

## CHAPTER 16. No. 4.

MOTOR VEHICLES INSURANCE  
(THIRD-PARTY RISKS).

Ordinances AN ORDINANCE TO MAKE PROVISION FOR THE PROTECTION OF  
No. 39—1933. THIRD PARTIES AGAINST RISKS ARISING OUT OF THE USE OF  
„ 16—1935. MOTOR VEHICLES.  
„ 19—1938.  
„ 11—1940.

Commencement.

[1st July, 1934.]

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

Application. (2) This Ordinance shall apply only in the Island of Trinidad, provided that the Governor in Council may by proclamation extend its provisions to apply in the Island of Tobago from a day to be specified in such proclamation.

Interpretation.

## 2. In this Ordinance—

“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;

“insurer” means—

(a) an Assurance Company or Underwriter registered in the United Kingdom in whose case the requirements of the Assurance Companies Act, 1909 (9 Edw. 7, c. 49), 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, which has deposited and keeps deposited with the Treasurer the sum of \$48,000 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 Treasurer the sum of \$48,000 or approved securities to the like amount in respect of that business, and approved by the Governor;

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

“motor cab” means any motor vehicle kept or used for hire or reward, or standing or plying for hire or reward, for the conveyance of not more than six passengers and their personal luggage, whether at separate fares or otherwise;

“motor vehicle” includes any vehicle operated or propelled by any form of engine, motor, or mechanical power;

“motor omnibus” means any motor vehicle kept or used for hire or reward, or standing or plying for hire or reward, for the conveyance of more than six passengers, whether at separate fares or otherwise, but does not include tram cars;

“motor van” “motor lorry” mean any motor vehicle transporting or intended for the transport of goods or materials or for hauling or intended for the haulage of any goods or materials or of any other vehicle so engaged;

“public road” means any street or road to which the public has access, and includes bridges over which a public road passes;

“tram car” includes any car, whether mechanically propelled or not, which runs on rails affixed to the surface of the ground and mainly along the public roads;

“trolley vehicle” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source.

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 motor vehicle

Obligation on owners of motor vehicles to hold insurance policies or other security against third-party risks.

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.

(2) If a person acts in contravention of this section, he shall be liable to a fine of two hundred and forty dollars or to imprisonment for three months, or to both such fine and imprisonment, and a person convicted of an offence under this section shall (unless the court for special reasons 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 ~~licence~~ <sup>Driving Permit</sup> under the Motor Vehicles and Road Traffic Ordinance for a period of twelve months from the date of the conviction.

A person disqualified by virtue of a conviction under this section or of an order made thereunder for holding or obtaining a ~~licence~~ <sup>Driving Permit</sup> shall, for the purposes of the Motor Vehicles and Road Traffic Ordinance be deemed to be disqualified under the provisions of that Ordinance.

(3) Notwithstanding any enactment prescribing a time within 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 offence, whichever period is the longer.

(4) This section shall not apply to any person in the service of His Majesty keeping or allowing to be kept any vehicle used and employed exclusively in His Majesty's Service, or to the Municipal Authorities of Port-of-Spain, San Fernando, and Arima keeping or allowing to be kept any vehicle used and employed exclusively in the service of such Authority.

Ord. 11-1940.

(5) This Ordinance shall not extend to tram cars or public service motor or trolley vehicles which the Municipal Authorities of Port-of-Spain, San Fernando and Arima, and the Trinidad Electricity Board are authorised by Ordinance to maintain and operate.

*Amended by  
Ord 28/46  
see 2*

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 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 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) except in the case of a motor vehicle in which passengers are being 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 \$24 of any claim by any one person;

(v) liability in respect of any sum in excess of \$4,800 arising out of any one claim by any one person;

(vi) liability in respect of any sum in excess of \$48,000 arising out of the total claims for any one accident for each vehicle concerned.

(2) Where any payment is made by an 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 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 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 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 average daily cost per patient of the maintenance of the hospital and the staff thereof and the maintenance and treatment of the patients therein.

