

**LAWS OF TRINIDAD AND TOBAGO**

**MOTOR VEHICLES INSURANCE (THIRD-PARTY RISKS)  
ACT**

**CHAPTER 48:51**

**Act**

**39 of 1933**

**Amended by**

16 of 1935

19 of 1938

11 of 1940

12 of 1943

28 of 1946

12 of 1961

11 of 1965

24 of 1966

34 of 1974

9 of 1978

45 of 1979

50 of 1979

**Current Authorised Pages**

*Pages  
(inclusive)*

1-30

*Authorised  
by L.R.O.*

1/1980

**Index  
of  
Subsidiary Legislation**

Motor Vehicles Insurance (Third-Party Risks) Regulations (G. 1.3.1934)	Page 21
--	------------

**Note  
on  
Adaptation**

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by L.N. 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

**Note  
on  
Revision Date**

As this Act was amended by the Law Revision (Miscellaneous Amendments) (No. 1) Act 1979 (Act 45 of 1979) this Chapter has been revised up to 31st December 1979, instead of the normal revision date (31st December 1977).

**CHAPTER 48:51****MOTOR VEHICLES INSURANCE (THIRD-PARTY RISKS)  
ACT**

## ARRANGEMENT OF SECTIONS

## SECTION

1. Short title.
2. Interpretation.
3. Obligation on owners of motor vehicles to hold insurance policies or other security against third-party risks.
4. Requirements in respect of policies.
5. Time limit within which certificate of insurance shall be issued.
6. Company to notify Licensing Authority that policy has expired, is cancelled or has ceased to have effect.
7. Requirements in respect of securities.
8. Certain conditions to policies or securities to be of no effect.
9. Production of certificate of insurance or certificate of security on application for motor vehicle licence.
10. Duty of insurers to satisfy judgments against persons insured in respect of third-party risks.
11. Bankruptcy, etc. of insured persons not to affect certain claims by third parties.
12. Avoidance of restrictions on scope of policies covering third-party risks.
13. Duty of person against whom claims are made to give information as to insurance.
14. Duty to surrender certificate on cancellation of policy.
15. Application of sections 10 to 14 to securities.
16. Saving as to preservation of rights in case of death of an insured.
17. Rights of third parties against insurers on bankruptcy, etc., of the insured.
18. Duty to give necessary information to third parties.
19. Settlement between insurers and insured persons.
20. Requirements as to production of certificate of insurance or security.
21. Company to notify Licensing Authority of decision to accept vehicle as a total loss or to pay insured for loss of vehicle.
22. Forgery, etc., of certificates.
23. Refusing to give name or address or giving false name or address.
24. Liability of driver and owner for offences.
25. Offences and general penalty.
26. Recovery of penalties.
27. Regulations.

**MOTOR VEHICLES INSURANCE  
(THIRD-PARTY RISKS) ACT**

1950 Ed.  
Ch. 16 No. 4.  
39 of 1933.

**An Act to make provision for the protection of third parties  
against risks arising out of the use of motor vehicles.**

Commencement.

[1ST JULY 1934—TRINIDAD]  
[1ST AUGUST 1941—TOBAGO]\*

Short title.

1. This Act may be cited as the Motor Vehicles Insurance  
(Third-Party Risks) Act.

Interpretation.  
[11 of 1965].

2. In this Act—

“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;

24 of 1966.

“insurer” has the same meaning ascribed to it in section 2 of the  
Insurance Act;

“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 per-  
sonal luggage, whether at separate fares or otherwise;

“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 any motor vehicle,  
the property of the Corporation established under the Public  
Transport Service Act;

Ch. 48:02.

“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;

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

“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;

\*By proclamation No. 9—1941 dated the 17th of April 1941, published in the *Royal Gazette*, 1941, at page 508, the provisions of this Act were extended to apply to Tobago as from 1st August 1941.

“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 this Act, 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 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 Act.

Obligation on owners of motor vehicles to hold insurance policies or other security against third-party risks.  
[28 of 1946  
11 of 1965  
9 of 1978].

