

Island of Guernsey

Ordinance of the States **XLV** 1972

Made 25th October, 1972.
Coming into Operation ... 1st November, 1972.

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

THE STATES, on the representations of the States Board of Administration and in exercise of the powers now vested in them by section twelve and section fourteen of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, as amended^(a), and of all other powers enabling them in that behalf, hereby order:—

1. (1) A company shall issue to every holder of a policy other than a covering note issued by the company:—

Issue of certificates of insurance.

- (a) in the case of a policy relating to one or more specified vehicles a certificate of insurance in Form A in respect of each such vehicle;

(a) Ordres en Conseil Vol. X, p. 388; Vol. XV, p. 43; Vol. XVIII, p. 35 and p. 257; Vol. XX, p. 246; No. XXI of 1971.

(b) in the case of a policy relating to vehicles other than specified vehicles such number of certificates in Form B as may be necessary for the purpose of complying with the requirements of subsection (1) of section thirteen of the Law and of this Ordinance as to the production of evidence that a motor vehicle is not being driven in contravention of section two of the Law.

(2) Notwithstanding the foregoing provisions of this Ordinance, where as respects third party risks a policy relating to a specified vehicle extends also to the driving by the holder of other motor vehicles, not being specified vehicles, the certificate may be in Form A containing a statement that the policy extends to such driving of other motor vehicles; where such a certificate is issued by a company they may, and shall in accordance with a demand made to them by the holder, issue to him a further such certificate or a certificate in Form B.

(3) Every policy in the form of a covering note issued by a company shall have printed thereon or on the back thereof a certificate of insurance in Form C.

Time of
issue of
certificate.

2. Every certificate of insurance shall be issued not later than four days after the date on which the policy to which it relates is issued or renewed.

Production
of evidence
as alter-
natives to
certificates.

3. (1) A certificate in Form D signed by a person authorised in that behalf by one of the bodies referred to in subsection (3) of section two of the Law that a motor vehicle is owned by that body may be produced in pursuance of section thirteen of the Law, as an alternative to the production of a certificate of insurance, as evidence that the said motor vehicle is not or was not being driven in contravention of section two of the Law.

(2) Any certificate issued in accordance with the last preceding subsection shall be destroyed by the owner of the vehicle to which it relates before the motor vehicle is sold or otherwise disposed of.

4. (1) Any person applying for a licence under the Law of 1926 shall, except as hereinafter provided and subject to the provisions of regulation five of the Schedule to the Motor Vehicles (International Motor Insurance Card) Ordinance, 1953(b), produce to the Board either:—

Production of evidence of insurance on application for licences.

- (a) a certificate of insurance, indicating that on the date when the licence comes into operation there will be in force the necessary policy in relation to the user of the motor vehicle by the applicant or by other persons on his order or with his permission and such further evidence as may be necessary to establish that the certificate relates to such user; or
- (b) in the case where the motor vehicle is one of more than ten motor vehicles owned by the same person in respect of which a policy or policies of insurance have been obtained by him from the same authorised insurer, a statement duly authenticated by the authorised insurer to the effect that on the date when the licence becomes operative an insurance policy which complies with the Law will be in force in relation to the user of the motor vehicle; or
- (c) evidence that section two of the Law does not apply to the motor vehicle at a time at which it is being driven under the owner's

control, in the case of a motor vehicle owned by any of the bodies referred to in subsection (3) of section two of the Law a certificate in Form D signed by some person authorised in that behalf by such body that the vehicle in respect of which the application for a licence is made is owned by the said body.

(2) A person engaged in the business of letting motor vehicles on hire shall not, when applying for a licence under the Law of 1926, be required to comply with the provisions of subsection (1) of this section if the motor vehicle in respect of which the licence is applied for is intended to be used solely for the purpose of being let on hire and driven by the person by whom the motor vehicle is hired or by persons under his control.

Keeping of records by companies.

5. (1) Every company by whom a policy is issued shall keep a record of the following particulars relative thereto and of any certificates issued in connection therewith—

- (a) the full name and address of the person to whom the policy or certificate is issued;
- (b) in the case of a policy relating to one or more specified motor vehicles the registration mark of each such motor vehicle;
- (c) the date on which the policy comes into force and the date on which it expires;
- (d) in the case of a policy the conditions subject to which the persons or classes of persons specified in the policy will be indemnified;

and every such record shall be preserved for one year from the date of expiry of the policy.

