

PROJET DE LOI

ENTITLED

The Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted

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Ordres en Conseil Vol. X, p. 388; as amended by the Loi Supplémentaire à La Loi Relative aux Automobiles et Concernant les Tracteurs Agricoles, 1946 (Ordres en Conseil Vol. XII, p. 380); the Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1958 (Ordres en Conseil Vol. XVIII, p. 35); the Motor Vehicles (Amendment) (Guernsey) Law, 1960 (Ordres en Conseil Vol. XVIII, p. 257); the Motor Vehicles (Amendment) (Guernsey) Law, 1966 (Ordres en Conseil Vol. XX, p. 246); the Decimal Currency (Bailiwick of Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 560); the States Supervisor and Treasurer of the States (Transfer of Functions) Law, 1971 (Ordres en Conseil Vol. XXIII, p. 188); the Motor Vehicles (Passenger Insurance) (Guernsey) Law, 1971 (Ordres en Conseil Vol. XXIII, p. 227); the States Board of Administration (Transfer of Functions) Law, 1974 (Ordres en Conseil Vol. XXIV, p. 250); the Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 76); the Motor Vehicles and Road Traffic (Penalties) (Guernsey) Law, 1982 (Ordres en Conseil Vol. XXVII, p. 415); the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1983 (Ordres en Conseil Vol. XXVIII, p. 303); the Insurance Business (Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 214); the Financial Services Commission (Bailiwick of Guernsey) Law, 1987 (Ordres en Conseil Vol. XXX, p. 243); the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 423); the Administration of Justice (Bailiwick of Guernsey) Law, 1991 (No. I of 1991, Ordres en Conseil Vol. XXXIII, p. 49); the Vehicle Registration and Licensing (Transfer of Functions) (Guernsey) Law, 1991 (No. VI of 1991, Ordres en Conseil Vol. XXXIII, p. 127); the Insurance Business (Bailiwick of Guernsey) Law, 2002 (No. XXI of 2002); the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007 (No. XIX of 2007); the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2008 (No. II of 2009); the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2012 (No. VII of 2013); the Island Traffic Committee (Transfer of Functions) (No. 2) Ordinance, 1992 (Recueil d'Ordonnances Tome XXVI, p. 90); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). This Law is modified by the Motor Vehicles (International Motor Insurance Card) Ordinance, 1974 (Recueil d'Ordonnances Tome XIX, p. 318); and applied, with modifications, to the Island of Alderney by the Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950 (Ordres en Conseil Vol. XIV, p. 209). See also the Loi ayant rapport à la Police Salariée pour l'Île entière (Ordres en Conseil Vol. VI, p. 176); the Reform (Guernsey) Law, 1948 (Ordres en Conseil Vol. XIII, p. 288); the Motor Taxation and Licensing (Guernsey) Law, 1987 (Ordres en Conseil Vol. XXX, p. 341); the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1989 (*supra*); the Road Traffic (Drink Driving) (Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 512); the Offences (Fixed Penalties) (Guernsey) Law, 2009 (No. XV of 2010); the Ordinance to bring into operation the provisions of the Law entitled "The Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936" as modified and applied to the Island of Alderney by "The Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950" (Alderney Ordinance No. VI of 1950); the Resolution of the States of Guernsey of 24th April, 1991 (Billet XI, proposition 1(4)).

Consolidated text

for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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The Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936

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PROJET DE LOI

ENTITLED

The Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936

VU LA Délibération des États en date du 11 octobre, 1933:

LES ÉTATS out approuvé les dispositions suivantes, lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de loi en cette Île.

Definitions.

1. [(1)] In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"**assurance company**" includes an underwriter or association of underwriters,

["**compensation payment**" means any payment made (whether or not with an admission of liability) by an insurer under or in consequence of a policy of insurance under this Law, in respect of the death or bodily injury of any person arising out of the use of a motor vehicle on a road, and]

["**insurer**", for the avoidance of doubt, includes any authorised insurer and any assurance company, whether or not located in this Island,]

["**Magistrate**" means a Judge of the Magistrate's Court or a Deputy Judge of the Magistrate's Court,]

"motor vehicle" shall mean a mechanically propelled vehicle intended or adapted for use on roads [but shall not include a light agricultural tractor normally operated by a person walking near and not seated upon the tractor] [and any mechanical loading vehicle within the meaning of the Motor Vehicles (Amendment) (Guernsey) Law, 1960, [in relation to which the provisions of section three of that Law would apply, were that section still in force]] [and any road repairing machine within the meaning of the Motor Vehicles (Amendment) (Guernsey) Law, 1966, [in relation to which the provisions of section three of that Law would apply, were that section still in force]],

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

"person" includes company or any body or association of persons, corporate or unincorporate,

"road" shall apply to any road, street, lane, way or place which is public or to which the public have access.

Words in the singular shall include the plural and words in the plural shall include the singular.

[(1A) Any reference in this Law to an accident includes a reference to two or more causally related accidents.]

[(1B) For the avoidance of doubt, any reference in this Law to a policy of insurance under this Law or a policy of insurance under section 3 of this Law –

- (a) means a policy of insurance of the kind required by section 3(1) of this Law, and
- (b) includes any policy of insurance, insurance card or other document which, by virtue of any other enactment, has effect as a policy of insurance for the purposes of this Law or any provision of this Law.]

[(2) References in this Law to any other enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended, repealed, replaced, extended or applied by or under any other enactment, including this Law.]

NOTES

In section 1,

subsection (1) was renumbered, and subsection (2) was inserted, by the Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1958, respectively section 1(a) and section 1(b), with effect from 31st January, 1959;

first, the definitions of the expressions "compensation payment" and "insurer" and, second, subsection (1B) were inserted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2012, respectively section 2 and section 3, with effect from 1st November, 2017, subject to the transitional and savings provisions in section 9 of the 2012 Law;

the definition of the expression "Magistrate" in subsection (1) was inserted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2008, section 1(2), with effect from 1st April, 2009;

the words in the first pair of square brackets in the definition of the expression "motor vehicle" in subsection (1) were inserted by the Loi Supplémentaire à La Loi Relative aux Automobiles et Concernant les Tracteurs Agricoles, 1946, section 3, with effect from 28th December, 1946;

the words in the second pair of square brackets in the definition of the expression "motor vehicle" in subsection (1) were inserted by the Motor Vehicles (Amendment) (Guernsey) Law, 1960, section 4, with effect from 1st January, 1961;

the words in square brackets within the second pair of square brackets in the definition of the expression "motor vehicle" in subsection (1) were substituted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 17, with effect from 1st January, 2008;¹

the words in the third pair of square brackets in the definition of the expression "motor vehicle" in subsection (1) were inserted by the Motor Vehicles (Amendment) (Guernsey) Law, 1966, section 4, with effect from 28th June, 1966;

the words in square brackets within the third pair of square brackets in the definition of the expression "motor vehicle" in subsection (1) were substituted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 17, with effect from 1st January, 2008;²

subsection (1A) was inserted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1989, section 1, with effect from 2nd October, 1989.

The Law is applied to the Island of Alderney by the Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950, section (1), Schedule, with effect from 7th June, 1950, subject to the exceptions, adaptations and modifications in section 2 of the 1950 Law.

In its application to the Island of Alderney, section 1 is modified in accordance with the provisions of the Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950, section (2)(b), with effect from 7th June, 1950.

The following case has referred to this Law:

M. Alexander v Law Officers of the Crown [2025]GRC019 (Unreported, Royal Court, 27th March).

In accordance with the provisions of the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1989, section 6, with effect from 2nd October, 1989, this Law, when cited together with the amending enactments, may be cited as the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Laws, 1936 to 1989.³

In accordance with the provisions of the Road Traffic (Drink Driving) (Guernsey) Law, 1989, section 2A(7), Schedule, with effect from 29th March, 2004, offences under this Law constitute "traffic offences" for the purposes of the 1989 Law.

Users of motor vehicles to be insured against Third-Party risks.

2. (1) Subject to the provisions of this Law, it shall not be lawful for any person to use, or to cause or permit any other person to use, a motor vehicle on any road unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, such a policy of insurance in respect of third-party risks as complies with the requirements of this Law.

(2) If a person acts in contravention of this section, he shall be liable upon [...] conviction to a fine not exceeding [[level 4 on the uniform scale] or to imprisonment] for a term not exceeding three months, or to both such fine and such imprisonment, and a person convicted under this section shall (unless the [court] for special reasons thinks 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 licence ("autorisation à conduire") under the Law entitled "Loi relative aux Automobiles" sanctioned by Order in Council registered on the 11th day of December, 1926 (hereinafter called "**the Automobile Law of 1926**") for a period of twelve months from the date of the conviction.

