



STATUTORY INSTRUMENTS.

S.I. No. 643 of 2023

EUROPEAN UNION (MOTOR INSURANCE) REGULATIONS 2023

EUROPEAN UNION (MOTOR INSURANCE) REGULATIONS 2023

I, EAMON RYAN, Minister for Transport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purposes of giving effect to Directive (EU) 2021/2118 of the European Parliament and of the Council of 24 November 2021¹, hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the European Union (Motor Insurance) Regulations 2023.
- (2) These Regulations come into operation on 23 December 2023.

Definitions

2. In these Regulations—
 - “Act of 1968” means Road Traffic Act 1968 (No. 25 of 1968);
 - “Principal Act” means Road Traffic Act 1961 (No. 24 of 1961);
 - “Regulations of 1975” means European Communities (Road Traffic) (Compulsory Insurance) Regulations 1975 (S.I. No. 178 of 1975);
 - “Regulations of 1992” means European Communities (Road Traffic) (Compulsory Insurance) (Amendment) Regulations 1992 (S.I. No. 347 of 1992);
 - “Regulations of 2008” means European Communities (Motor Insurance) Regulations 2008 (S.I. No. 248 of 2008).

Compulsory motor insurance

3. (1) Section 56 (as amended by Regulation 3 of the Regulations of 1975) of the Principal Act is amended:
 - (a) in subsection (1), by substituting “vehicle” for “mechanically propelled vehicle”;
 - (b) in subsection (2), by substituting for paragraph (a) the following:
 - "(a) it may, in so far as it relates to injury to property, be limited to the sum of €1,300,000 per claim, whatever the number of injured parties,";
 - (c) by inserting after (2A) (inserted by the Regulations of 1992) the following:

¹ OJ L 430, 2.12.2021, p. 1

“(2B) An approved policy of insurance referred to in paragraph (a) of subsection (1) shall extend to any use of a vehicle that is consistent with the vehicle’s function as a means of transport at the time of the accident irrespective of the vehicle’s characteristics and irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion.”;

- (d) in subsection (8), by substituting for “In this Part a reference to the territory in which a vehicle is normally based is a reference to—”, the following:

“In this Part a reference to the use of a vehicle in the territory in which the vehicle is normally based is a reference to—”;

and

- (e) by substituting for subsection (9) the following:

“(9) In this Part—

‘designated territories’ means the territories of the Member States (other than the State) and Iceland, Norway and Switzerland;

‘party injured’ and ‘injured party’ means any person entitled to compensation in respect of any loss or injury caused by vehicles;

‘use of a vehicle’ means any use of a vehicle that is consistent with the vehicle’s function as a means of transport at the time of the accident, irrespective of the vehicle’s characteristics and irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion;

‘vehicle’ means—

- (a) any motor vehicle propelled exclusively by mechanical power on land but not running on rails with—

- (i) a maximum design speed of more than 25 km/h, or

- (ii) a maximum net weight of more than 25 kg and a maximum design speed of more than 14 km/h, or

- (b) any trailer to be used with a vehicle referred to in paragraph (a), whether coupled or uncoupled,

but does not include a wheelchair vehicle exclusively intended for use by a person with a physical disability.”.

- (2) Section 57 of the Principal Act is amended, in subsection (3), by substituting “vehicle” for “mechanically propelled vehicle”.

(3) Section 60 of the Principal Act is amended, in subsection (2) (inserted by Section 54 of the Act of 1968) by substituting “vehicle” for “mechanically propelled vehicle”.

(4) Section 62 of the Principal Act is amended:

(a) in subsection (1)—

(i) in paragraph (cc) (inserted by Regulation 3(a)(iii) of the Regulations of 2008) by substituting “vehicle” for “mechanically propelled vehicle”, and

(ii) by substituting for paragraph (e) (inserted by Regulation 3(a)(v) of the Regulations of 2008) the following:

“(e) the liability of the insurer extends to any loss or injury suffered by the injured party, due to the negligent use of a vehicle, during a direct journey between two Member States, if there is no national insurers’ bureau responsible for the territory which is being crossed in accordance with the law relating to compulsory insurance against civil liability in respect of the use of vehicles in the territory.”; and

(b) in subsection (1A) (inserted by Regulation 3(b) of the Regulations of 2008) by substituting “vehicle” for “mechanically propelled vehicle”.

(5) Section 63 of the Principal Act is amended:

(a) in subsection (1)(b), by substituting “vehicle” for “mechanically propelled vehicle”, and

(b) in subsection (4), by substituting “vehicle” for “mechanically propelled vehicle”.

