

**Ordonnance faisant des Règlements aux fins de la Loi
dite “ The Road Traffic (Compulsory Third Party
Insurance) (Guernsey) Law, 1936 ”.
(Le 7 novembre 1936).**

LA COUR, en vertu des dispositions des Articles 12 et 14 de la Loi dite “ The Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936 ” sanctionnée par Ordre de Sa Majesté en Conseil enregistré sur les Records de cette Ile le 4 novembre, 1936, et ouïes les conclusions des Officiers du Roi, par voie des règlements rédigés en anglais qui suivent, a ordonné et ordonne:—

PART I.

1.—In these regulations, unless the context otherwise ^{Definitions} requires, the following expressions have the meanings hereby respectively assigned to them:—

“the Law” means the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, which Law, in the forms set out in the Schedule to these Regulations is referred to as the Guernsey Road Traffic Law, 1936 and is denoted by and included in the expression “the Acts” where that expression occurs therein.

“the Board” means the States Board of Administration.

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

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

“assurance company” includes an underwriter or association of underwriters.

“company” means an authorised insurer within the meaning of the Law.

“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 motor vehicle under that agreement.

Certificates
of Insurance

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

- (a) in the case of a policy relating to a specified vehicle or to specified vehicles a certificate of insurance in Form A set out in the Schedule to these Regulations in respect of each such vehicle.
- (b) in the case of a policy not relating to any specified vehicle or vehicles such number of certificates in the Form B set out in the Schedule to these Regulations as may be necessary to enable the requirements of sub-section (1) of Section 13 of the Law and of these Regulations as to the production of evidence that a motor vehicle is not being driven in contravention of Section 2 of the Law to be complied with.

(2) 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 the Form C set out in the Schedule to these Regulations.

(3) The forms prescribed for use in Great Britain under the Road Traffic Acts, 1930 to 1934, of the United Kingdom which correspond to the forms set out in the Schedule to these Regulations, if modified by the addition or substitution, as the case may require, in any mode of representing or reproducing words in a visible form, of the title of the Law and or of any other relevant particular, may be used for the purposes of the Law and of these Regulations and any of such forms, so modified, shall be deemed to be the form set out in that Schedule to which it corresponds.

(4) In any case where it is intended that a Certificate of Insurance, issued under the Road Traffic Acts, 1930 to 1934, of the United Kingdom or under the Road Traffic Acts (Northern Ireland) 1930 to 1934, or under those Acts of the United Kingdom and of Northern Ireland, by a company which is an authorised insurer within the meaning of the Law, shall be effective in Guernsey as well as in Great Britain and/or Northern Ireland, such Certificate of Insurance shall have effect as a Certificate of Insurance for the purposes of the Law and of these Regulations if there shall be added to such Certificate, in any mode of representing or reproducing words in a visible form, the words:—

“On this Certificate a reference to the Road Traffic Acts, 1930 to 1934, includes the Road Traffic (Compulsory Third Party Insurance) (Guernsey) Law, 1936.”

3.—(1) Every certificate of insurance shall be duly authenticated by or on behalf of the company by whom it is issued. Authenti-
cation of
certificates

(2) The certificate aforesaid shall be issued not later than four days after the date on which the policy is issued or renewed.

Further certificates

4.—Where under the terms of a policy relating to a specified motor vehicle the holder is entitled to drive any other motor vehicle than that specified without contravention of Section 2 of the Law, the company by whom the policy was issued may and shall on demand being made to them by the holder issue to him a further certificate of insurance in Form A or B set out in the Schedule to these Regulations.

Certificate regulations

5.—(1) Every certificate issued in pursuance of the Law and of these Regulations shall be printed and completed in black on white paper or similar material.

(2) No certificate so issued shall contain any advertising matter either on the face or on the back thereof:

Provided that the name and address of a 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 Regulation if it is printed or stamped at the foot or on the back of such certificate.

(3) A company by whom a certificate of insurance is issued may insert on the face or on the back of the certificate a statement as to whether or not the policy to which it relates is effective while any motor vehicle in respect to which it is issued is being driven elsewhere than in the Island of Guernsey.

