

CHAPTER 104

MOTOR VEHICLES INSURANCE (THIRD-PARTY RISKS) ORDINANCE

To make provision against third-party risks arising out of the use of motor vehicles.

1st August, 1947

ORDINANCE XXXVI of 1939, as amended by Ordinances: XVI of 1940 and X of 1947; Emergency Ordinance VI of 1958; Ordinances: XXII and XXV of 1962; Legal Notice 4 of 1963; Act XIII of 1968; Legal Notice 148 of 1975; Acts: XLIX of 1981, XIII of 1983, III of 1985, XLI of 1986, VII and VIII of 1990; Legal Notice 163 of 1990; Acts III of 1998, XXIII of 2000, XXX of 2002 and IX of 2004; Legal Notices 181 of 2006, 409 of 2007 and 167 of 2008; and Act XV of 2009.

1. The short title of this Ordinance is the Motor Vehicles Insurance (Third-Party Risks) Ordinance.

Short title.

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings in this article respectively assigned to them:

Interpretation.

*Amended by:
L.N. 4 of 1963;
III. 1985.2;
L.N. 163 of 1990;
XXIII. 2000.30;
XXX. 2002.2;
L.N. 167 of 2008;
XV. 2009.49.*

"authorized insurer" means an undertaking which has received its official authorisation in Malta for the taking-up of business of direct insurance and which conducts the business of compulsory third party liability insurance in respect of the use of motor vehicles;

"designated State" means a State listed as such by regulations made by the Minister responsible for transport;

"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;

"establishment" in relation to an insurance undertaking means the head office, an agency or branch and includes any permanent presence of an undertaking in the territory of Malta or a designated State, even if that presence does not take the form of a branch or agency, but consists of an office managed by the undertaking's own staff or by an independent person who has authority to act for and on behalf of the undertaking;

"foreign bureau" means a central organization set up by motor insurers in any country outside Malta for the purpose of giving effect to international arrangements for the insurance of motorists against third-party risks, and with which the local bureau has entered into such an arrangement;

"green card system" means the international third party motor insurance system based on the Uniform Agreement between bureaux and the Multilateral Guarantee Agreement and such other agreement which may come into force from time to time;

"injured party" means any person entitled to compensation in respect of any loss or injury caused by a motor vehicle;

"insurance undertaking" means an undertaking which has received its official authorisation for the taking-up of business of direct insurance in Malta or in the territory of a designated State and which conducts the business of compulsory third party liability insurance in respect of the use of motor vehicles;

"international certificate of insurance" means a duly completed international certificate of insurance (known as a "Green Card") issued on behalf of a foreign bureau or the local bureau in the form set out in the recommendation dated June 1952 made by the Sub-Committee on Road Transport of the Inland Transport Committee of the Economic Commission for Europe, as from time to time amended;

"local bureau" means the central organization set up by motor insurers in Malta for the purpose of giving effect to international arrangements for the insurance of motorists against third-party risks, and which is recognised for the purposes of this Ordinance by the Minister responsible for transport;

"Malta" has the same meaning as is assigned to it in article 124 of the [Constitution](#);

"Malta's international commitments" means Malta's commitments, responsibilities and obligations arising out of membership of or affiliation to or relationship with any international global or regional organisation or grouping of countries or out of any treaty, convention or other international agreement however called, whether bilateral or multilateral, to which Malta is a party;

"motor vehicle" means any vehicle intended for travel on land and propelled by mechanical power, but not running on rails, and any trailer, whether or not coupled;

"Multilateral Guarantee Agreement" means the Multilateral Guarantee Agreement between national insurers' bureaux of 15 March 1991, as from time to time amended, supplemented or replaced;

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

"policy of insurance" means a policy of insurance or a covering note which is issued by an authorised insurer and includes an international certificate of insurance;

"prescribed" means prescribed by regulations;

Cap. 403. "Protection and Compensation Fund" means the Protection and Compensation Fund established under article 49 of the [Insurance Business Act](#);

Cap. 499. "Authority for Transport in Malta" means the Authority for Transport in Malta established under the [Authority for Transport in Malta Act](#);

"public transport vehicle" has the same meaning given to it in article 2 of the [Authority for Transport in Malta Act](#);

Cap. 499.