(2) If a person acts in contravention of this section, he is liable to a fine of five hundred dollars and to imprisonment for six months, 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 driving permit under the Motor Vehicles and Road Traffic Act for a period of twelve months from the date of the conviction.

Ch. 48:50.

A person disqualified by virtue of a conviction under this section or of an order made thereunder for holding or obtaining a driving permit shall, for the purposes of the Motor Vehicles and Road Traffic Act be deemed to be disqualified under the provisions of that Act.

(3) Notwithstanding any written law 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 does not apply to any person in the service

of the Government, or in the service of the Municipal Authority of Port-of-Spain, of San Fernando or of Arima, who keeps or is allowed to keep any vehicle used and employed exclusively in the service of the Government or, as the case may be, in the service of such Municipal Authority.

(5) Nothing in this Act shall apply to any public service vehicle the property of the Corporation established under the public Transport Service Act.

Ch. 48:02.

Requirements  
in respect of  
policies.  
[24 of 1966  
\*34 of 1974  
45 of 1979  
50 of 1979].

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

- (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 or damage to the property of any person caused by or arising out of the use of the motor vehicle on a public road.

(2) In the case of death or of bodily injury, a policy of insurance shall not be required to cover—

- (a) 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
- (b) 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;
- (c) any contractual liability;
- (d) liability in respect of the first twenty-five dollars of any claim by any one person;
- (e) liability in respect of any sum in excess of two hundred thousand dollars arising out of any one claim by any one person;
- (f) liability in respect of any sum in excess of one million dollars arising out of the total claims for any one

\*Act 34 of 1974 came into operation on 7th July 1976—see 100/1976.

accident for each vehicle concerned.

(3) For the purposes of this Act "property" does not include—

- (a) property carried in or on a motor vehicle;
- (b) property belonging to or held in trust by or in the custody or control of the person insured; or
- (c) any bridge, weighbridge, viaduct, road or anything beneath which has been damaged by vibration, by the weight of the motor vehicle or of the load carried by the motor vehicle.

(4) In the case of damage to property, a policy of insurance shall not be required to cover liability in respect of any sum in excess of—

- (a) fifty thousand dollars where the liability arises out of one claim by one person;
- (b) two hundred thousand dollars where the liability arises out of a series of claims by different persons in respect of the same accident.

(5) Sections 8 and 12 shall not apply to damage to property.

(6) Where any payment is made by an insurer under a policy issued under this Act or by the owner of a motor vehicle in relation to the user of which a security under this Act is in force or who has made a deposit under this Act 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 the 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 the owner to the 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 the 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.

(7) Notwithstanding anything in any written law, 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.

(8) A policy shall be of no effect for the purposes of this Act unless and until there is issued by the insurer in favour of the person by whom the policy is effected a certificate (in this Act 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.

(9) In this Act 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 thirty 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.

However, the provisions of this subsection shall not apply to a *bonâ fide* visitor to Trinidad and Tobago who is the holder of a policy of insurance which otherwise complies with the requirements of this Act in respect of the period of his temporary stay in Trinidad and Tobago.

5. A certificate of insurance shall be issued by the insurer on or before the expiration of the period during which a single covering note has effect or where no such note was issued within seven days of the receipt by the insurer of the first premium or part premium paid in respect of the policy for which the certificate is required.

6. Where a policy of insurance issued by a company under the Act expires, is cancelled or ceases to have effect, the company shall within thirty days of the expiration, cancellation or the ceasing to have effect of the policy, notify the Licensing Authority that the policy has expired, is cancelled or has ceased to have effect.

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

- (a) be given either by an insurer or by a person or body of persons approved by the Minister carrying on in Trinidad and Tobago the business of giving securities of a like kind; and

Time limit within which certificate of insurance shall be issued. [50 of 1979].

Company to notify Licensing Authority that policy has expired, is cancelled or has ceased to have effect. [50 of 1979].

