

Insurance (Motor Vehicles) (Third Party Risk)

1986-14

EUROPEAN COMMUNITY MOTOR VEHICLES INSURANCE RULES, 1986

**Subsidiary
1986/055**

This version is out of date

Rules made under s.16.

EUROPEAN COMMUNITY MOTOR VEHICLES INSURANCE RULES, 1986

(LN. 1986/055)

1.6.1986

ARRANGEMENT OF RULES.

Rule

1. Title and commencement.
2. Interpretation.
3. Exemption.
4. Section 6 not to apply.
5. Evidence to be produced.
6. Effluxion of of time not to invalidate card.
7. Claims.
8. Offences.

In exercise of the powers conferred on him by Section 16 of the Insurance (Motor Vehicles) (Third Party Risks) Act, and of all other enabling powers, the Governor has made the following rules:

Title and commencement.

1.(1) These rules may be cited as the European Community Motor Vehicles Insurance Rules, 1986.

(2) These rules shall come into operation on the 1st day of June, 1986.

Interpretation.

2.(1) In these rules, unless the context otherwise requires-

"British Bureau" has the same meaning as it has in the United Kingdom Regulations;

"Insurance card" means an insurance card as defined in regulation 2(1) of the United Kingdom Regulations, whether or not it also provides for entry into Gibraltar;

"member state" means a state which is a member of the European Economic Community;

"relevant foreign state" is a reference to Austria, Czechoslovakia, Finland, the German Democratic Republic, Hungary, Norway, Sweden, Switzerland or to any other country so designated by notice in the Gazette;

"United Kingdom Regulations" means the Motor Vehicles (International Motor Insurance Card) Regulations 1971 of the United Kingdom together with any amendments to those regulations that are for the time being in force.

(2) For the purposes of these rules 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.

Exemption.

3. In respect of the use on a road in Gibraltar of a motor vehicle in respect of which no derogation has been made under Article 4 of Directive 72/166/EEC of 24th April 1972 and which is normally based in a territory (other than Gibraltar) of a member state or of a relevant foreign state, the motor vehicle shall, subject to the provisions of these rules, be exempted from the requirements of the Act to the extent that the policy of insurance insures the user of the vehicle in respect of any liability which may be incurred by such user in respect of the death of or bodily injury to any person caused by, or arising out of, the use of the vehicle on a road in Gibraltar.

Section 6 not to apply.

4. The provisions of section 6 of the Act shall not apply in respect of a motor vehicle exempted under the provisions of rule 3.

Evidence to be produced.

5. In the case of a vehicle exempted under the provisions of rule 3 the evidence to be produced for the purposes of section S of the Act may, as an alternative to a certificate of insurance, be a document issued by the insurer of the motor vehicle indicating the name of the insurer, the number or other identifying particulars of the insurance policy and the period of the insurance cover.

Effluxion of time not to invalidate card.

6. Where a motor vehicle that is exempted under the provisions of rule 3 remains in Gibraltar after the expiry of the period of validity specified in the document issued by the insurer of the motor vehicle and produced in accordance with rule 5 then in respect of any period while the motor vehicle so remains in Gibraltar the insurance in respect of the motor vehicle shall not be regarded as having ceased to be in force for the purposes of rule 3 by reason only of the effluxion of the period of validity so specified.

Claims.

7.(1) Where any claim is made in respect of any such liability as is required to be covered by a document of insurance in respect of the use of the motor vehicle that is exempted from the requirements of the Act under the provisions of rule 3, the person against whom the claim is made shall state whether or not he was insured in respect of that liability by any policy of insurance and, in lieu of giving the particulars required by section 11 of the Act, give to the person making the claim, on his demand-

- (a) the particulars of the document issued by the insurer of the motor vehicle indicating the name of the insurer, the number or other identifying particulars of the insurance policy and the period of the insurance cover, or
- (b) the serial letter or letters (if any) and serial number shown in any insurance card issued in respect of the vehicle, the name of the Bureau under whose authority it was issued, and the name and address of the person specified therein as the insured.

(2) Any person making or intending to make such a claim as is mentioned in sub-rule (1) of this rule shall give notice of the claim in writing to the British Bureau as soon as practicable after the happening of the event out of which the claim arose specifying the nature of the claim and against whom it is made or intended to be made.

Offences.

8. Any person who contravenes any provision of rule 7(1) is guilty of an offence and is liable on summary conviction to a fine of £250.