1973. No. 448 [C]

EUROPEAN COMMUNITIES

Motor Vehicles: Compulsory Insurance

REGULATIONS, DATED 31ST OCTOBER 1973 MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 2 OF THE EUROPEAN COMMUNITIES ACT 1972.

The Ministry of Home Affairs, on behalf of the Secretary of State, in exercise of the powers vested in it by section 2 of the European Communities Act 1972(a) and the European Communities (Designation) Order 1972(b) and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the European Communities (Motor Vehicles: Compulsory Insurance) (Northern Ireland) Regulations 1973 and shall come into operation on the 1st January 1974.

2.—(1) In these Regulations—

"the Act" means the Road Traffic Act (Northern Ireland) 1970(c);

"the Ministry" means the Ministry of Home Affairs;

"vehicle" means any motor vehicle intended for travel on land and propelled by mechanical power, but not running on rails, and any trailer, whether or not coupled.

(2) For the purposes of these Regulations the territory in which a vehicle is normally based is—

(*a*) the territory of the state in which the vehicle is registered, or

(*b*) in cases where no registration is required for the type of vehicle, but the vehicle bears an insurance plate or distinguishing sign analogous to a registration plate, the territory of the state in which the insurance plate or the sign is issued, or

(*c*) in cases where neither registration plate nor insurance plate nor distinguishing sign is required for the type of vehicle, the territory of the state in which the keeper of the vehicle is permanently resident.

(3) The Interpretation Act (Northern Ireland) 1954(d) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament of Northern Ireland.

3. Section 77(1) of the Act shall have effect as if—

(*a*) in paragraph (*b*) after the words "on a road" there were inserted the words "in Northern Ireland";

(*b*) after paragraph (*b*) there were added the following paragraph:—

"(*bb*) insures the insured in respect of any liability which may be incurred by the insured in respect of the use of the vehicle and of any trailer, whether or not coupled, in the territory other than Northern Ireland and Gibraltar of each of the

(a) 1972. c. 68.
(b) S.I. 1972, No. 1811 (1972 III, p. 5216).
(c) 1970. c. 2 (N.I.).
(d) 1954. c. 33.

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;".

4. Section 78(1)(*b*) of the Act shall have effect as if the words from "and up to the amount" to "of not less than five thousand pounds," were omitted and there were added at the end the following proviso:—

"Provided that in the case of liabilities arising out of the use of a motor vehicle on a road in Northern Ireland the amount secured need not exceed in the case of an undertaking relating to the use of public service vehicles twenty-five thousand pounds and in any other case five thousand pounds."

5.—(1) It shall be an offence for a person to use a specified motor vehicle registered in Northern Ireland, or any trailer kept by a person permanently resident in Northern Ireland, whether or not coupled, in the territory other than Northern Ireland and Gibraltar of any of the member states of the Communities, unless a policy of insurance is in force in relation to the person using that vehicle which insures him in respect of any liability which may be incurred by him in respect of the use of the vehicle in such territory 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.

(2) In this Regulation "specified motor vehicles" means a motor vehicle which is exempted from the provisions of section 75(1) of the Act.

(3) A person guilty of an offence under this Regulation shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(4) Proceedings for an offence under this Regulation may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Northern Ireland.

(5) Sections 75(5) and 163A of the Act shall apply for the purposes of an offence under this Regulation as they apply to an offence under section 75 of the Act.

6.—(1) Any person appointed by the Ministry for the purpose (in this Regulation referred to as an "appointed person") may require a person having custody of any vehicle being a vehicle which is normally based in the territory of a state which is not a member of the Communities or in the non-European territory of a member state or in Gibraltar, when entering Northern Ireland, to produce evidence that any loss or injury which may be caused by such a vehicle is covered throughout the territory in which the treaty establishing the European Economic Community is in force, in accordance with the requirements of the laws of the various member states on compulsory insurance against civil liability in respect of the use of vehicles.

(2) An appointed person may, if no such evidence is produced or if he is not satisfied by such evidence, prohibit the use of the vehicle in Northern Ireland.

(3) Where an appointed person prohibits the use of a vehicle, he may also direct the driver to remove the vehicle to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle in accordance with the direction.

(4) Any person who—

(*a*) uses a vehicle or causes or permits a vehicle to be used in contravention of a prohibition imposed under paragraph (2), or

(*b*) refuses, neglects or otherwise fails to comply in a reasonable time with a direction given under paragraph (3),

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

(5) Section 163A of the Act shall apply for the purposes of an offence under this Regulation as it applies to an offence under the Act.

(6) A prohibition under paragraph (2) may be removed by an appointed person if he is satisfied that appropriate action has been taken to remove or remedy the circumstances in consequence of which the prohibition was imposed.

7.—(1) A constable in uniform may arrest without warrant any person whom he has reasonable cause to suspect of having committed an offence under the preceding Regulation.