A person disqualified by virtue of a conviction under this section or of an order made thereunder for holding or obtaining a licence shall, for the purposes of the Automobile Law of 1926, be deemed to be disqualified by virtue of a conviction under the provisions of that Law as amended by the Law entitled "Loi supplémentaire à la Loi relative aux Automobiles, 1932" and the provisions of Articles 15 and 16 of the Automobile Law of 1926 shall apply to any such person.

(3) This section shall not apply to a motor vehicle owned by any Department of His Majesty's Government or by the States of Guernsey or by any Department, Board, Council or Committee of the States of Guernsey at any time when the 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 to

any vehicle at any time when it is being driven for police purposes by or under the direction of a police constable, or by a person employed by the [Committee for Home Affairs].

(4) (a) If at any time during which any person being the owner or having possession or custody of a motor vehicle (in this paragraph referred to as "**the owner**") has caused or permitted any other person (in this paragraph referred to as "**the other person**") to use such vehicle in contravention of the provisions of subsection (1) of this section, the death of or bodily injury to any person is caused by or arises out of the use by the other person of the vehicle or out of any defect in the vehicle, the owner, in addition to any penalty which he may incur in respect of the contravention shall, notwithstanding that he may not be under any liability under any other enactment or at common law as regards such death or bodily injury, be liable, jointly and severally with the other person, in respect thereof to the extent to which liability as regards the same would have been covered by a policy of insurance in respect of third-party risks complying with the requirements of this Law had such a policy been in force in relation to the use of the vehicle at such time by the other person.

(b) Nothing in the last foregoing paragraph shall be deemed to limit or affect any right of action not arising thereout by third parties against any person in respect of death or bodily injury caused by or arising out of the use of the vehicle or out of any defect in the vehicle.

NOTES

In section 2,

the word omitted in the first pair of square brackets in subsection (2) was repealed by the Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1958, section 1(b), with effect from 31st January, 1959;

the words in the second pair of square brackets in subsection (2)

were substituted by the *Motor Vehicles and Road Traffic (Penalties) (Guernsey) Law, 1982, section 2(a), with effect from 30th April, 1982;*

the words and figure within the second pair of square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;

the words in the third and fourth pairs of square brackets in subsection (2) were substituted by the Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1958, section 1(c), with effect from 31st January, 1959.

In its application to the Island of Alderney, section 2 is modified in accordance with the provisions of the Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950, section (2)(a) and section (2)(d), with effect from 7th June, 1950.

In its application to an international motor insurance card, section 2 is modified in accordance with the provisions of regulation 2(1) of the Regulations set out in the Schedule to the Motor Vehicles (International Motor Insurance Card) Ordinance, 1974, with effect from 19th June, 1974.

The following case has referred to section 2:

M. Alexander v Law Officers of the Crown [2025]GRC019 (Unreported, Royal Court, 27th March).

In accordance with the provisions of the Motor Taxation and Licensing (Guernsey) Law, 1987, section 8, with effect from 1st September, 1995, the provisions of that section shall apply in relation to the power of the Court to disqualify a person by virtue of a conviction under this section, but shall not affect the power of the Court hereunder to order a disqualification for a period of twelve months from the date of the conviction unless the Court for special reasons thinks fit to order otherwise and without prejudice to the power of the Court to order a longer period of disqualification.

In accordance with their Resolution of 24th April, 1991, concerning Billet d'État No. XI, dated 12th April, 1991, the States directed that the Island Police Committee as established under Article 2 of the Loi ayant rapport à la Police Salariée pour l'Île entière, 1920, the States Committees (Amendment) Law, 1948 and the Police Committee (Amendment) Law, 1990 should be the States Committee for Home Affairs. The functions, rights and liabilities of the States Committee for Home Affairs and of its President arising under or by virtue of this Law were subsequently transferred to and vested in, respectively, the Home Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 9, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance. The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Law were subsequently transferred to and

vested in, respectively, the Committee for Home Affairs and its President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The Loi relative aux Automobiles, 1926 has since been repealed by the Motor Taxation (Abolition) (Guernsey) Ordinance, 2006, section 3(1), Schedule, Part I, with effect from 1st January, 2008.

The Loi supplémentaire à la Loi relative aux Automobiles, 1932 has since been repealed by the Driving Licences (Guernsey) Ordinance, 1995, section 26, Schedule 9, with effect from 1st September, 1995, subject to the savings in section 26(3) of the 1995 Ordinance.

Requirements in respect of Policies.

3. (1) In order to comply with the requirements of this Law, a policy of insurance must be a policy which –

- (a) is issued by a person who is an authorised insurer within the meaning of this Law, and
- [(b) insures such person, persons or classes of persons 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, or damage to property, caused by, or arising out of, the use of the vehicle on a road in the Island of Guernsey, and]
- [(c) insures him or them in respect of any liability which may be incurred by him or them in respect of the use of the vehicle and of any trailer (that is to say, any vehicle drawn by a motor vehicle), whether or not coupled, in the territory (other than Gibraltar) of each of the 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.]

[Provided that the policy shall not be required –

- (i) to cover 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 or damage to property sustained by such a person arising out of and in the course of his employment, or
- (ii) to provide insurance for more than £250,000 in respect of all such liabilities as may be incurred in respect of damage to property caused by, or arising out of, any one accident involving the vehicle, or
- (iii) to cover liability in respect of damage to the vehicle, or
- (iv) to cover liability in respect of damage to goods carried for hire or reward in or on the vehicle or in or on any trailer (whether or not coupled) drawn by the vehicle, or
- (v) to cover any liability of a person in respect of damage to property in his custody or under his control, or

(vi) to cover any contractual liability.]

[(2) Where any payment is made (whether or not with an admission of liability) by an insurer under or in consequence of a policy of insurance under this Law, in respect of the death or bodily injury of any person arising out of the use of a motor vehicle on a road, and the person who has so died or been bodily injured has to the knowledge of the insurer received treatment at a hospital in this Island, whether as an in-patient or as an out-patient in respect of the injury so arising, that insurer shall pay to the hospital in this Island the expenses described in subsection (2A) –

- (a) as determined in accordance with regulations made under section 13C of this Law,
- (b) within the time specified by or under those regulations, and
- (c) otherwise in accordance with those regulations.

(2A) Subject to subsections (2B) and (2C), the expenses to be paid by the insurer to the hospital are –

- (a) the expenses reasonably incurred by the hospital ("**Hospital A**") in the treatment of the person for bodily injury arising out of the use of the motor vehicle on the road, whether the treatment is administered by Hospital A or by another hospital ("**referred hospital**") to which Hospital A has referred that person for treatment, and
- (b) the expenses (if any) reasonably incurred by Hospital A in relation to the transportation of the person by

ambulance to Hospital A and (if applicable) to any referred hospital,

after deducting from such expenses any moneys actually received by Hospital A in payment of a specific charge for such treatment or transportation, not being moneys received by Hospital A under any contributory scheme.

(2B) The States [Committee for Health & Social Care] and the States [Committee for the Environment & Infrastructure] may jointly make regulations to prescribe limits on the amounts of expenses to be paid in respect of a person who dies or is bodily injured, being –

- (a) a maximum amount of expenses for each day, or part of a day, that the person is an in-patient,
- (b) a maximum amount of expenses for treatment of the person as an out-patient,
- (c) a maximum amount of expenses for transportation of the person, by ambulance, to a hospital, and
- (d) a maximum amount for the aggregate of the expenses referred to in paragraphs (a) to (c).

(2C) Until regulations are first made under subsection (2B)-

- (a) the maximum amount to be paid for each person treated as an in-patient shall be £50, and
- (b) the maximum amount to be paid for each person treated as an out-patient shall be £5.

(2D) A sum payable under subsection (2) shall be recoverable as if it were a simple contract debt from the insurer to the hospital concerned.

(2E) A payment made under subsection (2) to a hospital shall operate as a discharge to the extent of the amount paid, of any liability of the insurer, or of any other person, to pay any sum in respect of the expenses described in subsection (2A).

(2F) For the purposes of subsection (2A) and for the avoidance of doubt, the hospital that first provides treatment to a person for bodily injury arising out of the use of a motor vehicle on the road may refer that person to another hospital for treatment, whether or not the latter hospital is located in this Island.

(2G) For the purposes of subsections (2) to (2F) –

"ambulance", for the avoidance of doubt, includes road, air or marine ambulance, whether or not located in or operating on this Island,

"expenses reasonably incurred" means –

- (a) in relation to a person who receives treatment at a hospital as an in-patient, or who is referred by the hospital to another hospital for further treatment, an amount for each day such person is maintained in any such hospital representing the average daily cost for each in-patient of the maintenance of that hospital and the staff thereof and the maintenance and treatment of the in-patients therein, and
- (b) in relation to a person who receives treatment at a

hospital as an out-patient, reasonable expenses actually incurred, and

"hospital" means an institution, whether owned or controlled by the States of Guernsey or otherwise, which provides medical or surgical treatment for in-patients.]

