

1986-14 Insurance (Motor Vehicles) (Third Party Risk)

Subsidiary Legislation made under s.21(1).

Motor Vehicles (Insurance) (Information Centres) Rules 2009

LN.2009/036

Commencement **4.6.2009**

Transposing:

Directive 1990/232/EEC

Directive 2000/26/EC

ARRANGEMENT OF RULES

Rule

1. Title.
2. Interpretation.
3. Information centres.
4. Period of limitation for information.
5. Information to be provided by the information centres to the injured party.
6. Processing of data.
7. Basic data.

1986-14 Insurance (Motor Vehicles) (Third Party Risk)

2009/036 Motor Vehicles (Insurance) (Information Centres) Rules 2009

In exercise of the powers conferred on it by section 21(1) of the Insurance (Motor Vehicles) (Third Party Risk) Act, and of all other enabling powers, and for the purposes of transposing in part Directive 1990/232/EEC and Directive 2000/26/EC as amended by Directive 2005/14/EC, the Government has made the following Rules—

Title.

1. These Rules may be cited as the Motor Vehicles (Insurance) (Information Centres) Rules 2009.

Interpretation.

2.(1) In these Rules, unless the context otherwise requires—

“insurance undertaking” means a motor vehicle liability insurer;

“motor vehicle” shall have the same meaning as in section 2(1) of the Insurance (Motor Vehicles) (Third Party Risk) Act, 1986; and

“injured party” includes any person with an entitlement to information under rule 3(1).

(2) These Rules are without prejudice to the Motor Vehicles Insurance (Civil Liability for Accident in Another Country) Regulations, 2003.

Information centres.

3.(1) For the purposes of allowing any party involved in any traffic accident caused by a vehicle covered by insurance as required by the principal Act, the Government shall establish or approve an information centre for—

- (a) keeping a register containing the information specified in subrule (2);
- (b) coordinating the compilation and dissemination of such information; and
- (c) assisting entitled persons to be apprised of the information mentioned in subrule (2).

(2) An information centre established or approved under subrule (1) shall maintain the following information—

- (a) the registration number of motor vehicles based in Gibraltar;

Insurance (Motor Vehicles) (Third Party Risk) 1986-14
Motor Vehicles (Insurance) (Information Centres) Rules 2009/036
2009

- (b) the numbers of the insurance policies covering the use of vehicles which cover the risks and civil liability arising out of the use of motor vehicles operating on the land, other than carrier's liability, and where the period of validity of the policy has expired, the date of termination of the insurance cover;
 - (c) insurance undertakings covering the use of vehicles for the risks and civil liability arising out of the use of motor vehicles operating on the land, other than carrier's liability, and claims representatives appointed by such insurance undertakings in accordance with section 29 of the Financial Services (Insurance Companies) Act whose names shall be notified to the information centre in accordance with subrule (4);
 - (d) the list of vehicles which, in each EEA State, benefit from the derogation from the requirement for civil liability insurance cover in accordance with Article 4(a) and (b) of Directive 72/166/EEC; and
 - (e) regarding the vehicles provided for in paragraph (d) above—
 - (i) the name of the authority or the body designated in accordance with the second subparagraph of Article 4(a) of Directive 72/166/EEC as responsible for compensating injured parties in the cases where the procedure provided for in the first indent of Article 2(2) of Directive 72/166/EEC is not applicable, if the vehicle benefits from the derogation provided for in Article 4(a) of Directive 72/166/EEC; and
 - (ii) the name of the body covering the vehicle in the EEA State where it is normally based if the vehicle benefits from the derogation provided for in Article 4(b) of Directive 72/166/EEC.
- (3) The information mentioned in paragraphs (2)(a) to (c) of subrule (2) must be preserved for a period of seven years after the termination of the registration of the vehicle or the termination of the insurance contract.
- (4) Insurance undertakings referred to in subrule (2)(c) above shall notify to the information centres of all EEA States the name and address of the claims representative which they have appointed in accordance with section 29 of the Financial Services (Insurance Companies) Act in each of the EEA States.
- (5) An information centre established or approved under subrule (1) shall cooperate with other information centres established for the purposes of the Directive.

Period of limitation for information.

1986-14 Insurance (Motor Vehicles) (Third Party Risk)
2009/036 Motor Vehicles (Insurance) (Information Centres) Rules
2009

4. An injured party is entitled, for a period of seven years after the accident, to obtain without delay from the information centre—

- (a) the name and address of the insurance undertaking;
- (b) the number of the insurance policy; and
- (c) the name and address of the insurance undertaking's claims representative.

Information to be provided by the information centres to the injured party.

5.(1) The information centre shall provide the injured party with the name and address of the owner or usual driver or the registered keeper of the vehicle if the injured party has a legitimate interest in obtaining this information.

(2) For the purposes of subrule (1), the information centre must address itself in particular—

- (a) to the insurance undertaking; or
- (b) to the vehicle registration agency.

(3) Where the vehicle benefits from the derogation provided for in Article 4(a) of Directive 72/166/EEC, the information centre must inform the injured party of the name of the authority or body designated in accordance with the second subparagraph of Article 4(a) of that Directive as responsible for compensating injured parties in cases where the procedure provided for in the first indent of Article 2(2) of that Directive is not applicable.

(4) Where the vehicle benefits from the derogation provided for in Article 4(b) of Directive 72/166/EEC, the information centre must inform the injured party of the name of the body covering the vehicle in the country where it is normally based.

Processing of data.

6. The processing of personal data, resulting from the functions performed by virtue of rules 3 to 5, must be carried out in accordance with the measures taken pursuant to the Data Protection Act 2004.

Provision of basic data.

Insurance (Motor Vehicles) (Third Party Risk) 1986-14

Motor Vehicles (Insurance) (Information Centres) Rules 2009/036
2009

7.(1) The Government must take all appropriate measures to facilitate the availability in due time to the victims, their insurers or their legal representatives of the basic data necessary for the settlement of claims.

(2) This basic data shall, where appropriate, be made available in electronic form in a central repository, and be accessible by parties involved at their express request.