

CHAPTER 281.

MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS).

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CHAPTER 281.

MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS).

An Ordinance to make provision against third party risks arising out of the use of motor vehicles. 22 of 1937.

[1ST APRIL, 1938.]

1. This Ordinance may be cited as the Motor Vehicles Insurance (Third Party Risks) Ordinance. Short title.

Interpreta-
tion.

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings in this section assigned to them—

“ authorised insurer ” means—

(a) an Assurance Company or Underwriter registered in the United Kingdom or Ireland in whose case the requirements of the Assurance Companies Act, 1909, and any Act amending or substituted for the same, with respect to deposits by Assurance Companies and deposits and guarantees by Underwriters are complied with and approved by the Governor;

(b) an Assurance Company or Underwriter registered elsewhere who has deposited and keeps deposited with the Financial Secretary the sum of fifty thousand dollars, or approved securities to the like amount in respect of that business, and approved by the Governor;

(c) any person or body of persons which carries on in the Colony the business of giving security of a like kind and which has deposited and keeps deposited with the Financial Secretary the sum of fifty thousand dollars or approved securities to the like amount in respect of that business, and approved by the Governor.

“ Commissioner ” means the Commissioner of Police;

“ driver ” where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and the expression “ drive ” shall be construed accordingly;

“ Government ” includes the Transport and Harbours Department;

“ imprisonment ” means imprisonment with or without hard labour in the discretion of the court;

“ motor vehicle ” means a mechanically propelled vehicle intended or adapted for use on roads, but does not include a steam traction engine, a steam roller or a vehicle constructed and intended for use exclusively on rails;

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

“ prescribed ” means prescribed by regulations;

“ policy of insurance ” means a policy issued by an authorised insurer and includes a covering note;

“ public road ” means any road within the meaning of the Roads Ordinance and includes any other road, wharf or

9 Edw. 7,
c. 49.

stalling to which the public has access and upon which motor vehicles are capable of being driven;

3. (1) Subject to the provisions of this Ordinance 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 public 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 or such a security in respect of third party risks as complies with the requirements of this Ordinance.

Users of motor vehicles to be insured against third party risks.

(2) If a person acts in contravention of this section he shall be liable to a fine not exceeding two hundred and forty dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment, and a person convicted of an offence under this section shall (unless the court thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification) be disqualified for holding or obtaining a driver's certificate under the Motor Vehicles and Road Traffic Ordinance for a period of twelve months from the date of the conviction.

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(3) Notwithstanding any enactment prescribing the time in which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under this section may be brought—

(a) within a period of six months from the date of the commission of the alleged offence; or

(b) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the alleged offence, whichever period is the longer.

(4) This section shall not apply to any motor vehicle owned by Government or by the Mayor and Town Council of Georgetown or of New Amsterdam when such motor vehicle is used and employed exclusively upon Government or Municipal service.

4. (1) In order to comply with the requirements of this Ordinance a policy of insurance must be a policy which—

Requirements in respect of policies.

(a) is issued by a person who is an authorised insurer; and

(b) insures 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 motor vehicle on a public road:

Provided that such policy shall not be required to cover—

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

(ii) except in the case of a motor vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment, liability in respect of the death of or bodily injury to persons being carried in or upon or entering or getting on to or alighting from the motor vehicle at the time of the occurrence of the event out of which the claims arise;

(iii) any contractual liability;

(iv) liability in respect of the first twenty-five dollars of any claim by any one person;

(v) liability in respect of any sum in excess of five thousand dollars arising out of any one claim by any one person;

(vi) liability in respect of any sum in excess of fifty thousand dollars arising out of the total claims for any one accident for each vehicle concerned.

(2) Where any payment is made by an authorised insurer under a policy issued under this Ordinance or by the owner of a motor vehicle in relation to the user of which a security under this Ordinance is in force or who has made a deposit under this Ordinance in respect of the death of or bodily injury to any person arising out of the use of a motor vehicle on a public road and the person who has so died or been bodily injured has to the knowledge of the authorised insurer or such owner received treatment in a hospital in respect of the fatal or other bodily injury so arising, there shall also be paid by the authorised insurer or such owner to such hospital the expenses reasonably incurred by the hospital in affording such treatment to an amount not exceeding one hundred and twenty-five dollars for each person so treated.