Applicants for motor licences must produce certificates of insurance

6.—(1) Any person applying for a licence under the Guernsey Automobile Law of 1926 as amended by any subsequent enactment shall produce to the licensing authority a certificate of insurance indicating that on the date when the licence comes into operation there will be in force a policy in relation to the user of the motor vehicle by the applicant or by other persons on his order or with his permission.

Provided that there may be produced in lieu thereof—

(i) in the case where the motor vehicle is one of more than 10 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 motor vehicle.

- (ii) in the case of motor vehicles owned by any of the authorities referred to in subsection (3) of section 2 of the Law, a certificate signed by some person authorised in that behalf by such authority as the case may be, that the vehicles in respect of which the application for a licence is made are owned by such authority:

Provided further that a person engaged in the business of letting motor vehicles on hire shall not, when applying for a licence under the Guernsey Automobile Law of 1926, as amended by any subsequent enactment, be required to comply with the first paragraph of this Regulation 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.

(2) The licensing authority shall keep a record in chronological order of the dates of expiry of the insurances referred to in the Certificates of Insurance produced to such authority.

7.—(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: —

Particulars to be recorded by company, etc.

- (a) Full name and address of the person to whom the policy or certificate is issued.
- (b) In the case of a policy relating to a specified motor vehicle or to specified motor vehicles the registration number of each such motor vehicle.
- (c) The date on which the policy comes into force and the date on which it expires.

(d) The conditions subject to which the persons or classes of persons specified in the policy will be indemnified.

(2) Every such record shall be preserved for one year from the date of expiry of the policy.

(3) Every authority referred to in sub-section (3) of Section 2 of the Law shall keep a record of the motor vehicles owned by them in respect of which a policy has not been obtained.

(4) Any person, authority, or company by whom records of documents are required to be kept by these Regulations shall, without charge, furnish to the Board or to the chief officer of police on request any particulars thereof.

Policies becoming ineffective

8.—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.

Policies transferred or suspended

9.—Where with the consent of the person to whom it was issued a policy is transferred or suspended or ceases to be effective otherwise than by effluxion of time such person shall forthwith return any relative certificates to the company by whom they were issued and a new policy shall not be issued to that person, nor shall the said policy be transferred to any other person unless and until the certificates have been returned to the company or the company are satisfied that they have been lost or destroyed.

Certificates lost, destroyed or defaced

10.—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 requested so to do by the person to whom the certificate was issued, issue to him a fresh certificate.

Delivery of declaration

11.—Every declaration made for the purpose of paragraph (c) of sub-section (2) of Section 4 or of Section 8

of the Law shall be delivered to the insurer in like manner as though it were a certificate.

PART II.

12.—In this Part of these Regulations unless the con- Definitions
text otherwise requires the following expressions have the
meanings hereby respectively assigned to them:—

“ issuing authority ” means the Board.

“ visitor ” means a person bringing a motor vehicle
into the Island of Guernsey and making only a tem-
porary stay therein.

“ motor vehicle ” means a motor vehicle brought
into the Island of Guernsey by a visitor.

13.—A visitor who is a holder of a policy of insurance “ Certifi-
issued otherwise than by an authorised insurer within cates of
the meaning of the Law in respect of third party risks foreign
arising out of the driving by him of a motor vehicle in insurance ”
the Island of Guernsey may make application to the
issuing authority for a certificate (hereinafter called “ a
certificate of foreign insurance ”) in the Form G set out
in the Schedule to these Regulations.

14.—The issuing authority may issue a certificate of Application
foreign insurance to any visitor who makes application for such
therefor in the manner prescribed by these Regulations. certificates

15.—Every such application as aforesaid shall be Particu-
signed by the person by whom it is made and shall specify lars to be
the number of the policy in respect of third party risks given by
held by him, the name and address of the company by applicants
whom it was issued, the date on which the policy com-
mences and the date on which it expires, and shall also
contain a declaration by the applicant that the provisions
of the policy with respect to third party risks are effective
in relation to the driving of the motor vehicle in the
Island of Guernsey by him or by some other person or
persons or classes of persons specified in the declaration.

16.—Every certificate of foreign insurance shall be Signature
signed by some person duly authorised in that behalf by
the issuing authority by whom it is issued.

Validity 17.—The period of validity of a certificate of foreign insurance shall not exceed the unexpired period covered by the policy to which it relates.

