ANGUILLA

REVISED REGULATIONS OF ANGUILLA

under

MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) ACT R.S.A. c. M105

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Revised Regulations of Anguilla: M105-1

MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) ACT (R.S.A. c. M105)

MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) RULES

Note: These Regulations are enabled under section 17 of the Motor Vehicles Insurance (Third Party Risks) Act, R.S.A. c. M105.

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PART 1

CERTIFICATES

Interpretation

1. In these Rules—

"Accountant General" includes any Treasury Officer;

"Act" means the Motor Vehicles Insurance (Third Party Risks) Act;

"Commissioner of Police" includes any police officer of or above the rank of sergeant;

"Government" means the Government of Anguilla;

"owner", in relation to a motor vehicle which is the subject of a hire-purchase agreement, means the person in possession of the motor vehicle under that agreement;

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

"Schedule" means the Schedule to these Rules;

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

Certificates

2. (1) An insurer shall issue to every holder of a security or of a policy, other than a covering note issued by the insurer—

(a) in the case of a policy or security relating to a specified vehicle or to specified vehicles, a certificate of insurance in Form 1 or a certificate of security in Form 4 set out in the Schedule in respect of each such vehicle; and

(b) in the case of a policy or security not relating to any specified vehicle or vehicles, such number of certificates in Form 2 or 4 set out in the Schedule as may be necessary to enable the requirements of section 13 of the Act and of these Rules as to the production of evidence that a motor vehicle is not being driven in contravention of section 2 of the Act to be complied with.

(2) Every policy in the form of a covering note issued by an insurer shall have printed thereon or on the back thereof a certificate of insurance in Form 3 set out in the Schedule.

Authentication of certificates

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

(2) The certificate aforesaid shall be issued not later than 4 days after the date on which the policy or security is issued or renewed.

Issue of further certificate

4. Where under the terms of a policy or security relating to a specified motor vehicle the holder is entitled to drive any other motor vehicle than that specified without contravention of section 2 of the Act, the insurer by whom the policy or security was issued may, and shall on demand being made to him by the holder, issue to him a further certificate of insurance in Form 1 or 2 set out in the Schedule or a further certificate of security, as the case may be.

Evidence alternative to certificates

5. The following evidence that a motor vehicle is not being driven in contravention of section 2 of the Act may be produced by the driver of such motor vehicle on the request of a police officer in pursuance of section 13 of the Act as an alternative to the production of a certificate of insurance or a certificate of security—

(a) in the case of a motor vehicle of which the owner has for the time being deposited with the Accountant General the sum of $100,000 in accordance with the provisions of section 4(3) of the Act, a certificate in Form 5 set out in the Schedule signed by the Accountant General and by the owner of the motor vehicle or by some person authorised by him in that behalf; and

(b) in the case of a motor vehicle owned by the Government of Anguilla or by a local authority in Anguilla or used and employed exclusively in Her Majesty's service, a certificate in Form 6 set out in the Schedule signed by a duly authorised officer of the Government department or authority in whose possession or use such vehicle may be.

Certificates to be destroyed in certain events

6. Any certificate issued in accordance with section 5(a) or (b) shall be destroyed by the person by whom it was issued before the motor vehicle to which it relates is sold or otherwise disposed of.

Nature of certificate

7. (1) Every certificate issued in pursuance of the Act and of these Rules shall be printed and completed in black on white paper or similar material.

(2) No certificates so issued shall contain any advertising matter either on the face or on the back thereof, but the name and address of an insurer by whom a certificate is issued or a reproduction of the seal of the insurer or any monogram or similar device of the insurer or the name and address of an insurance broker shall not be deemed to be advertising matter for the purposes of this section if it is printed or stamped at the foot or on the back of such certificate.

