

BILL No. 10 of 1995**Saturday; 20th May, 1995**

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

15th May, 1995.

The following Bill which will be introduced in the National Assembly is published for general information.

F. A. Narain,
Clerk of the National Assembly.



GUYANA

BILL No. 10 of 1995

LAW REFORM (MISCELLANEOUS AMENDMENTS) BILL 1995

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 12 of the Law Reform (Miscellaneous Provisions) Act.
3. Amendment of section 4 of the Motor Vehicles Insurance (Third Party Risks) Act.
4. Insertion of new section 4A in the Motor Vehicles Insurance (Third Party Risks) Act.
5. Amendment of section 8 of the Motor Vehicles Insurance (Third Party Risks) Act.
6. Amendment of section 4 of the Accidental Deaths and Personal Injuries (Damages) Act.
7. Repeal and re-enactment of section 9 of the Accidental Deaths and Personal Injuries (Damages) Act.
8. Certificate of insurance not to be rendered void.

A Bill

Intituled

AN ACT to amend the Law Reform (Miscellaneous Provisions) Act, the Motor Vehicles Insurance (Third Party Risks) Act and the Accidental Deaths and Personal Injuries (Damages) Act.

A.D. 1995

Enacted by the Parliament of Guyana:—

Short title,

Cap. 6:02
Cap. 51:03
Cap. 99:05

1. This Act, which amends the Law Reform (Miscellaneous Provisions) Act, the Motor Vehicles Insurance (Third Party Risks) Act and the Accidental Deaths and Personal Injuries (Damages) Act, may be cited as the Law Reform (Miscellaneous Amendments) Act 1995.

Amendment
of section
12 of the
Law Re-
form
(Miscell-
aneous
Provisions)
Act,
Cap. 6:02

2. Section 12 of the Law Reform (Miscellaneous Provisions) Act is hereby amended as follows —

- (a) in subsection (1) in the opening part, by the substitution for the words “any debt or damages” of the words “any debt or damages, other than debt or damages in respect of personal injuries or in respect of a person’s death”;
- (b) by the insertion immediately after subsection (1) of the following subsection as subsections (1A) and (1B) —

“(1A) In any proceedings tried in any court for the recovery of any debt or damages in respect of personal injuries to the plaintiff or any other person, in respect of a person’s death, the court shall include in the sum awarded interest at such rate as it thinks fit not being less than ten percent per annum on the whole or any part of those debt or damages for the whole or any part of the period between the date when the cause of action arose and the date of the judgement.

(1B) Any order under this section may provide for interest to be calculated at different rates in respect of different parts of the period for which interest is given whether that period is the whole or part of the period mentioned in subsection (1) or (1A).”;

- (c) by the substitution in subsection (2) for the words "four per cent" of the words "six per cent".

3. Section 4 of the Motor Vehicles Insurance (Third Party Risks) Act is hereby amended as follows —

Amendment of section 4 of the Motor Vehicles Insurance (Third Party Risks) Act, Cap, 51:03

(a) in subsection (1)—

- (i) by the deletion of paragraph (ii) of the proviso;
- (ii) by the substitution in paragraph (v) of the proviso for the words "twenty-five thousand dollars" of the words "three hundred and fifty thousand dollars";
- (iii) by the substitution in paragraph (vi) of the proviso for the words "one hundred and twenty-five thousand dollars" of the words "three million dollars";

(b) in subsection (1B) —

- (i) by the substitution in paragraph (a) for the words "twenty thousand dollars" of the words "three hundred and fifty thousand dollars";
- (ii) by the substitution in paragraph (b) for the words "one hundred thousand dollars" of the words "two million dollars";

(c) by the deletion of subsection (1C).

4. The Motor Vehicles Insurance (Third Party Risks) Act is hereby amended by the insertion immediately after section 4 of the following section as section 4A.

Insertion of new section 4A in the Motor Vehicles Insurance (Third Party Risks) Act,

"Liability respecting all passengers,

4A. Notwithstanding any agreement, enactment or rule of law to the contrary liability under a policy of insurance for the purpose of this Act where that liability arises out of the use of a motor vehicle on a public road shall be in respect of all passengers carried in or upon or entering or getting on to or alighting from that

vehicle, whether for hire or reward or by reason of or in pursuance of a contract of employment or otherwise.”.

Amendment of section 3 of the Motor Vehicles Insurance (Third Party Risks) Act

5. Section 8 of the Motor Vehicles Insurance (Third Party Risks) Act is hereby amended as follows —

- (a) in subsection (1), by the insertion immediately after the words “section 4(1) (b)”, where those words occur for the second time, of the words “or in pursuance of section 4 (1B)”;
- (b) in subsection (2), in paragraph (c), in the opening part, by the insertion immediately after the words “death or bodily injury” of the words “or damage to property”.

