Jersey

MOTOR TRAFFIC (THIRD-PARTY INSURANCE) (JERSEY) LAW 1948

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Jersey

MOTOR TRAFFIC (THIRD-PARTY INSURANCE) (JERSEY) LAW 1948[1]

A LAW to make provision for the protection of third parties against risks arising out of the use of motor vehicles

Commencement [see endnotes]

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1 Interpretation

(1) In this Law, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, that is to say –

"authorized insurer" has the meaning assigned by Article 4(1);

"certificate of insurance" means a certificate of insurance issued under Article 6(1);

"fleet registered keeper" has the meaning assigned by Article 6(6);

"hospital" has the meaning assigned by Article 3(3);

"Inspector" means the Inspector of Motor Traffic appointed under Article 2 of the Motor Traffic (Jersey) Law 1935;

"insurance disc" means an insurance disc issued under Article 6(2);

"Minister" means the Minister for Infrastructure;[2]

"motor vehicle" means any mechanically propelled vehicle intended or adapted for use on a road;

"policy of insurance" includes a covering note;

"prescribed" means prescribed by an Order made by the Minister under this Law;

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

"road" means any public road, any other road to which the public has access, any bridge over which a road passes, any public place and any sea beach;

"Traffic Officer" means the Inspector, or the Deputy Inspector of Motor Traffic or any Traffic Officer appointed under Article 2 of the Motor Traffic (Jersey) Law 1935.[3]

(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 copy of a certificate of insurance or insurance disc has been issued as including a reference to that copy.[4]

(3) In this Law, any reference to an accident includes a reference to 2 or more causally related accidents.[5]

2 Users of motor vehicles to be insured against third-party risks

(1) Subject to the provisions of this Law, it shall not be lawful for any person to use, or to cause or permit any other person to use, a motor vehicle on a road unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, such a policy of insurance in respect of third-party risks as complies with the requirements of this Law:

Provided that a person shall not be convicted of an offence under this paragraph if the person proves that the vehicle did not belong to the person and was not in his or her possession under a contract of hiring or of loan, that the person was using the vehicle in the course of his or her employment and that the person neither knew nor had reason to believe that there was not in force in relation to the user of the vehicle such a policy of insurance as aforesaid.[6]

(2) Any person who acts in contravention of this Article shall be liable to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 18 months, or both. [7]

(3) This Article shall not apply to a motor vehicle owned and used by any Department of Her Majesty's Government, by a home force as defined by Article 3(1) of the Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017, by the States or by any parochial authority, or to any motor vehicle at any time when it is being driven for police purposes by or under the direction of a Police or Traffic Officer or by a person employed by a police authority.[8]

(4) This Article shall not apply to a motor vehicle owned by a person –

(a) who has deposited and keeps deposited with the Accountant-General of the Supreme Court of England for and on behalf of such Supreme Court the sum specified in and in accordance with the provisions of section 144(1) of the Road Traffic Act, 1988 of the United Kingdom, as amended by any other Act of Parliament;

(b) who has entered into an undertaking with the Minister to the effect that any question or dispute arising out of the use in Jersey by such person, or by other persons on the person's order or with the person's permission, of any motor vehicle belonging to such person shall be within the jurisdiction of the Royal Court of Jersey; and

(c) who is represented in Jersey by one or more persons residing permanently in Jersey duly appointed to be the person's attorney or the person's joint and several attorneys, with full power and authority to accept service of all and every form of legal process for and on behalf of such person in all actions, suits and affairs instituted and to be instituted in all Courts of Law in Jersey and before all Judges, Commissioners and Arbitrators in Jersey.[9]

(5) Where, after 1st December 1972 a person uses a motor vehicle in circumstances such that under paragraph (1) there is required to be in force in relation to his or her use of it such a policy of insurance as is mentioned in paragraph (1), then, if any other person is carried in or upon the vehicle while the user is so using it, any antecedent agreement or understanding between them (whether intended to be legally binding or not) shall be of no effect so far as it purports or might be held –

(a) to negative or restrict any such liability of the user in respect of persons carried in or upon the vehicle as is required by Article 3 to be covered by a policy of insurance; or

(b) to impose any conditions with respect to the enforcement of any such liability of the user,

and the fact that a person so carried has willingly accepted as his or hers the risk of negligence on the part of the user shall not be treated as negativing any such liability of the user.[10]

(6) For the purposes of paragraph (5), references to a person being carried in or upon a vehicle include references to a person entering or getting on to, or alighting from, the vehicle and the reference to an antecedent agreement is to one made at any time before the liability arose.[11]

3 Requirements in respect of policies

(1) In order to comply with the requirements of this Law, a policy of insurance must be a policy which –

(a) is issued by a person who is an authorized insurer within the meaning of this Law; and

(b) insures each person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by the person or them in respect of the death of or bodily injury to any person or damage to property caused by or arising out of the use of the motor vehicle on a road:

