

Road Traffic

Cap. 295.

ROAD TRAFFIC (MOTOR VEHICLE INSURANCE) REGULATIONS, 1985

1985/98.

Authority: These regulations were made on 24th May, 1985 by the Minister under section 124(1A) of the *Road Traffic Act*.

Commencement: 24th May, 1985.

1. These Regulations may be cited as the *Road Traffic (Motor Vehicle Insurance) Regulations, 1985*. Short title.

2. In these regulations Definitions.

"Minister" means the Minister responsible for Finance;

"policy" means a policy of insurance in respect of third party risks arising out of the use of motor vehicles and which is in conformity with the requirements of the Act;

"security" means such security in respect of third party risks arising out of the use of motor vehicles and which is in conformity with the requirements of the Act.

3. The forms to be used for the purposes of these regulations are set out in the *Schedule*. Forms.
Schedule.

4. (1) An insurer shall issue to every holder of a security or of a policy, other than a covering note issued by the insurer, Insurer to issue certificates.

(a) in the case of a policy or security relating to a specified vehicle, a certificate of insurance in Form A or a certificate of security in Form C in respect of each such vehicle; and

(b) subject to paragraph (2), in the case of a policy or security not relating to any specified vehicle such number of certificates in Form A or C as may be necessary to permit compliance with the requirements of the Act and these regulations as to the production of evidence that a motor vehicle is not being driven in contravention of section 37 of the Act.

(2) Where security is intended to cover the use of more than 10 motor vehicles at one time the insurer by whom it was issued may, with the approval of the Minister, issue one certificate only, and where such consent has been given the holder of the security may issue duplicate copies of such certificate duly authenticated by him up to such number and subject to such conditions as the Minister determines.

(3) A policy in the form of a covering note issued by an insurer shall have printed thereon a certificate of insurance in Form B.

Date of
issue of
certificates
etc.

5. A certificate of insurance or certificate of security

- (a) must be issued on or before the date on which the policy or security is issued or renewed; and
- (b) must be duly authenticated by or on behalf of the insurer by whom it is issued.

Issue of
further
certificates
of insurance
or security.

6. Where under the terms of a policy or security relating to a specified motor vehicle the holder of such policy or security is entitled to drive another motor vehicle, other than that so specified, without a contravention of section 37 of the Act, the insurer by whom the policy or security was issued shall on demand being made by the holder issue to him a further certificate in Form A or a further certificate of security as the case may be.

Evidence
as to
compliance
with Act.

7. Where a member of the Police Force pursuant to section 42 of the Act requests the driver of a motor vehicle to supply evidence that the motor vehicle is not being driven in contravention of section 37 of the Act such driver may, as an alternative to the production of a certificate of insurance or certificate of security, supply the following evidence:

- (a) a duplicate copy of a certificate of security issued in accordance with regulation 4(1); and
- (b) in the case of a motor vehicle to which section 37(4) of the Act applies, a certificate in Form D signed by a person authorised in that behalf by the Minister.

Duty to
destroy
Form D
certificates.

8. A certificate issued in accordance with regulation 7(b) shall be destroyed by the person to whom it was issued before the motor vehicle to which it relates is sold or otherwise disposed of.

9. (1) Subject to this regulation, no certificate of insurance or certificate of security issued for the purposes of these regulations shall contain any advertising matter either on the face or on the back thereof; but the name and address of an insurer by whom such certificate is issued or a reproduction of the seal of the insurer or monogram or similar device of the insurer or the name or address of an insurance broker shall not be deemed to be advertising matter if printed or stamped at the foot or on the back of such certificate.

Certificate must not contain advertising matter.

(2) A certificate issued for the purposes of the Act and these regulations shall be printed and completed in black on white paper or similar material.

10. (1) Subject to this regulation, at the time of the registration of a motor vehicle under section 5 of the Act or on the occasion of the payment of tax under section 15 of the Act, it shall be deemed to be sufficient compliance with section 41 of the Act if at such time there is produced to the Licensing Authority a certificate of insurance or a certificate of security issued in accordance with regulation 4 indicating that on the date when the registration takes effect or the date on which the tax is due there will be in force a policy or security in relation to the user of the motor vehicle by the applicant or by other persons authorised by him.

Duty to produce certificate of insurance or of security at registration etc.