Requirements in respect of securities. [45 of 1979].

(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 two hundred thousand dollars 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 section 4 which may be incurred by him or them.

(2) A security shall be of no effect for the purposes of this Act 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 Act 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 two hundred thousand dollars or approved securities to the like amount in the hands of the Comptroller of Accounts to make good any liability as is specified in this Act.

8. (1) Any condition in a policy or security issued or given for the purposes of this Act, 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 section 4(1)(b).

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

(2) 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.

9. Provision may be made by Regulations under the Motor Vehicles and Road Traffic Act, for requiring a person making a requisition for a licence in respect of a motor vehicle under sec-

Production of certificate of insurance or certificate of security on application for motor vehicle licence.  
Ch. 48:50.

tion 6 of that Act, 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 Act 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. [24 of 1966 50 of 1979].

10. (1) If, after a certificate of insurance has been delivered under section 4(8) 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 section 4(1)(b) (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 written law 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 or within such other period as the Court may in its absolute discretion consider equitable the insurer had notice of the bringing of the proceedings;
- (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 Act 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 to do so apart from any provision contained in it.

However, an insurer who has obtained such a declaration 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 Act 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.

11. Where a certificate of insurance has been delivered under section 4(8) 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 section 17(1) or (2), shall, notwithstanding anything in this Act, not affect any such liability of that person as is required to be covered by a policy under section 4(1)(b), but nothing in this section shall affect any rights against the insurer conferred by this Act on the person to whom the liability was incurred.

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

12. (1) Where a certificate of insurance has been delivered under section 4(8) 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;
- (b) the condition of the vehicle;
- (c) the number of persons that the vehicle carries;
- (d) the weight or physical characteristics of the goods that the vehicle carries;
- (e) the times at which or the areas within which the vehicle is used;
- (f) the horse power or value of the vehicle;

- (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 Act,

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

(2) 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.

13. (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 section 4(1)(b) 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 Act, or would have been so insured if the insurer has 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 section 4(8).

Duty of person 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 is guilty of an offence.

14. Where a certificate of insurance has been delivered under section 4(8) 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 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 to do so he is guilty of an offence.

Duty to surrender certificate on cancellation of policy.

15. The provision of sections 10 to 14 shall apply in relation to securities having effect for the purposes of this Act 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

Application of sections 10 to 14 to securities.

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 as to preservation of rights in case of death of an insured.

16. 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 written law, 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 section 4(3) 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 Act.

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

17. (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 Act or rule of law to the contrary, be transferred to and vest in the third party to whom the liability was so incurred.

Ch. 9:70.

(2) Where an order is made under section 115 of the Bankruptcy Act 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 insur-

ance 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 Act, 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 Act 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 subsection (1)(a) or (b) or upon the making of an order under section 115 of the Bankruptcy Act in respect of his estate, the contract shall be of no effect.

(4) Upon a transfer under subsection (1) or subsection (2), the insurer shall, subject to the provisions of section 19, 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 Act 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 Act shall affect the rights of the third party against the insured in respect of the balance.

(5) For the purposes of this Act 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 Act 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 section 16(1) and (2) of the Workmen's Compensation Act applies.

Ch. 88:05.

**18.** (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 Act 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

Duty to give necessary information to third parties.  
Ch. 9:70.

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 Act 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) discloses reasonable ground for supposing that there have or may have been transferred to him under this Act rights against any particular insurer, that insurer shall be subject to the same duty as is imposed by the 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.

Settlement  
between  
insurers and  
insured persons.

19. 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 Act, but those rights shall be the same as if no such agreement, waiver, assignment, disposition or payment had been made.

20. (1) A person who drives or is in charge of a motor vehicle on any road shall have either on his person or in the motor vehicle his certificate for production as required under subsection (2).

Requirements as to production of certificate of insurance or of security. [9 of 1978].

(2) Any person driving a motor vehicle on a public road shall, on being so required by any member of the Police Service, give his name and address and the name and address of the owner of the motor vehicle and produce his certificate.

