

Jersey Law 21/1993

**MOTOR TRAFFIC (THIRD-PARTY INSURANCE)
(AMENDMENT No. 8) (JERSEY) LAW 1993**

A LAW to amend further the Motor Traffic (Third-Party Insurance) (Jersey) Law 1948, sanctioned by Order of Her Majesty in Council of the

20th day of JULY 1993

(Registered on the 27th day of August 1993)

STATES OF JERSEY

The 13th day of April 1993

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

ARTICLE 1

In Article 1 of the Motor Traffic (Third-Party Insurance) (Jersey) Law 1948, as amended¹ (hereinafter referred to as “the principal Law”) –

(a) in paragraph (1) –

¹ Tome VII, page 483, Volume 1979–1981, page 381 and 383, and Volume 1988–1989, pages 243 and 411.

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- (i) for the definition of “certificate of insurance” there shall be substituted the following definition –

“ ‘certificate of insurance’ means a certificate of insurance issued under paragraph (1) of Article 6 of this Law;”;

- (ii) after the definition of “the Committee”, “the Inspector”, and “Traffic Officer”, there shall be inserted the following definition –

“ ‘fleet registered keeper’ has the meaning assigned thereto by paragraph (6) of Article 6 of this Law;”;

- (iii) after the definition of “hospital” there shall be inserted the following definition –

“ ‘insurance disc’ means an insurance disc issued under paragraph (2) of Article 6 of this Law;”;

- (iv) the definition of “misdemeanour” shall be deleted; and

- (b) for paragraph (2) there shall be substituted the following paragraph –

“(2) In this Law, a reference to –

- (a) a certificate of insurance; or
 (b) an insurance disc;

in any provision relating to its surrender, loss or destruction shall, in relation to policies of insurance under which more than one certificate of insurance or insurance disc is issued, be construed as a reference to all certificates of insurance or insurance discs, as the case may be, so issued, and where any

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copy of a certificate of insurance or insurance disc has been issued as including a reference to that copy.”.

ARTICLE 2

For Article 6 of the principal Law² there shall be substituted the following Article –

“ARTICLE 6

CERTIFICATES OF INSURANCE AND INSURANCE DISCS TO BE DELIVERED TO INSURED PERSONS AND DISPLAY OF INSURANCE DISCS.

(1) A policy of insurance shall be of no effect for the purposes of this Law unless and until there is issued by the authorized insurer and delivered by him to the person by whom the policy is effected a certificate of insurance which shall refer to the policy of insurance and the period of cover provided under the policy.

(2) In addition to the certificate of insurance, there shall be issued and delivered by the authorized insurer to the person by whom the policy of insurance is effected –

- (a) except where that person is a fleet registered keeper or the holder of a motor cycle rider policy, an insurance disc in respect of each motor vehicle the use of which is covered by the policy;
- (b) where that person is a fleet registered keeper, that number of insurance discs which corresponds with the number of motor vehicles the use of which at any one time is covered by the policy;

(c) where that person is the holder of a motor cycle rider policy, an insurance disc;

² Tome VII, page 488.

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and each insurance disc so issued shall refer to the policy of insurance and the period of cover provided under the policy.

- (3) A certificate of insurance shall –
 - (a) be in the prescribed form; and
 - (b) contain such particulars of –
 - (i) any conditions subject to which the policy is issued; and
 - (ii) any other matters;

as may be prescribed, and different forms and different particulars may be prescribed in relation to different cases or circumstances.

(4) Except as provided in paragraph (7) of this Article, at all times when a motor vehicle is being used or kept on a road, there shall be displayed on the vehicle in the prescribed manner an insurance disc which shall –

- (a) be in the prescribed form;
- (b) bear the prescribed particulars which shall refer to a policy of third-party risks for the time being in force covering the use of the vehicle; and
- (c) unless the person by whom the insurance policy is effected is a fleet registered keeper or the holder of a motor cycle rider policy, bear the registration mark of the vehicle.

(5) In respect of insurance discs, different forms, different particulars and different manners of display may be prescribed in relation to different cases or circumstances.

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(6) For the purposes of this Law, the expression “fleet registered keeper” means a person by whom a single policy of insurance in respect of third-party risks is effected in relation to the user of not fewer than a prescribed number of motor vehicles which are –

- (a) owned by him; and
- (b) operated for trade or business purposes;

and in this Article –

“motor cycle rider policy” means a policy of insurance in respect of third party risks in relation to the user of motor cycles or mopeds under which the cover relates to the policy holder and not to a particular motor cycle or moped; and

“motor cycle” and “moped” have the same meanings, respectively, as in the Road Traffic (Jersey) Law 1956, as amended.

(7) Nothing in this Article shall operate to require the display of an insurance disc on a motor vehicle –

- (a) to which the provisions of paragraph (5) or (6) of Article 2 of this Law apply; or
- (b) prescribed as a vehicle on which an insurance disc is not required to be displayed.”.

