

CHAPTER 133.

MOTOR VEHICLES (THIRD PARTY INSURANCE) RULES.

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P.N.
14 of 1950.
57 of 1950.

THE MOTOR VEHICLES (THIRD PARTY INSURANCE) RULES

made by the Governor in Council under section 20.

PART I.—PRELIMINARY.

Citation.

1. These rules may be cited as the Motor Vehicles (Third Party Insurance) Rules, and shall come into force on the same day as the Motor Vehicles (Third Party Insurance) Ordinance (hereinafter called "the Ordinance").

Interpreta-
tion.

2. In these rules—

"insurer" means an insurer duly approved by the Governor in Council and includes firms, persons and bodies of persons duly approved by the Governor in Council by whom security may be given for the purposes of the Ordinance;

"policy" means such policy of insurance in respect of third party risks arising out of the use of motor vehicles as complies with the provisions of the Ordinance and includes a covering note;

"security" means such security in respect of third party risks arising out of the use of motor vehicles as complies with the provisions of the Ordinance.

PART II.—CERTIFICATES.

Certificates
of insurance
and of
security.

3. An insurer shall issue to every holder of a security or of a policy, other than a covering note issued by the insurer—

(a) in the case of a policy relating to specified motor vehicles, a certificate of insurance in the Form A in the Schedule hereto in respect of each such motor vehicle;

(b) in the case of a security relating to specified motor vehicles, a certificate of security in the Form D in the Schedule hereto in respect of each such motor vehicle;

(c) in the case of a policy or security not relating to any specified motor vehicle such number of certificates in the Form B or D in the Schedule hereto as may be necessary for the requirements for the production of evidence that a motor vehicle is not being driven in contravention of the Ordinance or of these rules.

4. Every policy in the form of a covering note issued by an insurer shall have printed thereon a certificate of insurance in the Form C in the Schedule hereto.

Covering notes.

5. In any case where it is intended that a certificate of insurance, a certificate of security or a covering note shall be effective in the Federation of Nigeria, Ghana or the Gambia as well as in Sierra Leone, Forms A, B, C and D may be modified by the addition thereto where necessary of the titles of such of the Federation of Nigeria, Ghana or Gambia Ordinances as may be relevant.

Forms for use in Nigeria, Ghana or Gambia.

6. (1) Every certificate of insurance or certificate of security shall be duly authenticated by or on behalf of the insurer by whom it is issued.

Issue of certificates.

(2) Each such certificate shall be issued not later than three days after the date on which the policy or security is issued or renewed.

7. Where 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 the Ordinance or these rules the insurer by whom such policy or security was issued may, and shall on demand being so made by the holder, issue to him a further certificate of insurance in the Form A or B in the Schedule hereto or a further certificate of security in the Form D in the Schedule hereto, as the case may be.

Further certificates.

8. (1) The documents set out hereunder shall be produced by the driver of any motor vehicle to which this rule applies as evidence that such motor vehicle is not being driven in contravention of the Ordinance—

Documents to be carried in respect of motor vehicles exempted or where deposit has been made.

(a) in the case of a motor vehicle in respect of which a deposit has been lodged with the Accountant General in accordance with the provisions of the Ordinance, a certificate in the Form E in the Schedule hereto signed by the owner of the motor vehicle or some person on his behalf and countersigned by the Accountant General or some officer on his behalf;

(b) in the case of a motor vehicle owned by the Imperial Government or the Government, a certificate in the Form F in the Schedule hereto signed by a duly authorised officer of the department possessing or using such motor vehicle.

(2) When a certificate is issued under the provisions of this rule and the motor vehicle in respect of which the certificate issued is to be sold or otherwise disposed of, then, if such certificate has been countersigned by the Accountant General or an officer on his behalf, it shall be returned to the Accountant General before the completion of such sale or other disposal and in all other cases such certificate shall be destroyed by the person by whom it was issued before the completion of the sale or other disposal.

Certificate
to be printed.