(3) Any person who fails to comply with the requirements of either subsection (1) or (2) is liable to a fine of five hundred dollars or to imprisonment for six months.

(4) 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 a First Division police officer to give as to the identity of the driver of the motor vehicle on any occasion when the driver was required under subsection (2) to produce the certificate, and if the owner fails to do so, he is guilty of an offence.

(5) 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 Service or to some person who, having reasonable grounds for doing so, 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.

(6) In this section the expression "certificate" means 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 as may be prescribed.

21. Where a company carrying on motor vehicle insurance business—

(a) accepts a vehicle which was involved in an accident as a total loss; or

(b) agrees to pay the insured for the loss of the vehicle,

the company shall, within seven days of the acceptance or agreement notify the Licensing Authority of its decision and when so doing specify in detail the extent of the damage to the vehicle.

Company to notify Licensing Authority of decision to accept vehicle as a total loss or to pay insured for loss of vehicle. [50 of 1979].

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

(a) forges within the meaning of the Forgery Act, or alters or uses or lends to or allows to be used by any

Forgery, etc., of certificates. Ch. 11:13.

other person, a certificate of insurance or certificate of security within the meaning of this Act; or

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

he is 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 Act makes any false statement or withholds any material information, he is liable to a fine of two thousand dollars and to imprisonment for six months.

(3) If any person issues a certificate of insurance or certificate of security which is to his knowledge false in any material particular, he is liable to a fine of four thousand dollars and to imprisonment for six months.

(4) If any member of the Police Service has reasonable cause to believe that any certificate of insurance or certificate of security produced to him in pursuance of the provisions of this Act 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 document, and the court shall make such order respecting the disposal of the 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 Act, in pursuance of the provisions of section 9 to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security.

Ch. 48:50.

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

**23.** If the driver of any motor vehicle who commits an offence under this Act or any regulations made thereunder, refuses to give his name and address, or gives a false name or address, is guilty of an offence; and it shall be the duty of the owner of the motor vehicle if required to give any information which 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 is guilty of an offence.

## 24. If—

- (a) any motor vehicle is used which contravenes any provision of this Act or of any Regulation, or of any order lawfully made under this Act or any Regulation;
- (b) any motor vehicle is used in such a state or condition or in such a manner as to contravene any such provision; or
- (c) anything is done or omitted in connection with a motor vehicle in contravention of any such provision;

Liability of driver and owner for offences.

then, unless otherwise expressly provided by this Act—

- (d) the driver of the motor vehicle at the time of the offence is guilty of an offence unless the offence was not due to any act, omission, neglect, or default on his part; and
- (e) the owner of the motor vehicle also is 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.

25. (1) Any person who contravenes any of the provisions of this Act, is, unless a penalty is otherwise specifically provided, liable on summary conviction to a fine of one thousand dollars or to imprisonment for three months.

Offences and general penalty.

(2) Where a person is, by virtue of any power contained in this Act 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, a Magistrate on conviction, in addition to any other penalty which he may impose, may order such person to comply with the requisition and may 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) Any 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 forty dollars for every day during which he is thereafter in default or to be imprisoned, until he has remedied his default, but he shall not for the non-compliance be liable to the payment of any sums

amounting in the aggregate to more than one thousand 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.

26. Save as otherwise expressly provided, all offences under this Act 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 Act.

Ch. 4:20.

Regulations.

27. (1) The Minister may make regulations for prescribing anything which may be prescribed under this Act, and generally for the purpose of carrying this Act 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 Act;
- (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 Act shall, in relation to motor vehicles brought into Trinidad and Tobago 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 be subject to affirmative resolution of Parliament.

---

## SUBSIDIARY LEGISLATION

MOTOR VEHICLES INSURANCE  
(THIRD-PARTY RISKS) REGULATIONS*made under sections 9 and 27*

G. 1.3.34.

[3.3.38  
30.4.42  
13.3.43].