Provided that such a policy shall not be required to cover –

(i) liability in respect of the death, arising out of and in the course of the person's employment, of a person in the employment of a person insured by the policy, or of bodily injury sustained by such person, arising out of and in the course of the person's employment,

(ii) the provision of insurance for more than £250,000 in respect of all such liabilities as may be incurred in respect of damage to property caused by, or arising out of, any one accident involving the vehicle,

(iii) liability in respect of the damage to the vehicle,

(iv) liability in respect of damage to goods carried for hire or reward in or on the vehicle or in or on any trailer (whether or not coupled) drawn by the vehicle,

(v) any liability of a person in respect of damage to property in the person's custody or under the person's control, or

(vi) any contractual liability.[12]

(2) Where any payment is made (whether or not with an admission of liability) by –

(a) an authorized insurer under or in consequence of a policy issued under this Law; or

(b) the owner of a vehicle to which Article 2 does not apply by reason of such owner having complied with the provisions of Article 2(4),

in respect of the death of or bodily injury to any person arising out of the use of a motor vehicle on a road, and the person who has so died or been bodily injured has to the knowledge of the authorized insurer or such owner, as the case may be, received treatment at a hospital, whether as an in-patient or as an out-patient, in respect of the injury so arising, there shall also be paid by the authorized insurer or such owner to such hospital the expenses described in paragraph (2A).[13]

(2A) Subject to paragraphs (2B) and (2C), the expenses to be paid by the authorized insurer or owner to the hospital are –

(a) the expenses reasonably incurred by the hospital in treating the person for bodily injury arising out of the use of the motor vehicle on the road; and

(b) the expenses (if any) reasonably incurred by the hospital in transporting the person, by ambulance, to the hospital for such treatment,

after deducting from such expenses any moneys actually received by the hospital in payment of a specific charge for such treatment, not being moneys received by the hospital under any contributory scheme.[14]

(2B) The Minister for Health and Social Services, after consultation with the Minister for Infrastructure, may by Order prescribe limits on the amounts of expenses to be paid in respect of a person who dies or is bodily injured, being –

(a) a maximum amount of expenses for each day, or part of a day, that the person is an in-patient;

(b) a maximum amount of expenses for treatment of the person as an out-patient;

(c) a maximum amount of expenses for transportation of the person, by ambulance, to a hospital; and

(d) a maximum amount for the aggregate of the expenses referred to in sub-paragraphs (a) to (c).[15]

(2C) Until the Minister for Health and Social Services first makes an Order under paragraph (2B) –

(a) the maximum amount to be paid for each person treated as an in-patient shall be £2,000.37; and

(b) the maximum amount to be paid for each person treated as an out-patient shall be £200.04.[16]

(3) For the purposes of this Article, and of Articles 13 and 14, the expression "hospital" means an institution whether owned or controlled by the States or otherwise (not being an institution carried on for profit) which provides medical or surgical treatment for in-patients and, for the purposes of this Article, the expression "expenses reasonably incurred" means –

(a) in relation to a person who receives treatment at a hospital as an in-patient, an amount for each day on which such person is maintained in such hospital representing the average daily cost for each in-patient of the maintenance of the hospital and the staff and the maintenance and treatment of the in-patients; and

(b) in relation to a person who receives treatment at a hospital as an out-patient, reasonable expenses actually incurred.[17]

(4) The States may by Regulations –

(a) impose a requirement for an authorized insurer or an owner described in paragraph (2)(b) to notify the Minister for Health and Social Services of a claim for a payment described in paragraph (2), and specify the information to be contained in the notice and the time by which the notice must be given;

(b) specify expenses or, in the case of the expenses of treating a person as an in-patient, days, that are to be disregarded in determining an amount to be paid to a hospital under paragraph (2);

(c) entitle or require a person to apply, in such manner and within such period as may be specified, to the Minister for Health and Social Services for a certificate of the amount of expenses that the person is liable to pay to a hospital under paragraph (2);

(d) provide for a proportionate reduction in the amount of the expenses that an authorized insurer or an owner described in paragraph (2)(b) is required to pay to a hospital under that paragraph where the death or bodily injury of a person arising out of the use of a motor vehicle on a road is attributable to the negligence of more than one person;

(e) require the Minister for Health and Social Services, on an application for a certificate described in sub-paragraph (c), to issue a certificate containing such information as is specified;

(f) establish procedures for the recovery of expenses due to a hospital under paragraph (2), including provision for a demand for payment issued in accordance with such procedures to be enforceable as if it were an order of a court in Jersey;

(g) confer a right, in specified circumstances, for an authorized insurer or an owner described in paragraph (2)(b) to request a review of a certificate issued by the Minister for Health and Social Services;

(h) require the Minister for Health and Social Services to review a certificate upon a request made pursuant to a right conferred under sub-paragraph (g);