"road" means any street, road, lane, square, fortification or other place of public thoroughfare;

"territory in which the motor vehicle is normally based" means -

- (i) the territory of the State of which the motor vehicle bears the registration plate, irrespective of whether the plate is permanent or temporary; or
- (ii) in cases where no registration is required for a type of motor vehicle but the vehicle bears an insurance plate, or a distinguishing sign analogous to the registration plate, the territory of the State in which the insurance plate or the sign is issued; or
- (iii) in cases where neither registration plate nor insurance plate nor distinguishing sign is required for certain types of motor vehicle, the territory of the State in which the person who has custody of the vehicle is permanently resident;
- (iv) in cases where the vehicle does not bear any registration plate or bears a registration plate which does not correspond or no longer corresponds to the vehicle and has been involved in an accident, the territory of the State in which the accident took place, for the purposes of settling the claim pursuant to articles 4 and 9D;

and "motor vehicle which is normally based in Malta" shall be interpreted accordingly;

"third country" means a State other than Malta and which is not a designated State.

3. (1) Subject to the provisions of this Ordinance, it shall not be lawful for any person to use or to cause or permit any other person to use a motor vehicle on a road unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, such a policy of insurance in respect of third-party risks as complies with the requirements of this Ordinance.

Users of motor vehicles to be insured against third-party risks.
Amended by:
L.N. 4 of 1963;
XIII. 1968.2;
L.N. 148 of 1975;
XIII. 1983.5;
XLI. 1986.2,3;
XXIII. 2000.30;
XXX. 2002.3;
L.N. 409 of 2007;
L.N. 167 of 2008;
XV. 2009.49.

(1A) It shall be presumed that there was not a policy of insurance in force in terms of subarticle (1), unless the person charged with an offence under subarticle (1) shall show the contrary through the production of a certificate of insurance issued under article 4(4).

(1B) It shall be a valid defence, in prosecution for an offence under subarticle (1), for the defendant to prove that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

(2) If a person acts in contravention of this article he shall, on conviction, be liable -

- (a) in the case of a first offence, to a fine (*multa*) of not less than two thousand and three hundred and twenty-

nine euro and thirty-seven cents (€2,329.37) but not exceeding four thousand and six hundred and fifty-eight euro and seventy-five cents (€4,658.75) or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment;

(b) in the case of a second offence, to a fine (*multa*) of not less than four thousand and six hundred and fifty-eight euro and seventy-five cents (€4,658.75) but not exceeding five thousand and eight hundred and twenty-three euro and forty-three cents (€5,823.43) or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment;

(c) in the case of a third or subsequent offence, to a fine (*multa*) of not less than five thousand and eight hundred and twenty-three euro and forty-three cents (€5,823.43) but not exceeding six thousand and nine hundred and eighty-eight euro and twelve cents (€6,988.12) or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment, and

(i) where the offence consists in the use of a motor vehicle on a road by a person who is the owner of the motor vehicle or an employee of, or a member of the family of and living with, the owner of the motor vehicle, when there is not in force a policy of insurance in respect of such vehicle as complies with the requirements of this Ordinance, the court shall, in addition to the punishments laid down in this sub-paragraph, order the forfeiture of the motor vehicle;

(ii) where the offence, as aforesaid, is committed by any other person, the court shall, in addition to the punishments laid down in this sub-paragraph, impose a further fine (*multa*) equivalent to the value of the motor vehicle.