(6) Section 65(1) of the Principal Act is amended:

(a) in paragraph (a) (inserted by Regulation 7(1) of the Regulations of 1992) by substituting “vehicle” for “mechanically propelled vehicle” in each place it occurs, and

(b) in paragraph (c) (as amended by Section 6 of the Act of 1968) by substituting “vehicle” for “mechanically propelled vehicle”.

(7) Section 69(A) (inserted by Regulation 6 of the Regulations of 1975) of the Principal Act is amended by substituting for subsections (1) and (2) the following:

“69A. (1) In this section—

‘authorised official’ means an officer of the Revenue Commissioners or a member of the Garda Síochána;

‘vehicle’ means—

(a) any motor vehicle propelled exclusively by mechanical power on land but not running on rails with—

(i) a maximum design speed of more than 25 km/h, or

- (ii) a maximum net weight of more than 25 kg and a maximum design speed of more than 14 km/h, or
 - (b) any trailer to be used with a vehicle referred to in paragraph (a), whether coupled or uncoupled,
- but does not include a wheelchair vehicle exclusively intended for use by a person with a physical disability.
- (2) An authorised official may demand of a person having charge of a vehicle, being a vehicle, which is not normally—
- (a) based in the State,
 - (b) based in any of the designated territories, or
 - (c) having entered the State from the territory of another Member State,

when entering the State with the vehicle or having so entered, to produce evidence that the use of the vehicle in the State and in the designated territory is covered by insurance in accordance with the requirements of the laws of the State and of the designated territories relating to compulsory insurance against civil liability in respect of the use of vehicles and if on such demand having been made such evidence is not produced the vehicle shall not be used in the State.”.

- (8) The following sections are inserted after Section 69(A) of the Principal Act:

“Insurance of certain trailers towed by a vehicle”

- 69B.** (1) In the case of an accident caused by a set of vehicles consisting of a vehicle towing a trailer, which is not normally based in the State, where the trailer has separate third-party liability insurance, the injured party may bring their claim directly against the insurance undertaking that insured the trailer where the trailer can be identified, but the vehicle towing it cannot be identified and the national law of another Member State provides for the insurer of the trailer to provide compensation.
- (2) An insurance undertaking that has compensated the injured party shall have recourse to the undertaking that insured the towing vehicle, or to the compensation body if and to the extent that this is provided for under the applicable national law of another Member State.
- (3) In the case of an accident caused by a set of vehicles consisting of a vehicle towing a trailer, which is not normally based in the State, the insurer of the trailer, unless the applicable national law of another Member State requires it to provide full compensation, shall, at the request of the injured party, inform him or her without undue delay of the identity of the insurer of the towing vehicle; or where the insurer of the trailer cannot identify the insurer of the towing vehicle, the compensation mechanism provided under the Agreement dated 29 January

2009 between the Minister for Transport and the Motor Insurers' Bureau of Ireland.

Dispatch of vehicles

69C. Where a vehicle is dispatched from the State to another Member State, the Member State in which the risk is situated shall be considered, depending on the choice of the person responsible for third party liability cover, to be either the Member State of registration or, immediately upon acceptance of delivery by the purchaser, the Member State of destination, for a period of 30 days, even if the vehicle has not formally been registered in the Member State of destination.”.

(9) Section 71 of the Principal Act is amended, in subsection (1), by substituting “vehicle” for “mechanically propelled vehicle”.

(10) Section 72 of the Principal Act is amended, in subsection (1), by substituting “vehicle” for “mechanically propelled vehicle”.

(11) Section 72A (inserted by Regulation 7 of the Regulations of 1975) of the Principal Act is amended by substituting “vehicle” for “mechanically propelled vehicle”.

(12) Section 78 (inserted by Regulation 9 of the Regulations of 1992) of the Principal Act is amended by substituting “vehicle” for “mechanically propelled vehicle”.

(13) Section 78A(2) (inserted by Section 5(o) of the Road Traffic and Roads Act 2023 (No. 16 of 2023)) of the Principal Act is amended in paragraph (c) by substituting “vehicle” for “mechanically propelled vehicle”.

(14) The following section is inserted after Section 81 of the Principal Act:

“Non-application of Part to motorsports events, etc.

81A. This Part does not apply to the use of a vehicle in motorsports events and activities, including races, competitions, training, testing and demonstrations in restricted and demarcated areas, where the local authority (within the meaning of the Local Government Act 2001) in whose functional area the event or activity takes place ensures that the organiser of the event or activity or any other party has taken out an alternative insurance or guarantee policy covering the damage to any third party, including spectators and other bystanders.”.

