the face of the form which does not materially affect the legibility of the certificate.

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

Provided that the name and address of the company by whom the 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, or if it forms, or forms part of, any such background pattern as is referred to in paragraph 1.

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 4 rendered of no effect as respects the third-party liabilities required by Articles 92(a) and 93 of the Order 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.

(a) Article 92 was amended by S.R. 1989 No. 84 and S.R. 1993 No. 57

Regulations revoked

<i>Title</i>	<i>Year and Number</i>
Motor Vehicles (Third Party Risks) Regulations (Northern Ireland) 1972	S.R. & O. 1972 No. 235
Motor Vehicles (Third Party Risks) (Amendment) Regulations (Northern Ireland) 1973	S.R. & O. 1973 No. 447
Motor Vehicles (Third Party Risks) (Amendment) Regulations (Northern Ireland) 1974	S.R. 1974 No. 207
Motor Vehicles (Third Party Risks) (Amendment) Regulations (Northern Ireland) 1981	S.R. 1981 No. 357

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and re-enact, with amendments, the Motor Vehicles (Third Party Risks) Regulations (Northern Ireland) 1972, as amended.

The principal amendments are—

- (1) references to the amount to be kept deposited with the Accountant-General of the Supreme Court of Northern Ireland in lieu of an insurance policy or security have been amended from the amount of fifteen thousand pounds to the amount for the time being specified in Article 90(2)(b) of the Road Traffic (Northern Ireland) Order 1981 (currently £500,000); and
- (2) to allow certificates of insurance or security to be produced on material other than paper or similar material.