(3) Notwithstanding anything in any enactment, rule of law or the Common Law, 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 insurer in favour of the person by whom the policy is effected a certificate (in this Ordinance referred to as a "certificate of insurance") in duplicate 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.

Ord. 19-1938,  
s. 8.

(5) In this Ordinance the expression "a policy of insurance" means a policy issued for not less than six months, and includes a single covering note issued for a period not exceeding ninety days in respect of any vehicle, but does not include any extension of a covering note or any subsequent covering note issued in respect of the same vehicle during any period of six consecutive months:

Provided that the provisions of this subsection shall not apply to a *bonâ fide* visitor to the Colony who is the holder of a policy of insurance which otherwise complies with the requirements of this Ordinance in respect of the period of his temporary stay in the Colony.

Requirements  
in respect of  
securities.

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

(a) be given either by an 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 \$48,000 in respect of each such vehicle any failure by the owner of the 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 \$48,000 or approved securities to the like amount in the hands of the Treasurer to make good any liability as is specified in this Ordinance.

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 (1) (b) of section 4:

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

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 insurer or the giver of the security 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.

Production of certificate of insurance or certificate of security on application for motor vehicle licence.

7. Provision may be made by regulations under the Motor Vehicles and Road Traffic Ordinance, for requiring a person making a requisition for a licence in respect of a motor vehicle under section 6 of that Ordinance, to append thereto a certificate of insurance or a certificate of security or to produce such evidence as may be prescribed that either—

(a) on the date when the licence comes into operation there will be in force the necessary policy of insurance or the necessary security or deposit in relation to the user of the motor vehicle by the applicant or by other persons on his order or with his permission; or

(b) the motor vehicle is a vehicle to which section 3 of this Ordinance does not apply at any time when it is being driven by the owner thereof, or by a servant of his in the course of his employment, or is otherwise subject to the control of the owner.

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

Ord. 19-1938,  
s. 2.

8. (1) If, after a certificate of insurance has been delivered under subsection (4) of section 4 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 (1) (b) of section 4 (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then, 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 section, 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 and any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.

(2) No sum shall be payable by an 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 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 insurer, or the person to whom the certificate was delivered made 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 insurer, or the person to whom the certificate was delivered 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 insurer has commenced proceedings under this Ordinance in respect of the failure to surrender the certificate.

(3) No sum shall be payable by an 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 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 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 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 provision 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.

Bankruptcy,  
etc. of insured  
persons not to  
affect certain  
claims by  
third parties.  
Ord. 19-1938,  
s. 3.

9. Where a certificate of insurance has been delivered under subsection (4) of section 4 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) or subsection (2) of section 15, shall, notwithstanding anything in this Ordinance, not affect any such liability of that person as is required to be covered by a policy under paragraph (1) (b) of section 4, but nothing in this section shall affect any rights against the insurer conferred by this Ordinance on the person to whom the liability was incurred.

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

Ord. 19-1938,  
s. 4.

10. Where a certificate of insurance has been delivered under subsection (4) of section 4 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 this Ordinance,

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

Provided that nothing in this section 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 section shall be recoverable by the insurer from that person.

11. (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 (1) (b) of section 4 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 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 delivered in respect thereof under subsection (4) of section 4.

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

Ord. 19-1938, s. 5.

(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.

12. Where a certificate of insurance has been delivered under subsection (4) of section 4 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

Duty to surrender certificate on cancellation of policy.

Ord. 19-1938, s. 6.

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

Application of  
sections 8  
to 12 to  
securities.  
Ord. 19-1938,  
s. 7.

**13.** (1) The provisions of sections 8 to 12 inclusive shall apply in relation to securities having effect for the purposes of this Ordinance as they apply in relation to policies of insurance, and in relation to any such security as aforesaid, references in the said sections to being insured, to a certificate of insurance, to an 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.

Saving  
clause.  
Ord. 19-1938,  
s. 10.

(2) Nothing in sections 8 to 12 inclusive shall apply to any claim for any injury sustained before the 24th of November, 1938.

Saving as to  
preservation  
of rights in  
case of death  
of an insured.  
Ord. 39-1933,  
s. 9.