(2A) A person convicted of an offence under this article 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 from holding or obtaining a driving licence for a period of twelve months from the date of the conviction:

Provided that if the execution of the judgment ordering the conviction is stayed in view of the declared intention of the person convicted to enter an appeal against such judgment, the period of disqualification shall commence to run -

(a) if it is confirmed or reduced by the judgment of the Court of Criminal Appeal, from the date of such judgment;

(b) if an application of appeal is not filed within the time established by law, from the day next following the day on which such time expires;

- (c) if the appeal is withdrawn by note, from the day when such note is filed in the court or, if the appeal is otherwise abandoned after the filing of the application of appeal, from such day as the Court of Criminal Appeal shall, on application of the Commissioner of Police or of the Authority for Transport in Malta, establish.

(2B) The provisions of article 21 of the [Criminal Code](#) and of the [Probation Act](#), shall not apply in respect of any offence against the provisions of this article. Cap. 9.
Cap. 446.

(3) Notwithstanding any enactment prescribing a time within which proceedings may be brought before any court, proceedings for an offence under this article 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 prosecution that the offence had been committed nor one year from the date of the offence,

whichever period is the longer.

(4) This article shall not apply -

- (a) to any motor vehicle owned by the Government of Malta when such vehicle is used and employed exclusively in the service of the Government of Malta;
- (b) to any specified class of motor vehicles to which or to certain natural or legal persons, whether public or private, to whom the Minister responsible for transport shall by regulation direct that this article shall not apply:

Provided that any loss or injury caused in Malta or in the territory of a designated State by a motor vehicle belonging to a natural or legal person, whether public or private, in respect of whom a derogation is provided under this Ordinance from the application of subarticle (1), shall be compensated according to criteria and procedures to be prescribed by regulations by the Minister responsible for Transport made under this article.

4. (1) In order to comply with the requirements of this Ordinance, a policy of insurance in respect of the use of a motor vehicle which is normally based in Malta or in the territory of a designated State must, in addition to being a policy of insurance defined in article 2, cover:

- (a) any civil liability up to such liability, if any, as the Minister responsible for transport with the concurrence of the Minister responsible for finance may from time to time prescribe by regulations under this article, which may be incurred in respect of the death of or bodily injury to any person, including all passengers (other than the driver), or damage to any

Requirements in respect of policies.
Amended by:
XXII. 1962.2;
XIII. 1983.5;
III. 1985.3;
XLI. 1986.3;
VII. 1990.2;
XXX. 2002.4;
L.N. 409 of 2007;
L.N. 167 of 2008.

property, caused by the motor vehicle in Malta; and

- (b) any loss or injury up to such liability, if any, as the Minister responsible for transport with the concurrence of the Minister responsible for finance may from time to time prescribe by regulations under this article, caused by the motor vehicle in the territory of a designated State, according to the law in force in that designated State; and
- (c) any loss or injury up to such liability, if any, as the Minister responsible for transport with the concurrence of the Minister responsible for finance may from time to time prescribe by regulations under this article, caused by the motor vehicle which is suffered by a Maltese national or a national of a designated State during a direct journey between Malta and the territory of a designated State or between the territories of two designated States, if there is no foreign bureau responsible for the territory which is being crossed:

Provided that such a policy of insurance shall not be required to cover:

- (i) liability for such damage to third party property as may be prescribed by regulations made by the Minister responsible for Transport under this article; or
- (ii) liability for damage to goods carried for hire or reward in or on the vehicle or in or on any trailer (whether or not coupled) drawn by the vehicle; or
- (iii) any liability for damage to third-party property on or in the insured motor vehicle or in the possession of the person insured; or
- (iv) any contractual liability.

(1A) A policy of insurance in respect of the use of a motor vehicle which is normally based in Malta or in the territory of a designated State shall cover, on the basis of a single premium and during the whole term of the contract, the entire territory of Malta and all designated States, including for any period in which the vehicle remains in other designated States during the term of the contract, and guarantee, on the basis of the same single premium:

- (a) in Malta, the cover required under this Ordinance; and
- (b) in each designated State, the cover required by the law of that State or the cover required by the law of the State in the territory of which the vehicle is normally based if that cover is higher.