(i) confer a right for the Minister for Health and Social Services to review a certificate on his or her own motion;

(j) empower the Minister for Health and Social Services, on a review of a certificate, to confirm, vary or revoke it;

(k) confer a right of appeal to the Royal Court against a certificate on specified grounds and specify the time within which an appeal must be brought;

(l) require specified persons to provide such information to the Minister for Health and Social Services as may be specified concerning the use of a motor vehicle on a road that has given rise to the death of or bodily injury to a person; and

(m) empower the Minister for Health and Social Services to appoint a person to discharge all or any of the Minister’s functions under the Regulations and provide that, where such a person is appointed, all or any of the references in the Regulations to the Minister for Health and Social Services are to be construed as a reference to the person so appointed.[18]

4 Approval of authorized insurers

(1) For the purposes of this Law, the expression “authorized insurer” means an assurance company or an underwriter for the time being approved by the Minister.

(2) Subject to paragraph (3), the Minister shall not approve as an authorized insurer any assurance company incorporated elsewhere than in Jersey or any underwriter unless –

(a) such assurance company or such underwriter is one in whose case the requirements of the law of the United Kingdom for the time being in force as regards the carrying on in the United Kingdom of motor vehicle insurance business are complied with; and

(b) such assurance company or underwriter has entered into an undertaking with the Minister to the effect that –

(i) every policy of insurance (including a covering note) issued by the company or by the underwriter, as the case may be, in accordance with the requirements of this Law, shall be deemed to be based upon a contract made in Jersey under the law for the time being in force in Jersey, and that any question or dispute arising out of such contract or policy in respect of any happening in Jersey shall be within the jurisdiction of the Royal Court of Jersey:

Provided that nothing in this sub-paragraph contained shall prevent the reference to arbitration of any such question or dispute, and

(ii) so long as the company or the underwriter, as the case may be, shall be and remain an authorized insurer for the purposes of this Law, the company or the underwriter, as the case may be, shall duly appoint one or more persons residing permanently in Jersey to be its, his or her attorney or joint and several attorneys, with full power and authority to accept service of all and every form of legal process for and on behalf of the company or of the underwriters, as the case may be, in all actions, suits and affairs instituted or to be instituted in all Courts of Law in Jersey and before all Judges, Commissioners and Arbitrators in Jersey.[19]

(3) The Minister may by Order prescribe in relation to any person or class of person circumstances in, or conditions subject to, which the requirements of paragraph (2)(b) may be varied or waived.[20]

5 Extent of liability of authorized insurers

Notwithstanding anything in any enactment, an authorized insurer issuing a policy of insurance under this Law shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons, despite the fact that the person by whom the policy is effected has no insurable interest in such persons or classes of persons.

6 Certificates of insurance and insurance discs to be delivered to insured persons and display of insurance discs.[21]

(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 the insurer 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,

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), 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.

(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 the person; 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.

(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 Article 2(3) or (4) apply; or

(b) prescribed as a vehicle on which an insurance disc is not required to be displayed.

7 Duty of insurers to satisfy judgments against persons insured in respect of third-party risks

(1) This Article applies where, after a certificate of insurance has been delivered under Article 6 to the person by whom a policy has been effected, a judgment to which this paragraph applies is obtained.[22]

(2) Paragraph (1) applies to judgments relating to a liability with respect to any matter, liability with respect to which is required to be covered by a policy of insurance under Article 3 if –

(a) it is a liability covered by the terms of the policy to which the certificate relates, and the judgment is obtained against any person who is insured by the policy; or

(b) it is a liability, other than an excluded liability, which would be so covered if the policy insured all persons and the judgment is obtained against any person other than one who is insured by the policy.[23]

(3) In deciding for the purposes of paragraph (2) whether a liability is or would be covered by the terms of a policy, so much of the policy as purports to restrict the insurance of the persons insured by the policy by reference to the holding by the driver of the vehicle of a licence authorizing the driver to drive it shall be treated as of no effect.[24]

(4) In paragraph (2)(b) "excluded liability" means a liability in respect of the death of, or bodily injury to, or damage to the property of any person who, at the time of the use which gave rise to the liability, was allowing the person to be carried in or upon the vehicle and knew or had reason to believe that the vehicle had been stolen or unlawfully taken, not being a person who did not know and had no reason to believe that the vehicle had been stolen or unlawfully taken until after the commencement of the person's journey and could not reasonably have been expected to have alighted from the vehicle.[25]

(5) In paragraph (4) the reference to a person being carried in or upon a vehicle includes a reference to a person entering or getting on to, or alighting from, the vehicle.[26]

(6) Notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy, the insurer shall, subject to the provisions of this Article, pay to the persons entitled to the benefit of the judgment –