(3) (a) For the purposes of this Law, the expression **"authorised insurer"** means an assurance company for the time being approved by [the Guernsey Financial Services Commission (hereinafter referred to as **"the Commission"**)].

(b) [The Commission] shall not approve as an "authorised insurer" any assurance company unless –

(i) such assurance company is a person or body of persons who is for the time being a member of the Motor Insurers' Bureau, a company limited by guarantee and incorporated under the Companies Act 1929 on the fourteenth day of June, nineteen hundred and forty-six, and]

(ii) such assurance company has entered into an undertaking with [the Commission] to the effect that every policy of insurance (including a covering note) issued by the company in accordance with the requirements of this Law shall be deemed to be based upon a contract made in this Island under the laws for the time being in force therein, and that any question or dispute arising out of such contract or policy

shall be within the jurisdiction of the Royal Court of this Island, and

- (iii) such assurance company has communicated to [the Commission] an address in this Island at which the company will accept service of every notice or citation required to be made to it in relation to any action or proceeding taken or to be taken in this Island under or by reason of the provisions of this Law or of any policy to which this Law relates issued by the company or in respect of any claim or proceeding made or taken by or against any person insured under any such policy,

- [(iv) such assurance company is licensed under the Insurance Business (Bailiwick of Guernsey) Law, 2002 as an insurer in respect of domestic business or is exempt from section 3 of that Law, in relation to insurance of the description set out in subsection (1) of this section, by virtue of section 5 of that Law,]

- [(v) such assurance company has paid to the Commission such fee as the States [Policy & Resources Committee] may from time to time prescribe by regulations made under this section.]

[(3A) If any person or body of persons ceases to be a member of the Motor Insurers' Bureau referred to in sub-paragraph (i) of paragraph (b) of the last

preceding subsection that person or body shall not thereby cease to be treated as an authorised insurer for the purposes of this Law –

- (a) in relation to any policy issued by the insurer before ceasing to be such a member, or
- (b) in relation to any obligation (whether arising before or after the insurer ceased to be such a member) which the insurer may be called upon to meet under or in consequence of any such policy or under subsection (2) of this section (payment for hospital treatment) by virtue of making a payment in pursuance of such an obligation.]

[(3B) Regulations made under this section shall be laid before a meeting of the States as soon as may be after the regulations are made; and if, at that meeting or at the next meeting, the States resolve that the regulations be annulled, they shall cease to have effect but without prejudice to anything done under the regulations or to the making of new regulations.]

(4) Any address in this Island communicated to [the Commission] by an assurance company for the purposes of this section shall continue to be deemed the address of that assurance company in this Island for the purpose of the service of any such notice or citation as aforesaid until that company has communicated to [the Commission] another address in this Island in substitution therefor and the service of any such notice or citation as aforesaid addressed to the Company or underwriter at the address or substituted address in this Island so communicated to [the Commission] shall constitute a valid service of the same for all purposes.

(5) Notwithstanding anything in any Law contained, an authorised insurer issuing a policy of insurance under this section shall be liable to indemnify the

persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

(6) A policy shall be of no effect for the purposes of this Law unless and until there is delivered by the insurer to the person by whom the policy is effected a certificate (in this Law referred to as a "**certificate of insurance**") in the form prescribed by Ordinance and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be thereby prescribed, and different forms and different particulars may be prescribed in relation to different cases or circumstances.

(7) In this Law the expression "**Policy of insurance**" includes a covering note.

NOTES

In section 3,

paragraph (b) of subsection (1) was substituted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1989, section 2(a), with effect from 2nd October, 1989;⁴

paragraph (c) of subsection (1) was inserted by the Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1979, section 2(b), with effect from 19th June, 1979;

the proviso to subsection (1) was substituted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1989, section 2(b), with effect from 2nd October, 1989;⁵

subsection (2) was substituted and subsections (2A), (2B), (2C), (2D), (2E), (2F) and (2G) were inserted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2012, section 4, with effect from 1st November, 2017, subject to the transitional and savings provisions in section 9 of the 2012 Law;

the words "Committee for Health & Social Care" in square brackets, wherever occurring, were substituted in accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;

the words "Committee for the Environment & Infrastructure" in square brackets, wherever occurring, were substituted in accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(a), with effect from 1st May, 2016;

first, the words in square brackets in paragraph (a) of subsection (3), second, were substituted by the Financial Services Commission (Bailiwick of Guernsey) Law, 1987, section 3(3), Schedule 2, paragraph 1, with effect from 1st February, 1988, subject to the transitional provisions and savings in section 26 of, and Schedule 3 to, the 1987 Law;⁶

the words "T/the Commission" in square brackets, wherever occurring, were substituted by the Financial Services Commission (Bailiwick of Guernsey) Law, 1987, section 3(3), Schedule 2, paragraph 2, with effect from 1st February, 1988, subject to the transitional provisions and savings in section 26 of, and Schedule 3 to, the 1987 Law;⁷

sub-paragraph (i) of paragraph (b) of subsection (3) was substituted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1983, section 1(a), with effect from 15th November, 1983;

sub-paragraph (iv) of paragraph (b) of subsection (3) (which was originally inserted by the Insurance Business (Guernsey) Law, 1986, section 67, Schedule 6, with effect from 1st July, 1987) was substituted by the Insurance Business (Bailiwick of Guernsey) Law, 2002, section 100(2), Schedule 6, Part II, with effect from 5th November, 2002;

sub-paragraph (v) of paragraph (b) of subsection (3) was inserted by the Financial Services Commission (Bailiwick of Guernsey) Law, 1987, section 3(3), Schedule 2, paragraph 3, with effect from 1st February, 1988, subject to the transitional provisions and savings in section 26 of, and Schedule 3 to, the 1987 Law;

the words in square brackets within sub-paragraph (v) of paragraph (b) of subsection (3) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016;⁸

subsection (3A) was inserted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1983, section 1(b), with effect from 15th November, 1983;

subsection (3B) (which was originally inserted by the Financial Services Commission (Bailiwick of Guernsey) Law, 1987, section 3(3), Schedule 2, paragraph 4, with effect from 1st February, 1988) was repealed, as it applied in the Island of Guernsey, by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2012, section 5, with effect from 1st November, 2017, subject to the transitional and savings

provisions in section 9 of the 2012 Law.

The following Regulations have been made under section 3:

Road Traffic (Compulsory Third-Party Insurance) (Recovery of Expenses) (Guernsey) Regulations, 2017.

The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The functions exercisable by the Advisory and Finance Committee in relation to the approval of authorised insurers for the purposes of this section were transferred to the Financial Services Commission by the Financial Services Commission (Bailiwick of Guernsey) Law, 1987, section 3(1)(e)(i), with effect from 1st February, 1988, subject to the transitional provisions and savings in section 26 of, and Schedule 3 to, the 1987 Law.⁹

The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of section 5 of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.¹⁰

In its application to the Island of Alderney, section 3 is modified in accordance with the provisions of the Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950, section (2)(a), section (2)(b) and section (2)(e), with effect from 7th June, 1950.

Insurance discs to be delivered to insured persons and display of insurance discs.

3A. (1) In addition to the certificate of insurance referred to in section 3(6), there shall be issued and delivered by the authorised insurer to the person by

whom the policy of insurance is effected –

- (a) except where that person is a fleet registered keeper or the holder of a motor cycle rider policy, an insurance disc in respect of each motor vehicle the use of which is covered by the policy,
- (b) where that person is a fleet registered keeper, that number of insurance discs which corresponds with the number of motor vehicles the use of which at any one time is covered by the policy,
- (c) where that person is the holder of a motor cycle rider policy, an insurance disc,

and each insurance disc so issued shall refer to the policy of insurance and the period of cover provided under the policy.

(2) Except as provided in subsection (5), at all times when a motor vehicle is being used or kept on a road, there shall be displayed on the vehicle in the prescribed manner an insurance disc which shall –

- (a) be in the prescribed form,
- (b) bear the prescribed particulars which shall refer to a policy of third-party risks for the time being in force covering the use of the vehicle, and
- (c) unless the person by whom the insurance policy is effected is a fleet registered keeper or the holder of a motor cycle rider policy, bear the registration mark of

the vehicle.

(3) In respect of insurance discs, different forms, different particulars and different manners of display may be prescribed by regulations in relation to different cases or circumstances.

(4) In this section –

"fleet registered keeper" means a person by whom a single policy of insurance in respect of third-party risks is effected in relation to the use of not fewer than a prescribed number of motor vehicles which are –

- (a) owned by the person, and
- (b) operated for trade or business purposes,

"motor cycle rider policy" means a policy of insurance in respect of third party risks in relation to the use of motor cycles or mopeds under which the cover relates to the policy holder and not to a particular motor cycle or moped,

"motor cycle" means any two-wheeled vehicle, with or without a side-car, with a maximum design speed of over 50 kilometres per hour, or if powered by an internal combustion engine, with a cubic capacity exceeding 50 cubic centimetres, and

"moped" means any two-wheeled or three-wheeled vehicle which is powered by –

- (a) an internal combustion engine having a cylinder capacity not exceeding 50 cubic centimetres, or

- (b) an electrical engine having a maximum continuous rated power not exceeding 4 kilowatts.

