STATUTORY INSTRUMENTS

1961 No. 1465

ROAD TRAFFIC

The Motor Vehicles (Third Party Risks) Regulations, 1961

Made - - - -	*27th July*, 1961
Laid before Parliament	*8th August*, 1961
Coming into Operation	*21st August*, 1961

The Minister of Transport, in exercise of his powers under sections 205, 215, 226 and 239 of the Road Traffic Act, 1960(a), and under section 25 of the Vehicles (Excise) Act, 1949(b), as extended by section 211 of the Road Traffic Act, 1960, and of all other powers him enabling in that behalf, and after consultation with representative organisations in accordance with the provisions of sub-section (2) of Section 260 of the Road Traffic Act, 1960, hereby makes the following Regulations:—

Commencement and Citation

1. These Regulations may be cited as the Motor Vehicles (Third Party Risks) Regulations, 1961, and shall come into operation on the twenty-first day of August, 1961.

Revocation

2. The Motor Vehicles (Third Party Risks) Regulations, 1941(c), and the Motor Vehicles (Third Party Risks) (Amendment) Regulations, 1949(d), are hereby revoked.

Temporary use of existing forms

3. Notwithstanding the provisions of these Regulations, in any case where a form of certificate hereby prescribed differs from the corresponding form prescribed by the Regulations revoked by Regulation 2 of these Regulations, any existing certificate or form of certificate in the said corresponding form may continue to be issued for the purposes of these Regulations instead of a certificate in the said form hereby prescribed, with or without the substitution therein of a reference to the Act for any reference to the enactments thereby repealed, until the expiration of two years after the coming into operation of these Regulations.

Interpretation

4.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

"the Act" means the Road Traffic Act, 1960.

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

"the Minister" means the Minister of Transport.

"motor vehicle" has the meaning assigned to it by sections 253 and 254 of the Act, but excludes any invalid carriage, tramcar or trolley vehicle to which Part VI of the Act does not apply.

(a) 8 & 9 Eliz. 2. c. 16. (b) 12, 13 & 14 Geo. 6. c. 89. (c) S.R. & O. 1941/926 (Rev. XX, p. 359: 1941 I, p. 957). (d) S.I. 1949/253 (1949 I, p. 3864).

"policy" means a policy of insurance in respect of third party risks arising out of the use of motor vehicles which complies with the requirements of Part VI of the Act and includes a covering note.

"security" means a security in respect of third party risks arising out of the use of motor vehicles which complies with the requirements of Part VI of the Act.

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

(3) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(4) The Interpretation Act, 1889(a), shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act these Regulations were an Act of Parliament and the Regulations revoked by Regulation 2 of these Regulations were Acts of Parliament thereby repealed.

Issue of Certificates of Insurance or Security

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 one or more specified vehicles a certificate of insurance in Form A or a certificate of security in Form D in respect of each such vehicle;

(*b*) in the case of a policy or security relating to vehicles other than specified vehicles such number of certificates in Form B or Form D as may be necessary for the purpose of complying with the requirements of sub-section (1) of section 226 of the Act and of these Regulations as to the production of evidence that a motor vehicle is not being driven in contravention of section 201 of the Act:

Provided that where a security is intended to cover the use of more than ten motor vehicles at one time the company by whom it was issued may, subject to the consent of the Minister, 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 Minister may determine.

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

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

(a) 52 & 53 Vict. c. 63.

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

Production of Evidence as Alternatives to Certificates

7. The following evidence that a motor vehicle is not or was not being driven in contravention of section 201 of the Act may be produced by the driver of such motor vehicle on being required to do so by a police constable in pursuance of section 226 of the Act as an alternative to the production of a certificate of insurance or a certificate of security:—

(1) a duplicate copy of a certificate of security issued in accordance with the proviso to sub-paragraph (*b*) of paragraph (1) of Regulation 5 of these Regulations;

(2) in the case of a motor vehicle of which the owner has for the time being deposited with the Accountant-General of the Supreme Court the sum of fifteen thousand pounds in accordance with the provisions of sub-section (1) of section 202 of the Act, a certificate in Form E signed by the owner of the motor vehicle or by some person authorised by him in that behalf that such sum is on deposit;

(3) in the case of a motor vehicle owned by any of the local authorities referred to in paragraph (*a*) of sub-section (2) of section 202 of the Act or by a police authority or by the Receiver for the metropolitan police district, a certificate in Form F signed by some person authorised in that behalf by such authority or Receiver as the case may be that the said motor vehicle is owned by the said authority or Receiver.