9. (1) Every certificate issued under the provisions of the Ordinance and of these rules shall be printed and completed in black over strong paper or similar material.

(2) No certificate so issued shall contain anywhere thereon any advertising matter:

Provided that the name and address of the insurer by whom it was issued or a reproduction of the seal of the insurer or any monogram or similar device of the insurer or the name and address of an insurance broker shall not be deemed to be advertising matter for the purposes of this rule if it is printed or stamped at the foot or on the back of such certificate.

Production
of certificate
on applica-
tion for
licence.

10. In accordance with section 6 of the 'Ordinance, the person applying for a licence for a motor vehicle shall produce to the licensing authority—

(a) his certificate of insurance or of security in respect of such motor vehicle; or

(b) his certificate of deposit with the Accountant General; or

(c) his certificate of ownership issued under the provisions of rule 8,

to show that on the date on which the licence comes into operation there will be in force a policy or security in respect of such motor vehicle or that such motor vehicle will be exempted from the provisions of section 3 of the Ordinance.

Records.

11. (1) Every insurer by whom a policy or security is issued shall keep a record of the following particulars relative thereto and of any certificate issued in connection therewith—

(a) the full name and address of the person to whom the policy, security or certificate is issued;

(b) in the case of a policy or security relating to specified motor vehicles the index mark and registration number of each such motor vehicle;

(c) the date on which the policy or security comes into force and the date on which it expires;

(d) in the case of a policy the conditions subject to which the persons or classes of person specified in the policy will be indemnified;

(e) in the case of a security the conditions subject to which the undertaking by the insurer under the security will be implemented.

(2) Every such record shall be preserved for at least one year from the date of expiration of the policy or security.

(3) A person who has deposited and keeps deposited with the Accountant General a sum in accordance with the provisions of the Ordinance shall keep a record of the motor vehicles owned by him and of any certificates issued under the provisions of these rules in respect of such motor vehicles and of the withdrawal or destruction of such certificates.

(4) Any person or firm required to keep such records under the provisions of this rule shall, without charge, permit inspection of such records by and furnish any particulars thereof on request to the Commissioner of Police or any superior police officer so authorised by him.

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

Notification
that policy
or security
ceases to
be effective.

13. Where with the consent of the person to whom it was issued a policy or security is transferred, suspended or ceases to be effective otherwise than by efflux of time, such person shall forthwith return any relevant certificates to the insurer by whom such certificates were issued and a new policy or security shall not be issued to such person, nor shall the original policy or security be transferred to any other person unless and until such certificates have been returned to the insurer or the insurer is satisfied that such certificates have been lost or destroyed and where the insurer is so satisfied that any such certificates have been lost he shall so notify the Commissioner of Police.

Return of
certificates.

Issue of
fresh
certificates.

14. Where an insurer is satisfied that a certificate of insurance or a certificate of security issued by him has become defaced or has been lost or destroyed, he shall, if so requested by the person to whom any such certificate was issued, issue to that person a fresh certificate and shall so notify the Commissioner of Police.

Statutory
declarations.

15. Every statutory declaration made for the purposes of the Ordinance shall be treated as and delivered to the insurer in like manner as if it were a certificate.

Interpreta-
tion.

Cap. 132.

Visitors

Issue of
certificate of
foreign
insurance.

Application
for certificate
of foreign
insurance.

16. In this Part—

“ issuing authority ” means the Central Registrar and licensing authorities appointed under the provisions of the Road Traffic Ordinance;

“ motor vehicle ” means a motor vehicle brought into Sierra Leone by a visitor;

“ temporary stay ” means a period of three months or under;

“ visitor ” means a person bringing a motor vehicle into Sierra Leone from a place outside Sierra Leone who is making only a temporary stay in Sierra Leone.

17. A visitor who is the holder of a policy of insurance issued in any place outside Sierra Leone in respect of third party risks arising out of the use by him, his servants or agents, of a motor vehicle in Sierra Leone may make application to an issuing authority for a certificate of foreign insurance in the Form G in the Schedule hereto.