For the purposes of this subsection the expression "hospital" means an institution which provides medical or surgical treatment for in-patients, and the expression "expenses reasonably incurred" means, in relation to a person who receives treatment in a hospital, an amount for each day such person is maintained in such hospital representing the approximate actual daily cost of such a patient to the hospital in relation to the maintenance of the hospital and the staff thereof:

Provided that in any case where a charge has been made by the hospital in addition to expenses reasonably incurred in respect of such treatment there shall be paid by the authorised insurer or such owner to such hospital only that portion of any such charge as represents the approximate actual daily cost of such a patient to the hospital.

(3) Notwithstanding anything in any enactment, a person issuing a policy of insurance under this section 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.

(4) A policy shall be of no effect for the purposes of this Ordinance unless and until there is issued by the authorised insurer in favour of the person by whom the policy is effected a certificate (hereinafter referred to as a "certificate of insurance") in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be prescribed, and different forms and different particulars may be prescribed in relation to different cases or circumstances.

5. (1) In order to comply with the requirements of this Ordinance a security must—

Requirements
in respect of
securities.

(a) be given either by an authorised insurer or by a person or body of persons approved by the Governor carrying on in the Colony the business of giving securities of a like kind; and

(b) consist of an undertaking by the giver of the security to make good, subject to any conditions specified therein, and up to the amount, in the case of an undertaking relating to the use of any motor vehicle, of not less than fifty thousand dollars, in respect of each such motor vehicle any failure by the owner of the motor vehicle or such other persons or classes of persons as may be specified in the security duly to discharge any such liability as is required to be covered by a policy of insurance under the last preceding section which may be incurred by him or them.

(2) A security shall be of no effect for the purposes of this Ordinance unless and until there is issued by the person giving the security in favour of the person to whom it is given a certificate in duplicate (in this Ordinance referred to as a "certificate of security") in the prescribed form and containing such particulars of any conditions subject to which the security is issued and of any other matters as may be prescribed, and

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

(3) In lieu of the security mentioned in this section a deposit may be made by the owner of the motor vehicle or by the person who stands security for him of the sum of fifty thousand dollars or approved securities to the like amount in the hands of the Financial Secretary to make good any liability as is specified in this Ordinance.

Certain conditions to policies or securities to be of no effect.

6. Any condition in a policy or security issued or given for the purposes of this Ordinance, providing that no liability shall arise under the policy or security 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 or security, shall be of no effect in connection with such claims as are mentioned in paragraph (b) of subsection (1) of section 4 of this Ordinance:

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

Requirements as to production of certificate of insurance or of security.

7. (1) Any person driving a motor vehicle on a public road shall, on being so required by any member of the police force, give his name and address and the name and address of the owner of the motor vehicle and produce his certificate and if he fails so to do he shall be guilty of an offence:

Provided that, if the driver of a motor vehicle within five days after the date on which the production of his certificate was so required, produces the certificate in person at such police station as may have been specified by him at the time its production was required, he shall not be convicted under this subsection of the offence of failing to produce his certificate.

(2) It shall be the duty of the owner of a motor vehicle to give such information as he may be required by or on behalf of any police officer not below the rank of an assistant superintendent to give as to the identity of the driver of a motor vehicle on any occasion when the driver was required under subsection (1) of this section to produce the certificate, and if the owner fails to do so he shall be guilty of an offence.

(3) If in any case where, owing to the presence of a motor vehicle on a public road, an accident occurs involving personal

injury to another person, the driver of the vehicle does not at the time produce his certificate to a member of the police force or to some person, who, having reasonable grounds for so doing, has required its production, the driver shall report the accident at a police station as soon as possible, and in any case within twenty-four hours of the occurrence of the accident, and there produce his certificate and if he fails so to do, he shall be guilty of an offence:

Provided that a person shall not be convicted under this subsection of the offence of failing to produce his certificate if, within five days after the occurrence of the accident, he produces the certificate in person at such police station as may be specified by him at the time the accident was reported.

(4) In this section the expression "produce his certificate" means produce for examination the relevant certificate of insurance or certificate of security or such other evidence that the motor vehicle is not or was not being driven in contravention of section 3 of this Ordinance as may be prescribed.

