Use of Motor Cars on Highways : Third Party Risks.

THE MOTOR CARS (THIRD PARTY RISKS) (NORTHERN IRELAND) REGULATIONS, 1934, DATED 7TH DECEMBER, 1934, MADE BY THE MINISTRY OF HOME AFFAIRS FOR NORTHERN IRELAND.

1934. No. 109.

The Ministry of Home Affairs for Northern Ireland, in exercise of the powers vested in it under or by virtue of the Motor Vehicles and Road Traffic Acts (Northern Ireland), 1930 and 1934, section twelve of the Roads Act, 1920, and of all other powers in that behalf vested in it, hereby makes the following regulations :—

PART I.

1.—(1) These Regulations may be cited as the "Motor Cars (Third Party Risks) (Northern Ireland) Regulations, 1934," and shall come into operation on the first day of January, 1935.

(2) The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2. The Motor Cars (Third Party Risks) (Northern Ireland) Regulations, 1933, are hereby revoked.

3. In these Regulations unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them :—

"the Act" means the Motor Vehicles and Road Traffic Act (Northern Ireland), 1930, as amended by the Motor Vehicles and Road Traffic Act (N.I.), 1934.

"motor car" has the same meaning as "light locomotive" has in the Locomotives on Highways Act, 1896, as amended by subsequent enactments.

"policy" means such policy of insurance in respect of third party risks arising out of the use of motor cars as complies with the requirements of Part II of the Act and includes a covering note.

"security" means such security in respect of third party risks arising out of the use of motor cars as complies with the requirements of Part II of the Act.

"company" means an authorised insurer within the meaning of Part II of the Act or a body of persons by whom a security may be given in pursuance of the said Part II.

"owner" in relation to a motor car which is the subject of a hire purchase agreement means the person in possession of the motor car under that agreement.

4. These Regulations shall not apply to invalid carriages as defined in paragraph (*a*) of sub-section (5) of Section 6 of the Act or to tramcars or trolley vehicles the use of which is authorised or regulated by special Act of Parliament or by an Order having the force of an Act unless Part II of the Act is applied to such tramcars or trolley vehicles by the special Act or Order.

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

(*a*) in the case of a policy or security relating to a specified motor car or to specified motor cars a certificate of insurance in Form A., or a certificate of security in Form D., set out in the Schedule to these Regulations, in respect of each such motor car.

(*b*) in the case of a policy or security not relating to any specified motor car or motor cars such number of certificates in the form B. or D. set out in the schedule to these Regulations as may be necessary to enable the requirements of sub-section one of Section eleven of the Act and of these Regulations as to the production of evidence that a motor car is not being driven in contravention of Section six of the Act to be complied with.

Provided that where a security is intended to cover the use of more than 10 motor cars at one time the company by whom it was issued may, subject to the consent of the Ministry of Home Affairs for Northern Ireland, issue one certificate only and where such consent has been given the holder of the security may issue duplicate copies of such certificate duly authenticated by him up to such number and subject to such conditions as the Ministry of Home Affairs for Northern Ireland may determine.

(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) In any case where it is intended that a certificate of insurance or certificate of security should be effective in Great Britain as well as in Northern Ireland Forms A, B or D may be modified by the addition to the heading thereof of the words " Road Traffic Acts, 1930 to 1934, and by the substitution for the certificate at the foot thereof of the following certificate :—

" $\frac{\text{(I)}}{\text{(We)}}$ hereby certify that the $\frac{\text{(policy)}}{\text{(security)}}$ to which this certificate relates is issued in accordance with the provisions of Part II of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1930, as amended by the Motor Vehicles and Road Traffic Act (N.I.), 1934, and of the Road Traffic Acts 1930 and 1934."

(4) In any case where it is intended that a covering note should be effective in Great Britain as well as in Northern Ireland Form C may be modified to read as follows :—

Motor Vehicles and Road Traffic Acts (Northern Ireland), 1930 and 1934.

Road Traffic Acts 1930 and 1934.

Certificate of Insurance.

$\frac{\text{(I)}}{\text{(We)}}$ hereby certify that this covering note is issued in accordance with the provisions of Part II of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1930, as amended by the Motor Vehicles and Road Traffic Act (N.I.), 1934, and of the Road Traffic Acts, 1930 and 1934 ;

6.—(1) Every certificate of insurance or certificate of security shall be duly authenticated by or on behalf of the company by whom it is issued.

