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(Enregistré sur les Records le 4 novembre 1936.)

AT THE COURT AT BUCKINGHAM PALACE,
The 27th day of October, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.
LORD STEWARD.
MASTER OF THE HORSE.
LORD CHAMBERLAIN.
EARL STANHOPE.
MAJOR ALEXANDER HARDINGE.
MR. MACKENZIE KING.

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

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 27th day of July, 1936, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘1. That on the 11th day of October, 1933, the States of Deliberation, on the recommendation contained in the report of a Committee appointed by them for the purpose of studying the question of Compulsory Third-Party Insurance, passed a resolution approving the principle of such Insurance and requested the Royal Court to prepare a Bill or *Projet de Loi* to give effect to their said resolution. 2. That on the 23rd day of May, 1936, the Royal Court accordingly adopted a Bill or *Projet de Loi*, prepared by the Law Officers of the Crown, intituled “*Loi par rapport à l'Assurance Obligatoire contre les Risques dits 'Third-Party Risks' s'élevant de l'usage de Véhicules Automobiles,*” and requested the Bailiff to submit the same to the States of Deliberation for their approval. 3. That on the 8th day of July, 1936, the said Bill or *Projet de Loi* was duly considered by the States, when a resolution was

passed approving the same with slight modifications and authorizing the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 4. That the said Bill or Projet de Loi is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled "Loi par rapport à l'Assurance Obligatoire contre les Risques dits 'Thirty-Party Risks' s'élevant de l'usage de Véhicules Automobiles," and to order and direct that the same shall have the force of Law within the Island of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HIS MAJESTY doth hereby further direct that this Order and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey, and observed accordingly.

And the Lieutenant Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

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Projet de Loi referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

“LOI PAR RAPPORT A L'ASSURANCE OBLIGATOIRE CONTRE LES RISQUES DITS 'THIRD PARTY RISKS' S'ÉLEVANT DE L'USAGE DE VÉHICULES AUTOMOBILES.”

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

ARRANGEMENT OF SECTIONS.

1. Definitions.
2. Users of motor vehicles to be insured against Third-Party risks.
3. Requirements in respect of Policies.
4. Duty of Insurers to satisfy Judgments against person insured in respect of Third-Party risks.
5. Bankruptcy, etc., of insured persons not to affect certain claims by third parties.
6. Avoidance of restrictions on scope of policies covering Third-Party risks.
7. Duty of persons against whom claims are made to give information as to insurance.
8. Duty to surrender certificate on cancellation of policy.
9. Certain Conditions in Policies to be of no effect.
10. Payments and insurance in respect of emergency treatment of injuries arising from the use of motor vehicles on roads.
11. Provisions as to claims for, and supplementary provisions as to, payments for emergency treatment.
12. Production of certificate of insurance on application for motor vehicle licence.
13. Requirements as to production of certificate of insurance.

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14. Regulations for purposes of this Law.
 15. Forgery of Licences and Certificates.
 16. Prosecutions and Penalties.
 17. Application of Fines.
 18. Short Title and Commencement.
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Loi par rapport à l'Assurance Obligatoire contre les Risques dits " Third-Party Risks " s'élevant de l'usage de Véhicules Automobiles.

VU la Délibération des Etats en date du 11 octobre, 1933 :

LES ETATS ont approuvé les dispositions suivantes, lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de loi en cette Ile.

DEFINITIONS.

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.

* "motor vehicle" shall mean a mechanically propelled vehicle intended or adapted for use on roads.

"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

* *Definition of "motor vehicle" amended by the "Loi supplémentaire à la Loi relative aux Automobiles et concernant les Tracteurs Agricoles, 1946" registered on the 28th December, 1946.*

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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.

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 summary conviction to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, 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 Magistrate for special reasons thinks fit to order otherwise and without prejudice to the power of the Magistrate 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 Police Committee.

(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.

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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 caused by or arising out of the use of the vehicle on a road.

Provided that such a policy shall not be required to cover :

- (i) 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 sustained by such a person arising out of and in the course of his employment ; or
 - (ii) except in the case of a vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment, liability in respect of the death or bodily injury to persons being carried in or upon or entering or getting on to or alighting from the vehicle at the time of the occurrence of the event out of which the claims arise ; or
 - (iii) any contractual liability.
- (2) Where any payment is made (whether or not with an admission of liability) by an authorised insurer under or in consequence of a policy issued under this Law, in respect of the death of or bodily injury to 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 authorised insurer received treatment at a hospital, whether as an in-patient or as an out-patient in respect of the injury so arising, there shall also be paid by the authorised

insurer to such hospital the expenses reasonably incurred by the hospital in affording such treatment, after deducting from such expenses any moneys actually received by the hospital in payment of a specific charge for such treatment, not being moneys received by the hospital under any contributory scheme:

Provided that the amount to be paid by the authorised insurer shall not exceed fifty pounds for each person so treated as an in-patient, or five pounds for each person so treated as an out-patient.