8. (1) If after a certificate of insurance has been issued under subsection (4) of section 4 of this Ordinance, to the person by whom a policy has been effected, judgment in respect of any such liability as is required to be covered by a policy under paragraph (b) of subsection (1) of section 4 of this Ordinance (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then, notwithstanding that the authorised insurer may be entitled to avoid or cancel or may have avoided or cancelled the policy, the authorised insurer shall, subject to the provisions of this section, and subject to any limitations on the total amount payable under the policy in pursuance of the fourth, fifth and sixth provisos to paragraph (b) of subsection (1) of section 4 of this Ordinance pay to the persons entitled to the benefit of the judgment any sum payable thereunder in respect of the liability, including any amount payable in respect of costs any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.

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

(2) No sum shall be payable by an authorised insurer under the foregoing provisions of this section—

(a) in respect of any judgment, unless before or within seven days after the commencement of the proceedings in which the judgment was given, the authorised insurer had notice of the bringing of the proceedings; or

(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 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 authorised insurer, or the person to whom the certificate was issued made and delivered to the authorised insurer a statutory declaration stating that the certificate had been lost or destroyed, or

(ii) after the happening of the said event, but before the expiration of a period of fourteen days from the taking effect of the cancellation of the policy, the certificate was surrendered to the authorised insurer, or the person to whom the certificate was issued made such a statutory declaration as aforesaid, or

(iii) either before or after the happening of the said event, but within the said period of fourteen days, the authorised insurer has commenced proceedings under this Ordinance in respect of the failure to surrender the certificate.

(3) No sum shall be payable by an authorised insurer under the foregoing provisions of this section, if, in an action commenced before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration that, apart from any provision contained in the policy, he 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 he has avoided the policy on that ground, that he was entitled so to do apart from any provision contained in it:

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

(4) If the amount which an authorised insurer becomes liable under this section to pay in respect of a liability of a person

insured by a policy exceeds the amount for which he would, apart from the provisions of this section, be liable under the policy in respect of that liability, he shall be entitled to recover the excess from that person.

(5) In this section the expression "material" means of such a nature as to influence the judgment of a prudent insurer in determining whether he 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 authorised insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy.

(6) In this Ordinance references to a certificate of insurance in any provisions relating to the surrender, or the loss or destruction, of a certificate of insurance shall, in relation to policies under which more than one certificate is issued, be construed as references to all the certificates, and shall, where any copy has been issued of any certificate, be construed as including a reference to that copy.

9. The rights of any person in respect of any liability incurred by an insured shall, in the event of the death of the insured, and notwithstanding any enactment, rule of law or the common law to the contrary, be preserved to and be enforceable by such person against the personal representatives of the insured in the same manner and to the same extent as such rights would have been enforceable against the insured if he had survived and the provisions of subsection (3) of section 4 of this Ordinance shall apply accordingly.

Preservation of rights in case of death of an insured.

In this section the word "insured" means a person who is insured under a contract of insurance against liabilities to third parties or in respect of whom security or a deposit in lieu thereof is given in accordance with the provisions of this Ordinance.

10. (1) Where under any contract of insurance a person (hereinafter referred to as the insured) is insured against liabilities to third parties which he may incur, then—

Rights of third parties against insurers on insolvency, etc., of the insured.

(a) in the event of the insured becoming insolvent or making a composition or arrangement with his creditors; or

(b) in the case of the insured being a company, in the event of a winding-up order being made, or a resolution for a voluntary winding-up being passed, with respect to the company, or of a receiver or manager of the company's business or undertaking being duly appointed, or of possession

being taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge,

if, either before or after that event, any such liability as aforesaid is incurred by the insured, his rights against the insurer under the contract in respect of the liability shall, notwithstanding anything in any Ordinance or rule of law to the contrary, be transferred to and vest in the third party to whom the liability was so incurred.

Cap. 43.

(2) Where an order is made under section 108 of the Insolvency Ordinance for the administration of the estate of a deceased debtor according to the law of insolvency, then, if any debt provable in insolvency is owing by the deceased in respect of a liability against which he was insured under a contract of insurance as being a liability to a third party, the deceased debtor's rights against the insurer under the contract in respect of that liability shall, notwithstanding anything in the said Ordinance, be transferred to and vest in the person to whom the debt is owing.

(3) In so far as any contract of insurance made after the commencement of this Ordinance in respect of any liability of the insured to third parties purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the happening to the insured of any of the events specified in paragraph (a) or paragraph (b) of subsection (1) of this section or upon the making of an order under section 108 of the Insolvency Ordinance, in respect of his estate, the contract shall be of no effect.