(2) Notwithstanding paragraph (1), there may be produced for the purposes of section 41 of the Act

- (a) in the case where the motor vehicle is one of more than 10 vehicles owned by the same person in respect of which a policy of insurance has been obtained by him from the same authorised insurer, a statement duly authenticated by the insurer to the effect that on the date when the registration takes effect or the date on which the tax is due an insurance policy which complies with the Act will be in force in relation to the motor vehicle;
- (b) in the case of motor vehicles used and employed exclusively in the service of the Government or of any statutory body a certificate signed by the Manager, Insurance Corporation of Barbados or by some other person authorised by the Minister stating that the vehicles in respect of which the application for registration is made

are owned by the Government or such statutory body and are so used and employed exclusively.

Duty of
insurers to
keep
records of
certificates
issued.

11. (1) An insurer by whom a policy or security is issued shall keep a record of the following particulars in respect of such policy or security and any certificates issued in connection therewith:

- (a) the full name and address of the person to whom the policy, security or certificate is issued;
- (b) in the case of a policy relating to a specified motor vehicle or to specified motor vehicles, the index mark, if any, and registration number of each such motor vehicle;
- (c) the date on which the policy or security comes into force and the date on which it expires;
- (d) in the case of a policy, the conditions subject to which the persons or classes of persons specified in the policy will be indemnified;
- (e) in the case of security, the conditions subject to which the undertaking given by the insurer under the security will be implemented.

(2) An insurer who is required to keep a record under paragraph (1) shall preserve such record for a period of 1 year from the date of the expiry of the policy.

(3) An insurer who is required to keep records of documents by these regulations shall furnish to the Licensing Authority, on request, any particulars thereof without charge.

Duty of
insurers to
inform
Licensing
Authority
of cessa-
tion of
policies
etc.

12. Where to the knowledge of an insurer, a policy or security issued by him ceases to be effective without the consent of the person to whom it was issued, otherwise than by virtue of the effluxion of time or by reason of the death of such person, the insurer shall immediately notify the Licensing Authority of the date on which the policy or security ceased to be effective.

Duty of
insured to
return
expired
certificates.

13. Where a policy or security issued to a person

- (a) is, with his consent, suspended; or
 - (b) ceases to be effective otherwise than by effluxion of time,
- such person shall immediately return any relevant certificates to the insurer by whom they were issued and a new policy or

security shall not be issued to that person, nor shall such policy or security be transferred to any other person unless and until the certificates have been returned to the insurer or the insurer is satisfied that they are lost or destroyed.

14. Where any insurer who has issued a certificate of insurance or of security is satisfied that such certificate has become defaced or has been lost or destroyed, he shall issue a new certificate to the person to whom the original certificate was issued if so requested. ^{Lost certificates.}

SCHEDULE

(Regulation 3)

FORM A

(Regulations 4 and 6)

THE ROAD TRAFFIC ACT, CAP. 295

CERTIFICATE OF INSURANCE

(I) or (WE) HEREBY CERTIFY that a policy of Insurance covering the liabilities required to be covered by the *Road Traffic Act*, Cap. 295 has been issued as follows:

1. Name of Policy holder
2. Policy No.
3. Date of commencement of insurance
4. Date of expiry
5. Vehicle(s) covered

(a)

(b)

.....
Authorised Insurer

THE LAWS OF BARBADOS

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FORM B

(Regulation 4)

THE ROAD TRAFFIC ACT, CAP. 295

CERTIFICATE OF INSURANCE

I/WE hereby certify that this covering note is issued in accordance with the provisions of the *Road Traffic Act, Cap. 295*.

.....
Authorised Insurer

FORM C

(Regulation 4)

THE ROAD TRAFFIC ACT, CAP. 295

CERTIFICATE OF SECURITY

Optional

Security No.....

- 1. Name of holder of security
- 2. Effective date of the commencement of security for the purposes of the Act
- 3. Date of expiry of security
- 4. Conditions to which security is subject*

I/WE hereby certify that the security to which the certificate relates is issued in accordance with the *Road Traffic Act, Cap. 295*.

.....
Authorised under the said Act to issue securities

*Conditions rendered inoperative by section 48 of this Act are not to be included under this heading.

FORM D

(Regulation 7)

THE ROAD TRAFFIC ACT, CAP. 295

CERTIFICATE OF OWNERSHIP BY GOVERNMENT OR STATUTORY BODY

I hereby certify that the vehicle of which the registration, make and number are:

.....
.....
.....

is the property of

.....

Signed

on behalf of

