

MALTA

ATT Nru. III ta' l-1985

ATT mahruġ b'ligi mill-Parlament ta' Malta.

ATT biex ikompli jemenda l-Ordinanza dwar l-Assigurazzjoni ta' Vetturi tal-Mutur ghar-Riskji ta' Terzi Persuni, Kap. 165.

ACT No. III of 1985

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Motor Vehicles Insurance (Third-party Risks) Ordinance, Cap. 165.

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA
President

15 ta' Frar, 1985

ATT Nru. III ta' l-1985

ATT biex ikompli jemenda l-Ordinanza dwar l-Assigurazzjoni ta' Vetturi tal-Mutur għar-Riskji ta' Terzi Persuni, Kap. 165.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:—

1. Dan l-Att jista' jissejjah l-Att ta' l-1985 li jemenda l-Ordinanza dwar l-Assigurazzjoni ta' Vetturi tal-Mutur għar-Riskji ta' Terzi Persuni, u għandu jinqara u jiftiehem haġa waħda ma' l-Ordinanza dwar l-Assigurazzjoni ta' Vetturi tal-Mutur għar-Riskji ta' Terzi Persuni, hawnhekk iżjed 'il quddiem imsejha "il-liġi prinċipali".

Titolu fil-qosor.

2. L-artikolu 2 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 2 tal-liġi prinċipali.

(a) minflok it-tifsira ta' "polza ta' sigurtà" għandu jidhol dan li ġej:

" "polza ta' sigurtà" tfisser polza ta' sigurtà jew *covering note* li tkun mahruġa minn assiguratatur awtorizzat u tinkludi ċertifikat internazzjonali ta' sigurtà mahruġ lil sewwieq ta' karrozza li jkun qed iżur pajjiż u valida għal Malta;"; u

(b) minnufih wara t-tifsira ta' "drajver" għandhom jidhlu t-tifsiriet godda li ġejjin:

" "bureau barrani" tfisser organizzazzjoni ċentrali mwaqqfa minn assigurataturi tal-karrozzi f'xi pajjiż barra minn Malta sabiex jingħata effett lill-arranġamenti nternazzjonali għall-assigurazzjoni ta' sewwieqa ta' karrozzi kontra riskji ta' terzi persuni meta jidhlu f'pajjiżi fejn l-assigurazzjoni kontra dawk ir-riskji tkun obligatorja, u li magħha l-*bureau* lokali jkun għamel dak l-arranġament;

“ċertifikat internazzjonali ta’ sigurtà” tfisser ċertifikat internazzjonali ta’ sigurtà magħmul kif imiss (magħruf bhala “*Green Card*”) maħruġ lil sewwieq ta’ karrozza li jkun qed iżur pajjiż taħt l-awtorità ta’ *bureau* barrani jew tal-*bureau* lokali fil-forma stabbilita fir-rakkomandazzjoni ta’ Gunju 1952 magħmula mis-*Sub-Committee on Road Transport* ta’ l-*Inland Transport Committee* tal-Komunjoni Ekonomika Ewropeja, kif emendata minn żmien għal żmien;

“*bureau* lokali” tfisser l-organizzazzjoni ċentrali mwaqqqfa minn assiguratari tal-karrozzi f’Malta sabiex jingħata effett lil arrangamenti nternazzjonali għall-assigurazzjoni ta’ sewwieqa ta’ karrozzi kontra riskji ta’ terzi persuni meta jidhlu f’pajjiżi fejn l-assigurazzjoni kontra dawk ir-riskji tkun obbligatorja, u li tkun magħrufa għall-finijiet ta’ din l-Ordinanza mill-Ministru responsabbli għall-pulizija;

“*motor cycle*” tfisser vettura bil-mutur b’żewġ roti.”.

Emenda ta’
l-artikolu 4
tal-liġi
prinċipali.

3. L-artikolu 4 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) tiegħu għandu jidhol dan li ġej:

“(1) Sabiex polza ta’ sigurtà tkun skond id-disposizzjonijiet ta’ din l-Ordinanza, għandha tkun, barra milli tkun polza ta’ sigurtà kif imfisser fl-artikolu 2 ta’ din l-Ordinanza, li tassigura lil dik il-persuna, persuni, jew klassijiet ta’ persuni, kif speċifikat fil-polza, kontra kull responsabbiltà li hija jista’ jkollha jew huma jista’ jkollhom minhabba l-mewt ta’ persuna jew offiża fuq il-persuna kkaġunata mill-użu jew minhabba l-użu ta’ vettura tal-mutur fit-triq:

Iżda ma jkunx meħtieġ li dik il-polza tkun tkopri —

(i) responsabbiltà għall-mewt ta’ persuna li tkun fil-impieg ta’ persuna assigurata bil-polza, ikkaġunata minhabba u fil-kors ta’ impieg tagħha, jew għall-offiża fuq il-persuna li dik il-persuna tbat i minhabba u fil-kors ta’ l-impieg tagħha; jew

(ii) fil-każ ta’ *motor cycle*, responsabbiltà għall-mewt ta’ persuni jew għal offiża fuq persuni li jingarru fi jew fuq, jew li jitilgħu fuq jew jinżlu mill-*motor cycle* fil-hin tal-ġrajja li minnha jinqalgħu talbiet għad-danni; jew