For the purposes of this sub-section and of sections 10 and 11 of this Law the expression "hospital" means an institution whether owned or controlled by the States of Guernsey or otherwise (not being an institution carried on for profit) which provides medical or surgical treatment for in-patients and, for the purposes of this sub-section, the expression "expenses reasonably incurred" means

- (a) in relation to a person who receives treatment at a hospital as an in-patient, an amount for each day such person is maintained in such hospital representing the average daily cost for each in-patient of the maintenance of the 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.

(3) (a) For the purposes of this Law, the expression "authorised insurer" means an assurance company for the time being approved by the States Board of Administration (hereinafter referred to as "the Board").

(b) The Board shall not approve as an "authorised insurer" any assurance company unless

- (i) such assurance company is a person or body of persons in whose case the requirements of the law of the United Kingdom for the time being in force as regards the deposit to be made or

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the guarantee to be given in respect of the carrying on in the United Kingdom of motor vehicle insurance business are complied with ; and

- (ii) such assurance company has entered into an undertaking with the Board 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 Board 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.

(4) Any address in this Island communicated to the Board 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 Board 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 Board 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.

DUTY OF INSURERS TO SATISFY JUDGMENTS AGAINST PERSONS INSURED IN RESPECT OF THIRD-PARTY RISKS.

4.—(1) If after a certificate of insurance has been delivered under sub-section 6 of section 3 of this Law to the person by whom a policy has been effected, judgment in respect of any such liability as is required to be covered by a policy under paragraph (b) of sub-section (1) of Section 3 of this Law (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy, the insurer shall, subject to the provisions of this section, pay to the persons entitled to the benefit of the judgment any sum payable thereunder in respect of the liability, including any amount payable in respect of costs and any sum payable in respect of interest on that

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sum by virtue of any Law, Ordinance or judicial custom relating to interest on judgments.

(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 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 Police Court 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.

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(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 sub-section 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.

(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

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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.

BANKRUPTCY, ETC., OF INSURED PERSONS NOT TO AFFECT CERTAIN CLAIMS BY THIRD-PARTIES.

5.—Where a certificate of insurance has been delivered under sub-section (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 sub-section (1) or sub-section (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 sub-section (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 RESTRICTION ON SCOPE OF POLICIES COVERING THIRD-PARTY RISKS.

6.—Where a certificate of insurance has been delivered under sub-section (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 sub-section (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.

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 sub-section (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

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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 sub-section (6) of section 3 of this Law.

(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.

DUTY TO SURRENDER CERTIFICATE ON CANCELLATION OF POLICY.

8.—Where a certificate of insurance has been delivered under sub-section (6) of section 3 of this Law to the person by whom a policy has been effected and the policy is cancelled by mutual consent or by virtue of any provision in the policy, the person to whom the certificate was delivered shall, within seven days from the taking effect of the cancellation, surrender the certificate to the insurer or, if it has been lost or destroyed, make a declaration before a Jurat of the Royal Court, the Police Court Magistrate or a Notary Public, to that effect and deliver such declaration to the insurer and if he fails so to do he shall be guilty of an offence.

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 sub-section (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.

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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 twelve shillings and sixpence 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 sixpence 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 sub-section 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.

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(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 sub-section (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.

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 sub-section (2) of section 3 of this Law.

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

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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.

REQUIREMENTS AS TO PRODUCTION OF CERTIFICATE OF INSURANCE.

13.—(1) Any person driving a motor vehicle (being a vehicle to which section 2 of this Law applies) on a road shall, on being so required by an officer of the States Police, give his name and address and the name and address of the owner of the vehicle and produce his certificate, and if he fails so to do shall be guilty of an offence.

Provided that, if the driver of a motor vehicle within seven days after the date on which the production of his certificate was so required produces the certificate in person at the Police Station, he shall not be convicted of an offence under this sub-section by reason only of failure to produce his certificate to the police officer.

(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 sub-section 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 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.

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 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 States Supervisor 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.

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FORGERY OF LICENCES AND CERTIFICATES.

- 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 under this Law ; or
 - (b) makes or has in his possession any documents so closely resembling such a certificate as to be calculated to deceive ;

he shall be guilty of a misdemeanour and shall be liable upon conviction on indictment before the Royal Court to imprisonment with or without hard labour for a term not exceeding two years or to a fine not exceeding two hundred pounds, or to both such imprisonment and fine.

(2) If any person for the purpose of obtaining the issue of a certificate of insurance under this Law makes any false statement or withholds any material information he shall be liable upon summary conviction before the Royal Court to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding six months, or to both such imprisonment and fine.

(3) If any person issues a certificate of insurance which is to his knowledge false in any material particular, he shall be liable upon summary conviction before the Royal Court to imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding one hundred pounds, 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 produced to him in pursuance of the provisions of this Law 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 re-

turned to him or he has previously been charged with an offence under this section in respect of the document, be summoned before the Police Court 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.

PROSECUTIONS AND PENALTIES.

16.—(1) Save as otherwise expressly provided, all offences under this Law shall be prosecuted summarily before the Police Court Magistrate.

(2) A person guilty of an offence under this Law for which no special penalty is provided shall be liable in the case of a first offence to a fine not exceeding ten pounds and in the case of a second or subsequent conviction, to a fine not exceeding twenty pounds, or to imprisonment with or without hard labour 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

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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.

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.