(5) Nothing in this section shall operate to require the display of an insurance disc on a motor vehicle –

- (a) to which the provisions of section 2(3) apply,
- (b) which is being used under trade plates in accordance with article 3(2) of the Ordinance of the Royal Court of 1932 relating to Licences de Commerçant of 1932, as amended^{*}, or
- (c) which is prescribed as a vehicle on which an insurance disc is not required to be displayed.]

NOTES

Section 3A was inserted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2008, section 1(3), with effect from 1st April, 2009.

The following Ordinances have been made under section 3A:

Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Ordinance, 2009;

Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Ordinance, 2012.

Duty of Insurers to satisfy Judgments against person insured in respect of Third-Party risks.

* Recueil d'Ordonnances, Tome VIII, p. 229; amended by Ordinances of 1933 and 1937 (Tome VIII, p. 233), and Ordinance No. XII of 2007.

4. [(1) This section applies where, after a certificate of insurance has been delivered under section 3(6) of this Law to the person by whom a policy has been effected, a judgment to which this subsection applies is obtained.

(1A) Subsection (1) of this section applies to judgments relating to a liability with respect to any matter liability with respect to which is required to be covered by a policy of insurance under section 3 of this Law if –

- (a) it is a liability covered by the terms of the policy to which the certificate relates, and the judgment is obtained against any person who is insured by the policy, or
- (b) it is a liability, other than an excluded liability, which would be so covered if the policy insured all persons and the judgment is obtained against any person other than one who is insured by the policy.

(1B) In deciding for the purposes of subsection (1A) of this section whether a liability is or would be covered by the terms of a policy, so much of the policy as purports to restrict the insurance of the persons insured by the policy by reference to the holding by the driver of the vehicle of a licence authorising him to drive it shall be treated as of no effect.

(1C) In subsection (1A)(b) of this section "**excluded liability**" means a liability in respect of the death of, or bodily injury to, or damage to the property of, any person who, at the time of the use which gave rise to the liability, was allowing himself to be carried in or upon the vehicle and knew or had reason to believe that the vehicle had been stolen or unlawfully taken, not being a person who did not know and had no reason to believe that the vehicle had been stolen or unlawfully taken until after the commencement of his journey and could not

reasonably have been expected to have alighted from the vehicle; and in this subsection the reference to a person being carried in or upon a vehicle includes a reference to a person entering or getting on to, or alighting from, the vehicle.

(1D) Notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy, he shall, subject to the provisions of this section, pay to the persons entitled to the benefit of the judgment –

- (a) as regards liability in respect of death or bodily injury, any sum [payable under the judgment in respect of the liability, together with any sum] which, by virtue of any enactment relating to interest on judgments, is payable in respect of interest on that sum,
- (b) as regards liability in respect of damage to property, any sum required to be paid under subsection (1E) of this section, and
- (c) any amount payable in respect of costs.

(1E) This subsection requires the payment –

- (a) where the total of any amounts paid, payable, or likely to be payable under the policy in respect of damage to property caused by, or arising out of, the accident in question does not exceed £250,000, of any sum payable under the judgment in respect of the liability together with any sum which, by virtue of any enactment relating to interest on judgments, is payable in respect of interest on that sum,

- (b) where that total exceeds £250,000, of either –
 - (i) such proportion of any sum payable under the judgment in respect of the liability as £250,000 bears to that total, together with the same proportion of any sum which, by virtue of any such enactment, is payable in respect of interest on that sum, or
 - (ii) the difference between the total of any amounts already paid under the policy in respect of such damage and £250,000, together with such proportion of any sum which, by virtue of any such enactment, is payable in respect of interest on any sum payable under the judgment in respect of the liability as the difference bears to that sum,

whichever is less, unless not less than £250,000) has already been paid under the policy in respect of such damage (in which case nothing is payable).]

(2) No sum shall be payable by an insurer under the foregoing provisions of this section –

- (a) in respect of any judgment, unless before or within seven days after the commencement of the proceedings in which the judgment was given, the insurer had notice of the bringing of the proceedings, or
- (b) in respect of any judgment, so long as execution

thereon is stayed pending an appeal, or

- (c) in connection with any liability, if before the happening of the event which was the cause of the death or bodily injury [or damage to property] giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein, and either
 -
 - (i) before the happening of the said event the certificate was surrendered to the insurer, or the person to whom the certificate was delivered made a declaration before a Jurat of the Royal Court or the [...] Magistrate or a Notary Public stating that the certificate had been lost or destroyed and delivered such declaration to the insurer, or
 - (ii) after the happening of the said event, but before the expiration of a period of fourteen days from the taking effect of the cancellation of the policy, the certificate was surrendered to the insurer, or the person to whom the certificate was delivered made in the foregoing manner such a declaration as aforesaid and delivered the same to the insurer, or
 - (iii) either before or after the happening of the said event, but within the said period of fourteen days, the insurer has laid a charge under section 8 of this Law with the Police Inspector in

respect of the failure to surrender the certificate.

(3) No sum shall be payable by an insurer under the foregoing provisions of this section, if, in an action commenced before the Royal Court before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration that, apart from any condition contained in the policy, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact, or by a representation of fact which was false in some material particular or, if he has avoided the policy on that ground, that he was entitled so to do apart from any provision contained in it.

Provided that an insurer who has obtained such a declaration as aforesaid in an action shall not thereby become entitled to the benefit of this subsection as respects any judgment obtained in proceedings commenced before the commencement of that action, unless before or within seven day days after commencement of that action he has given notice thereof to the person who is the plaintiff in the said proceedings specifying the non-disclosure or false representation on which he proposes to rely, and any person to whom notice of such an action is so given shall be entitled, if he thinks fit, to be made a party thereto.

(4) If the amount which an insurer becomes liable under this section to pay in respect of a liability of a person insured by a policy exceeds the amount for which he would, apart from the provisions of this section, be liable under the policy in respect of that liability, he shall be entitled to recover the excess from that person.

[(4A) Where an insurer becomes liable under this section by virtue only of the operation of subsection (1B) to pay an amount in respect of a liability of a person who is insured by a policy, he shall be entitled to recover the amount from that person.

(4B) Where an insurer becomes liable under this section to pay an amount in respect of a liability of a person who is not insured by a policy, he shall be entitled to recover the amount from that person or from any person who –

- (a) is insured by the policy by the terms of which liability would be covered if the policy insured all persons, and
- (b) caused or permitted the use of the vehicle which gave rise to the liability.]

(5) In this section the expression "**material**" means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk, and, if so, at what premium and on what conditions, and the expression "**liability covered by the terms of the policy**" means a liability which is covered by the policy or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled the policy.

(6) In this Law references to a certificate of insurance in any provision relating to the surrender, or the loss or destruction, of a certificate of insurance shall, in relation to policies under which more than one certificate is issued, be construed as references to all the certificates, and shall, where any copy has been issued of any certificate, be construed as including a reference to that copy.

NOTES

In section 4,

subsection (1) was substituted, and subsection (1A), subsection (1B), subsection (1C), subsection (1D) and subsection (1E) were inserted, by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1989, section 3(a), with effect from 2nd October, 1989;

the words in square brackets in paragraph (a) of subsection (1D) were inserted by the Administration of Justice (Bailiwick of Guernsey) Law, 1991, section 15(1), with effect from 2nd October 1989;

the words in the first and second pairs of square brackets in paragraph (c) of subsection (2) were, respectively, inserted and repealed by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1989, section 3(b)(i) and section 3(b)(ii), with effect from 2nd October, 1989;

subsection (4A) and subsection (4B) were inserted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1989, section 3(c), with effect from 2nd October, 1989.

In its application to the Island of Alderney, section 4 is modified in accordance with the provisions of the Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950, section (2)(b) and section (2)(c), with effect from 7th June, 1950.

In accordance with the provisions of the Loi ayant rapport à la Police Salarisée pour l'Île entière, 1920, Article III(3), with effect from 19th August, 1947, any powers and duties attributed under this section to the Inspector of Police shall henceforth be deemed to be attributed to the Chief Officer of Police, instead of the Inspector of Police.

Bankruptcy, etc., of insured persons not to affect certain claims by third parties.

5. Where a certificate of insurance has been delivered under subsection (6) of section 3 of this Law to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as is mentioned in subsection (1) or subsection (2) of section one of the Third Party (Rights against Insurers) Law, 1936, shall notwithstanding anything in that Law, not affect any such liability of that person as is required to be covered by a policy under paragraph (b) of subsection (1) of section 3 of this Law, but nothing in this section shall affect any rights against the insurer conferred by that Law on the person to whom the liability was incurred.