## ARRANGEMENT OF REGULATIONS

## REGULATION

1. Citation.
2. Interpretation.
3. Certificates issued by company.
4. Authentication and date of issue of certificate.
5. Issue of further article of insurance as security.
6. Evidence as alternative to production of certificate.
7. Destruction of certificate.
8. Printing and contents of certificate.
9. Licensing of a motor vehicle.
10. Record of particulars to be kept.
11. Notification of ineffective policy or security.
12. Return of suspended or ineffective certificates.
13. Issue of fresh certificate.
14. Interpretation—Part II.
15. Certificate of foreign insurance.
16. Issuing of certificate of foreign insurance.
17. Application for certificate of foreign insurance.
18. Signature of authorised person.
19. Period of validity.
20. Effect of certificate of foreign insurance.
21. Application of section 8.
22. Return of certificate of foreign insurance.
23. Record of particulars relative to certificate of foreign insurance.
24. Fine.

## SCHEDULE.

## PART I

1. These Regulations may be cited as The Motor Vehicles Insurance (Third-Party Risks) Regulations. Citation.

2. In these Regulations— Interpretation.  
 “policy” means such policy of insurance in respect of third-party risks arising out of the use of motor vehicles as complies with the requirements of the Act and includes a single covering

[Subsidiary]

*Motor Vehicles Insurance  
(Third-Party Risks) Regulations*

note issued for a period not exceeding ninety days in respect of any motor vehicle, but does not include any extension of a covering note or any subsequent covering note issued in respect of the same motor vehicle during any period of six consecutive months;

“security” means such security in respect of third-party risks arising out of the use of motor vehicles as complies with the requirements of the Act;

“company” means an insurer as defined in section 2 of the Act;

“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.

Certificates  
issued by  
company.

3. (1) A company shall issue to every holder of a security or of a policy other than a covering note issued by the company—

(a) in the case of a policy or security relating to a specified vehicle or to specified vehicles a certificate of insurance in the form set out as Form A or a certificate of a security in the form set out as Form D in the Schedule in respect of each such vehicle;

Forms A, D.  
Schedule.

(b) in the case of a policy or security not relating to any specified vehicle or vehicles such number of certificates in the forms set out as Form B or D in the Schedule as may be necessary to enable the requirements of section 20(2) of the Act and of these Regulations as to the production of evidence that a motor vehicle is not being driven in contravention of section 3 of the Act to be complied with; but where a security is intended to cover the use of more than 10 motor vehicles at one time the company by whom it was issued may subject to the consent of the Minister issue one certificate only and where the consent has been given the holder of the security may issue duplicate copies of the certificate duly authenticated by him up to such number and subject to such conditions as the Minister may determine.

Forms B, D.  
Schedule.

(2) A policy in the form of a covering note issued by a company shall have printed thereon or on the back thereof a certificate of insurance in the form set out as Form C in the Schedule.

Form C.  
Schedule.

Authentication  
and date of  
issue of  
certificate.

4. (1) A certificate of insurance or certificate of security shall be duly authenticated by or on behalf of the company by whom it is issued.

(2) A certificate shall be issued on or before the date on which the policy or security is issued or renewed.

5. When under the terms of a policy or security relating to a specified motor vehicle the holder is entitled to drive any other motor vehicle than that specified without contravention of section 3 of the Act, the company by which the policy or security was issued may and shall on demand being made to them by the holder issue to him a further certificate of insurance in the forms set out as Form A or B in the Schedule or a further certificate of security as the case may be.

Issue of further article of insurance security.

Forms A, B. Schedule.

6. The following evidence that a motor vehicle is not being driven in contravention of section 3 of the Act may be produced by the driver of the motor vehicle on the request of a member of the Police Service in pursuance of section 20 of the Act as an alternative to the production of a certificate of insurance or a certificate of security—

Evidence as alternative to production of certificate.

(a) a duplicate copy of a certificate of security issued in accordance with regulation 3(1)(b);

(b) in the case of the municipal motor vehicles mentioned in section 3(4) of the Act, a certificate in the form set out as Form E in the Schedule signed by some person authorised in that behalf by the authority.