ARTICLE 3

In clause (i) of sub-paragraph (c) of paragraph (2) of Article 7 of the principal Law,³ the words “before the Bailiff or a Jurat of the Royal Court” shall be deleted.

³ Tome VII, page 489.

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ARTICLE 4

For Article 11 of the principal Law⁴ there shall be substituted the following Article –

“ARTICLE 11

SURRENDER OF CERTIFICATE AND DISC

(1) Where a policy of insurance has been effected and an insurance disc bearing the registration mark of a motor vehicle has been delivered under Article 6 of this Law by the insurer to the person by whom the policy was effected and that vehicle is subsequently transferred by that person to another, that person shall, within seven days after the transfer takes effect, surrender to the insurer the insurance disc, and if he fails to do so or, where the disc has been lost or destroyed, to comply with the provisions of paragraph (3) of this Article, he shall be guilty of an offence.

(2) Where a policy of insurance has been effected and the policy is cancelled by mutual consent or by virtue of any provision in the policy, the person by whom the policy was effected shall, within seven days after the cancellation takes effect, surrender to the insurer the certificate of insurance and insurance disc delivered under Article 6 of this Law by the insurer to that person in respect of the policy, and if he fails to do so or, where the certificate or disc has been lost or destroyed, to comply with the provisions of paragraph (3) of this Article, he shall be guilty of an offence.

(3) Where a person is under an obligation under paragraph (1) or (2) of this Article to surrender a certificate of insurance or insurance disc and by reason of its loss or destruction he is unable to do so, he shall make an affidavit deposing to its loss or destruction and within a period of ten

⁴ Tome VII, page 491.

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days after the transfer or cancellation, as the case may be, takes effect he shall deliver the affidavit to the insurer.”.

ARTICLE 5

After Article 15 of the principal Law⁵ there shall be inserted the following Article –

“ARTICLE 15A

**REQUIREMENTS AS TO DISPLAY AND PRODUCTION
OF INSURANCE DISC.**

(1) A person who uses or keeps on a road a motor vehicle on which an insurance disc required to be displayed under Article 6 of this Law is not so displayed shall be guilty of an offence.

(2) The owner of a motor vehicle –

(a) which is used or kept on a road; and

(b) on which an insurance disc required to be displayed under Article 6 of this Law is not so displayed;

shall be guilty of an offence:

Provided that he shall not be convicted of an offence under this paragraph if he shall prove that at the relevant time the vehicle was being used or kept without his consent by another person.

(3) Any person driving a motor vehicle on a road shall, on being so required by a Police or Traffic Officer, produce for examination the insurance disc displayed on the vehicle, and, if he fails to do so, he shall be guilty of an offence.”.

⁵ Tome VII, page 494.

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ARTICLE 6

In Article 16 of the principal Law⁶ –

- (a) in paragraph (1), for sub-paragraph (e) there shall be substituted the following sub-paragraph –

“(e) as to the form and manufacture of insurance discs, the particulars to be contained on insurance discs, the issue, delivery, replacement and surrender of insurance discs and the manner of display of insurance discs and as to motor vehicles on which an insurance disc is not required to be displayed;” and

- (b) for paragraphs (2) and (3) there shall be substituted the following paragraph –

“(2) The Subordinate Legislation (Jersey) Law 1960, as amended,⁷ shall apply to orders made under this Law.”.

ARTICLE 7

In Article 17 of the principal Law⁸ –

- (a) in the heading after the word “CERTIFICATES” there shall be inserted the words “OR DISCS”;

- (b) in paragraph (1) –

(i) in sub-paragraph (a), after the words “certificate of insurance” there shall be inserted the words “or insurance disc”;

(ii) in sub-paragraph (b), after the word “certificate” there shall be inserted the words “or disc”;

⁶ Tome VII, page 495.

⁷ Tome VIII, page 849.

⁸ Tome VII, page 496 and Volume 1979–1981, page 381.

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- (iii) for the words “guilty of a misdemeanour and shall be liable on conviction” there shall be substituted the word “liable”; and
- (iv) the words “not exceeding five hundred pounds” shall be deleted”; and
- (c) in paragraphs (2) and (3) –
 - (i) after the words “certificate of insurance” there shall be inserted the words “or insurance disc”; and
 - (ii) the words “not exceeding five hundred pounds” shall be deleted”.

ARTICLE 8

In Article 18 of the principal Law⁹ –

- (a) in paragraph (1), for the words “such maximum penalty, not exceeding a fine of one hundred pounds, as may be prescribed by the order” there shall be substituted the words “a fine not exceeding two hundred pounds”; and
- (b) in paragraph (2), for the words “two hundred and fifty pounds” there shall be substituted the words “five hundred pounds”.

ARTICLE 9

(1) This Law may be cited as the Motor Traffic (Third-Party Insurance) (Amendment No. 8) (Jersey) Law 1993.

(2) This Law shall come into force on such day as the States may by Act appoint and different days may be appointed for different purposes or different provisions of this Law.

⁹ Tome VII, page 497, and Volume 1979–1981, page 382.

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Greffier of the States.