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

7. There shall not be inserted in any policy or security issued or given for the purposes of the Act any condition, restriction or limitation as the case may be with regard to any of the following matters :—

(*a*) the age or physical or mental condition of persons driving the vehicle ; or

(*b*) the race, nationality, religion or occupation of persons driving the vehicle ; or

(*c*) the period of driving experience of persons driving the vehicle ; or

(*d*) the existence of any endorsement on the licence of the person driving the vehicle ; or

(*e*) the condition of the vehicle ; or

(*f*) the number of persons that the vehicle carries ; or

(*g*) the weight or physical characteristics of the goods that the vehicle carries ; or

(*h*) the times at which or the areas within which the vehicle is used ; or

(*i*) the horse power or value of the vehicle ; or

(*j*) the carrying on the vehicle of any particular apparatus ; or

(*k*) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under the Roads Act, 1920.

8. The following evidence that a motor car is not being driven in contravention of section six of the Act may be produced by the driver of such motor car on the request of a police constable in pursuance of section eleven of the Act as an alternative to the production of a certificate of insurance or a certificate of security:—

(*a*) a duplicate copy of a certificate of security issued in accordance with Regulation 5 (1) (*b*) of these Regulations.

(*b*) in the case of a motor car of which the owner has for the time being deposited with the Accountant-General of the Supreme Court of Northern Ireland the sum of fifteen thousand pounds in accordance with the provisions of sub-section four of section six of the Act a certificate in the form E. set out in the Schedule to these Regulations, signed by the owner of the motor car or by some person authorised by him in that behalf.

(*c*) in the case of a motor car owned by any of the bodies named in sub-section four of section six of the Act, a certificate in the Form F. set out in the Schedule to these Regulations signed by some person authorised in that behalf by such body.

9. Any certificate issued in accordance with sub-paragraph (*b*) or (*c*) of the preceding Regulation shall be destroyed by the person by whom it was issued before the motor car to which it relates is sold or otherwise disposed of.

10. (*a*) Every certificate issued in pursuance of Part II of the Act and of these Regulations shall be printed and completed in black on white paper or similar material.

(*b*) 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 which 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.

(*c*) A company by whom a certificate of insurance or a certificate of security is issued may insert on the face or on the back of the certificate a statement as to whether or not the policy or security to which it relates is effective while any motor car in respect of which it is issued is being driven in Great Britain.

11. Any person applying for a licence under section thirteen of the Finance Act, 1920, as amended by any subsequent enactment shall produce to the licensing authority a certificate of insurance or a certificate of security or a duplicate copy of a certificate of security issued in accordance with Regulation 5 (1) (*b*) of these Regulations indicating that on the date when the licence comes into operation there will be in force a policy or a security in relation to the user of the motor car 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 of a motor car of which the owner has for the time being deposited with the Accountant-General of the Supreme Court of Northern Ireland the sum of fifteen thousand pounds in accordance with the provisions of sub-section four of section six of the Act a certificate signed by the owner of the motor car or by some person authorised by him in that behalf that such deposit has been made.

(ii) In the case where the motor car is one of more than 10 motor cars 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 Part II of the Act will be in force in relation to the motor car.

(iii) In the case of motor cars owned by any of the bodies named in sub-section four of section six of the Act, a certificate signed by some person authorised in that behalf by such body that the motor cars in respect of which the application for a licence is made are owned by the said body.

Provided further that a person engaged in the business of letting motor cars on hire shall not, when applying for a licence under section thirteen of the Finance Act, 1920, as amended by any subsequent enactment, be required to comply with the first

paragraph of this Regulation if the motor car 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 car is hired or by persons under his control.

12.—(*a*) Every company by whom a policy or a security is issued shall keep a record of the following particulars relative thereto and of any certificates issued in connection therewith :—

(i) Full name and address of the person to whom the policy security or certificate is issued.

(ii) In the case of a policy relating to a specified motor car or to specified motor cars the index mark and registration number of each such motor car.

(iii) The date on which the policy or security comes into force and the date on which it expires.

(iv) In the case of a policy the conditions subject to which the persons or classes of persons specified in the policy will be indemnified.

(v) In the case of a security the conditions subject to which the undertaking given by the company under the security will be implemented.

(*b*) Each of the bodies named in sub-section four of section six of the Act shall keep a record of the motor cars owned by them in respect of which a policy or a security has not been obtained, and of any certificates issued by them under these Regulations in respect of such motor cars, and of the withdrawal or destruction of any such certificates.

(*c*) Any person who has deposited and keeps deposited with the Accountant-General of the Supreme Court of Northern Ireland the sum of fifteen thousand pounds in pursuance of sub-section four of section six of the Act shall keep a record of the motor cars owned by him and of any certificates issued by him under these Regulations in respect to such motor cars and of the withdrawal or destruction of any such certificates.

(*d*) Any person, body, or company by whom records of documents are required to be kept by these Regulations shall, without charge, furnish to the Ministry of Home Affairs for Northern Ireland or to any District Inspector of Royal Ulster Constabulary on request any particulars thereof.

