

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4800 GIBRALTAR Thursday 24th December 2020

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LEGAL NOTICE NO. 508 OF 2020.

## EUROPEAN UNION (WITHDRAWAL) ACT 2019

### MOTOR VEHICLES INSURANCE (AMENDMENT ETC) (EU EXIT) REGULATIONS 2020

In exercise of the powers conferred upon him by section 11 of the European Union (Withdrawal) Act 2019, the Minister has made the following Regulations-

#### **Title.**

1. These Regulations may be cited as the Motor Vehicles Insurance (Amendment etc) (EU Exit) Regulations 2020.

#### **Commencement.**

2. These Regulations come into operation on 1 January 2021.

#### **Amendment of the Insurance (Motor Vehicles)(Third Party Risks) Act 1986.**

3.(1) The Insurance (Motor Vehicles)(Third Party Risks) Act 1986 is amended in accordance with this regulation.

(2) Delete section 3(7).

(3) In section 4-

(i) in subsection (1)(b) delete “(other than Gibraltar)”

(ii) in subsection (1A)(b) delete “(other than Gibraltar)”.

(iii) delete subsection (1B).

(4) In section 10 delete “(other than Gibraltar)”.

(5) In section 12(1) -

(i) in paragraph (b), for “derogated” substitute “exempt” and for “Article 4 of Directive 72/166/EEC of 14<sup>th</sup> April 1972” substitute “section 3(4),”;

(ii) for “the territory of member states 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” substitute “Gibraltar, in accordance with the requirements of the law on compulsory insurance as set out in this Act”;

(iii) In paragraph (7)(c) after “not in” insert “Northern Ireland or”.

**Amendment of the Motor Vehicles Insurance (Civil Liability for Accident in Another Country) Regulations 2003.**

4.(1) The Motor Vehicles Insurance (Civil Liability for Accident in Another Country) Regulations 2003 are amended in accordance with this regulation.

(2) Delete regulations 8 to 10.

**Transitional and savings provisions.**

5.(1) Where a court in Gibraltar is seised before 1 January 2021 of legal proceedings against the Compensation Body for Gibraltar under regulation 8 of the Motor Vehicles Insurance (Civil Liability for Accident in Another Country) Regulations 2003, those regulations shall continue to apply as if these regulations had not been made and as if Gibraltar remained within the European Union.

(2) In this regulation, a court shall be deemed to be seised-

- (a) at the time when the document instituting the proceedings or an equivalent document is lodged with the court, provided that the applicant has not subsequently failed to take steps the applicant was required to take to have service effected on the respondent; or
- (b) if the document has to be served before being lodged with the court, at the time when it is received by the authority responsible for service (being the first authority receiving the document to be served), provided that the applicant has not subsequently failed to take the steps the applicant was required to take to have the document lodged with the court.

Dated: 24<sup>th</sup> December 2020.

V DARYANANI.  
Minister for Transport,

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers in section 11 of the European Union (Withdrawal) Act 2019 in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom, and consequently Gibraltar, from the European Union.

The Regulations amend the Insurance (Motor Vehicles) (Third Party Risks) Act 1986.

The Regulations also amend the Motor Vehicles (Civil Liability in Another Country) Regulations 2003. Without these amendments, the role of the MIB as UK/Gibraltar Compensation Body would continue unilaterally. This means Gibraltar residents injured in a traffic accident with an uninsured driver in the EEA could continue to make visiting victims claims in Gibraltar following EU Exit. However, the MIB would have cost exposure for these claims and would no longer be able to seek reimbursement from its foreign counterparts.