Production of certificate

8. Any person applying for a licence under section 18 of the Vehicles and Road Traffic Act shall produce to the Licensing Officer a certificate of insurance or a certificate of security 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 vehicle by the applicant or by other persons on his order or with his permission but there may be produced in lieu thereof—

(a) in the case of a motor vehicle of which the owner has for the time being deposited with the Accountant General the sum of $100,000 in accordance with the provisions of section 4(3) of the Act, a certificate, signed by the Accountant General and by the owner of the vehicle or by some person authorised by him in that behalf, that such deposit has been made; and

(b) in the case of motor vehicles owned by the Government of Anguilla or by a local authority in Anguilla or used and employed exclusively in Her Majesty's service, a certificate, signed by a duly authorised officer of the Government department or authority in whose possession or use such vehicle may be, that the vehicles in respect of which the application for a licence is made are owned by the Government of Anguilla or by the local authority, or used and employed exclusively in Her Majesty's service.

Records

9. (1) Every insurer 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 or security relating to a specified motor vehicle or to 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; and

(e) in the case of a security, the conditions subject to which the undertaking given by the insurer under the security will be implemented.

(2) Every such record shall be preserved for 1 year from the date of expiry of the policy or security.

(3) Every local authority 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 certificate issued by them under these Rules in respect of such motor vehicles, and of the withdrawal or destruction of any such certificates.

(4) Any person who has deposited and keeps deposited with the Accountant General the sum of $100,000 in pursuance of section 4(3) of the Act shall keep a record of the motor vehicles owned by him and of any certificates issued by him under these Rules in respect of such motor vehicles and of the withdrawal or destruction of any such certificates.

(5) Any person, authority or insurer by whom records of documents are required to be kept by these Rules shall, without charge, furnish to the Accountant General or to the Commissioner of Police on request any particulars thereof.

Notification that policy or security has ceased to be effective

10. Where to the knowledge of an insurer a policy or security issued by him 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 insurer shall forthwith notify the Commissioner of Police of the date on which the policy or security ceased to be effective.

Return of certificates

11. Where with the consent of the person to whom it was issued a policy or security is transferred or suspended or ceases to be effective, otherwise than by effluxion of time, such person shall forthwith return any

relative certificates to the insurer by whom they were issued and a new policy or security shall not be issued to that person, nor shall the policy or security be transferred to any other person unless and until the certificates have been returned to the insurer or the insurer is satisfied that they have been lost or destroyed.

Issue of fresh certificate

12. Where any insurer by whom a certificate of insurance or a certificate of security has been issued is satisfied that the certificate has become defaced or has been lost or destroyed, he shall, if requested so to do by the person to whom the certificate was issued, issue to him a fresh certificate.

Declarations

13. Every statutory declaration made for the purposes of section 6(2)(c) of the Act or section 10 of the Act shall be delivered to the insurer in like manner as though it were a certificate.

PART 2

CERTIFICATES OF FOREIGN INSURANCE

Interpretation

14. In this Part—

"issuing authority" means the Licensing Officer appointed under the provisions of the Vehicles and Road Traffic Act;

"motor vehicle" means a motor vehicle brought into Anguilla by a visitor;

"visitor" means a person bringing a motor vehicle into Anguilla from a place outside Anguilla and making only a temporary stay in Anguilla.

Application by visitors for certificate of foreign insurance

15. A visitor who is a holder of a policy of insurance issued in any place outside Anguilla in respect of third party risks arising out of the driving by him of a motor vehicle in Anguilla may make application to the issuing authority for a certificate (hereinafter called a "certificate of foreign insurance") in Form 7 set out in the Schedule.

Issue of certificates of foreign insurance

16. The issuing authority may issue a certificate of foreign insurance to any visitor who makes application therefor in the manner prescribed by these Rules.

Form of application for certificate of foreign insurance

17. 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 insurer by whom it was issued, the date on which the policy commences and the date on which it expires, 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 vehicle in Anguilla by him or by some other person or persons or classes of persons specified in the declaration.

Authentication of certificate of foreign insurance

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

Validity of certificate of foreign insurance

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

Effect of certificate of foreign insurance

20. For the purposes of the Act and of sections 5 and 8, a certificate of foreign insurance shall have effect as if it were a certificate of insurance issued by an insurer and the policy of insurance to which it relates shall be deemed to comply with the requirements of the Act.