13. Where to the knowledge of a company a policy or security 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 Ministry of Home Affairs for Northern Ireland of the date on which the policy or security ceased to be effective.

14. Where a certificate of insurance has been delivered to the person by whom a policy has been effected, or where a certificate of security has been issued to the person to whom a security has been given and such policy or security has been cancelled in pursuance of the provisions of section 22 of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, a new policy or security shall not be issued to that person nor shall the said policy or security be transferred to any other person unless and until the certificate has been returned to the company or the company are satisfied that it has been lost or destroyed.

15. Where any company by whom a certificate of insurance or a certificate of security 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.

PART II.

16. In this part of these Regulations unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them :—

"issuing authority" means any one of the following that is to say the Royal Automobile Club, and the Automobile Association.

"visitor" means a person bringing a motor car into Northern Ireland from outside the United Kingdom and making only a temporary stay therein, but shall not include a person bringing into Northern Ireland from the Irish Free State a motor car (other than a motor car in respect of which an International Circulation Permit is in force) for which a licence under Section 13 of the Finance Act, 1920, or any amending or substituted enactment having effect in the Irish Free State is in force, and which is registered and carries an identification mark, or identification marks in compliance with the Regulations for the time being in force in the Irish Free State.

"motor car" means a motor car brought into Northern Ireland by a visitor.

17. A visitor who is a holder of a policy of insurance issued outside the United Kingdom in respect of third party risks arising out of the use by him of a motor car in the United Kingdom may make application to an issuing authority for a certificate (hereinafter called a certificate of foreign insurance) in the form G. set out in the Schedule to these Regulations.

18. An issuing authority may issue a certificate of foreign insurance to any visitor who makes application therefor in the manner prescribed by these Regulations.

19. Every such application as aforesaid shall be signed by the person by whom it is made and shall specify the number of the policy in respect of third-party risks held by him, the name and address of the company by which it was issued, the date on which the policy commences and the date on which it expires and the date on which the visitor proposes to leave the United Kingdom, 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 car in the United Kingdom by him or by some other person or persons or classes of persons specified in the declaration.

20. Every certificate of foreign insurance shall be signed by some person duly authorised in that behalf by the issuing authority by which it is issued.

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

22. For the purposes of Part II of the Act and of Regulations 8 and 11 of Part I of these Regulations, a certificate of foreign insurance shall have effect as if it were a certificate of insurance issued by an authorised insurer and the policy of insurance to which it relates shall be deemed to comply with the requirements of Part II of the Act.

23. The provisions of Section nine of the Act shall not apply in relation to any policy of insurance in respect of which a certificate of foreign insurance has been issued.

24. A certificate of foreign insurance shall be forthwith returned by the visitor to the issuing authority by which it was issued if the 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 United Kingdom, and if the certificate is not so returned it shall be surrendered to the issuing authority by which it was issued by or on behalf of the visitor when the motor car is taken out of the United Kingdom.

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

(i) The full name and address of the person to whom the certificate is issued and of any other person named in the declaration mentioned in paragraph nineteen of these Regulations ;

(ii) the date on which the policy of insurance to which the certificate relates commences and the date on which it expires ;

(iii) the date of return of the certificate to the issuing authority ;

and the issuing authority shall without charge furnish to the Ministry of Home Affairs for Northern Ireland or to any District Inspector of Royal Ulster Constabulary on request any particulars thereof.

26. An issuing authority shall notify the Ministry of Home Affairs for Northern Ireland and the London County Council in such form and within such time as they may require of the issue by the authority and of the return or surrender to the authority of any certificate of foreign insurance.

27. In the case of motor cars brought into Northern Ireland by visitors from Great Britain the provisions of Regulations 17 to 26 of these Regulations shall not apply, but a policy of insurance or a security which complies with the Road Traffic Acts, 1930 and 1934, and which covers the use of the motor car in Northern Ireland and any certificate of insurance or certificate of security issued in pursuance of that Act and the regulations made thereunder in respect of such policy or security shall have effect as a policy of insurance or a security or a certificate of insurance or certificate of security respectively for the purposes of Part II of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1930, as amended by the Motor Vehicles and Road Traffic Act (N.I.), 1934, and of these Regulations.

Given under the Seal of the Ministry of Home Affairs for Northern Ireland this 7th day of December, 1934.

(L.S.) *Geo. A. Harris,*
Secretary.

SCHEDULE.

FORM A.

MOTOR VEHICLES AND ROAD TRAFFIC ACT (N.I.), 1930, AS AMENDED BY THE MOTOR VEHICLES AND ROAD TRAFFIC ACT (N.I.), 1934

CERTIFICATE OF INSURANCE.