- (a) as regards liability in respect of death or bodily injury, any sum payable under the judgment in respect of the liability, together with any sum which, by virtue of any enactment relating to interest on judgments is payable in respect of interest on that sum;
- (b) as regards liability in respect of damage to property, any sum required to be paid under paragraph (7); and
- (c) any amount payable in respect of costs.[27]

(7) This paragraph requires the payment –

- (a) where the total of any amounts paid, payable or likely to be payable under the policy in respect of damage to property caused by, or arising out of, the accident in question does not exceed £250,000, of any sum payable under the judgment in respect of the liability, together with any sum which, by virtue of any enactment relating to interest on judgments is payable in respect of interest on that sum;
- (b) where that total exceeds £250,000, of either –
  - (i) such proportion of any sum payable under the judgment in respect of the liability as £250,000 bears to that total, together with the same proportion of any sum which, by virtue of any such enactment, is payable in respect of interest on that sum, or
  - (ii) the difference between the total of any amounts already paid under the policy in respect of such damage and £250,000, together with such proportion of any sum which, by virtue of any such enactment, is payable in respect of interest on any sum payable under the judgment in respect of the liability as the difference bears to that sum,

whichever is less, unless not less than £250,000 has already been paid under the policy in respect of such damage (in which case nothing is payable).[28]

(8) No sum shall be payable by an insurer under the foregoing provisions of this Article –

- (a) in respect of any judgment, unless before or within 7 days after the commencement of the proceedings in which judgment was given, the insurer had notice of the bringing of the proceedings;
- (b) in respect of any judgment, so long as execution thereon is stayed pending an appeal; or
- (c) in connection with any liability, if before the happening of the event which was the cause of the death or bodily injury or damage to property giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein, and either –
  - (i) before the happening of the said event the certificate was surrendered to the insurer, or the person to whom the certificate was delivered made an affidavit to the effect that the certificate had been lost or destroyed, and delivered such affidavit to the insurer,
  - (ii) after the happening of the said event, but before the expiration of a period of 14 days from the taking effect of the cancellation of the policy, the certificate was surrendered to the insurer, or the person to whom the certificate was delivered made in the foregoing manner such an affidavit, and delivered the same to the insurer, or
  - (iii) either before or after the happening of the said event, but within the said period of 14 days, the insurer has commenced proceedings under this Law in respect of the failure to surrender the certificate.[29]

(9) No sum shall be payable by an insurer under the foregoing provisions of this Article, if, in an action commenced in the Royal Court, in or out of term, before, or within 3 months after, the commencement of the proceedings in which the judgment was given, the insurer has obtained a declaration that, apart from any provision contained in the policy, the insurer is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact, or by a representation of fact which was false in some material particular, or, if the insurer has avoided the policy on that ground, that the insurer was entitled to do so apart from any provision contained in it:

Provided that an insurer who has obtained such a declaration in an action shall not thereby become entitled to the benefit of this paragraph as respects any judgment obtained in proceedings commenced before the commencement of that action, unless before or within 7 days after the commencement of that action the insurer has given notice thereof to the person who is the plaintiff in the said proceedings specifying the non-disclosure or false representation on which the person proposes to rely, and any person to whom notice of such an action is so given shall be entitled, if the insurer thinks fit, to be made a party to the action.

(10) If the amount which an insurer becomes liable under this Article to pay in respect of a liability of a person insured by a policy of insurance exceeds the amount for which the insurer would, apart from the provisions of this Article, be liable under the policy in respect of that liability, the insurer shall be entitled to recover the excess from that person.

(11) Where an insurer becomes liable under this Article by virtue only of the operation of paragraph (3) to pay an amount in respect of a liability of a person who is insured by a policy the insurer shall be entitled to recover the amount from that person.[30]

(12) Where an insurer becomes liable under this Article to pay an amount in respect of a liability of a person who is not insured by a policy, the insurer shall be entitled to recover the amount from that person or from any person who –

- (a) is insured by the policy by the terms of which the liability would be covered if the policy insured all persons; and
- (b) caused or permitted the use of the vehicle which gave rise to the liability.[31]

(13) In this Article the expression "material" means of such a nature as to influence the judgment of a prudent insurer in determining whether the insurer will take the risk, and, if so, at what premium and on what conditions, and the expression "liability covered by the terms of the policy" means a liability which is covered by the policy or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy.

8 Bankruptcy of insured persons not to affect certain claims by third parties

Where a certificate of insurance has been delivered under Article 6 to the person by whom a policy of insurance has been effected, the happening in relation to any person insured by the policy of any of the events specified in Article 1(1)(a) to (h) of the Third Parties (Rights against Insurers) (Jersey) Law 1948, shall, notwithstanding anything in that Law, not affect any such liability of that person as is required to be covered by a policy of insurance under Article 3(1)(b) of this Law, but nothing in this Article shall affect any rights against the insurer conferred by that Law on the person to whom the liability was incurred.