Form E. Schedule.

7. Any certificate issued in accordance with regulation 6(b) shall be destroyed by the person by whom it was issued before the motor vehicle to which it relates is sold or otherwise disposed of.

Destruction of certificate.

8. (a) Every certificate issued in pursuance of the Act and of these Regulations shall be printed and completed in black on white paper or similar material.

Printing and contents of certificate.

(b) No certificate so issued shall contain any advertising matter either on the face or on the back.

The name and address of a company by which a certificate is issued or a reproduction of the seal of the company or any monogram or similar device of the company or the name and address of an insurance broker shall not be deemed to be advertising matter for the purposes of this regulation if it is printed or stamped at the foot or on the back of the certificate.

9. (1) Any person applying under section 24 of the Motor Vehicles and Road Traffic Act for the licensing of a motor vehicle

Licensing of a motor vehicle. Ch. 48:50.

*Motor Vehicles Insurance  
(Third-Party Risks)*

[Subsidiary]

*Motor Vehicles Insurance  
(Third-Party Risks) Regulations*

shall produce to the Licensing Officer, for verification, a certificate of insurance or a certificate of security issued in accordance with regulation 3(1)(a), indicating that on the date when the licence comes into operation there will be in force a policy or a security in relation to the use of the motor vehicle by the applicant or by other persons on his order or with his permission.

(2) There may be produced in lieu of a certificate of insurance or a certificate of security—

- (a) where a motor vehicle of which the owner had deposited with the Comptroller of Accounts the sum of two hundred thousand dollars in accordance with section 7(3) of the Act, a certificate signed by the owner of the vehicle or by some person authorised by him in that behalf and by the Comptroller of Accounts that the deposit has been made;
- (b) where the motor vehicle is one of more than ten motor vehicles owned by the same person in respect of which a policy or policies of insurance have been obtained by him from the same insurer, a statement duly authenticated by the insurer to the effect that on the date when the licence becomes operative an insurance policy which complies with the Act will be in force in relation to the motor vehicle;
- (c) where motor vehicles used and employed exclusively in Government service or in the service of the Municipal Authorities of Port-of-Spain, San Fernando or Arima, a certificate signed by some person authorised in that behalf that the vehicles in respect of which the application for a licence is made are owned by Government or by either of the authorities and so used and employed exclusively.

Record of  
particulars to be  
kept.

10. (1) A company by whom a policy or a security is issued shall keep a record of the following particulars relative thereto and of any certificates issued in connection therewith:

- (a) 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 and registration number of each 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 a security the conditions subject to which the undertaking given by the company under the security will be implemented;
- (f) every record shall be preserved for one year from the date of expiry of the policy or security.

(2) A Municipal Authority mentioned in section 3(4) of the Act shall keep a record of the motor vehicles owned by them in respect of which a policy or a security has not been obtained, and of any certificate issued by them under these Regulations in respect of the motor vehicles, and of the withdrawal or destruction of any such certificates.

(3) Any person, authority, or company by whom records of documents are required to be kept by these Regulations shall, without charge, furnish to the Commissioner of Police on request any particulars thereof.

(4) A company by whom a certificate of insurance or a certificate of security is issued, shall forthwith forward to the Licensing Officer, Port-of-Spain, a duplicate of the certificate.

For the purposes of this subregulation, the expression "Licensing Officer" means an officer appointed under section 4 of the Motor Vehicles and Road Traffic Act.

Ch. 48:50.

11. Where to the knowledge of a company a policy or security issued by them ceases to be effective without the consent of the person to whom it was issued otherwise than by effluxion of time or by reason of his death the company shall forthwith notify the Commissioner of Police of the date on which the policy or security ceased to be effective.

Notification of ineffective policy or security.