8. Any certificate issued in accordance with paragraph (2) or (3) of the preceding Regulation shall be destroyed by the owner of the vehicle to which it relates before the motor vehicle is sold or otherwise disposed of.

Production of Evidence of Insurance or Security on application for Excise Licences

9.—(1) Any person applying for a licence, other than a trade licence, under the Vehicles (Excise) Act, 1949, in respect of a motor vehicle shall, except as hereinafter provided and subject to the provisions of Regulation 8 of the Motor Vehicles (International Motor Insurance Card) Regulations, 1957(a), produce to the licensing authority either:—

(*a*) a certificate of insurance, certificate of security or duplicate copy of a certificate of security issued in accordance with these Regulations indicating that on the date when the licence comes into operation there will be in force the necessary policy or the necessary security in relation to the user of the motor vehicle by the applicant or by other persons on his order or with his permission; or

(*b*) in the case where the motor vehicle is one of more than ten motor vehicles owned by the same person in respect of which a policy or policies of insurance have been obtained by him from the same authorised insurer, a statement duly authenticated by the authorised insurer to the effect that on the date when the licence becomes operative an insurance policy which complies with Part VI of the Act will be in force in relation to the user of the motor vehicle; or

(*c*) evidence that section 201 of the Act does not apply to the motor vehicle at a time when it is being driven under the owner's control, in accordance with the following provisions,—

(a) S.I. 1957/891 (1957 II, p. 2179).

(i) in the case of a motor vehicle of which the owner has for the time being deposited with the Accountant-General of the Supreme Court the sum of fifteen thousand pounds in accordance with the provisions of sub-section (1) of section 202 of the Act, a certificate in Form E signed by the owner of the motor vehicle or by some person authorised by him in that behalf that such sum is on deposit;

(ii) in the case of a motor vehicle owned by any of the local authorities mentioned in paragraph (*a*) of sub-section (2) of section 202 of the Act or by a police authority or by the Receiver for the metropolitan police district, a certificate in Form F signed by some person authorised in that behalf by such authority or Receiver as the case may be that the vehicle in respect of which the application for a licence is made is owned by the said authority or Receiver.

(2) A person engaged in the business of letting motor vehicles on hire shall not, when applying for a licence under the Vehicles (Excise) Act, 1949, be required to comply with the provisions of paragraph (1) 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.

Keeping of Records by Companies

10.—(1) 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:—

(*a*) the full name and address of the person to whom the policy, security or certificate is issued;

(*b*) in the case of a policy relating to one or more specified motor vehicles the index mark and registration number of each such motor vehicle;

(*c*) the date on which the policy or security comes into force and the date on which it expires;

(*d*) in the case of a policy the conditions subject to which the persons or classes of persons specified in the policy will be indemnified;

(*e*) in the case of a security the conditions subject to which the undertaking given by the company under the security will be implemented:

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

(2) Every local authority referred to in paragraph (*a*) of sub-section (2) of section 202 of the Act, shall keep a record of the motor vehicles 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 vehicles, and of the withdrawal or destruction of any such certificates.

(3) Any person who has deposited and keeps deposited with the Accountant-General of the Supreme Court, the sum of fifteen thousand pounds in accordance with the provisions of sub-section (1) of section 202 of the Act shall keep a record of the motor vehicles owned by him and of any certificates issued by him or on his behalf under these Regulations in respect of such motor vehicles and of the withdrawal or destruction of any such certificates.

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

Notification to the Minister of ineffective Policies or Securities

11. 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 Minister of the date on which the policy or security ceased to be effective.

Return of Certificates to issuing company

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

(*a*) the holder shall, before the policy or security is transferred, return any relative certificates issued for the purposes of these Regulations to the company by whom they were issued; and

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

(2) In any case where with the consent of the person to whom it was issued a policy or security is suspended or ceases to be effective, otherwise than by effluxion of time, in circumstances in which the provisions of sub-section (4) of Section 205 of the Act (relating to the surrender of certificates) do not apply, the holder of the policy or security shall within seven days from the date when it is suspended or ceases to be effective return any relative certificates issued for the purposes of these Regulations to the company by whom they were issued and the company shall not issue a new policy or security to the said holder in respect of the motor vehicle or vehicles to which the said first mentioned policy or security related unless and until the certificates have been returned to the company or the company are satisfied that they have been lost or destroyed.