(4) Upon a transfer under subsection (1) or subsection (2) of this section, the insurer shall, subject to the provisions of section 12 of this Ordinance, be under the same liability to the third party as he would have been under to the insured, but—

(a) if the liability of the insurer to the insured exceeds the liability of the insured to the third party, nothing in this Ordinance shall affect the rights of the insured against the insurer in respect of the excess; and

(b) if the liability of the insurer to the insured is less than the liability of the insured to the third party, nothing in this Ordinance shall affect the rights of the third party against the insured in respect of the balance.

(5) For the purposes of this Ordinance the expression "liabilities to third parties," in relation to a person insured under any contract of insurance, shall not include any liability

of that person in the capacity of insurer under some other contract of insurance.

(6) This Ordinance shall not apply—

(a) where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company; or

(b) to any case to which subsections (1) and (2) of section 28 of the Workmen's Compensation Ordinance apply.

Cap. 111.

11. (1) In the event of any person becoming insolvent or making a composition or arrangement with his creditors or in the event of an order being made under section 108 of the Insolvency Ordinance, in respect of the estate of any person, or in the event of a winding-up order being made, or a resolution for a voluntarily winding-up order being passed, with respect to any company or of a receiver or manager of the company's business or undertaking being duly appointed or of possession being taken by a floating charge of any property comprised in or subject to the charge it shall be the duty of the insolvent, debtor, personal representative of the deceased debtor or company, and, as the case may be, of the trustee in insolvency, trustee, liquidator, receiver, or manager, or person in possession of the property to give at the request of any person claiming that the insolvent, debtor, deceased debtor, or company is under a liability to him, such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him by this Ordinance and for the purpose of enforcing such rights, if any, and any contract of insurance, in so far as it purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the giving of any such information in the events aforesaid or otherwise to prohibit or prevent the giving thereof in the said events, shall be of no effect.

Duty to give necessary information to third parties. Cap. 43.

(2) If the information given to any person in pursuance of subsection (1) of this section discloses reasonable ground for supposing that there have or may have been transferred to him under this Ordinance rights against any particular insurer, that insurer shall be subject to the same duty as is imposed by the said subsection on the persons therein mentioned.

(3) The duty to give information imposed by this section shall include a duty to allow all contracts of insurance, receipts for premiums, and other relevant documents in the possession or power of the person on whom the duty is so imposed to be inspected and copies thereof to be taken.

of that person in the capacity of insurer under some other contract of insurance.

(6) This Ordinance shall not apply—

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(3) The duty to give information imposed by this section shall include a duty to allow all contracts of insurance, receipts for premiums, and other relevant documents in the possession or power of the person on whom the duty is so imposed to be inspected and copies thereof to be taken.

Settlement
between
insurers and
insured
persons.

12. Where the insured has become insolvent or where, in the case of the insured being a company a winding-up order has been made or a resolution for a voluntary winding-up has been passed, with respect to the company, no agreement made between the insurer and the insured after liability has been incurred to a third party and after the commencement of the insolvency or winding-up, as the case may be, nor any waiver, assignment, or other disposition made by, or payment made to the insured after the commencement aforesaid shall be effective to defeat or affect the rights transferred to the third party under this Ordinance, but those rights shall be the same as if no such agreement, waiver, assignment, disposition or payment had been made.

Insolvency,
etc., of
insured
persons not
to affect
certain claims
by third
parties.

13. Where a certificate of insurance has been issued under subsection (4) of section 4 of this Ordinance to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as is mentioned in subsection (1) and subsection (2) of section 10 of this Ordinance shall, notwithstanding anything contained in that section or in sections 11 and 12 of this Ordinance, not affect any such liability of that person as is required to be covered by a policy under paragraph (b) of subsection (1) of section 4 of this Ordinance, but nothing in this section shall affect any rights against the authorised insurer conferred by this Ordinance on the person to whom the liability was incurred.

Avoidance of
restrictions
on scope of
policies, and
of contracts
restrictive of
liability in
respect of
passengers
carried for
hire or
reward.