12. Where with the consent of the person to whom it was issued a policy or security is suspended or ceases to be effective otherwise than by effluxion of time such person shall forthwith return any relative certificates to the company by which they were issued and a new policy or security shall not be issued to that person, nor shall the policy or security be transferred to any other person unless and until the certificates have been returned to the company or the company are satisfied that they have been lost or destroyed.

Return of suspended or ineffective certificates.

13. (1) Where any company by whom a certificate of insurance or a certificate of security has been issued are satisfied that the

Issue of fresh certificate.

certificate has become defaced or has been lost or destroyed they shall if requested by the person to whom the certificate was issued, issue to him a fresh certificate.

(2) Every statutory declaration made for the purposes of section 10(2)(c) or of section 14 of the Act, shall be delivered forthwith to the insurer by the person making the declaration.

PART II

Interpretation—  
Part II.

**14.** In this Part—

“issuing authority” means the Trinidad Automobile Association;  
“motor vehicle” means a motor vehicle brought into Trinidad and Tobago by a visitor;  
“visitor” means a person bringing a motor vehicle into Trinidad and Tobago and making only a temporary stay therein.

Certificate of  
foreign  
insurance.

**15.** A visitor who is a holder of a policy of insurance issued outside Trinidad and Tobago in respect of third-party risks arising out of the driving by him of a motor vehicle in Trinidad and Tobago may make application to the issuing authority for a certificate (hereinafter called “a certificate of foreign insurance”) in the form set out as Form F in the Schedule.

Form F.  
Schedule.

Issuing of  
certificate of  
foreign  
insurance.

**16.** The issuing authority may issue in duplicate a certificate of foreign insurance to any visitor who makes application in the manner prescribed by these Regulations.

Application for  
certificate of  
foreign  
insurance.

**17.** An application for a certificate of foreign insurance shall be signed by the person by whom it is made and shall specify the number of the policy in respect of third-party risks held by him, the name of the company by which it was issued, the date on which the policy commences and the date on which it expires, and shall also contain a declaration by the applicant that the provisions of the policy with respect to third-party risks are effective in relation to the driving of the motor vehicle in Trinidad and Tobago by him or by some other person or persons or classes of persons specified in the declaration.

Signature of  
authorised  
person.

**18.** A certificate of foreign insurance shall be signed by some person duly authorised in that behalf by the issuing authority.

Period of  
validity.

**19.** The period of validity of a certificate of foreign insurance shall not exceed either of the following:

- (a) four months from the date of the arrival of the motor vehicle in Trinidad and Tobago;
- (b) the unexpired period covered by the policy to which it relates.

20. For the purposes of the Act and of regulation 6, a certificate of foreign insurance shall have effect as if it were a certificate of insurance issued by an insurer and the policy of insurance to which it relates shall be deemed to comply with the requirements of the Act.

Effect of certificate of foreign insurance.

21. The provisions of section 8 of the Act shall not apply in relation to any policy of insurance in respect of which a certificate of foreign insurance has been issued.

Application of section 8.

22. A certificate of foreign insurance shall be forthwith returned by the visitor to the issuing authority if the motor vehicle to which it relates is sold or otherwise disposed of or if by reason of his obtaining a new policy or otherwise a new certificate of foreign insurance is issued to him during his stay in Trinidad and Tobago, and if the certificate is not so returned it shall be surrendered to the issuing authority by which it was issued by or on behalf of the visitor when the motor vehicle is taken out of Trinidad and Tobago.

Return of certificate of foreign insurance.

23. The issuing authority shall keep a record of the following particulars relative to any certificates of foreign insurance issued by it:

Record of particulars relative to certificate of foreign insurance.

- (a) the full name and address of the person to whom the certificate is issued and particulars of the persons or classes of persons authorised to drive the motor vehicle;
- (b) the date on which the policy of insurance to which the certificate relates commences and the date on which it expires;
- (c) the date of return of the certificate to the issuing authority;

and the issuing authority shall without charge furnish to the Commissioner of Police on request any particulars thereof.

### PART III

24. Any person who contravenes any of the provisions of these Regulations is liable on summary conviction to a fine of one hundred and fifty dollars.