Amendment of section 4 of the Accidental Deaths and Personal Injuries (Damages) Act, Cap. 99:05

6. Section 4 of the Accidental Deaths and Personal Injuries (Damages) Act is hereby amended by the substitution for the words “and child” of the words “child, brother and sister”.

Repeal and re-enactment of section 9 of the Accidental Deaths and Personal Injuries (Damages) Act.

7. Section 9 of the Accidental Deaths and Personal Injuries (Damages) Act is hereby repealed and the following section substituted therefor —

“Assesment of damages; disregard of benefits,

9. In assessing damages in respect of a person’s death in an action under this Act, benefits which have accrued or will or may accrue to any person from his estate or otherwise as a result of his death shall be disregarded.”

Certificate of insurance not to be rendered void.

8. The amendments made by this Act to the Motor Vehicles Insurance (Third Party Risks) Act, shall not be construed as rendering ineffective or void a valid certificate of insurance:

Provided that where such a certificate has three months or less to remain in force from the commencement of this Act, it shall continue in full force and effect for three months or until its expiration, as the case may be; but where it has more than three months to remain in force from such commencement, it shall, subject to the right of the policy holder to be refunded that portion of his unspent premium by the insurer, lapse and be void and of no effect at the end of such

three months unless renewed; and a new or renewed certificate of insurance issued on or after the commencement of this Act shall be subject to the provisions of this Act.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Law Reform (Miscellaneous Provisions) Act, Cap. 6:02, the Motor Vehicles Insurance (Third Party Risks) Act, Cap. 51:03, and the Accidental Deaths and Personal Injuries (Damages) Act, Cap. 99:05.

Clause 2 amends section 12(1) of the Law Reform (Miscellaneous Provisions) Act, Cap. 6:02 to provide that subsection (1) shall apply to damages other than damages in respect of personal injuries or in respect of a person's death. Clause 2 inserts two new subsections (1A) and (1B). Subsection (1A) provides separately for interest at such rate as the court thinks fit, being not less than ten per cent, on damages in respect of personal injuries or death. Subsection (1B) provides that interest awarded under subsection (1) may be calculated at different rates in respect of different parts of the same period. Clause 2 also amends section 12(2) to provide that every judgement shall carry interest at the rate of six per cent per annum from the time of entering judgement.

Clause 3 amends section 4(1) of the Motor Vehicles Insurance (Third Party Risks) Act, Cap. 51:03. It deletes paragraph (ii) of the proviso which only required insurance coverage for passengers carried for hire. The amendment to paragraph (v) of the proviso to section 4(1) increases the minimum coverage for liability in respect of a policy of insurance in the case of death or of bodily injury, from twenty-five thousand dollars to three hundred and fifty thousand dollars for any one claim by any one person and the amendment to paragraph (vi) of the said proviso raises the coverage from one hundred and twenty-five thousand dollars to three million dollars for the total claims for any one accident for each vehicle concerned.

Clause 3 also amends section 4(1B) to increase the minimum coverage in respect of a policy of insurance in the case of damage to property, from twenty thousand dollars to three hundred and fifty thousand dollars for any one claim by any one person and from one hundred thousand dollars to two million dollars for the total claims for any one accident.

Clause 4 inserts a new section 4A in the Motor Vehicles Insurance (Third Party Risks) Act which provides that liability arising out of the use of a motor vehicle on a public road shall be in respect of all passengers carried in that vehicle, whether for reward or otherwise. Clause 5 effects a consequential amendment to section 8 of the aforesaid Act to extend the limitation and exemption provisions therein to damage to property.

Clause 6 amends section 4 of the Accidental Deaths and Personal Injuries (Damages) Act, Cap. 99:05, to include as dependants brothers and sisters of a

deceased person, for whose benefit an action can be brought under that Act. Clause 7 repeals and re-enacts section 9 of that Act. The section as re-enacted reverses the common law rule. It provides that all benefits which have or will or may accrue to any person from the deceased's estate or otherwise as a result of his death shall not be taken into consideration.

Clause 8 makes certain transitional provisions. Current insurance certificates with three months or less to run would continue for the three months or less to run would continue for the three months from the commencement of this Act or until they expire. Those with more than three months to run would lapse at the end of three months from the date of commencement of this Act, unless renewed.

Bernard De Santos;
Attorney General
and Minister of Legal Affairs.