Certificate No..... Policy No.....
(Optional)

1. Index Mark and Registration Number of Motor Cars insured.
2. Name of Policy Holder.
3. Effective date of the commencement of Insurance for the purposes of the Act.
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 is issued in accordance with the provisions of Part II. of the Motor Vehicles and Road Traffic Act (N.I.), 1930, as amended by the Motor Vehicles and Road Traffic Act (N.I.), 1934.

.....
Authorised Insurers.

FORM B.

MOTOR VEHICLES AND ROAD TRAFFIC ACT (N.I.), 1930, AS AMENDED BY THE MOTOR VEHICLES AND ROAD TRAFFIC ACT (N.I.), 1934.

CERTIFICATE OF INSURANCE.

Certificate No..... Policy No.....
(Optional)

1. Description of Motor Cars insured.
2. Name of Policy Holder.
3. Effective date of the commencement of Insurance for the purposes of the Act.
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 poilcy to which this Certificate relates is issued in accordance with the provisions of Part II. of the Motor Vehicles and Road Traffic Act (N.I.), 1930, as amended by the Motor Vehicles and Road Traffic Act (N.I.), 1934.

.....
Authorised Insurers.

FORM C.

MOTOR VEHICLES AND ROAD TRAFFIC ACT (N.I.), 1930, AS AMENDED BY THE MOTOR VEHICLES AND ROAD TRAFFIC ACT (N.I.), 1934.

CERTIFICATE OF INSURANCE.

$\frac{(I)}{(We)}$ hereby certify that this covering note is issued in accordance with the provisions of Part II. of the Motor Vehicles and Road Traffic Act (N.I.), 1930, as amended by the Motor Vehicles and Road Traffic Act (N.I.), 1934.

.....
Authorised Insurers.

FORM D.

MOTOR VEHICLES AND ROAD TRAFFIC ACT (N.I.), 1930, AS AMENDED BY THE MOTOR VEHICLES AND ROAD TRAFFIC ACT (N.I.), 1934.

CERTIFICATE OF SECURITY.

Certificate No..... Security No.....
(Optional)

1. Name of Holder of Security.
2. Effective date of the commencement of security for the purposes of the Act.
3. Date of expiry of security.
4. Conditions to which security is subject.

$\frac{(I)}{(We)}$ hereby certify that the security to which this Certificate relates is issued in accordance with the provisions of Part II. of the Motor Vehicles and Road Traffic Act (N.I.), 1930, as amended by the Motor Vehicles and Road Traffic Act, (N.I.), 1934.

.....
(Authorised under Part II. of the Motor Vehicles and Road Traffic Act (N.I.) 1930, to issue securities).

FORM E.

MOTOR VEHICLES AND ROAD TRAFFIC ACT (N.I.), 1930.

CERTIFICATE OF DEPOSIT

$\frac{(I)}{(We)}$ hereby certify that $\frac{(I\ am}{(We\ are}$ the $\frac{(owner}{(owners}$ of the motor car of which the registration mark and number are.....

.....

.....

and that in pursuance of the provisions of sub-section four of section six of the Motor Vehicles and Road Traffic Act (N.I.), 1930, $\frac{(I)}{(We)}$ have deposited with the Accountant-General of the Supreme Court of Northern Ireland the sum of fifteen thousand pounds.

Signed .....

on behalf of.....

FORM F.

MOTOR VEHICLES AND ROAD TRAFFIC ACT (N.I.), 1930.

CERTIFICATE OF OWNERSHIP BY THE COUNCIL OF A COUNTY OR COUNTY BOROUGH OR BY THE BELFAST HARBOUR COMMISSIONERS OR BY THE BELFAST CITY AND DISTRICT WATER COMMISSIONERS.

We hereby certify that the motor car of which the registration mark and number are.....

.....

.....

is the property of.....

.....

.....

.....

Signed on behalf of.....

.....

.....

FORM G.

MOTOR VEHICLES AND ROAD TRAFFIC ACT (N.I.), 1930, AS AMENDED BY THE MOTOR VEHICLES AND ROAD TRAFFIC ACT (N.I.), 1934.

CERTIFICATE OF FOREIGN INSURANCE.

Certificate No..... Policy No.....

1. Date to which Certificate is valid.
2. Identification mark and number or numbers and make of motor car.
3. Persons or Classes of persons authorised to drive the motor car.
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 Ministry of Home Affairs for Northern Ireland under Part II. of the Motor Vehicles and Road Traffic Act (N.I.), 1930, as amended by the Motor Vehicles and Road Traffic Act (N.I.), 1934.

Signed.....

on behalf of.....
(Issuing Authority.)