(1B) Where any payment is to be effected by an authorized insurer under a policy issued under this Ordinance, the authorized insurer shall not demand the payment of any excess as a condition to effect payment to the injured party and an authorized insurer shall not deduct any amounts to the injured party in the event that

an excess is not paid when effecting payment to the injured party.

(2) Where any payment is made by an authorized insurer under a policy issued under this Ordinance, in respect of the death of or bodily injury to any person arising out of the use of a motor vehicle on a road, and the person who has so died or been bodily injured has to the knowledge of the authorized insurer received treatment in a hospital in respect of the fatal or other bodily injury so arising, there shall also be paid by the authorized insurer to such hospital the expenses reasonably incurred by the hospital in affording such treatment, to an amount not exceeding fifty-eight euro and twenty-three cents (58.23) for each person so treated.

For the purposes of this subarticle the expression "hospital" means an institution which provides medical or surgical treatment for in-patients.

(3) A person issuing a policy of insurance under this article shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

(4) A policy of insurance shall be of no effect for the purposes of this Ordinance unless and until there is issued by the authorised insurer in favour of the person by whom the policy is effected a certificate (hereinafter referred to as a "certificate of insurance") in the prescribed form; and where the policy of insurance consists of an international certificate of insurance, such international certificate shall, for all purposes of this Ordinance except where the context otherwise requires, be the certificate of insurance required to be issued under this subarticle.

5. (1) A motor vehicle which is normally based in the territory of a third country shall, before entering Malta, be provided with an international certificate of insurance or with such other certificate as may be prescribed by the Minister responsible for Transport under this article, establishing that the motor vehicle is insured in accordance with article 4(1) and (1A):

Provided that this subarticle shall not apply to such types of motor vehicles which are normally based in the territory of a third country to which the Minister responsible for Transport shall by regulation direct that this subarticle shall not apply.

(2) If a designated State has provided for a derogation in respect of a type of motor vehicles or certain motor vehicles having a special plate from the obligation of insurance cover against civil liability in respect of the use of motor vehicles which are normally based in the territory of that State, the person having custody of such a motor vehicle may be required to produce, at the time of entry into Malta of the motor vehicle, a valid international certificate of insurance or to conclude an insurance contract complying with the requirements of this Ordinance.

Requirements in respect of policies regarding certain motor vehicles entering Malta.
Amended by:
X. 1947.2;
VI. 1958.2;
XXII. 1962.3;
XXV. 1962.4;
L.N. 4 of 1963;
XIII. 1983.5.
Repealed by:
XLI. 1986.3.
Added by:
XXX. 2002.5.

Certain conditions to policies to be of no effect.

Amended by:
XLI. 1986.3;
XXX. 2002.6;
L.N. 167 of 2008.

6. (1) Any condition in a policy issued for the purposes of this Ordinance, providing that no liability shall arise under the policy, 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, shall be of no effect in connection with such claims as are mentioned in article 4(1):

Provided that nothing in this article shall be taken to render void any provision in a policy requiring the person insured to repay to the authorized insurer any sums which the latter may have become liable to pay under the policy and which have been applied to the satisfaction of the claims of third parties.

(2) Any condition in a policy issued for the purposes of this Ordinance, providing that no liability shall arise under the policy, or that any liability so arising shall cease, in respect of any damage or injury suffered by a passenger in a vehicle in the event that such passenger knew or should have known that the driver of the vehicle was under the influence of alcohol or of any other intoxicating agent at the time of an accident, shall be of no effect in connection with claims by such passenger.

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

Amended by:
XLI. 1986.3.

7. A person applying for a licence or for the renewal of a licence in respect of a motor vehicle shall 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 in relation to the user of the vehicle by the applicant or by other persons on his order or with his permission; or
- (b) the vehicle is a vehicle to which article 3(4) applies.

Random checks.