(iii) responsabbiltà li ġejja minn kuntratt.”; u

(b) minflok is-subartikolu (4) tiegħu għandu jidhol dan li ġej:

“(4) Hlief meta polza ta’ sigurtà ma tkunx ċertifikat internazzjonali ta’ sigurtà, polza ta’ sigurtà ma għandha ebda effett għall-finijiet ta’ din l-Ordinanza kemm-il darba u sakemm ma jiġix maħruġ mill-assiguratatur awtorizzat favur il-persuna li hadet il-polza, ċertifikat (hawnhekk iżjed ’il quddiem imsemmi “ċertifikat ta’ sigurtà”) fil-forma stabbilita; u meta l-polza ta’ sigurtà tkun ċertifikat internazzjonali ta’ sigurtà, dak iċ-ċertifikat internazzjonali għandu, għall-finijiet kollha ta’ din l-Ordinanza hlief meta r-rabta tal-kliem ma teħtieġx xort’ohra, ikun iċ-ċertifikat ta’ sigurtà meħtieġ li jinhareġ taħt dan is-subartikolu.”.

4. Fis-subartikolu (1) ta' l-artikolu 10 tal-liġi prinċipali minflok il-kliem "taħt il-paragrafu (b) tas-subartikolu (1)" għandhom jidhlu l-kliem "taħt is-subartikolu (1)".

Emenda' ta' l-artikolu 10 tal-liġi prinċipali.

5. Kull polza tas-sigurtà mahruġa validament għal finijiet tal-liġi prinċipali, qabel il-bidu fis-seħħ ta' dan l-Att, għandha bis-saħħa ta' dan l-Att titqies li tkopri r-riskji kollha kif meħtieġ bil-liġi prinċipali wara l-bidu fis-seħħ ta' dan l-Att, u għandha tkompli titqies valida sa dak iż-żmien meta dik il-polza jkun imissha tiġġedded.

Disposizzjoni transistorja.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 231 tat-12 ta' Frar, 1985.

DANIEL MICALLEF
Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

AGATHA BARBARA
President

15th February, 1985

ACT No. III of 1985

AN ACT further to amend the Motor Vehicles Insurance (Third-party Risks) Ordinance, Cap. 165.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Motor Vehicles Insurance (Third-party Risks) (Amendment) Act, 1985, and shall be read and construed as one with the Motor Vehicles Insurance (Third-party Risks) Ordinance, hereinafter referred to as “the principal law”.

Amendment
of section 2
of the
principal law.

2. Section 2 of the principal law shall be amended as follows:

(a) for the definition of “policy of insurance” there shall be substituted the following:

“ “policy of insurance” means a policy of insurance or a covering note which is issued by an authorised insurer and includes an international certificate of insurance issued to a visiting motorist and valid for Malta;” and

(b) immediately after the definition of “driver” there shall be inserted the following new definitions:

“ “foreign bureau” means a central organization set up by motor insurers in any country outside Malta for the purpose of giving effect to international arrangements for the insurance of motorists against third-party risks when entering countries where insurance against such risks is compulsory, and with which the local bureau has entered into such an arrangement;

“international certificate of insurance” means a duly completed international certificate of insurance (known as a “Green Card”) issued to a visiting motorist under the authority of a foreign bureau or the local bureau in the form set out in the recommendation dated June 1952 made by the Sub-Committee on Road Transport of the Inland Transport Committee of the Economic Commission for Europe, as from time to time amended;

“local bureau” means the central organization set up by motor insurers in Malta for the purpose of giving effect to international arrangements for the insurance of motorists against third-party risks when entering countries where insurance against such risks is compulsory, and which is recognised for the purposes of this Ordinance by the Minister responsible for the police;

“motor cycle” means a motor vehicle with two wheels;”.

3. Section 4 of the principal law shall be amended as follows:

Amendment of
section 4
of the
principal law.

(a) for subsection (1) thereof there shall be substituted the following:

“(1) In order to comply with the requirements of this Ordinance, a policy of insurance must, in addition to being a policy of insurance as defined in section 2 of this Ordinance, insure such person, persons, or classes of persons as may be specified in the policy against 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 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 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) in the case of a motor cycle, liability in respect of the death or of bodily injury to persons carried in or upon, or getting on to, or alighting from the motor cycle at the time of the occurrence of the event out of which the claims arise; or

(iii) any contractual liability.”; and

(b) for subsection (4) thereof there shall be substituted the following:

“(4) Except where a policy of insurance consists of an international certificate of insurance, a policy of insurance 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 where the policy of insurance consists of an international certificate of insurance, such international certificate shall, for all purposes of this Ordinance except where the context otherwise requires, be the certificate of insurance required to be issued under this subsection.”.

Amendment of
section 10
of the
principal law.

4. In subsection (1) of section 10 of the principal law for the words "under paragraph (b) of subsection (1)" there shall be substituted the words "under subsection (1)".

Transitory
provision.

5. Any policy of insurance validly issued for the purposes of the principal law before the coming into force of this Act, shall in virtue of this Act be deemed to cover all the risks as required by the principal law after the coming into force of this Act, and shall continue to be valid until such time as that policy is next due for renewal.

Passed by the House of Representatives at Sitting No. 231 of the 12th February, 1985.

DANIEL MICALFÉ
Speaker

C. MIFSUD
Clerk to the House of Representatives