(3) Where a policy or security is cancelled by mutual consent or by virtue of any provision in the policy or security, any statutory declaration that a certificate has been lost or destroyed made in pursuance of sub-section (4) of section 205 (which requires any such declaration to be made within a period of seven days from the taking effect of the cancellation) shall be delivered forthwith after it has been made to the company by whom the policy was issued or the security given.

(4) The provisions of the last preceding paragraph shall be without prejudice to the provisions of paragraph (*c*) of sub-section (2) of section 207 of the Act as to the effect for the purposes of that sub-section of the making of a statutory declaration within the periods therein stated.

Issue of Fresh Certificates

13. 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 they are requested to do so by the person to whom the certificate was issued, issue to him a fresh certificate. In the case of a defaced certificate the company shall not issue a fresh certificate unless the defaced certificate is returned to the company.

Contraventions

14. Any person acting in contravention of or failing to comply with these Regulations shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds.

Given under the Seal of the Minister of Transport this twenty-seventh day of July, 1961.

(L.S.)

Ernest Marples,
The Minister of Transport.

THE SCHEDULE

PART 1

Forms of Certificates

FORM A

Certificate of Motor 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 Act(s).
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 VI of the Road Traffic Act, 1960.

.....
Authorised Insurers.

FORM B

Certificate of Motor Insurance

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

1. Description of vehicles.
2. Name of Policy Holder.
3. Effective date of the commencement of Insurance for the purposes of the Act(s).
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 VI of the Road Traffic Act, 1960.

.....
Authorised Insurers.

FORM C

Certificate of Motor Insurance

I/We hereby certify that this covering note is issued in accordance with the provisions of Part VI of the Road Traffic Act, 1960.

.....

Authorised Insurers.

FORM D

Road Traffic Act, 1960

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(s).

3. Date of expiry of security.

4. Conditions to which security is subject.

I/We hereby certify that the Security to which this certificate relates is issued in accordance with the provisions of Part VI of the Road Traffic Act, 1960.

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(Authorised under Part VI of the Road Traffic Act, 1960, to issue securities.)

FORM E

Road Traffic Act, 1960

Certificate of Deposit

I/We hereby certify that I am/we are the (owner)/(owners) of the vehicle of which the registration mark and number are..... and that in pursuance of the provisions of sub-section (1) of section 202 of the Road Traffic Act, 1960, I/we have on deposit with the Accountant-General of the Supreme Court the sum of fifteen thousand pounds.

Signed.....

on behalf of.....

FORM F

Road Traffic Act, 1960

Certificate of Ownership by a Local or Police Authority

We hereby certify that the vehicle of which the registration mark and number are

.....

is the property of

.....

.....

.....

Signed on behalf of the authority.

PART 2

Provisions relating to the forms and completion of certificates

1. Every certificate shall be printed and completed in black on white paper or similar material. This provision shall not apply to any reproduction of a seal

or monogram or similar device referred to in paragraph 2 of this Part of this Schedule.

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

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

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

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

5. The particulars inserted on any of the said forms shall not include particulars relating to any exceptions purporting to restrict the insurance under the relevant policy or the operation of the relevant security which are by sub-section (1) of section 206 of the Act rendered of no effect as respects the third party liabilities required by sections 203 and 204 of the Act to be covered by a policy or security.

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

(2) A certificate of insurance or a certificate of security may contain either 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 in any of the territories referred to in this paragraph.

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

EXPLANATORY NOTE

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

These Regulations consolidate with amendments the Regulations revoked by Regulation 2. The amendments are for the most part of a minor character and include the following:—

1. Provision is made for slightly modified forms of Insurance Certificates with the relevant statutory references brought up to date (Regulation 5 and the Schedule). Existing forms are permitted to be issued for a period of two years (Regulation 3).

2. The penalty for contravention of any of the Regulations is increased from £5 to £20 for each offence (Regulation 14).