Provisions of section 5 of Act not to apply

21. The provisions of section 5 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.

Return of certificates of foreign insurance

22. A certificate of foreign insurance shall be forthwith returned by the visitor to the issuing authority if the motor 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 Anguilla, and, if the certificate is not so returned, it shall be surrendered to the issuing authority by or on behalf of the visitor when the motor vehicle is taken out of Anguilla.

Record to be kept of certificates of foreign insurance

23. The issuing authority shall keep a record of the following particulars relative to any certificates of foreign insurance issued by him—

(a) the full name and address of the person to whom the certificate is issued and particulars of the persons or classes of persons authorised to drive the motor vehicle;

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

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

and the issuing authority shall without charge furnish to the Commissioner of Police on request any particulars thereof.

PART 3

PENALTIES AND CITATION

Penalties

24. If any person acts in contravention of or fails to comply with the requirements of section 2, 3, 6, 7 or 10, he is guilty of an offence and is liable on summary conviction to a fine of $2,000.

Citation

25. These Regulations may be cited as the Motor Vehicles Insurance (Third Party Risks) Rules, Revised Regulations of Anguilla M105-1.

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SCHEDULE

(Sections 1, 3 and 4)

FORMS

FORM 1

(Sections 2(1)(a) and 4)

MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) ACT

CERTIFICATE OF INSURANCE

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

1. Index Mark and registration number of vehicle ……..

2. Name of Policy Holder ……

3. Date of the commencement of insurance ……

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 the Motor Vehicles Insurance (Third Party Risks) Act.

.....….....
Insurer

*Limitations rendered inoperative by section 8 of the Motor Vehicles Insurance (Third Party Risks) Act are not to be included under this heading.

———————

FORM 2

(Section 2(1)(b) and 4)

MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) ACT

CERTIFICATE OF INSURANCE

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

1. Description of Vehicles ……...……

2. Name of Policy Holder ……

3. Date of commencement of insurance ……..……

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 the Motor Vehicles Insurance (Third Party Risks) Act.

.....…….....
Insurer

*Limitations rendered inoperative by section 8 of the Motor Vehicles Insurance (Third Party Risks) Act are not to be included under this heading.

———————

FORM 3

(Section 2(2))

MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) ACT

CERTIFICATE OF INSURANCE

I/WE hereby certify that this covering note is issued in accordance with the provisions of the Motor Vehicles Insurance (Third Party Risks) Act.

.....
Insurer

FORM 4

(Section 2(1)(a) and (b))

MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) ACT

CERTIFICATE OF SECURITY

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

1. Name of holder of security ……..

2. Date of the commencement of security……..……...……

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 the Motor Vehicles Insurance (Third Party Risks) Act.

.....
Insurer

*Conditions rendered inoperative by section 8 of the Motor Vehicles Insurance (Third Party Risks) Act are not to be included under this heading.

FORM 5

(Section 5(a))

MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) ACT

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 section 4(3) of the Motor Vehicles Insurance (Third Party Risks) Act, I/we have deposited with the Accountant General the sum of $100,000.

Signed .....

on behalf of .....

and I hereby certify that the above statement is correct.

.....
Accountant General

FORM 6

(Section 5(b))

MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) ACT

CERTIFICATE OF OWNERSHIP OR USE BY THE GOVERNMENT OR BY LOCAL AUTHORITY

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

.....

is the property of—

.....

.....

.....

or *(is used and employed exclusively in Her Majesty's Service).

Signature .....

Office and Rank of Signatory .....

** Delete if inapplicable*

FORM 7

(Section 15)

MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) ACT

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 vehicle ……..

3. Persons or classes of persons authorised to drive the vehicle …….

4. Date of commencement of policy ……

5. Date of expiry of policy……

I hereby certify that this Certificate is issued in accordance with the Motor Vehicles Insurance (Third Party Risks) Rules.

Signed .....

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

_____