18. An issuing authority if he is satisfied that the terms of any such policy comply with the provisions of the Ordinance may issue a certificate of foreign insurance to any visitor who makes application therefor in accordance with the provisions of these rules.

19. An application for a certificate of foreign insurance shall be signed by the visitor by whom it is made and shall be accompanied by the policy or a certified copy thereof and shall specify—

(a) the number of the policy and the name and address of the insurer who issued the policy; and

(b) the date of issue of and date of expiry of such policy;
and

shall contain a declaration by the visitor applicant that the provisions of such policy with respect to third party risks comply with the provisions of the Ordinance and are effective in regard to the use by him, his servants or agents, of such motor vehicle in Sierra Leone.

20. (1) Every certificate of foreign insurance shall be signed by the issuing authority and the period of validity of such certificate shall not exceed the unexpired period covered by the policy to which it relates and shall not in any case exceed a period of three months from the date on which the motor vehicle is brought into Sierra Leone.

Effect of a certificate of foreign insurance.

(2) For the purposes of the Ordinance and of these rules a certificate of foreign insurance shall be deemed to have effect as if it were a certificate of insurance issued by an approved insurer.

21. A certificate of foreign insurance shall forthwith be returned by the visitor to the issuing authority if the motor vehicle is sold or otherwise disposed of during the period for which such certificate is valid, or if the visitor obtains a new policy of insurance or if for any reason another certificate of foreign insurance is issued to him during his stay in Sierra Leone or on the expiration of the period of validity of such certificate and where a certificate is not for any of these reasons returned to the issuing authority it shall be surrendered to the issuing authority when the motor vehicle is taken out of Sierra Leone on completion of the visitor's temporary stay.

Return of certificates of foreign insurance.

22. Each issuing authority shall keep a record of the following particulars of certificates of foreign insurance issued by him—

Record of certificates 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 person covered under the policy in respect of the driving of the motor vehicle;

(b) the date on which the policy of insurance commences and the date on which it expires;

(c) the name, address and description of the insurer issuing such policy;

(d) the date of the return of such certificate to the issuing authority.

Return by
licensing
authorities.

23. Each licensing authority shall furnish to the Central Registrar a monthly return of certificates of foreign insurance issued by him with such other details as the Central Registrar may from time to time require.

Deposits.

24. Where a visitor makes a deposit with the Accountant General in lieu of obtaining a certificate of insurance, or a certificate of security or a certificate of foreign insurance, such deposit shall be held by the Accountant General for a period of twelve months after the departure from Sierra Leone of such visitor or until the termination of any proceedings respecting the liability of such visitor in respect of any third party risks, as the case may be.

PART IV.—MISCELLANEOUS.

Penalty.

25. Any person contravening or failing to comply with the provisions of these rules shall be liable on summary conviction for the first offence to a fine of fifty pounds or in default of payment to imprisonment for a period not exceeding six months and for a second or subsequent offence to a fine of fifty pounds or to imprisonment for six months or to both such fine and imprisonment.

SCHEDULE.

FORM A.

MOTOR VEHICLES (THIRD PARTY INSURANCE) ORDINANCE.

CERTIFICATE OF INSURANCE.

Certificate No..... Policy No.....

1. Index mark and registration number of vehicle.
2. Name of policy holder.
3. Effective date of the commencement of insurance for the purposes of the Ordinance.
4. Date of expiry of insurance.
5. Persons or classes of persons entitled to drive.*
6. Limitation as to use.*

I/We hereby certify that the policy to which this certificate relates is issued in accordance with the provisions of the Motor Vehicles (Third Party Insurance) Ordinance.

(Signed).....

Approved Insurers.

* Limitations rendered inoperative by the provisions of the Motor Vehicles (Third Party Insurance) Ordinance, are not to be included under this heading.

FORM B.

MOTOR VEHICLES (THIRD PARTY INSURANCE) ORDINANCE.

CERTIFICATE OF INSURANCE.

Certificate No..... Policy No.....