Information centres

4. Regulation 5 of the European Communities (Fourth Motor Insurance Directive) Regulations 2003 (S.I. No. 651 of 2003) is amended by inserting after paragraph (7) the following:

“(8) The processing of any personal data by the Information Centre for the purpose of this Regulation shall be carried out in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016². ”.

² OJ No. L 119, 4.5.2016, p. 1

Definition of vehicle

5. (1) Article 2 of the Road Traffic (Compulsory Insurance) Regulations 1962 (S.I. No. 14 of 1962) is amended by substituting for the definition of vehicle the following:

““vehicle’ means—

- (a) any motor vehicle propelled exclusively by mechanical power on land but not running on rails with—
 - (i) a maximum design speed of more than 25 km/h, or
 - (ii) a maximum net weight of more than 25 kg and a maximum design speed of more than 14 km/h, or
- (b) any trailer to be used with a vehicle referred to in paragraph (a), whether coupled or uncoupled,

but does not include a wheelchair vehicle exclusively intended for use by a person with a physical disability.”.

(2) Article 1(3) of the Road Traffic (Insurance Disc) Regulations 1984 (S.I. No. 355 of 1984) is amended by substituting for the definition of vehicle the following:

““vehicle’ means—

- (a) any motor vehicle propelled exclusively by mechanical power on land but not running on rails with—
 - (i) a maximum design speed of more than 25 km/h, or
 - (ii) a maximum net weight of more than 25 kg and a maximum design speed of more than 14 km/h, or
- (b) any trailer to be used with a vehicle referred to in paragraph (a), whether coupled or uncoupled,

but does not include a wheelchair vehicle exclusively intended for use by a person with a physical disability.”.

(3) Article 2(1) of the European Communities (Non-Life Insurance) Regulations 1976 (S. I. No. 115 of 1976) (as amended by Article 4 (1) of the European Communities (Non-Life Insurance) (Amendment) (No. 2) Regulations 1991 (S.I. No. 142 of 1991)) is amended by the addition of the following definition:

““vehicle’ means—

- (a) any motor vehicle propelled exclusively by mechanical power on land but not running on rails with—
 - (i) a maximum design speed of more than 25 km/h, or
 - (ii) a maximum net weight of more than 25 kg and a maximum design speed of more than 14 km/h, or
- (b) any trailer to be used with a vehicle referred to in paragraph (a), whether coupled or uncoupled,

but does not include a wheelchair vehicle exclusively intended for use by a person with a physical disability;”.

(4) Article 4 of the Mechanically Propelled Vehicles (International Circulation) Order 1992 (S.I. No. 384 of 1992) is amended by substituting for the definition of vehicle the following:

“‘vehicle’ means—

- (a) any motor vehicle propelled exclusively by mechanical power on land but not running on rails with—
 - (i) a maximum design speed of more than 25 km/h, or
 - (ii) a maximum net weight of more than 25 kg and a maximum design speed of more than 14 km/h, or
- (b) any trailer to be used with a vehicle referred to in paragraph (a), whether coupled or uncoupled,

but does not include a wheelchair vehicle exclusively intended for use by a person with a physical disability;”.

(5) Regulation 2(1) of the European Communities (Fourth Motor Insurance Directive) Regulations 2003 (S.I. No. 651 of 2003)) is amended by substituting for the definition of “vehicle” the following:

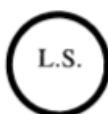
“‘vehicle’ means—

- (a) any motor vehicle propelled exclusively by mechanical power on land but not running on rails with—
 - (i) a maximum design speed of more than 25 km/h, or
 - (ii) a maximum net weight of more than 25 kg and a maximum design speed of more than 14 km/h, or
- (b) any trailer to be used with a vehicle referred to in paragraph (a), whether coupled or uncoupled,

but does not include a wheelchair vehicle exclusively intended for use by a person with a physical disability;”.

Revocation

6. The European Union (Motor Insurance) (Limitation of Insurance in relation to Injury to Property) Regulations 2016 (S.I. No. 655 of 2016) are revoked.



GIVEN under my Official Seal,
14 December, 2023.

EAMON RYAN,
Minister for Transport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations give effect to Directive (EU) 2021/2118 of the European Parliament and of the Council of 24 November 2021 amending Directive 2009/103/EC relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability.

The Regulations:

- Replace the definition of vehicle for insurance purposes;
- Introduce the term “use of a vehicle”;
- Increase the limit per claim for property damage;
- Exempt motorsports events and activities from the requirements of the Directive.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

ISBN 978-1-3993-2795-4



9 781399 327954 >

€ 3.00