(2) Where a constable in uniform has reasonable cause to suspect the driver of a vehicle of having committed an offence under the preceding Regulation, the constable may detain the vehicle, and for that purpose may give a direction, specifying an appropriate person and directing the vehicle to be removed by that person to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle in accordance with that direction.

(3) Where under paragraph (2) a constable—

(*a*) detains a motor vehicle drawing a trailer, or

(*b*) detains a trailer drawn by a motor vehicle,

then, for the purpose of securing the removal of the trailer, he may also (in a case falling within sub-paragraph (*a*)) detain the trailer or (in a case falling within sub-paragraph (*b*)) detain the motor vehicle; and a direction under paragraph (2) may require both the motor vehicle and the trailer to be removed to the place specified in the direction.

(4) A vehicle which, in accordance with a direction given under paragraph (2), is removed to a place specified in the direction shall be detained in that place, or in any other place to which it is removed in accordance with a further direction given under that paragraph, until a constable (or, if that place is in the occupation of the Ministry, the Ministry) authorises the vehicle to be released on being satisfied—

(*a*) that the prohibition (if any) imposed in respect of the vehicle under the preceding Regulation has been removed, or that no such prohibition was imposed, or

(*b*) that appropriate arrangements have been made for removing or remedying the circumstances in consequence of which any such prohibition was imposed, or

(*c*) that the vehicle will be taken forthwith to a place from which it will be taken out of Northern Ireland to a place not in the European territory other than Gibraltar of a member state of the Communities.

(5) Any person who—

(*a*) drives a vehicle in accordance with a direction given under this Regulation, or

(*b*) is in charge of a place at which a vehicle is detained under this Regulation,

shall not be liable for any damage to, or loss in respect of, the vehicle or its load unless it is shown that he did not take reasonable care of the vehicle while driving it or, as the case may be, did not, while the vehicle was detained in that place, take reasonable care of the vehicle or (if the vehicle was detained there with its load) did not take reasonable care of its load.

(6) In this Regulation "appropriate person"—

(*a*) in relation to a direction to remove a motor vehicle, other than a motor vehicle drawing a trailer, means a person licensed to drive vehicles of the class to which the vehicle belongs, and

(*b*) in relation to a direction to remove a trailer, or to remove a motor vehicle drawing a trailer, means a person licensed to drive vehicles of a class which, when the direction is complied with, will include the motor vehicle drawing the trailer in accordance with that direction.

8. Nothing in section 77(1)(*a*) and section 77(4) of the Act shall apply in the case of an insurance policy which is issued elsewhere than in the United Kingdom in respect of a vehicle normally based in the territory of a member state of the Communities other than the United Kingdom and Gibraltar.

9.—(1) Section 81(1) of the Act shall have effect as if in paragraph (*b*) for the words from "the certificate" to the end there were substituted the words "any certificate of insurance or security delivered in respect of that policy or security, as the case may be, under section 77(4) or 78(2), or where no such certificate was delivered under the said section such 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) Section 150(2) of the Act shall have effect as if after the words "under section 117" there were inserted the following words:—

"or produces any document as evidence of insurance in pursuance of Regulation 6 of the European Communities (Motor Vehicles: Compulsory Insurance) (Northern Ireland) Regulations 1973,".

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 31st day of October 1973.

(L.S.)

A. P. D. Westhead,
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations implement certain of the obligations arising out of the European Communities Council Directive of 24th April 1972 (O.J. No. L103/1, 2nd May 1972) relating to insurance against civil liability in respect of the use of motor vehicles and trailers.

Regulation 3 amends section 77(1) of the Road Traffic Act (Northern Ireland) 1970, with the result that the compulsory motor vehicle insurance cover required under Part V of that Act is extended to include liabilities arising out of the use of a motor vehicle or trailer which are compulsorily insurable in the territories of the member states of the Communities. Regulation 4 makes a consequential amendment to the provision relating to securities. Regulation 5 makes it an offence to use vehicles exempted from the compulsory insurance requirements in Northern Ireland in the territory (other than Northern Ireland and Gibraltar) of a member state of the Communities without insurance cover valid for those states. Regulations 6 and 7 provide for the checking of the insurance cover of vehicles coming from non-member states from the non-European territory of member states or from Gibraltar and enable the use of such vehicles, if uninsured, to be prohibited in Northern Ireland. Regulation 8 removes, in respect of insurance policies issued elsewhere than in the United Kingdom for vehicles kept in member states other than the United Kingdom and Gibraltar the requirements that they should be issued by an insurer carrying on motor insurance business in Northern Ireland and that there should be issued a certificate in a prescribed form. Regulation 9 extends the duty in section 81(1) of the Road Traffic Act (Northern Ireland) 1970 to give information as to insurance or security where a claim is made to include the case where, although there is cover for the purposes of Part V of that Act, no certificate has been delivered; and applies the offence in section 150(2) of the Road Traffic Act (Northern Ireland) 1970 to documents produced as evidence of insurance under Regulation 6.