9 Avoidance of restrictions on scope of policies covering third-party risks

Where a certificate of insurance has been delivered under Article 6 to the person by whom a policy of insurance has been effected, so much of the policy as purports to restrict the insurance of the persons insured by reference to any of the following matters –

- (a) the age or physical or mental condition of persons driving the vehicle;
- (b) the condition of the vehicle;
- (c) the number of persons that the vehicle carries;
- (d) the weight or physical characteristics of the goods that the vehicle carries;
- (e) the time at which or the areas within which the vehicle is used;
- (f) the horse power or value of the vehicle;
- (g) the carrying on the vehicle of any particular apparatus;
- (h) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under any enactment for the time being in force in Jersey,

shall, as respects such liabilities as are required to be covered by a policy of insurance under Article 3(1)(b), be of no effect:

Provided that nothing in this Article shall require an insurer to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this Article shall be recoverable by the insurer from that person.

10 Duty of persons against whom claims are made to give information as to insurance

(1) Any person against whom a claim is made in respect of any such liability as is required to be covered by a policy of insurance under Article 3(1)(b) shall, on demand by or on behalf of the person making the claim, state whether or not the person was insured in respect of that liability by any policy of insurance having effect for the purposes, or would have been so insured if the insurer had not avoided or cancelled the policy, and, if the person was or would have been so insured, give such particulars with respect to that policy as were specified in the certificate of insurance delivered in respect thereof under Article 6.

(2) If, without reasonable excuse, any person fails to comply with the provisions of this Article, or wilfully makes any false statement in reply to any such demand as aforesaid, the person shall be guilty of an offence.

11 Surrender of certificate and disc[32]

(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 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 7 days after the transfer takes effect, surrender to the insurer the insurance disc, and if the person fails to do so or, where the disc has been lost or destroyed, to comply with the provisions of paragraph (3), the person 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 7 days after the cancellation takes effect, surrender to the insurer the certificate of insurance and insurance disc delivered under Article 6 by the insurer to that person in respect of the policy, and if the person fails to do so or, where the certificate or disc has been lost or destroyed, to comply with the provisions of paragraph (3), the person shall be guilty of an offence.

(3) Where a person is under an obligation under paragraph (1) or (2) to surrender a certificate of insurance or insurance disc and by reason of its loss or destruction the person is unable to do so, the person shall make an affidavit deposing to its loss or destruction and within a period of 10 days after the transfer or cancellation, as the case may be, takes effect the person shall deliver the affidavit to the insurer.

12 Certain conditions in policies to be of no effect

Any condition in a policy of insurance issued for the purposes of this Law, providing that no liability shall arise under the policy or that any liability so arising shall cease in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy, shall be of no effect in connection with such claims as are mentioned in Article 3(1)(b):

Provided that nothing in this Article shall be taken to render void any provision in a policy of insurance requiring the person insured to repay to the insurer any sums which the latter may have become liable to pay under the policy and which have been applied to the satisfaction of the claims of third parties.

13 Payments and insurance in respect of emergency treatment of injuries arising from the use of motor vehicles on roads

(1) Where medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to any person caused by, or arising out of, the use of a motor vehicle on a road, and the treatment or examination so required (in this Article referred to as “emergency treatment”) is effected by a medical practitioner authorized to practise in Jersey, the person who was using the vehicle at the time of the event out of which the bodily injury arose shall, on a claim being made in accordance with the provisions of Article 14, pay to the practitioner, or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected, such fee as the Minister for Health and Social Services prescribes by Order.[33]

(2) Where emergency treatment is first effected in a hospital, the provisions of paragraph (1) with respect to the payment of a fee shall, so far as applicable, have effect with the substitution of references to the hospital for references to a medical practitioner.

(3) Liability incurred under this Article by the person using a vehicle shall, where the event out of which it arose was caused by the wrongful act of another person, be treated for the purposes of any claim to recover damage by reason of that wrongful act as damage sustained by the person using the vehicle.

(4) In Article 3(1)(b), the reference to liability in respect of death or bodily injury shall be deemed to include a reference to liability to make a payment under this Article in respect of emergency treatment required as a result of bodily injury, and the proviso to Article 3(1)(b) shall not have effect as respects liability to make a payment under this Article.

14 Provisions as to claims for, and supplementary provisions as to, payments for emergency treatment

(1) The Connétable of a parish and the Inspector shall, if so requested by a person who alleges that the person is entitled to claim a payment under Article 13, furnish to that person any information at their disposal as to the identification marks of any motor vehicle which that person alleges to be a vehicle out of the use of which the bodily injury arose, and as to the identity and address of the person who was using the vehicle at the time of the event out of which it arose.

(2) A claim for a payment under Article 13 may be made at the time when the emergency treatment is effected, by oral request to the person who was using the vehicle, and, if not so made, must be made by request in writing served on the person within 7 days from the day on which the emergency treatment was effected.