Added by:
XXX. 2002.7.
Substituted by:
L.N. 167 of 2008.

7A. (1) Random checks for the purposes of establishing only whether a vehicle is covered by insurance against civil liability cannot be performed in respect of vehicles normally based in the territory of a designated State or in respect of vehicles normally based in the territory of a third State entering Malta from the territory of another designated State:

Provided that non-systematic checks on policies of insurance may be carried out provided such checks are not discriminatory and are carried out as part of a control which is not aimed exclusively at insurance verification.

(2) The Minister responsible for transport may provide, by way of regulations under this article, for the making of random checks on the insured status of motor vehicles which are normally based in the territory of a third country entering Malta.

Claims history.

Added by:
L.N. 167 of 2008.

7B. (1) Notwithstanding any provision of any other law to the contrary, any policy holder may request, at any time, the insurance undertaking to provide a statement relating to the third party liability claims involving the vehicle or vehicles covered by the insurance contract at least during the preceding five years, or to the absence of such claims.

(2) When such a request is made to the insurance undertaking, the insurance undertaking shall provide the statement to the insured persons within fifteen days of the request.

8. (1) Any person driving a motor vehicle on a road shall, on being so required by any member of the Police Force, give his name and address and the name and address of the owner of the motor vehicle and produce his certificate, and if he fails so to do he shall be guilty of an offence:

Requirements as to production of certificate of insurance or of security.
Amended by:
XLI. 1986.3;
VII. 1990.3;
III. 1998.2.

Provided that, if the driver of a motor vehicle within two days after the date on which the production of his certificate was so required, produces the certificate in person to the Commissioner of Police, he shall not be convicted under this subarticle of the offence of failing to produce his certificate.

(2) 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 or damage to any vehicle, animal or other property, the driver of the vehicle does not at the time produce his certificate to a member of the Police Force or to some person who, having reasonable grounds for so doing, has required its production, the driver shall, as soon as possible, and in any case within twenty-four hours of the occurrence of the accident, report the accident at a Police Station and there produce his certificate, and if he fails so to do he shall be guilty of an offence:

Provided that a person shall not be convicted under this subarticle of the offence of failing to produce his certificate if, within two days after the occurrence of the accident, he produces the certificate in person to the Commissioner of Police.

(3) 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 any Police officer not below the rank of sub-inspector to give, as to the identity of the driver of a motor vehicle on any occasion when the driver was required under subarticle (1) to produce his certificate, and if the owner fails to do so he shall be guilty of an offence.

(4) In this article the expression "produce his certificate" means produce for examination the relevant certificate of insurance or such other evidence that the motor vehicle is not or was not being driven in contravention of article 3, as may be prescribed.

9. Any person required under the provisions of this Ordinance to produce to any Police officer a certificate of insurance issued to him under article 4(4) shall, on being so required, produce to such Police officer the policy of assurance to which such certificate relates, and if he fails so to do he shall be guilty of an offence:

Requirements as to production of policy of insurance.

Provided that if any such person within two days after the date on which the production of his policy of insurance was so required produces the policy in person to the Commissioner of Police he shall not be convicted of the offence of failing to produce his policy.

Direct right of
action.
Added by:
XXX. 2002.8.

9A. (1) An injured party resident in Malta or a designated State and entitled to compensation in respect of any loss or injury resulting from an accident caused by the use of a motor vehicle which is insured by an authorized insurer and normally based in Malta or the territory of a designated State, shall have a direct right of action against the authorized insurer in Malta, if:

- (a) the accident occurred in Malta or a designated State; or
- (b) the accident occurred in a third country whose foreign *bureau* has joined the green card system.

(2) An injured party resident in Malta and entitled to compensation in respect of any loss or injury resulting from an accident caused by the use of a motor vehicle which is insured and normally based in the territory of a designated State, shall have a direct right of action against the insurance undertaking issuing the policy of insurance and shall be entitled to exercise his direct right of action against the insurance undertaking's claims representative in Malta, if:

- (a) the accident occurred in a designated State; or
- (b) the accident occurred in a third country whose foreign *bureau* has joined the green card system.

