

PROJET DE LOI

ENTITLED

The Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XIV, p. 209; as amended by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Alderney) Law, 1959 (Ordres en Conseil Vol. XVIII, p. 81); the Motor Vehicles (Passenger Insurance) (Alderney) Law, 1972 (Ordres en Conseil Vol. XXIII, p. 364); the Insurance Business (Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 214); the Financial Services Commission (Bailiwick of Guernsey) Law, 1987 (Ordres en Conseil Vol. XXX, p. 243); the Motor Vehicles (Electrically Assisted Pedal Cycles) (Exemption) (Alderney) Law, 2002 (No. XX of 2002). See also the Magistrate's Court (Guernsey) Law, 2008 (No. XVIII of 2009); the Ordinance to bring into operation the provisions of the Law entitled "The Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936" as modified and applied to the Island of Alderney by "The Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950" (Alderney Ordinance No. VI of 1950).

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ARRANGEMENT OF SECTIONS

1. Guernsey Laws to have effect in Alderney.
2. Application of above Laws.
3. Causes of Action.

SCHEDULE

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The Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950

THE STATES, in pursuance of their Resolution of the 11th day of March, 1949, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have the force of Law in the Island of Alderney.

Guernsey Laws to have effect in Alderney.

(1) The Laws set out in the Schedule hereto, either in their present form or as modified from time to time, shall have effect in the Island of Alderney subject to the adaptations and modifications set out in the next succeeding section hereof.

Application of above Laws.

(2) In the application of the said Laws to the Island of Alderney, unless the context otherwise requires –

- (a) a reference to the Island or to the States of Guernsey or any expression bearing either of those meanings shall include a reference to the Island or to the States of Alderney, as the case may be,
- (b) a reference to the Royal Court (other than the reference contained in section 14 of the Road Traffic

(Compulsory Third-Party Insurance) (Guernsey) Law, 1936, which reference shall be deemed to be a reference to the States of Alderney), to the Court or to the Police Court Magistrate shall be deemed to be a reference to the Court of Alderney,

- (c) a reference to the Police Inspector shall include a reference to any member of the Island of Guernsey Police Force on duty in the Island of Alderney,
- (d) subsection (2) of section 2 of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, shall be read as though the word "summary" were omitted and subsection (1) of section 16 of that Law shall be read as though the word "summarily" were omitted,
- (e) sub-sections (3) and (4) of section 3 of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, shall not apply to the Island of Alderney, but the following subsections shall be inserted in lieu thereof –

"(3) No person other than an authorised insurer under the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, shall be authorised to issue policies of insurance in the Island of Alderney for the purposes of this Law:

PROVIDED that the address

communicated by such an insurer for the purposes of subsections (3) and (4) of section 3 of the said Law of 1936 shall be deemed to be an address in the Island of Alderney at which he will accept service of every notice or citation required to be made to him in relation to any action or proceeding taken or to be taken in the Island of Alderney under or by reason of the provisions of this Law or of any policy issued by him to which this Law relates or in respect of any claim or proceeding made or taken by or against any person insured under such a policy.

(4) For the purposes of this Law, the expression "**authorised insurer**" means an assurance company for the time being approved by the [Guernsey Financial Services Commission, established by the Financial Services Commission (Bailiwick of Guernsey) Law, 1987]."

- (f) in paragraph (b) of section 14 of the said Law of 1936, for the words "States Supervisor" there shall be substituted the words "Treasurer of the States of Alderney".

NOTES

In section 2, the words in square brackets in paragraph (e) were substituted by the Insurance Business (Guernsey) Law, 1986, section 67, Schedule 6, as amended by the Financial Services Commission (Bailiwick of Guernsey)

Law, 1987, section 3(3), Schedule 2, paragraph 5, with effect from 1st February, 1988, subject to the transitional provisions and savings in section 26 of, and Schedule 3 to, the 1987 Law.

In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 1954, section 10(3) (as originally enacted), the expression "Police Court" in this section shall be deemed to refer to the Magistrate's Court, with effect from 21st December, 1954.

In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 2008, section 47(3), the reference in this Article to the "Magistrate" shall be construed as a reference to a Judge of the Magistrate's Court within the meaning of the 2008 Law, with effect from 1st September, 2009.

Causes of Action.

(3) (1) All causes of Action in respect of an accident against which a person is or is required by this Law to be assured which, but for the death of that person (hereinafter referred to as "**the assured person**") would have subsisted against or vested in him, and all causes of Action which, but for the death of a person having a claim against an assured person in respect of an accident against which the assured person is or is required by this Law to be assured (which person is hereinafter referred to as "**the third party**") would have subsisted against or vested in the third party, shall survive against or for the benefit of the estate of the assured person or of the third party, as the case may be.

(2) Where a cause of Action survives as aforesaid for the benefit of the estate of a deceased person, the damage recoverable –

- (a) shall not include exemplary damages, and
- (b) where the death of that person has been caused by the Act or omission which gives rise to the action, shall be calculated without reference to any loss or gain to his estate consequent on his death, except that a sum in

respect of funeral expenses may be included.

(3) No proceedings shall be maintainable in respect of any cause of Action which has survived by reason of the operation of this section unless such proceedings are commenced not later than six months after the legal personal representatives of the deceased first took out representation in regard to his estate.

(4) In the event of the insolvency of an estate against which proceedings are maintainable by virtue of this section, any liability on that estate resulting from those proceedings shall be a debt provable in the administration of the estate.

NOTES

The Law received Royal Sanction on 3rd February, 1950 and was registered on the Records of the Island of Guernsey and came into force on 18th February, 1950.

In accordance with the provisions of the Ordinance to bring into operation the provisions of the Law entitled "The Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936" as modified and applied to the Island of Alderney by "The Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950", section (1), Schedule, the provisions of the 1936 Law, as modified and applied to the Island of Alderney, were brought into force on 7th June, 1950.

SCHEDULE

Third Parties (Rights against Insurers) (Guernsey) Law, 1936.

Road Traffic (Compulsory Third Party Insurance) (Guernsey) Law, 1936 (as amended by the Loi Supplémentaire à la Loi relative aux Automobiles et concernant les Tracteurs Agricoles, 1946).

[Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1958.]

[Motor Vehicles (Electrically Assisted Pedal Cycles) (Exemption) (Guernsey) Law, 2002.]

[Motor Vehicles (Passenger Insurance) (Guernsey) Law, 1971.]

NOTES

In the Schedule,

the words in the first pair of square brackets were inserted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Alderney) Law, 1959, with effect from 30th May, 1959;

the words in the second pair of square brackets were inserted by the Motor Vehicles (Electrically Assisted Pedal Cycles) (Exemption) (Alderney) Law, 2002, section 2, with effect from 5th August, 2002;

the words in the third pair of square brackets were inserted by the Motor Vehicles (Passenger Insurance) (Alderney) Law, 1972, section 1, with effect from 1st December, 1972.