Avoidance of restrictions on scope of policies covering Third-Party risks.

6. Where a certificate of insurance has been delivered under subsection (6) of section 3 of this Law to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any of the following matters –

- (a) the age or physical or mental condition of persons driving the vehicle, or
- (b) the condition of the vehicle, or
- (c) the number of persons that the vehicle carries, or
- (d) the weight or physical characteristics of the goods that the vehicle carries, or
- (e) the times at which or the areas within which the vehicle is used, or
- (f) the horse power or value of the vehicle, or
- (g) the carrying on the vehicle of any particular apparatus, or
- (h) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under any Law or Ordinance for the time being in force,

shall, as respects such liabilities as are required to be covered by a policy under paragraph (b) of subsection (1) of section 3 of this Law, be of no effect:

Provided that nothing in this section shall require an insurer to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this section shall be

recoverable by the insurer from that person.

Section 6A.

- [**6A.** (1) If a policy –
- (a) restricts the insurance of the persons insured by it to use of the vehicle for specified purposes of a non-commercial character, or
 - (b) excludes from that insurance –
 - (i) use of the vehicle for hire or reward, or
 - (ii) business or commercial use of the vehicle, or
 - (iii) use of the vehicle for specified purposes of a business or commercial character,

then, so far as the policy relates to liabilities required to be covered by a policy under paragraph (b) of section 3(1) of this Law, use of a vehicle on a journey in the course of which passengers are carried at separate fares shall, if the conditions specified in subsection (2) of this section are satisfied, be treated as falling within that restriction, or as not falling within that exclusion, as the case may be.

- (2) The conditions referred to in subsection (1) of this section are –
- (a) that the vehicle is not adapted to carry more than eight passengers and is not a motor cycle, and
 - (b) that the fare or aggregate of the fares paid in respect of

the journey does not exceed the amount of the running costs of the vehicle for the journey (including an appropriate amount in respect of depreciation and general wear), and

- (c) that the arrangements for the payment of fares were made before the journey began.]

NOTE

Section 6A was inserted by the Administration of Justice (Bailiwick of Guernsey) Law, 1991, section 15(2), with effect from 30th April, 1991.

Duty of persons against whom claims are made to give information as to insurance.

7. (1) Any person against whom a claim is made in respect of any such liability as is required to be covered by a policy under paragraph (b) of subsection (1) of section 3 of this Law shall, on demand by or on behalf of the person making the claim, state whether or not he was insured in respect of that liability by any policy having effect for the purposes of this Law, or would have been so insured if the insurer had not avoided or cancelled the policy, and if he was or would have been so insured, give such particulars with respect to that policy as were specified in the certificate of insurance delivered in respect thereof under subsection (6) of section 3 of this Law [or, where no such certificate was delivered under the said section, the following particulars, that is to say, the registration mark or other identifying particulars of the vehicle concerned, the number or other identifying particulars of the insurance policy issued in respect of the vehicle, the name of the insurer and the period of the insurance cover].

(2) If, without reasonable excuse, any person fails to comply with the provisions of this section, or wilfully makes any false statement in reply to any

such demand as aforesaid, he shall be guilty of an offence.

NOTE

In section 7, the words in square brackets in subsection (1) were inserted by the Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1979, section 6, with effect from 19th June, 1979.

Duty to surrender certificate and disc.

8. (1) Where a policy of insurance has been effected and an insurance disc bearing the registration mark of the motor vehicle has been delivered under section 3A(1) by the insurer to the person by whom the policy was effected, and that vehicle is subsequently transferred by that person to another, that person shall, within seven days from the taking effect of the transfer, surrender the insurance disc to the insurer, and if the person fails to do so or, where the disc has been lost or destroyed, if he fails to comply with the provisions of subsection (3), the person shall be guilty of an offence.

(2) Where a policy of insurance has been effected and the policy is cancelled by mutual consent or by virtue of any provision in the policy, the person by whom the policy was effected shall, within seven days from the taking effect of the cancellation, surrender to the insurer the certificate of insurance and insurance disc delivered (under section 3(6) and 3A(1) respectively) by the insurer to the person in respect of that policy, and if the person fails to do so or, where the certificate or disc has been lost or destroyed, if he fails to comply with the provisions of subsection (3), the person shall be guilty of an offence.

(3) Where a person is under an obligation under subsection (1) or (2) to surrender a certificate of insurance or insurance disc, and by reason of its loss or destruction is unable to do so, he shall make a declaration before a Jurat of the Royal Court, the Magistrate or a Notary Public, and within a period of seven days from the taking effect of the transfer or cancellation (as the case may be) he shall

deliver the declaration to the insurer.]

NOTES

Section 8 was substituted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2008, section 1(4), with effect from 1st April, 2009.

In its application to the Island of Alderney, section 8 is modified in accordance with the provisions of the Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950, section (2)(b), with effect from 7th June, 1950.

Certain Conditions in Policies to be of no effect.

9. Any condition in a policy issued for the purposes of this Law, providing that no liability shall arise under the policy or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy, shall be of no effect in connection with such claims as are mentioned in paragraph (b) of subsection (1) of section 3 of this Law.

Provided that nothing in this section shall be taken to render void any provision in a policy requiring the person insured to repay to the insurer any sums which the latter may have become liable to pay under the policy and which have been applied to the satisfaction of the claims of third parties.

[Payments and insurance in respect of emergency treatment of injuries arising from the use of motor vehicles on roads.

10. (1) Where medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to any person caused by, or arising out of, the use of a motor vehicle on a road, and the treatment or examination so required (in this section referred to as "**emergency treatment**") is effected by a medical practitioner authorised to practise in this Island, the person who

was using the vehicle at the time of the event out of which the bodily injury arose, shall, on a claim being made in accordance with the provisions of the next succeeding section, pay to the practitioner, or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected –

- (a) a fee of [63 pence] in respect of each person in whose case the emergency treatment is effected by him, and
- (b) a sum in respect of any distance in excess of two miles which he must cover, in order to proceed from the place whence he is summoned to the place where the emergency treatment is carried out by him and to return to the first mentioned place, equal to [3 pence] for every complete mile and additional part of a mile of that distance.

(2) Where emergency treatment is first effected in a hospital, the provisions of the foregoing subsection with respect to the payment of a fee shall, so far as applicable, have effect with the substitution of references to the hospital for references to a medical practitioner.

(3) Liability incurred under this section by the person using a vehicle shall, where the event out of which it arose was caused by the wrongful act of another person, be treated for the purposes of any claim to recover damage by reason of that wrongful act as damage sustained by the person using the vehicle.

(4) In paragraph (b) of subsection (1) of section 3 of this Law, the reference to liability in respect of death or bodily injury shall be deemed to include a reference to liability to make a payment under this section in respect of emergency treatment required as a result of bodily injury, and the proviso to that paragraph shall not have effect as respects liability to make a payment under this section.]

NOTES

Section 10, as it applied in the Island of Guernsey, was repealed by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2012, section 5, with effect from 1st November, 2017, subject to the transitional and savings provisions in section 9 of the 2012 Law.

In section 10, the figures and words in square brackets were substituted in accordance with the provisions of the Decimal Currency (Bailiwick of Guernsey) Law, 1970, section 8, with effect from 15th February, 1971.

[Provisions as to claims for, and supplementary provisions as to, payments for emergency treatment.]

11. (1) The Police Inspector shall, if so requested by a person who alleges that he is entitled to claim a payment under the last foregoing section furnish to that person any information at the disposal of the Inspector as to the identification marks of any motor vehicle which that person alleges to be a vehicle out of the use of which the bodily injury arose, and as to the identity and address of the person who was using the vehicle at the time of the event out of which it arose.

(2) A claim for a payment under the last foregoing section may be made at the time when the emergency treatment is effected, by oral request to the person who was using the vehicle, and if not so made must be made by request in writing served on him within seven days from the day on which the emergency treatment was effected.

(3) A request in writing must be signed by the claimant, or, in the case of a hospital, by an executive officer thereof, must state the name and address of the claimant, the circumstances in which the emergency treatment was effected, and that it was first effected by the claimant, or, in the case of a hospital, in the hospital.

(4) A request in writing may be served by delivering it to the

person who was using the vehicle or by sending it in a pre-paid registered letter addressed to him at his usual or last known address.

(5) A sum payable under the last foregoing section shall be recoverable as if it were a simple contract debt from the person who was using the vehicle to the practitioner or the hospital.

(6) A payment made under the last foregoing section to a practitioner or hospital shall operate as a discharge to the extent of the amount paid, of any liability of the person who was using the vehicle, or of any other person, to pay any sum in respect of the expenses or remuneration of the practitioner or hospital of or for effecting the emergency treatment.

(7) A payment under the last foregoing section shall not be deemed to be a payment by an authorised insurer for the purposes of subsection (2) of section 3 of this Law.]