14. (1) Where a certificate of insurance has been issued under subsection (4) of section 4 of this Ordinance to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any of the following matters—

- (a) the age or physical or mental condition of persons driving the vehicle; or
- (b) the condition of the vehicle; or
- (c) the number of persons that the vehicle carries; or
- (d) the weight or physical characteristics of the goods that the vehicle carries; or
- (e) the times at which or the areas within which the vehicle is used; or
- (f) the horse power or value of the vehicle; or
- (g) the carrying on the vehicle of any particular apparatus; or
- (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 the Motor Vehicles and Road Traffic Ordinance, or under any Ordinance replacing or amending the same, Cap. 280.

shall, as respects such liabilities as are required to be covered by a policy under paragraph (b) of subsection (1) of section 4 of this Ordinance, be of no effect:

Provided that nothing in this subsection shall require an authorised 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 authorised insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this section shall be recoverable by the authorised insurer from that person.

(2) Any contract for the conveyance of a passenger in a motor vehicle in which passengers are carried for hire or reward shall, so far as it purports to negative or to restrict the liability of any person in respect of any claim which may be made against that person in respect of the death of, or bodily injury to, the passenger while being carried in or upon or entering or getting on to or alighting from the motor vehicle or purports to impose any conditions with respect to the enforcement of any such liability be void.

15. (1) Any person against whom a claim is made in respect of any such liability as is required to be covered by a policy under paragraph (b) of subsection (1) of section 4 of this Ordinance shall, on demand by or on behalf of the person making the claim, state whether or not he was insured in respect of that liability by any policy having effect for the purposes of this Ordinance, or would have been so insured if the authorised insurer had not avoided or cancelled the policy, and if he was or would have been so insured, give such particulars with respect to that policy as were specified in the certificate of insurance issued in respect thereof under subsection (4) of section 4 of this Ordinance.

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

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

16. Where a certificate of insurance has been issued under subsection (4) of section 4 of this Ordinance to the person by whom a policy has been effected and the policy is cancelled by mutual consent or by virtue of any provision in the policy, the person to whom the certificate was issued shall, within seven

Duty to surrender certificate on cancellation of policy.

days from the taking effect of the cancellation, surrender the certificate to the authorised insurer or, if it has been lost or destroyed, make and deliver to the authorised insurer a statutory declaration to that effect, and if he fails so to do he shall be guilty of an offence.

Application of certain sections to securities given.

17. The provisions of sections 8, 13, 14, 15 and 16 of this Ordinance shall apply in relation to securities having effect for the purposes of this Ordinance, and in relation to any such security as aforesaid, references in the said provisions to being insured, to a certificate of insurance, to an authorised insurer, and to persons insured, shall be construed respectively as references to the having in force of the security, to the certificate of security, to the giver of the security, and to the persons whose liability is covered by the security.

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

18. (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 public road, and the treatment or examination so required (in this section referred to as "emergency treatment") is effected by a registered medical practitioner, 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 the next succeeding section, pay to the practitioner, or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected—

(a) a fee of three dollars in respect of each person in whose case the emergency treatment is effected by him; and

(b) a sum, in respect of any distance in excess of two miles which he must cover in order to proceed from the place whence he is summoned to the place where the emergency treatment is carried out by him and to return to the first-mentioned place, equal to ten cents for every complete mile and additional part of a mile of that distance.

(2) Where emergency treatment is first effected in a hospital (that is to say, an institution which provides medical or surgical treatment of in-patients) the provisions of the foregoing subsection 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 registered medical practitioner.

(3) Liability incurred under this section 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 paragraph (b) of subsection (1) of section 4 of this Ordinance, 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 section in respect of emergency treatment required as a result of bodily injury, and the proviso to that paragraph shall not have effect as respects liability to make a payment under this section.

19. (1) The Commissioner shall, if so requested by a person who alleges that he is entitled to claim a payment under the last foregoing section, furnish to that person any information at his 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.

Provisions
as to claims
for, and sup-
plementary
provisions as
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gency
treatment.

(2) A claim for a payment under the last foregoing section 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 him within seven 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, and 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 pre-paid registered letter addressed to him at his usual or last-known address.

(5) A sum payable under the last foregoing section 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 the last foregoing section 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 the last foregoing section shall not be deemed to be a payment by an authorised insurer or owner for the purposes of subsection (2) of section 4 of this Ordinance.

Deposits.

20. No part of any sum deposited by any person with the Financial Secretary under section 5 of this Ordinance shall, so long as any liabilities, being such liabilities as are required to be covered by a policy of insurance under this Ordinance which have been incurred by him have not been discharged or otherwise provided for, be applicable in discharge of any other liabilities incurred by him.

Forgery, etc.,
of certificates.