Effective-
ness 18.—For the purposes of the Law and of Part I of these Regulations, a certificate of foreign insurance issued by an authorised insurer and the policy of insurance to which it relates shall be deemed to comply with the requirements of the Law.

Non-
application
of Section 9
of Law 19.—The provisions of Section 9 of the Law shall not apply in relation to any policy of insurance in respect of which a certificate of foreign insurance has been issued.

Return of
Certificate 20.—A certificate of foreign insurance shall be forthwith returned by the visitor to the issuing authority by whom it was issued if the motor vehicle to which it relates is sold or otherwise disposed of or if by reason of his obtaining a new policy or otherwise a new certificate of foreign insurance is issued to him during his stay in the Island of Guernsey, and if the certificate is not so returned it shall be surrendered to the issuing authority by whom it was issued or by or on behalf of the visitor when the motor vehicle is taken out of the Island of Guernsey.

Record of
particulars 21.—The issuing authority shall keep a record of the following particulars relative to any certificates of foreign insurance issued by them:—

- (1) the full name and address of the person to whom the certificate is issued and particulars of the persons or classes of persons authorised to drive the motor vehicle;
- (2) the name and address of the company by whom the policy of insurance to which the certificate relates was issued;
- (3) the date on which the policy of insurance to which the certificate relates commences and the date on which it expires;
- (4) the date of return of the certificate to the issuing authority;

and the issuing authority shall without charge furnish to the chief officer of police on request any particulars thereof.

22.—*

PART III.

23.—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 3 of the Law and, upon payment of a sum not exceeding one shilling 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
“authorised
insurers”
to be
kept

24.—†

25.—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 each of two local daily newspapers an intimation that that assurance company has ceased to be an “authorised insurer” for the purposes of the Law.

“Authorised
insurers”
ceasing
to be
approved

PART IV

26.—Any person acting in contravention of or failing to comply with any of the provisions of Parts I and II of these Regulations shall for each offence be liable on summary conviction to a fine not exceeding Five Pounds.

Penalty
for
contraven-
tion

* Substituted on 19th June, 1937

† Repealed on 27th November, 1950.

THE SCHEDULE

FORM A.

Guernsey Road Traffic Law, 1936.

Certificate of Insurance.

Certificate No. Policy No.....

(Optional)

- 1. Index Mark and registration number of vehicle.
- 2. Name of Policy holder.
- 3. Effective date of the commencement of Insurance for the purposes of the Acts.
- 4. Date of expiry of Insurance.
- 5. Persons or classes of persons entitled to drive.*
- 6. Limitations as to use.*

(I) hereby certify that the Policy to which this
(we)

Certificate relates is issued in accordance with the provisions of the Guernsey Road Traffic Law, 1936.

.....
Authorised Insurers.

* Limitations rendered inoperative by Section 6 of the Guernsey Road Traffic Law, 1936, are not to be included under this heading.

FORM B.

Guernsey Road Traffic Law, 1936.

Certificate of 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 Acts.
- 4. Date of expiry of Insurance.
- 5. Persons or classes of persons entitled to drive.*
- 6. Limitations as to use.*

(I) hereby certify that the Policy to which this
(we)

Certificate relates is issued in accordance with the provisions of the Guernsey Road Traffic Law, 1936.

.....
Authorised Insurers.

* Limitations rendered inoperative by Section 6 of the Guernsey

FORM C.

Guernsey Road Traffic Law, 1936.

Certificate of Insurance.

(I)
(we) hereby certify that this covering note is issued
in accordance with the provisions of the Guernsey Road
Traffic Law, 1936.

.....
Authorised Insurers.

FORM G.

Guernsey Road Traffic Law, 1936.

Certificate of Foreign Insurance.

Certificate No. Policy No.

Name and address of Assurance Company.....
.....

1. Date to which Certificate is valid.
2. Identification mark and number or numbers and make of vehicle.
3. Persons or classes of persons authorised to drive the vehicle.
4. Date of commencement of policy.
5. Date of expiry of policy.

I hereby certify that this certificate is issued in accordance with the regulations made by the Royal Court of Guernsey under the Guernsey Road Traffic Law, 1936.

Signed

on behalf of

(Issuing Authority).

Cette Ordonnance pourra être citée sous le titre de Citation
“ The Road Traffic (Compulsory Third-Party Insurance)
Ordinance, 1936 ”.