NOTES

Section 11, as it applied in the Island of Guernsey, was repealed by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2012, section 5, with effect from 1st November, 2017, subject to the transitional and savings provisions in section 9 of the 2012 Law.

In its application to the Island of Alderney, section 11 is modified in accordance with the provisions of the Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950, section (2)(c), with effect from 7th June, 1950.

In accordance with the provisions of the Loi ayant rapport à la Police Salariée pour l'Île entière, 1920, Article III(3), with effect from 19th August, 1947, any powers and duties attributed under this section to the Inspector of Police shall henceforth be deemed to be attributed to the Chief Officer of Police, instead of the Inspector of Police.

Production of certificate of insurance on application for motor vehicle licence.

12. Provision may be made by Ordinance for requiring a person applying for a licence in respect of a motor vehicle under the Automobile Law of 1926, as amended by any subsequent enactment, to produce such evidence as may be prescribed that either –

- (a) on the date when the licence comes into operation there will be in force the necessary policy of insurance in relation to the user of the vehicle by the applicant or by other persons on his order or with his permission, or
- (b) the vehicle is a vehicle to which the provisions of section 2 of this Law do not apply at any time when it is being driven by the owner thereof or by a servant of his in the course of his employment, or is otherwise subject to the control of the owner.

NOTES

The following Ordinances have been made under section 12:

Motor Vehicles (International Circulation) (Alderney) Ordinance, 1953;

Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Ordinance, 1972;

Motor Vehicles (International Motor Insurance Card) Ordinance, 1974;

Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Ordinance, 1981;

Motor Vehicles (International Motor Insurance Card) (Alderney) Ordinance 2014;

Road Traffic (Compulsory Third-Party Insurance) (Commencement and Application of Provisions) (Alderney) Ordinance, 2014.

The Loi relative aux Automobiles, 1926 has since been repealed by the Motor Taxation (Abolition) (Guernsey) Ordinance, 2006, section 3(1), Schedule, Part I, with effect from 1st January, 2008.

Requirements as to production of certificate of insurance.

13. (1) ...

(2) If in any case where, owing to the presence of a motor vehicle on a road, an accident occurs involving personal injury to another person, the driver of the motor vehicle does not at the time produce his certificate to a police officer or to some person who having reasonable grounds for so doing, has required its production, the driver shall as soon as possible, and in any case, within twenty-four hours of the occurrence of the accident, produce his certificate to a police officer, and if he fails to do so, he shall be guilty of an offence:

Provided that a person shall not be convicted of an offence under this subsection by reason only of failure to produce his certificate if, within seven days after the occurrence of the accident, he produces the certificate in person at the Police Station.

(3) It shall be the duty of the owner of a motor vehicle to give such information as he may be required by or on behalf of the Police Inspector to give for the purpose of determining whether the vehicle was or was not being driven in contravention of section 2 of this Law on any occasion when the driver was required under this section[, or under [section 14(2)] of the Administration of Justice (Bailiwick of Guernsey) Law, 1991,] to produce his certificate, and if the owner fails to do so he shall be guilty of an offence.

(4) In this section the expression "**produce his certificate**" means produce for examination the relevant certificate of insurance or such other evidence that the vehicle is not or was not being driven in contravention of section 2 of this Law as may be prescribed.

NOTES

In section 13,

subsection (1) was repealed by the Administration of Justice (Bailiwick of Guernsey) Law, 1991, section 15(3)(a), with effect from 30th April, 1991;

the words in square brackets in subsection (3) were inserted by the Administration of Justice (Bailiwick of Guernsey) Law, 1991, section 15(3)(b), with effect from 30th April, 1991;

the word, figures and parentheses in the square brackets within the square brackets in subsection (3) were substituted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2008, section 1(5), with effect from 1st April, 2009.

In its application to the Island of Alderney, section 13 is modified in accordance with the provisions of the Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950, section (2)(c), with effect from 7th June, 1950.

In its application to an international motor insurance card, section 13 is modified in accordance with the provisions of regulation 3 of the Regulations set out in the Schedule to the Motor Vehicles (International Motor Insurance Card) Ordinance, 1974, with effect from 19th June, 1974.

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 13 of this Law may be discharged by payment of a fixed penalty.

In accordance with the provisions of the Loi ayant rapport à la Police Salariée pour l'Île entière, 1920, Article III(3), with effect from 19th August, 1947, any powers and duties attributed under this section to the Inspector of Police shall henceforth be deemed to be attributed to the Chief Officer of Police, instead of the Inspector of Police.

Requirements as to display of insurance disc.

13A. (1) A person who uses or keeps on a road a motor vehicle on which an insurance disc required to be displayed under section 3A(2) is not so displayed shall be guilty of an offence.

(2) The owner of a motor vehicle –

(a) which is used or kept on a road, and

- (b) on which an insurance disc required to be displayed under section 3A(2) is not so displayed,

shall be guilty of an offence, provided that the owner shall not be convicted of an offence under this subsection if he proves that at the relevant times the vehicle was being used or kept without his consent by another person.]

NOTE

Section 13A was inserted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2008, section 1(5), with effect from 1st April, 2009.

[Power to make Ordinances providing for the seizure and retention of uninsured vehicles.]

13B. (1) The States may by Ordinance make such provision as they think fit regarding the seizure by officers of police, removal, retention, and release or disposal of vehicles driven in contravention of section 2(1).

(2) Where an Ordinance made under subsection (1) provides for the seizure of vehicles, it must provide for such seizure only where –

- (a) an officer of police who has reasonable grounds for believing that a vehicle is or was being driven in contravention of section 2(1) has requested a person to produce evidence that it is not or was not being so driven, and the person has failed to produce such evidence, and
- (b) the officer of police has warned the person in paragraph (a) that he will seize the vehicle if the person does not

provide him immediately with evidence that the vehicle is or was not being driven in contravention of that section, unless the circumstances make it impracticable for the officer of police to issue that warning.

(3) An Ordinance made under subsection (1) may provide that if an officer of police is unable to seize a vehicle immediately because the person driving the vehicle has driven off, he may seize it at any time within the following 24 hours, and may enter any premises (other than a private dwelling house) on which he has reasonable grounds for believing the vehicle to be, in exercise of that power.

(4) An Ordinance made under subsection (1) may, in particular, also make provision –

- (a) for an officer of police to use reasonable force, if necessary, in the exercise of any power conferred on him under it,
- (b) for the giving of notice of the seizure of a motor vehicle under an Ordinance made under subsection (1) to a person who is the registered keeper, the owner or the driver of that vehicle,
- (c) for the procedure by which a person who claims to be the registered keeper or the owner of a motor vehicle seized under an Ordinance made under subsection (1) may seek to have it released,
- (d) for requiring payment by the registered keeper, owner or driver of the vehicle of fees, charges or costs in relation to the removal and retention of such a motor

vehicle and to any application for its release,

- (e) as to the circumstances in which a motor vehicle seized under an Ordinance made under subsection (1) may be disposed of, and
- (f) as to rights of appeal.]

NOTE

Section 13B was inserted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2008, section 1(5), with effect from 1st April, 2009.

[Power to make regulations concerning payment of expenses by insurers and related matters.]

13C. (1) The States [Committee for Health & Social Care] and the States [Committee for the Environment & Infrastructure] may jointly make regulations –

- (a) to require or authorise an insurer or any other person to notify, make an application to, or provide information to any person, in relation to or in connection with –
 - (i) a compensation payment, or
 - (ii) a claim for a compensation payment,
- (b) to prescribe the circumstances in which a payment made by an insurer is, or is not, to be regarded as a compensation payment,

Consolidated text

- (c) to establish procedures for the recovery of expenses payable to a hospital under section 3(2) of this Law, including procedures for –
 - (i) determining, documenting and issuing or providing any other information in relation to those expenses,
 - (ii) reviewing or appealing any documentation or information issued or provided in relation to those expenses, and
 - (iii) specifying the time by which those expenses must be paid,
- (d) to specify treatment, services, expenses or other matters that are to be disregarded in determining an amount payable to a hospital under section 3(2) of this Law,
- (e) to provide for the amount payable to a hospital under section 3(2) of this Law to be reduced where the death or bodily injury concerned is attributable to the negligence of more than one person,
- (f) to provide for repayment of monies paid by an insurer to a hospital in specified circumstances, and make provision for underpayment or overpayment by the insurer,
- (g) subject to subsection (2), to make provision in relation to the creation, trial (summarily or on indictment) and

punishment of offences, and

- (h) in relation to any other matters necessary or expedient for giving full effect to regulations made under this section and for their due administration.

(2) A regulation under this section must not –

- (a) provide for offences to be triable only on indictment, or
- (b) authorise the imposition of a fine exceeding level 3 on the uniform scale or a term of imprisonment exceeding two months.