Provisions as to
claims
representatives.
Added by:
XXX. 2002.8.
Amended by:
L.N. 409 of 2007;
L.N. 167 of 2008.

9B. (1) An authorized insurer shall appoint a claims representative in every designated State, which claims representative shall handle and settle claims arising from an accident in the cases referred to in article 9A(1):

Provided that the accident from which the claim arises is caused by the use of a motor vehicle which is insured through an establishment in Malta or a designated State and is normally based in Malta or the territory of a designated State, and that the injured party is not resident in Malta or in the establishment's State or in the State where the vehicle is normally based.

(2) An authorized insurer shall choose its claims representative at its own discretion:

Provided that the claims representative shall:

- (i) be resident or established in the designated State where he is appointed; and
- (ii) be capable of dealing with cases in the official language or languages of the designated State of residence of the injured party.

(3) The claims representative shall, in relation to the claims referred to in subarticle (1), collect all information necessary in connection with the settlement of the claims and shall take the measures necessary to negotiate a settlement of claims.

(4) The authorized insurer shall take all necessary measures to vest the claims representative with sufficient powers to represent the authorized insurer in relation to injured parties in the cases referred to in subarticle (1) and to meet their claims in full.

(5) The requirement of appointing a claims representative shall not preclude the right of the injured party or his insurance

undertaking to institute proceedings directly against the person who caused the accident or the authorized insurer.

(6) When the injured party presents his claim for compensation either directly to the authorized insurer of the person who caused the accident or to its claims representative:

- (a) in cases where liability is not contested and the damages have been quantified, the authorized insurer of the person who caused the accident or his claims representative is required to make a reasoned offer of compensation; or
- (b) in cases where liability is denied or has not been clearly determined or the damages have not been fully quantified, the authorized insurer to whom the claim for compensation has been addressed or his claims representative is required to provide a reasoned reply to the points made in the claim,

in either case within three months of the date when the injured party presented his claim.

(7) If no offer or reply such as referred to in subarticle (6) is made within the three-month time limit, the authorized insurer of the person who caused the accident shall be liable to a penalty not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87), payable to the Protection and Compensation Fund, as may be prescribed, such penalty to be receivable as a civil debt by the said fund. If an offer such as is referred to in subarticle (6)(a) is not made within the three-month time limit, interest shall be payable by the authorized insurer on the amount of compensation offered or awarded by the Court to the injured party: provided that, if interest is due it shall commence to run from the date that the claim is presented by the injured party, until the date compensation is received by the injured party concerned, and in any case the insurer shall be liable to pay interest on the difference in the amount between the offer of compensation made under subarticle (6) and the amount actually received by the injured party.

(8) The aforementioned provisions are not intended to, or do not restrict any rights which the injured party, or its authorized insurer or insurance undertaking as the case may be, may have or which would enable such persons to begin legal proceedings against the person causing the accident or that person's authorized insurer or insurance undertaking as the case may be.

(9) The appointment of a claims representative shall not in itself constitute the opening of a branch within the meaning of paragraph (b) of Article 1 of [Directive 92/49/EEC](#) and the claims representative shall not be considered an establishment within the meaning of paragraph (c) of Article 2 of [Directive 88/357/EEC](#) or an establishment within the meaning of Regulation (EC) [No. 44/2001](#).

Provisions as to the
compensation
body.
Added by:
XXX. 2002.8.

9C. (1) There shall be established or approved by the Minister responsible for Transport, a compensation body which shall compensate injured parties resident in Malta in accordance with this article, in the cases referred to in article 9A(2), if the accident from which the claim arises is caused by the use of a motor vehicle which is insured through an establishment in a designated State, and is normally based in the territory of a designated State.