**14.** 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 shall apply accordingly.

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.

Rights of  
third parties  
against  
insurers on  
bankruptcy,  
etc., of the  
insured.  
Ord. 39-1933,  
s. 10.

**15.** (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—

(a) in the event of the insured becoming bankrupt 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.

(2) Where an order is made under section 115 of the Bankruptcy Ordinance for the administration of the estate of a deceased debtor according to the law of bankruptcy, then, if any debt provable in bankruptcy 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 115 of the Bankruptcy 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 17 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 14 of the Workmen's Compensation Ordinance applies.

Duty to give  
necessary  
information to  
third parties.  
Ord. 39-1933,  
s. 11.

16. (1) In the event of any person becoming bankrupt or making a composition or arrangement with his creditors or in the event of an order being made under section 115 of the Bankruptcy 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 voluntary winding up 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 or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge it shall be the duty of the bankrupt, debtor, personal representative of the deceased debtor or company, and, as the case may be, of the trustee in bankruptcy, trustee, liquidator, receiver, or manager, or person in possession of the property to give at the request of any person claiming that the bankrupt, 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.

(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.

17. Where the insured has become bankrupt 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 bankruptcy 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.

Settlement  
between  
insurers and  
insured  
persons.  
Ord. 39-1933,  
s. 12.

18. (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:

Requirements  
as to pro-  
duction of  
certificate of  
insurance or  
of security.

Ord. 39-1933,  
s. 8.

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 an officer of the Police Force not below the rank of Assistant

Superintendent to give as to the identity of the driver of the 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 road, an accident occurs involving personal injury to another person, the driver of the motor 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.

Forgery, etc.,  
of certificates.  
Ord. 39-1933,  
s. 13.

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

(a) forges within the meaning of the Forgery Ordinance, or alters or uses or lends to or allows to be used by any other person, a certificate of insurance or certificate of security within the meaning of this Ordinance, or

(b) makes or has in his possession any document so closely resembling such a certificate as to be calculated to deceive,

he shall be guilty of a misdemeanor and shall be liable, on conviction on indictment, to imprisonment for two years.

(2) If any person for the purpose of obtaining 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 of two hundred

and forty dollars or to imprisonment for six months, or to both such fine and imprisonment.

(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 a fine of four hundred and eighty dollars or to imprisonment for six months, or to both such fine and imprisonment.

(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 previously 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 under the Motor Vehicles and Road Traffic Ordinance, in pursuance of the provisions of section 7 to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security.

20. 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; 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.

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

Ord. 16-1935,  
s. 2.

21. (1) If any motor vehicle is used which does not comply with or contravenes any provision of this Ordinance or of any regulation, or of any order lawfully made under this Ordinance or any regulation; or

Liability of  
driver and  
owner for  
offences.

Ord. 16-1935,  
s. 2.

(2) If any motor vehicle is used in such a state or condition or in such a manner as to contravene any such provision; or



(3) If anything is done or omitted in connection with a motor vehicle in contravention of any such provision; then, unless otherwise expressly provided by this Ordinance—

(a) the driver of the motor vehicle at the time of the offence shall be guilty of an offence unless the offence was not due to any act, omission, neglect, or default on his part; and

(b) the owner of the motor vehicle shall also be guilty of an offence, if present at the time of the offence, or if absent, unless the offence was committed without his consent and was not due to any act or omission on his part, and he had taken all reasonable precautions to prevent an offence.

Offences and  
general  
penalty.

Ord. 16-1935,  
s. 2.

22. (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 of one hundred dollars or to imprisonment for three months.

(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 by way of a penalty 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.

Recovery of  
penalties.

Ord. 39-1933,  
s. 14.

23. Save as otherwise expressly provided, all offences under this Ordinance or any regulation made thereunder, may be

prosecuted, and all penalties incurred may be imposed or recovered, in the manner provided by the Summary Courts Ordinance.

24. (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—

Regulations.  
Ord. 39-1933,  
s. 15.

(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 Commissioner of Police;

(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) 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.

(2) Regulations made under this section shall have no force or effect until they have been approved by the Legislative Council.