(3) For the avoidance of doubt, regulations made under this section may –

- (a) require the notification, application or information referred to in subsection (1)(a) to be given, made or provided by or to any person whether or not that person is located in this Island,
- (b) involve any person, whether or not that person is located in this Island, in the recovery of expenses payable to a hospital under section 3(2) of this Law, including authorising that person –
 - (i) to determine those expenses, or
 - (ii) to issue, provide or review any certificate or other documentation or information, and

- (c) provide for any person to whom functions are conferred under the regulations to arrange for his functions to be performed in his name by any other person, whether or not either person is located in this Island.]

NOTES

Section 13C was inserted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2012, section 6, with effect from 1st November, 2017, subject to the transitional and savings provisions in section 9 of the 2012 Law.

In section 13C,

the words "Committee for Health & Social Care" in square brackets, wherever occurring, were substituted in accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;

the words "Committee for the Environment & Infrastructure" in square brackets, wherever occurring, were substituted in accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(a), with effect from 1st May, 2016.

The following Regulations have been made under section 13C:

Road Traffic (Compulsory Third-Party Insurance) (Recovery of Expenses) (Guernsey) Regulations, 2017.

The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(a), with effect from 1st May, 2016, subject to the savings and

transitional provisions in section 3 of the 2016 Ordinance.

Regulations for purposes of this Law.

14. The Royal Court sitting as a Court of Chief Pleas may by Ordinance make regulations for prescribing anything which may be prescribed under this Law [(other than matters to be prescribed by regulations of any Department of the States of Guernsey)] and generally for the purpose of carrying this Law into effect, and in particular, but without prejudice to the generality of the foregoing provisions may so make regulations –

- (a) as to the forms to be used for the purposes of this Law,
- (b) as to applications for and the issue of certificates of insurance and any other documents which may be prescribed and as to the keeping of records of documents and the furnishing of particulars thereof or the giving of information with respect thereto to the [[President] of the States [Committee for the Environment & Infrastructure]] or the Police Inspector,
- (c) as to the issue of copies of any such certificates or other documents which are lost or destroyed,
- (d) as to the custody, production, cancellation and surrender of any such certificates or other documents,
- (e) for providing that any provisions of this Law shall, in relation to motor vehicles brought into the Island of Guernsey by persons making only a temporary stay therein, have effect subject to such modifications and adaptations as may be prescribed[,

- (f) as to the form and manufacture of insurance discs, the particulars to be contained on insurance discs, the issue, delivery, replacement and surrender of insurance discs, the manner of display of insurance discs, and motor vehicles on which an insurance disc is not required to be displayed.]

NOTES

In section 14,

the words in the first pair of square brackets were inserted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2012, section 7, with effect from 1st November, 2017, subject to the transitional and savings provisions in section 9 of the 2012 Law;

the words in square brackets in paragraph (b) were substituted by the Island Traffic Committee (Transfer of Functions) (No. 2) Ordinance, 1992, section 4, Schedule 2, paragraph 4, with effect from 30th September, 1992;

the words in the first and second pairs of square brackets within the square brackets in paragraph (b) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(a), with effect from 1st May, 2016;¹¹

paragraph (f), and the punctuation immediately after paragraph (e), were substituted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2008, section 1(6), with effect from 1st April, 2009.

The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.¹²

In its application to the Island of Alderney, section 14 is modified in accordance with the provisions of the Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950, section (2)(a), section (2)(b) and section (2)(c), with effect from 7th June, 1950.

In its application to the Island of Alderney, section 14 (as originally enacted) is modified in accordance with the provisions of the Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950, section (2)(f), with effect from 7th June, 1950.

The following Ordinances have been made under section 14:

Motor Vehicles (International Circulation) (Alderney) Ordinance, 1953;
Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Ordinance, 1972;
Motor Vehicles (International Motor Insurance Card) Ordinance, 1974;
Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Ordinance, 1979;
Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Ordinance, 1981;
Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Ordinance, 2009;
Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Ordinance, 2012;
Motor Vehicles (International Motor Insurance Card) (Alderney) Ordinance 2014;
Road Traffic (Compulsory Third-Party Insurance) (Commencement and Application of Provisions) (Alderney) Ordinance, 2014.

In accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 63, with effect from 17th January, 1949, the powers and functions of a legislative nature previously exercised by the Royal Court (save for the making, variation, modification and revocation of Rules of Procedure) were transferred to and vested in the States of Deliberation, and thenceforth any enactment conferring power on the Royal Court to exercise any such powers and functions by way of Ordinance shall be construed as having conferred the like power on the States of Deliberation or (pursuant to amendments to that Article made by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016) on the States Policy & Resources Committee, as the case may be.

In accordance with the provisions of the Loi ayant rapport à la Police Salariée pour l'Île entière, 1920, Article III(3), with effect from 19th August, 1947, any powers and duties attributed under this section to the Inspector of Police shall henceforth be deemed to be attributed to the Chief Officer of Police, instead of the Inspector of Police.

Departmental regulations.

14A. (1) Regulations made by any Department of the States of Guernsey

under any provision of this Law –

- (a) may be amended or repealed by subsequent regulations made under the same provision,
- (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the Department to be necessary or expedient, and
- (c) shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

(2) Any power conferred on any Department to make regulations may be exercised –

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
- (b) so as to make, as respects the cases in relation to which it is exercised –
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different

provision for different cases or classes of cases,
or different provision for the same case or class
of case for different purposes,

- (iii) any such provision either unconditionally or subject to any conditions specified in the regulations.]

NOTE

Section 14A was inserted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2012, section 8, with effect from 1st November, 2017, subject to the transitional and savings provisions in section 9 of the 2012 Law.

[Forgery of licences, certificates and insurance discs.]

15. (1) If, with intent to deceive, any person –
- (a) forges or alters or uses or lends to or allows to be used by any other person a certificate of insurance [or insurance disc] under this Law, or
 - (b) makes or has in his possession any documents so closely resembling such a certificate [or disc] as to be calculated to deceive,

[he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [[level 5 on the uniform scale] or to a term of imprisonment] not exceeding two years, or to both such fine and imprisonment.]

- (2) If any person for the purpose of obtaining the issue of a certificate of insurance [or an insurance disc] under this Law makes any false

statement or withholds any material information he shall be liable [on conviction] to a fine not exceeding [[level 4 on the uniform scale] or to a term of imprisonment not exceeding three months], or to both such imprisonment and fine.

(3) If any person issues a certificate of insurance [or an insurance disc] which is to his knowledge false in any material particular, he shall be liable [on conviction] to [imprisonment for a term not exceeding three months or to a fine not exceeding [level 4 on the uniform scale]], or to both such imprisonment and fine.

(4) If any States official or police officer has reasonable cause to believe that any certificate of insurance [or insurance disc] produced to him in pursuance of the provisions of this Law [or [section 14(2) of the Administration of Justice (Bailiwick of Guernsey) Law, 1991]] by the owner or driver of a motor vehicle is a document in relation to which an offence under this section has been committed, he may seize the document, and when any document is seized under this section, the person from whom it was taken shall, unless the document has been previously returned to him or he has previously been charged with an offence under this section in respect of the document, be summoned before the [...] Magistrate to account for his possession of the said document and the Magistrate shall make such order respecting the disposal of the said document and award such costs as the justice of the case may require.

(5) In this section the expression "**certificate of insurance**" includes any document issued under regulations made by the Royal Court in pursuance of its power under this Law to prescribe evidence which may be produced in lieu of a certificate of insurance.

NOTES

In section 15,

the words, first, in square brackets in paragraph (a) of subsection

(1), second, in square brackets in paragraph (b) of subsection (1) and, third, in square brackets in the marginal note thereto were, respectively, inserted, inserted and substituted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2008, section 1(7)(b), section 1(7)(c) and section 1(7)(a), with effect from 1st April, 2009;

the words in the third pair of square brackets in subsection (1) were substituted by the Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1958, section 1(d), with effect from 31st January, 1959;

the words in square brackets within the third pair of square brackets in subsection (1) were substituted by the Motor Vehicles and Road Traffic (Penalties) (Guernsey) Law, 1982, section 2(b), with effect from 30th April, 1982;

the words and figure in square brackets within the square brackets within the third pair of square brackets in subsection (1) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;

the words in the first pairs of square brackets in subsection (2) and subsection (3) were inserted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2008, section 1(7)(d), with effect from 1st April, 2009;

the words in the second pairs of square brackets in subsection (2) and subsection (3) were substituted by the Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1958, section 1(e), with effect from 31st January, 1959;

the words in, first, the third pair of square brackets in subsection (2) and, second, the third pair of square brackets in subsection (3) were substituted by the Motor Vehicles and Road Traffic (Penalties) (Guernsey) Law, 1982, respectively section 2(c) and section 2(d), with effect from 30th April, 1982;

the words and figures in square brackets within the third pairs of square brackets in subsection (2) and subsection (3) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;

the words in the first pair of square brackets in subsection (4) were inserted, and the words omitted in the third pair of square brackets therein were repealed, by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2008, respectively section 1(7)(e)(i) and section 1(7)(e)(iii), with effect from 1st April, 2009;

the word in the second pair of square brackets in subsection (4) was inserted by the Administration of Justice (Bailiwick of Guernsey) Law, 1991,

section 15(4), with effect from 30th April, 1991;

the words in square brackets within the second pair of square brackets in subsection (4) were substituted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2008, section 1(7)(e)(ii), with effect from 1st April, 2009.