21. (1) If, with intent to deceive, any person—

(a) forges or alters or uses or lends to or allows to be used by any other person a certificate of insurance or certificate of security under this Ordinance; or

(b) makes or has in possession any document so closely resembling such a certificate as to be calculated to deceive; he shall be guilty of a misdemeanour and shall be liable—

(i) on conviction on indictment to imprisonment for a term not exceeding two years;

(ii) on a summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding four hundred dollars, or to both such imprisonment and fine.

(2) If any person for the purpose of obtaining a licence for any motor vehicle or the issue of a certificate of insurance or of a certificate of security under this Ordinance makes any false statement or withholds any material information, he shall be liable to a fine not exceeding two hundred and forty dollars or to imprisonment for a term not exceeding six months or to both such imprisonment and fine.

(3) If any person issues a certificate of insurance or certificate of security which is to his knowledge false in any material particular, he shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding four hundred dollars or to both such imprisonment and fine.

(4) If any member of the police force has reasonable cause to believe that any certificate of insurance or certificate of security produced to him in pursuance of the provisions of

this Ordinance by the driver of a motor vehicle is a document in relation to which an offence under this section has been committed, he may seize the document and when any document is seized under this section, the person from whom it was taken shall, unless the document has been previously returned to him or he has previously been charged with an offence under this section, be summoned before a court of summary jurisdiction to account for his possession of the said document and the court shall make such order respecting the disposal of the said document and award such costs as the justice of the case may require.

(5) In this section the expressions "certificate of insurance" and "certificate of security" include any document issued under regulations made by the Governor in Council in pursuance of his power under this Ordinance to prescribe documents which may be produced in lieu of a certificate of insurance or a certificate of security.

22. Save as otherwise expressly provided all offences under this Ordinance shall be prosecuted under the Summary Jurisdiction Ordinances.

Prosecutions.

23. If the driver of any motor vehicle who commits an offence under this Ordinance or any regulations made thereunder, refuses to give his name and address or gives a false name or address he shall be guilty of an offence under this Ordinance; and it shall be the duty of the owner of the motor vehicle if required to give any information which it is within his power to give and which may lead to the identification and apprehension of the driver and if the owner fails to do so he shall be guilty of an offence under this Ordinance.

Refusing to give name or address or giving false name or address.

24. (1) Any person who by any act or omission contravenes or fails to comply with the provisions of this Ordinance shall, unless a penalty is otherwise specifically provided, be liable on summary conviction, to a fine not exceeding one hundred dollars or to imprisonment for any term not exceeding three months.

Offences and general penalty.

(2) Where a person is, by virtue of any power contained in this Ordinance or in any regulations made thereunder, required to do or to abstain from doing any act or thing and makes default in complying with any such requisition, it shall be lawful for a magistrate on conviction, in addition to any other penalty which he may impose to order such person to comply with such requisition and to annex to any such order any condition as to time or mode of action or otherwise which he may think necessary to enforce compliance therewith.

(3) Every person who makes default in complying with any such order of the magistrate may, in the discretion of the court, be ordered to pay a sum not exceeding five dollars for every day during which he is thereafter in default or to be imprisoned until he has remedied his default:

Provided that any such person shall not for such non-compliance be liable to the payment of any sums amounting in the aggregate to more than one hundred dollars or to imprisonment for any periods amounting in the aggregate to more than two months in addition to any other fine or term of imprisonment to which he may otherwise be liable.

Regulations.

25. (1) The Governor in Council may make regulations for prescribing anything which may be prescribed under this Ordinance and generally for the purpose of carrying this Ordinance into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations—

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

(b) as to applications for and the issue of certificates of insurance and certificates of security 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 Chief Secretary or Commissioner;

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

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

(e) for providing that any provisions of this Ordinance shall, in relation to motor vehicles brought into the Colony by persons making only a temporary stay therein, have effect subject to such modifications and adaptations as may be prescribed;

(f) with respect to applications for the payment of deposits, the investment thereof or dealing therewith, the deposit of stocks or other securities in lieu of money, the payment of the interest or dividends from time to time accruing due on any securities, in which deposits are for the time being invested, and the withdrawal and transfer of deposits.

(2) If any person acts in contravention of or fails to comply with any regulation under this Ordinance he shall, for each offence, be liable to such maximum penalty not exceeding a fine of one hundred dollars as may be prescribed by the regulations.