

BILL ESSENTIALS

The Motor Vehicles Insurance (Third-Party Risks) (Amendment) Bill, 2013

Background

The Motor Vehicle Insurance (Third-Party Risks) Act¹ was first passed in 1933. Since then it has been amended on sixteen (16) occasions.

What is the purpose of the Bill?

The Bill seeks to amend section 4 of the Motor Vehicles Insurance (Third-Party Risks) Act.

What are the key features of this proposed legislation?

- ✓ The Bill repeals and replaces section 4(7) of the Motor Vehicles Insurance (Third-Party Risks) Act.
- ✓ The Bill proposes that, notwithstanding any other law, a person issuing a policy of insurance (an “insurer” as defined in the parent Act Chap 48:51) shall indemnify the person insured, any person specified in the policy or any person driving or using the vehicle or licensed trailer with the consent of a person specified in the policy in respect of any liability which the policy covers.

Similar Legislation in other territories

(Please follow links to view legislation)

Country	Legislation	Remarks
Australia (Western)	Motor Vehicle (Third-Party Insurance) Act 1943 ²	An Act to require owners of motor vehicles whilst on a road, to be insured against liability in respect of deaths or bodily injuries caused by, or by the driving of, such motor vehicles, whether caused on or off a road, to make certain provisions in relation to such insurance and in relation to the awarding of damages in respect of such bodily injuries, and for other purposes.
Canada (British Columbia)	Insurance (Vehicle) Act ³	An Act where the corporation must administer a plan of universal compulsory vehicle insurance providing coverage under a motor vehicle liability policy required by the <i>Motor Vehicle Act</i>

¹ http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/48.51.pdf

² [http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:18508P/\\$FILE/MotorVhle3rdPrtyInsrncAct1943_12-00-00.pdf?OpenElement](http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:18508P/$FILE/MotorVhle3rdPrtyInsrncAct1943_12-00-00.pdf?OpenElement)

³ http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96231_01

		to all persons (a) whether named in the certificate or not, to whom or whose dependants, benefits are payable if bodily injury is sustained or death results, (b) whether named in the certificate or not, to whom or on whose behalf insurance money is payable, if bodily injury to, or the death of another or others, or damage to property, for which he or she is legally liable, (c) to whom insurance money is payable, if loss or damage to a vehicle results.
Fiji	Motor Vehicles (Third-Party Insurance) ⁴	An Act to make provision for compulsory insurance against third party risks arising out of the use of motor vehicles
Jamaica	The Motor Vehicles Insurance (Third-Party Risks) Act ⁵	An Act that requires an insurer to insure such person, persons or classes of persons, as may be specified in the policy, against any liability incurred by him or them in respect of the death of, or bodily injury to any person; and any damage to property, caused by or arising out of the use of the motor vehicle on the road.
Kenya	Insurance (Motor Vehicle Third-Party Risks) Act ⁶	An Act to make provisions against third party risks arising out of the use of motor vehicles.
Malta	Motor Vehicles Insurance (Third-Party Risks) Ordinance ⁷	To make provision against third-party risks arising out of the use of motor vehicles.
Montserrat	Motor Vehicles Insurance (Third-Party Risks) Act ⁸	An Act that requires an insurer to insure such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by or arising out of the use of the

⁴ http://www.paclii.org/fj/legis/consol_act_OK/mva172/

⁵ <http://www.moj.gov.jm/sites/default/files/laws/Motor%20Vehicles%20Insurance%20%28Third-Party%20Risks%29%20Act.pdf>

⁶ <http://www.kenyalaw.org/klr/fileadmin/pdfdownloads/Acts/Insurance%20MotorVehiclesThirdPartyRisksActCap405.pdf>

⁷ <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8644>

⁸ http://agc.gov.ms/wp-content/uploads/2010/02/motor_vehicle_ins_3rd_party_risks_act.pdf

		motor vehicle on a public road including any passenger carried on or in such motor vehicle.
Singapore	Motor Vehicles (Third-Party Risks and Compensation) Act ⁹	An Act to provide against third-party risks arising out of the use of motor vehicles and for the payment of compensation in respect of death or bodily injury arising out of the use of motor vehicles and for matters incidental thereto.

Points to note

- ✓ The amendment proposed by this Bill only varies from the existing subsection of the Act as per subparagraphs (c) and (d).

Considerations

- ✓ Implications for insurers if insured persons refuse to specify persons in insurance policies because said persons now have the power to give consent for the use of a motor vehicle without reference to the person insured.
- ✓ Issue of proof that the insured person has given consent to another to use a motor vehicle.
- ✓ Implications for persons using a vehicle in the course of their employment.

References

1. Motor Vehicle Insurance (Third-Party Risks) Act (Trinidad and Tobago)-
http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/48.51.pdf
2. Motor Vehicle (Third-Party Insurance) Act (Western Australia) -
[http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:18508P/\\$FILE/MotorVhle3rdPrtyInsrncAct1943_12-00-00.pdf?OpenElement](http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:18508P/$FILE/MotorVhle3rdPrtyInsrncAct1943_12-00-00.pdf?OpenElement)
3. Insurance (Vehicle) Act (Canada) -
http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96231_01
4. Motor Vehicles (Third-Party Insurance) (Fiji) -
http://www.paclii.org/fj/legis/consol_act_OK/mva172/
5. The Motor Vehicles Insurance (Third-Party Risks) Act (Jamaica) -
<http://www.moj.gov.jm/sites/default/files/laws/Motor%20Vehicles%20Insurance%20%28Third-Party%20Risks%29%20Act.pdf>
6. Insurance (Motor Vehicle Third-Party Risks) Act (Kenya) -
<http://www.kenyalaw.org/klr/fileadmin/pdfdownloads/Acts/Insurance%20MotorVehiclesThirdPartyRisksActCap405.pdf>

⁹ <http://statutes.agc.gov.sg/aol/search/display/view.w3p?page=0;query=DocId%3A9734be6d-4ff3-40be-82f3-410c200bcea3%20%20Status%3Ainforce%20Depth%3A0;rec=0>

7. Motor Vehicles Insurance (Third-Party Risks) Ordinance (Malta) - <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8644>
8. Motor Vehicles Insurance (Third-Party Risks) Act (Montserrat) - http://agc.gov.ms/wp-content/uploads/2010/02/motor_vehicle_ins_3rd_party_risks_act.pdf
9. Motor Vehicles (Third-Party Risks and Compensation) Act (Singapore) - <http://statutes.agc.gov.sg/aol/search/display/view.w3p;page=0;query=DocId%3A9734be6d-4ff3-40be-82f3-410c200bcea3%20%20Status%3Ainforce%20Depth%3A0;rec=0>

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