(2) Every body referred to in subsection (3) of section two of the Law shall keep a record of the motor vehicles owned by them in respect of which a policy has not been obtained, and of any certificates issued by them under this Ordinance in respect of such motor vehicles, and of the withdrawal or destruction of any such certificates.

(3) Any company, body as aforesaid or other person by whom records of documents are required by this Ordinance to be kept shall without charge furnish to the Board or to the Chief Officer of the Island Police Force on request any particulars thereof.

6. Where to the knowledge of a company a policy issued by them ceases to be effective without the consent of the person to whom it was issued, otherwise than by effluxion of time or by reason of his death, the company shall forthwith notify the Board of the date on which the policy ceased to be effective:

Notification to the Board of ineffective policies.

Provided that such notification need not be made if the certificate relating to the policy has been received by the company from the person to whom the certificate was issued on or before the date on which the policy ceases to be effective.

7.(1) The following provisions shall apply in relation to the transfer of a policy with the consent of the holder to any other person:—

Return of certificates to issuing company.

- (a) the holder shall, before the policy is transferred, return any relative certificates issued for the purposes of this Ordinance to the company by whom they were issued; and

(b) the policy shall not be transferred to any other person unless and until the certificates have been so returned or the company are satisfied that the certificates have been lost or destroyed.

(2) In any case where with the consent of the person to whom it was issued a policy is suspended or ceases to be effective, otherwise than by effluxion of time, in circumstances in which the provisions of section eight of the Law (relating to the surrender of certificates) do not apply, the holder of the policy shall within seven days from the date when it is suspended or ceases to be effective return any relative certificates issued for the purposes of this Ordinance to the company by whom they were issued and the company shall not issue a new policy to the said holder in respect of the motor vehicle or vehicles to which the said first mentioned policy related unless and until the certificates have been returned to the company or the company are satisfied that they have been lost or destroyed.

(3) Where a policy is cancelled by mutual consent or by virtue of any provision in the policy, any declaration that a certificate has been lost or destroyed made in pursuance of section eight of the Law (which requires any such declaration to be made within a period of seven days from the taking effect of the cancellation) shall be delivered forthwith after it has been made to the company by whom the policy was issued.

(4) The provisions of the last preceding subsection shall be without prejudice to the provisions of paragraph (c) of subsection (2) of section four of the Law as to the effect for the purposes of that subsection of the making of a declaration within the periods therein stated.

8. Where any company by whom a certificate of insurance has been issued are satisfied that the certificate has become defaced or has been lost or destroyed they shall, if they are requested to do so by the person to whom the certificate was issued, issue to him a fresh certificate; in the case of a defaced certificate the company shall not issue a fresh certificate unless the defaced certificate is returned to the company.

Issue of
fresh
certificates.

9. The Board shall cause a register to be kept of the names of all assurance companies approved as "authorised insurers" for the purposes of the Law and of the addresses of the head offices thereof and of the addresses in Guernsey communicated to the Board by such assurance companies under the provisions of section three of the Law and, upon payment of a sum not exceeding five new pence in respect of any such assurance company, shall supply to any person on demand the particulars contained in the register concerning that assurance company.

Register of
companies.

10. Upon any assurance company which has been approved by the Board as an "authorised insurer" for the purposes of the Law ceasing to be so approved, the Board shall forthwith publish during six consecutive days in "La Gazette Officielle" an intimation that that assurance company has ceased to be an "authorised insurer" for the purposes of the Law.

Assurance
companies
ceasing
to be
authorised
insurers.

11. Any person who contravenes or fails to comply with any of the provisions of sections one to eight, both inclusive, of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty pounds.

Offences.

12. Nothing in this Ordinance shall affect the validity of any certificate which has been issued before the date of the coming into force of this

Savings.

Ordinance in a form prescribed by the Road Traffic (Compulsory Third-Party Insurance) Ordinance, 1936, as amended(c), as in force immediately before the date of the coming into force of this Ordinance, and any certificate in such a form may continue to be issued until the expiration of three years from the date of the coming into force of this Ordinance.

Amendment to Ordinance of 1953.

13. In regulation five and regulation eight of the Schedule to the Motor Vehicles (International Motor Insurance Card) Ordinance, 1953, the words "Part I of the Road Traffic (Compulsory Third-Party Insurance) Ordinance, 1936" are hereby repealed and the words "The Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Ordinance, 1972" are hereby substituted therefor.

Repeals.

14. The Road Traffic (Compulsory Third-Party Insurance) Ordinance, 1936, and the Road Traffic (Compulsory Third-Party Insurance) (Amendment) Ordinance, 1962, are hereby repealed.

Interpretation.

15. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

"assurance company" includes an underwriter or association of underwriters;

"the Board" means the States Board of Administration;

"company" means an authorised insurer within the meaning of the Law;

"the Law" means the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, as amended;

(c) Recueil d'Ordonnances Tome VIII, p. 239; Tome XIII, p. 61.

“the Law of 1926” means the Law entitled “Loi relative aux Automobiles” registered on the eleventh day of December, nineteen hundred and twenty-six, as amended(d);

“a licence under the Law of 1926” means a licence granted by the Board under the provisions of Article three of the Law of 1926;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“policy” means a policy of insurance in respect of third party risks arising out of the use of motor vehicles which complies with the requirements of the Law and includes a covering note.

(2) Any reference in this Ordinance to a certificate in Form A, B, C or D shall be construed as a reference to a certificate in the form so headed and set out in Part 1 of the Schedule to this Ordinance which has been duly made and completed subject to and in accordance with the provisions set out in Part 2 of the said Schedule.

16. This Ordinance may be cited as the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Ordinance, 1972. Citation.

17. This Ordinance shall come into force on the first day of November, nineteen hundred and seventy-two. Commencement.

(d) Ordres en Conseil Vol. VIII, p. 56.

SCHEDULE

PART 1

Forms of Certificates

FORM A

Certificate of Motor Insurance

Certificate No. Policy No.(Optional)

1. Registration mark of vehicle.
2. Name of policy holder.
3. Effective date of the commencement of insurance for the purposes of the relevant law.
4. Date of expiry of insurance.
5. Persons or classes of persons entitled to drive.
6. Limitations as to use.

I/We hereby certify that the policy to which this certificate relates satisfies the requirements of the relevant law applicable in Guernsey.

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Authorised Insurers

Note: For full details of the insurance cover reference should be made to the policy.

FORM B

Certificate of Motor Insurance

Certificate No. Policy No.(Optional)

1. Description of vehicles.
2. Name of policy holder.
3. Effective date of the commencement of insurance for the purposes of the relevant law.
4. Date of expiry of insurance.
5. Persons or classes of persons entitled to drive.
6. Limitations as to use.

I/We hereby certify that the policy to which this certificate relates satisfies the requirements of the relevant law applicable in Guernsey.

.....
Authorised Insurers

Note: For full details of the insurance cover reference should be made to the policy.

FORM C

Certificate of Motor Insurance

I/We hereby certify that this covering note satisfies the requirements of the relevant law applicable in Guernsey.

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Authorised Insurers

FORM D

Certificate of Ownership

We hereby certify that the vehicle of which the registration mark is is owned by

Signed

on behalf of

PART 2

Provisions relating to the forms and completion of certificates

1. Every certificate shall be printed and completed in black on white paper or similar material. This provision shall not apply to any reproduction of a seal or monogram or similar device referred to in paragraph 2 of this Part of this Schedule.

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

Provided that the name and address of the company by whom a certificate is issued, or a reproduction of the seal of the company or any monogram or similar device of the company, or the name and address of an insurance broker shall not be deemed to be advertising matter for the purposes of this paragraph if it is printed or stamped at the foot or on the back of such certificate.

3. The whole of each form as set out in Part 1 of this Schedule shall in each case appear on the face of the form, the items being in the order so set out and the certification being set out at the end of the form.

4. The particulars to be inserted on the said forms shall so far as possible appear on the face of the form, but where in the case of any of the numbered headings in Forms A or B, this cannot conveniently be done, any part of such particulars may be inserted on the back of the form, provided that their presence on the back is clearly indicated under the relevant heading.

5. The particulars to be inserted on any of the said forms shall not include particulars relating to any exceptions purporting to restrict the insurance under the relevant policy which are by section six of the Law rendered of no effect as respects the third party liabilities required by section three of the Law to be covered by a policy.

6. (1) In any case where it is intended that a certificate of insurance or a covering note shall be effective not only in Guernsey but also in any of the following territories, that is to say, Great Britain, Northern Ireland, the Isle of Man, the Island of Jersey or the Island of Alderney, Forms A, B and C may be modified by the addition thereto, where necessary, of a reference to the relevant legal provisions of such of those territories as may be appropriate:

(2) A certificate of insurance may contain either on the face or on the back of the certificate a statement as to whether or not the policy to which it relates satisfies the requirements of the relevant law in any of the territories referred to in this paragraph.

7. Every certificate of insurance shall be duly authenticated by or on behalf of the company by whom it is issued.

R. H. VIDELO,

Her Majesty's Greffier.