(3) A request in writing must be signed by the claimant or, in the case of a hospital, by an executive officer thereof, must state the name and address of the claimant, the circumstances in which the emergency treatment was effected, and that it was first effected by the claimant or, in the case of a hospital, in the hospital.

(4) A request in writing may be served by delivering it to the person who was using the vehicle or by sending it in a prepaid registered letter addressed to the person at the person’s usual or last-known address.

(5) A sum payable under Article 13 shall be recoverable as if it were a simple contract debt due from the person who was using the vehicle to the practitioner or the hospital.

(6) A payment made under Article 13 to a practitioner or hospital shall operate as a discharge, to the extent of the amount paid, of any liability of the person who was using the vehicle, or of any other person, to pay any sum in respect of the expenses or remuneration of the practitioner or hospital of or for effecting the emergency treatment.

(7) A payment under Article 13 shall not be deemed to be a payment by an authorized insurer or owner for the purposes of Article 3(2).

15 Requirements as to production of certificate of insurance

(1) Any person driving a motor vehicle on a road shall, on being so required by a Police or Traffic Officer, give the driver’s name and address, and the name and address of the owner of the vehicle, and produce the driver’s certificate, and, if the driver fails to do so, the driver shall be guilty of an offence:

Provided that, if the driver of a motor vehicle, within 7 days after the production of the driver’s certificate was so required, produces the driver’s certificate in person to such Police or Traffic Officer at such place as may be notified to the driver at the time its production was required, the driver shall not be convicted of an offence under this paragraph by reason only of failure to produce the driver’s certificate.

(2) If in any case where, owing to the presence of a motor vehicle on a road, an accident occurs involving personal injury to another person, the driver of the vehicle does not at the time produce the driver’s certificate to a Police or Traffic Officer, the driver shall, as soon as possible, and in any case within 7 days of the occurrence of the accident, produce the driver’s certificate in person to a Police Officer of the parish in which the accident occurred, and, if the driver fails to do so, the driver shall be guilty of an offence.

(3) It shall be the duty of the owner of a motor vehicle to give such information as the owner may be required by a Police or Traffic Officer to give for the purposes of determining whether the vehicle was or was not being driven in contravention of Article 2 on any occasion when the driver was required under this Article to produce the driver’s certificate, and, if the owner fails to do so, the owner shall be guilty of an offence.

(4) In this Article the expression “produce the driver’s certificate” means produce for examination the relevant certificate of insurance, or such other evidence as may be prescribed, that the vehicle is not or was not being driven in contravention of Article 2.

16 Requirements as to display and production of insurance disc[34]

(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 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 is not so displayed,

shall be guilty of an offence:

Provided that the owner shall not be convicted of an offence under this paragraph if the owner shall prove that at the relevant time the vehicle was being used or kept without the owner’s 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 the person fails to do so, the person shall be guilty of an offence.

17 Power to make Orders

(1) The Minister may make Orders for prescribing anything which may be prescribed under this Law and generally for the purpose of carrying this Law into effect, and, in particular, but without prejudice to the generality of the foregoing provisions, may make Orders –

(a) as to the forms to be used for the purposes of this Law;

(b) as to applications for and the issue of certificates of insurance and any other documents which may be prescribed, and as to the keeping of records of documents and the furnishing of particulars thereof or the giving of information with respect thereto to the Minister or the Connétable of a parish;

(c) as to the issue of copies of any such certificates or other documents which are lost or destroyed;

(d) as to the custody, production, cancellation and surrender of any such certificates or other documents;

(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;

(f) for providing that any provisions of this Law shall, in relation to motor vehicles brought into Jersey by persons making only a temporary stay in Jersey, have effect subject to such modifications and adaptations as may be prescribed.[35]

(2) [36]

18 Falsification and wrongful use of certificates or discs[37]

(1) If, with intent to deceive, any person –

(a) makes, in order that it may be used as genuine, or alters or uses or lends to or allows to be used by any other person, a certificate of insurance or insurance disc under this Law; or

(b) makes or has in the person’s possession any document so closely resembling such a certificate or disc as to be calculated to deceive, the person shall be liable to a fine or to imprisonment for a term not exceeding 2 years, or to both such fine and imprisonment.[38]

(2) If any person for the purpose of obtaining the issue of a certificate of insurance or insurance disc under this Law makes any false statement or withholds any material information, the person shall be liable to a fine or to imprisonment, for a term not exceeding 6 months, or to both such fine and imprisonment.[39]

(3) If any person issues a certificate of insurance or insurance disc which is to the person's knowledge false in any material particular, the person shall be liable to a fine or to imprisonment, for a term not exceeding 6 months, or to both such fine and imprisonment.[40]

(4) In this Article the expression "certificate of insurance" includes any document issued under an Order made by the Minister in pursuance of his or her power under this Law to prescribe evidence which may be produced in lieu of a certificate of insurance.