In its application to the Island of Alderney, section 15 is modified in accordance with the provisions of the Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950, section (2)(b), with effect from 7th June, 1950.

In accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 63, with effect from 17th January, 1949, the powers and functions of a legislative nature previously exercised by the Royal Court (save for the making, variation, modification and revocation of Rules of Procedure) were transferred to and vested in the States of Deliberation, and thenceforth any enactment conferring power on the Royal Court to exercise any such powers and functions by way of Ordinance shall be construed as having conferred the like power on the States of Deliberation or on the States Policy & Resources Committee, as the case may be.

In accordance with the provisions of the Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1979, section 7, with effect from 19th June, 1979, subsection (1) and subsection (4) of section 15 shall have effect as if any reference therein to a certificate of insurance included a reference to any document produced as evidence of insurance in pursuance of section 3 of the 1979 Law.

Prosecutions and Penalties.

16. (1) ...

[(2) A person guilty of an offence under this Law for which no special penalty is provided shall be liable on conviction to a fine not exceeding [level 3 on the uniform scale] or to imprisonment for a term not exceeding two months.]

(3) Where the driver of a vehicle is alleged to be guilty of an offence under this Law –

(a) the owner of the vehicle shall give such information as he may be required by or on behalf of the Police

Inspector to give as to the identity of the driver, and, if he fails to do so shall be guilty of an offence, unless he shows to the satisfaction of the Court that he did not know and could not with reasonable diligence have ascertained who the driver was, and

- (b) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of the driver, and, if he fails to do so, he shall be guilty of an offence.

NOTES

In section 16,

subsection (1) was repealed by the Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1958, section 1(f), with effect from 31st January, 1959;

subsection (2) was substituted by the Motor Vehicles and Road Traffic (Penalties) (Guernsey) Law, 1982, section 2(e), with effect from 30th April, 1982;

the words and figure in square brackets within subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

In its application to the Island of Alderney, section 16 is modified in accordance with the provisions of the Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950, section (2)(c), with effect from 7th June, 1950.

In accordance with the provisions of the Loi ayant rapport à la Police Salariée pour l'Île entière, 1920, Article III(3), with effect from 19th August, 1947, any powers and duties attributed under this section to the Inspector of Police shall henceforth be deemed to be attributed to the Chief Officer of Police, instead of the Inspector of Police.

Application of Fines.

17. The amount of all fines imposed in respect of offences under this Law or the Regulations made thereunder shall be applicable as to one half thereof to His Majesty and as to the other half thereof to the States.

Short Title and Commencement.

18. (1) This Law may be cited as the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936.

(2) This Law shall come into operation on such day or days as may be appointed by Ordinance, and different days may be fixed by Ordinance for different purposes and different provisions of this Law.

NOTES

The Law was brought into force on 1st January, 1937 by the Ordonnance rendant opératives les dispositions de la Loi dite "The Road Traffic (Compulsory Third Party Insurance) (Guernsey) Law, 1936", 1936 ("the 1936 Ordinance"), section 3, Third Schedule, save for the following:

- (i) *subsection (3) of section 3 was brought into force on 9th November, 1936 by the 1936 Ordinance, section 2, Second Schedule, for the purposes specified in the second column of the said Second Schedule;*
- (ii) *section 12 was brought into force on 5th November, 1936 by the 1936 Ordinance, section 1, First Schedule;*
- (iii) *section 14 was brought into force on 5th November, 1936 by the 1936 Ordinance, section 1, First Schedule;*
- (iv) *section 15 was brought into force on 9th November, 1936 by the 1936 Ordinance, section 2, Second Schedule;*
- (v) *section 17 was brought into force on 9th November, 1936 by the 1936 Ordinance, section 2, Second Schedule;*
- (vi) *section 18 was brought into force on 5th November, 1936 by the 1936 Ordinance, section 1, First Schedule.*

The following Ordinance has been made under section 18:

Road Traffic (Compulsory Third-Party Insurance) (Commencement

and Application of Provisions) (Alderney) Ordinance, 2014.

In accordance with the provisions of the Road Traffic (Compulsory Third-Party Insurance) (Commencement and Application of Provisions) (Alderney) Ordinance, 2014, section 1, for the avoidance of doubt and pursuant to section (1) of the Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950, all provisions of this 1936 Law, including any amendment or other modification made to it from time to time (whether before, on or after the commencement date), shall be regarded as coming or having come into operation in the Island of Alderney, subject to the adaptations and modifications set out in section (2) of the 1950 Law, on:

- (a) *7th June, 1950, or*

- (b) *in the case of an amendment or other modification to the 1936 Law, if the amendment or other modification came or comes into operation in the Island of Guernsey on a date later than 7th June, 1950, that later date.¹³*

In the printed version of this enactment, the Law is styled the "Loi par rapport à l'Assurance Obligatoire contre les Risques dits 'Third Party Risks' s'élevant de l'usage de Véhicules Automobiles".

¹ These words were previously inserted, in part, by the Motor Vehicles (Amendment) (Guernsey) Law, 1960, section 4, with effect from 1st January, 1961.

² These words were previously inserted, in part, by the Motor Vehicles (Amendment) (Guernsey) Law, 1966, section 4, with effect from 9th June, 1966.

³ Previously, collective title provisions were made by the Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1958, section 2, with effect from 31st January, 1959; the Motor Vehicles (Passenger Insurance) (Guernsey) Law, 1971, section 2(2), with effect from 1st December, 1972; the Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1979, section 8(2), with effect from 19th June, 1979; the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1983, section 3, with effect from 15th November, 1983.

⁴ Prior to its substitution, paragraph (b) of subsection (1) was amended by the Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1979, section 2(a), with effect from 19th June, 1979.

⁵ Prior to its substitution, the proviso to subsection (1) was amended by the Motor Vehicles (Passenger Insurance) (Guernsey) Law, 1971, section 1(1), with effect from 1st December, 1972.

⁶ These words were previously substituted by the States Board of

Administration (Transfer of Functions) Law, 1974, section 4, Schedule, with effect from 1st August, 1974, subject to the savings in section 3 of the 1974 Law.

7 These words were previously substituted by the States Board of Administration (Transfer of Functions) Law, 1974, section 4, Schedule, with effect from 1st August, 1974, subject to the savings in section 3 of the 1974 Law.

8 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 1(a), with effect from 6th May, 2004.

9 The functions exercisable by the Advisory and Finance Committee in relation to the approval of authorised insurers for the purposes of this section were previously transferred to it from the States Board of Administration by the States Board of Administration (Transfer of Functions) Law, 1974, section 2(1), with effect from 1st August, 1974, subject to the savings in section 3 of the 1974 Law.

10 The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Advisory and Finance Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 1(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions, rights and liabilities of the Advisory and Finance Committee and of its President arising under or by virtue of this Law were previously transferred to them from the States Board of Administration by the States Board of Administration (Transfer of Functions) Law, 1974, section 2(1), with effect from 1st August, 1974, subject to the savings in section 3 of the 1974 Law.

11 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 29, with effect from 6th May, 2004.

12 The functions, rights and liabilities of the Environment Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Traffic Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 29, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions, rights and liabilities of the States Traffic Committee and of its President arising under or by virtue of this Law were previously transferred to them from the Island Traffic Committee by the Island Traffic Committee (Transfer of Functions) (No. 2) Ordinance, 1992, section 1, Schedule 1, paragraph 4, with effect from 29th July, 1992, subject to the savings in section 2 of the 1992 Ordinance; the functions, etc., of the Island Traffic Committee and of its President were previously transferred to them from the States Supervisor by the Vehicle Registration and Licensing (Transfer of Functions) (Guernsey) Law, 1991, section 1, Schedule, with effect from 9th July, 1991; the functions, etc., of the States Supervisor, as chief executive officer of the States Advisory and Finance Committee, were previously transferred to that officer

from the States Supervisor by the States Supervisor and Treasurer of the States (Transfer of Functions) Law, 1971, section 1(1), with effect from 1st April, 1972, subject to the savings in section 2 of the 1971 Law.

13 Previously, commencement provisions were made in accordance with the provisions of the Ordinance to bring into operation the provisions of the Law entitled "The Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936" as modified and applied to the Island of Alderney by "The Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950", section (1), Schedule (Alderney Ordinance No. VI of 1950).