1. Description of vehicles.
2. Name of policy holder.
3. Effective date of commencement of insurance for the purposes of the Ordinance.
4. Date of expiry of insurance.
5. Persons or classes of person 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 Motor Vehicles (Third Party Insurance) Ordinance.

(Signed).....

Approved Insurers.

* Limitations rendered inoperative by the provisions of the Motor Vehicles (Third Party Insurance) Ordinance, are not to be included under this heading.

FORM C.

MOTOR VEHICLES (THIRD PARTY INSURANCE) ORDINANCE.

CERTIFICATE OF INSURANCE.

I/We hereby certify that this covering note is issued in accordance with the provisions of the Motor Vehicles (Third Party Insurance) Ordinance.

(Signed).....

Approved Insurers.

FORM D.

MOTOR VEHICLES (THIRD PARTY INSURANCE) ORDINANCE.

CERTIFICATE OF SECURITY.

Certificate No..... Policy No.....

1. Name of holder of security.
2. Effective date of the commencement of security for the purposes of the Ordinance.
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 Motor Vehicles (Third Party Insurance) Ordinance.

(Signed).....

*Authorised under the Motor
Vehicles (Third Party Insurance)
Ordinance, to issue securities.*

* Conditions rendered inoperative by the provisions of the Motor Vehicles (Third Party Insurance) Ordinance, are not to be included under this heading.

FORM E.

MOTOR VEHICLES (THIRD PARTY INSURANCE) ORDINANCE.

CERTIFICATE OF DEPOSIT.

I/We hereby certify that I am/we are the owner/owners of the vehicle of which the registration mark and number are..... and that in pursuance of the provisions of..... the Motor Vehicles (Third Party Insurance) Ordinance, I/we have deposited with the Accountant General, the sum of.....

(Signed)..... (Countersigned)..... Accountant General.

on behalf of.....

FORM F.

MOTOR VEHICLES (THIRD PARTY INSURANCE) ORDINANCE.

CERTIFICATE OF OWNERSHIP BY THE GOVERNMENT OR BY THE IMPERIAL GOVERNMENT.

I hereby certify that the vehicle of which registration mark and number are..... is the property of.....

(Signed).....

(Rank and Department).....

FORM G.

MOTOR VEHICLES (THIRD PARTY INSURANCE) ORDINANCE.

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 person 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 rules made by the Governor in Council under the Motor Vehicles (Third Party Insurance) Ordinance.

(Signed).....

Issuing Authority.

**THE MOTOR VEHICLES (THIRD PARTY INSURANCE)
(APPROVED INSURERS) RULES***made by the Governor in Council under section 20.*

P.N.
71 of 1950.
49 of 1951.
40 of 1952.
86 of 1954.
100 of 1955.
44 of 1956.
61 of 1959.

Citation.

1. These rules may be cited as the Motor Vehicles (Third Party Insurance) (Approved Insurers) Rules.
2. The Insurers named in the Schedule to these rules are **Approved Insurers**.
approved as Insurers for the purposes of the Motor Vehicles (Third Party Insurance) Ordinance.

SCHEDULE.

1. Caledonian Insurance Company.
2. Royal Exchange Assurance.
3. The Liverpool and London and Globe Insurance Company Limited.
4. The Northern Assurance Company Limited.
5. Royal Insurance Company Limited.
6. The London and Lancashire Insurance Company Limited.
7. The Sea Insurance Company Limited.
8. Car and General Insurance Corporation Limited.
9. The Motor Union Insurance Company Limited.
10. Guardian Assurance Company Limited.
11. National Employers Mutual General Insurance Association Limited.
12. General Accident Fire and Life Assurance Corporation Limited.
13. Lloyd's.
14. Norwich Union Fire Insurance Society Limited.
15. Century Insurance Company Limited.
16. The London Assurance.
17. The New Zealand Insurance Company Limited.
18. The White Cross Insurance Company Limited.
19. The Yorkshire Insurance Company.
20. The South British Insurance Company Limited.