19 Penalties

(1) If any person acts in contravention of or fails to comply with any provision of Regulations made by the States or an Order made by the Minister under this Law, contravention of or failure to comply with which is not made an offence under any other provision of this Law, the person shall for each offence be liable to a fine of level 2 on the standard scale.[41]

(2) A person guilty of an offence under this Law for which no special penalty is provided shall be liable to a fine of level 2 on the standard scale and to imprisonment for a term of 3 months.[42]

20 Power to inflict and levy fines summarily[43]

(1) Subject to the provisions of this Article, where a person is charged with an offence under Article 16 and accepts the decision of the Centenier having jurisdiction in the matter, then that Centenier may inflict and levy summarily a fine of level 1 on the standard scale.[44]

(2) Where a fine is levied by a Centenier in pursuance of the powers conferred on the Centenier by this Article –

(a) the Centenier shall give a receipt for it;

(b) the Centenier shall as soon as practicable inform the Chief Officer of the States of Jersey Police Force of the matter giving such details as the Chief Officer may request; and

(c) one half of the fine shall be awarded for the benefit of the parish in which the offence was committed and shall be applied towards the cost of maintenance of the by-roads of the parish and the other half shall be paid into the consolidated fund.[45]

the by-roads of the parish and the other half shall be paid into the consolidated fund.

21 Application of fines[46]

With the exception of fines imposed in respect of offences under Article 18, which fines shall be for the benefit of the Crown or inflicted and levied pursuant to Article 20, all fines imposed in respect of offences under this Law or any Regulations or Order made under this Law shall be paid into the Annual Income of the States.

22 Citation

This Law may be cited as the Motor Traffic (Third-Party Insurance) (Jersey) Law 1948.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Motor Traffic (Third-Party Insurance) (Jersey) Law 1948	L.5/1948	1 November 1948 (Articles 1 and 16 to 21) 1 January 1949 (Articles 2 to 15)[47] (R&O.2224)	
Road Traffic (Miscellaneous Provisions) (Jersey) Law 1962	L.19/1962	12 September 1962	
Motor Traffic (Third-Party Insurance) (Amendment) (Jersey) Law 1968	L.11/1968	8 November 1968	
Motor Traffic (Third-Party Insurance) (Amendment No. 2) (Jersey) Law 1972	L.4/1972	17 March 1972	
Motor Traffic (Third-Party Insurance) (Amendment No. 3) (Jersey) Law 1972	L.8/1972	1 December 1972	
Motor Traffic (Third-Party Insurance) (Amendment No. 4) (Jersey) Law 1979	L.11/1979	20 April 1979	
Motor Traffic (Third-Party Insurance) (Amendment No. 5) (Jersey) Law 1981	L.7/1981	3 July 1981	
Motor Traffic (Third-Party Insurance) (Amendment No. 6) (Jersey) Law 1988	L.18/1988	16 December 1988	
Motor Traffic (Third-Party Insurance) (Amendment No. 7) (Jersey) Law 1989	L.17/1989	1 July 1990 (R&O.8070)	
Motor Traffic (Third-Party Insurance) (Amendment No. 8) (Jersey) Law 1993	L.21/1993	1 January 1994 (R&O.8626)	
Motor Traffic (Third-Party Insurance) (Amendment No. 9) (Jersey) Law 1995	L.10/1995	21 April 1995	
Motor Traffic (Third-Party Insurance) (Amendment No. 10) (Jersey) Law 1996	L.27/1996	19 July 1996	
Criminal Procedure (Prescription of Offences) (Jersey) Law 1999	L.23/1999	23 July 1999	P.34/1998
Motor Traffic (Third Party Insurance) (Amendment No. 11) (Jersey) Law 2003	L.36/2003	14 November 2003	P.48/2003
Public Finances (Consequential Amendments) (Jersey) Regulations 2005	R&O.126/2005	9 December 2005	P.203/2005
States of Jersey (Transfer of Functions No. 1) (Home Affairs to Transport and Technical Services) (Jersey) Regulations 2006	R&O.41/2006	1 May 2006	P.26/2006
Summary Fines (Miscellaneous Amendments) (Jersey) Law 2010	L.2/2010	15 January 2010	P.6/2009
Motor Traffic (Third Party Insurance) (Amendment No. 12) (Jersey) Law 2012	L.11/2012	4 May 2012	P.134/2011
Connétables (Miscellaneous Provisions – Consequential Amendments) (Jersey) Regulations 2014	R&O.81/2014	1 August 2014 (R&O.80/2014)	P.78/2014
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	R&O.158/2015	1 January 2016	P.46/2015 (re-issue)
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)	P.87/2015
Armed Forces (Vehicles and Roads – Amendments) (Jersey) Regulations 2018	R&O.66/2018	30 June 2018	P.40/2018
Legislation (Jersey) Law 2021	L.8/2021 (R&O.112/2021)	28 September 2021	P.26/2021