Fine.

*Motor Vehicles Insurance  
(Third-Party Risks)*

[Subsidiary]

*Motor Vehicles Insurance  
(Third-Party Risks) Regulations*

**SCHEDULE**

Regulations  
3(1)(a), 5.

FORM A

MOTOR VEHICLES INSURANCE (THIRD-PARTY RISKS) ACT

CERTIFICATE OF INSURANCE

*Certificate No.*

*Policy No.  
(Optional)*

1. Index mark and registration number of vehicle.  
or (if not registered) Make.  
Chassis No.

2. Name of Policy holder.

3. Effective date of the commencement of Insurance for the purposes of the Act.

4. Date of expiry of Insurance.

5. Persons or classes of persons entitled to drive.\*

6. Limitations as to use.\*

(I)/(We) hereby certify that the policy to which this certificate relates is issued in accordance with the provisions of the above-mentioned Act.

Hour of issue.

Date of issue.

*Insurers*

\*Limitations rendered inoperative by section 12 of the Motor Vehicles Insurance (Third-Party Risks) Act are not to be included under this heading.

Regulations  
3(1)(b), 5.

FORM B

MOTOR VEHICLES INSURANCE (THIRD-PARTY RISKS) ACT

CERTIFICATE OF INSURANCE

*Certificate No.*

*Policy No.  
(Optional)*

1. Description of vehicles.

2. Name of Policy holder.

3. Effective date of the commencement of Insurance for the purposes of the Act.

4. Date of expiry of Insurance.

5. Persons or classes of persons entitled to drive.\*

6. Limitations as to use.\*

(I)/(We) hereby certify that the policy to which this Certificate relates is issued in accordance with the provisions of the above-mentioned Act.

*Insurers*

\*Limitations rendered inoperative by section 12 of the Motor Vehicle Insurance (Third-Party Risks) Act, are not to be included under this heading.

MOTOR VEHICLES INSURANCE (THIRD-PARTY RISKS) ACT

CERTIFICATE OF INSURANCE

(I)/(We) hereby certify that this covering note is issued in accordance with the provisions of the above-mentioned Act and cannot exceed ninety days.

Index Mark and Registration number of vehicle.  
or (if not registered)

Make.....

Chassis No. ....

Hour of issue.....

Date of issue.....

*Insurers*

FORM D

Regulation  
3(1).

MOTOR VEHICLES INSURANCE (THIRD-PARTY RISKS) ACT

CERTIFICATE OF SECURITY

*Certificate No.*

*Security No.  
(Optional)*

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 this certificate relates is issued in accordance with the provisions of the above-mentioned Act.

*(authorised under the said Act  
to issue securities).*

\*Conditions rendered inoperative by section 12 of the Motor Vehicles Insurance (Third-Party Risks) Act are not to be included under this heading.

FORM E

Regulation  
6(b).

MOTOR VEHICLES INSURANCE (THIRD-PARTY RISKS) ACT

CERTIFICATE OF OWNERSHIP BY A MUNICIPAL AUTHORITY

We hereby certify that the vehicle of which the registration marks and numbers are ..... is the property of .....

*Signed on behalf of the Authority*

*Motor Vehicles Insurance  
(Third-Party Risks)*

30

**Chap. 48:51**

[Subsidiary]

*Motor Vehicles Insurance  
(Third-Party Risks) Regulations*

Regulation 15.

FORM F

MOTOR VEHICLES INSURANCE (THIRD-PARTY RISKS) ACT

CERTIFICATE OF FOREIGN INSURANCE

*Certificate No.*

*Policy No.*

1. Date to which Certificate is valid.
2. Identification mark and number or numbers and make of vehicle.
3. Persons or classes of persons authorised to drive the vehicle.
4. Date of commencement of policy.
5. Date of expiry of policy.

I hereby certify that this certificate is issued in accordance with the Regulations made under the Motor Vehicles Insurance (Third-Party Risks) Act.

*Signed*  
*on behalf of*