◦Projets available at www.statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
2(3)	repealed by L.19/1962
2(4)	repealed by L.23/1999
2(5)	2(3)
2(6)	2(4)
2(7)	repealed by L.11/1968
3(1)(ii)	repealed by L.8/1972
6(3)	repealed by L.21/1993
7(1A)	7(2)
7(1B)	7(3)
7(1C)	7(4)
7(1D)	7(5)
7(1E)	7(6)
7(1F)	7(7)
7(2)	7(8)
7(3)	7(9)
7(4)	7(10)
7(4A)	7(11)
7(4B)	7(12)
7(5)	7(13)
13(1)(a)	repealed by L.4/1972
13(1)(b)	repealed by L.4/1972
15A	16
16	17
17	18
18	19
18A	20
19	21
20	spent, omitted from this revised edition
21	22

Table of Endnote References

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[1] *This Law has been amended by the States of Jersey (Transfer of Functions (No. 1) (Home Affairs to Transport and Technical Services) (Jersey) Regulations 2006. The amendments give effect to the transfer of functions under the Law from the Minister for Home Affairs to the Minister for Transport and Technical Services.*

[2] *The functions of the Home Affairs Committee were transferred to the Minister for Home Affairs by the States of Jersey (Transfer of Functions from Committees to Ministers) (Jersey) Regulations 2005 chapter 16.800.30*

[3] *Article 1(1) amended by L.21/1993, L.36/2003, R&O.81/2014, R&O.158/2015*

[4] *Article 1(2) substituted by L.21/1993*

[5] *Article 1(3) inserted by L.17/1989*

[6] *Article 2(1) amended by L.19/1962*

[7] *Article 2(2) substituted by L.18/1988, amended by L.27/1996*

[8] *Article 2(3) amended by R&O.66/2018*

[9] *Article 2(4) amended by L.17/1989*

[10] *Article 2(5) inserted from L.8/1972*

[11] *Article 2(6) inserted from L.8/1972*

[12] *Article 3(1) amended by L.17/1989*

[13] *Article 3(2) amended by L.17/1989, L.11/2012*

[14] *Article 3(2A) inserted by L.11/2012*

[15] *Article 3(2B) inserted by L.11/2012, amended by R&O.158/2015*

[16] *Article 3(2C) inserted by L.11/2012*

[17] *Article 3(3) amended by L.11/2012*

[18] *Article 3(4) added by L.11/2012*

[19] *Article 4(2) amended by L.10/1995*

[20] *Article 4(3) inserted by L.10/1995*

[21] *Article 6 substituted by L.21/1993*

[22] *Article 7(1) substituted by L.17/1989*

[23] *Article 7(2) inserted by L.17/1989*

[24] *Article 7(3) inserted by L.17/1989*

[25] *Article 7(4) inserted by L.17/1989*

[26] *Article 7(5) inserted by L.17/1989*

[27] *Article 7(6) inserted by L.17/1989*

[28] *Article 7(7) inserted by L.17/1989*

[29] *Article 7(8) amended by L.17/1989, L.21/1993*

[30] *Article 7(11) inserted by L.17/1989*

[31] *Article 7(12) inserted by L.17/1989*

[32] *Article 11 substituted by L.21/1993*

[33] *Article 13(1) amended by L.4/1972, L.11/2012*

Article 3(2) of L.11/2012 makes the following saving –

> *Regulations made under Article 13(1) of the principal Law that are in force immediately before this Law comes into force shall remain in force until the first Order made under Article 13(1) as amended by this Law comes into force, and shall then expire.*

[34] *Article 16 inserted by L.21/1993*

[35] *Article 17(1) amended by L.21/1993*

[36] *Article 17(2) substituted by L.21/1993, deleted by L.8/2021*

[37] *Article 18 heading amended by L.21/1993*

[38] *Article 18(1) amended by L.7/1981, L.21/1993*

[39] *Article 18(2) amended by L.7/1981, L.21/1993*

[40] *Article 18(3) amended by L.7/1981, L.21/1993*

[41] *Article 19(1) amended by L.7/1981, L.21/1993, L.27/1996, L.11/2012*

[42] *Article 19(2) substituted by L.7/1981, amended by L.21/1993, L.27/1996*

[43] *Article 20 inserted by L.27/1996*

[44] *Article 20(1) amended by L.36/2003, L.2/2010, R&O.81/2014, L.1/2016*

[45] *Article 20(2) amended by R&O.126/2005, R&O.81/2014*

[46] *Article 21 substituted by L.7/1981, amended by L.27/1996, L.11/2012*

[47] *Articles 2(4) and 4 in force for certain purposes 8 November 1948 (see R&O.2224)*

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