(2) An injured party resident in Malta may present a claim to the compensation body:

- (a) if, within three months of the date when the injured party presented his claim for compensation to the insurance undertaking issuing the policy of insurance in respect of the use of the motor vehicle which caused the accident or its claims representative, the insurance undertaking or its claims representative has not provided a reasoned reply to the points made in the claim; or
- (b) if the insurance undertaking issuing the policy of insurance in respect of the use of the motor vehicle which caused the accident has failed to appoint a claims representative in Malta. Provided that, an injured party may not present a claim to the compensation body if he has presented a claim for compensation directly to the insurance undertaking and if he has received a reasoned reply within three months of presenting the claim:

Provided that an injured party may not present a claim to the compensation body if he has taken legal action directly against the insurance undertaking.

(3) The compensation body shall take such action as may be prescribed by regulations made by the Minister responsible for Transport under this article, within two months of the date when the injured party presents a claim for compensation to it but shall terminate its action if the insurance undertaking, or its claims representative, subsequently makes a reasoned reply to the claim.

(4) The compensation body shall immediately inform:

- (a) the insurance undertaking of the motor vehicle the use of which caused the accident or its claims representative;
- (b) the compensation body in the designated State of the insurance undertaking's establishment which issued the policy;
- (c) if known, the person who caused the accident, that it has received a claim from the injured party and that it will respond to that claim within two months of the presentation of that claim.

(5) The payment of compensation shall be subject to such limitations and restrictions as may be prescribed by regulation made under subarticle (3). The compensation body shall not make the payment of compensation conditional on the injured party's

establishing in any way that the person liable is unable or refuses to pay.

(6) If the compensation body compensates the injured party and has claimed reimbursement of the sum paid by way of compensation from the compensation body in the designated State of the insurance undertaking's establishment which issued the policy of insurance, the latter body shall be subrogated to the injured party in his rights against the person who caused the accident or his insurance undertaking in so far as the compensation body in Malta has provided compensation for the loss or injury suffered.

(7) If an authorized insurer in Malta issued the policy of insurance in respect of the use of the motor vehicle which caused the accident in the cases referred to in article 9B(1), the compensation body in the injured party's designated State of residence which has compensated such injured party shall be entitled to claim reimbursement of the sum paid by way of compensation from the compensation body in Malta, in which case the latter body shall be subrogated to the injured party in his rights against the person who caused the accident or his authorized insurer in so far as the compensation body in the injured party's designated State of residence has provided compensation for the loss or injury suffered.

9D. (1) If the death of or bodily injury to any person or the damage to any property, is caused by an unidentified motor vehicle or a motor vehicle for which the insurance obligation provided for in article 4(1) has not been satisfied, the injured party shall have the right to apply directly to the Protection and Compensation Fund. The Protection and Compensation Fund shall give the injured party a reasoned reply regarding the payment of compensation, on the basis of information provided by the injured party at the Protection and Compensation Fund's request.

Damage or injury caused by unidentified or uninsured motor vehicles.
Added by:
XXX. 2002.8

(2) The payment of compensation shall be subject to such conditions, limitations and restrictions as may be prescribed by regulations made under article 49(b) of the [Insurance Business Act](#). The Protection and Compensation Fund shall not make the payment of compensation conditional on the injured party's establishing in any way that the person liable is unable or refuses to pay.

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(3) In the event of a dispute between the Protection and Compensation Fund and the authorized insurer or insurance undertaking which issued the policy of insurance, as to who of them is ultimately liable to pay compensation, the latter shall be responsible in the first instance for paying compensation to the injured party without delay. If it is ultimately decided that the other party should have paid all or part of the compensation, that other party shall reimburse accordingly the party which has paid.

Compensation from the compensation body where the motor vehicle or the insurance undertaking is unidentified.
Added by: XXX. 2002.8.

9E. (1) An injured party resident in Malta may apply for compensation from the compensation body referred to in article 9C(1) if it is impossible to identify the the motor vehicle which caused the accident or if, within two the insurance months following the accident, it is impossible to identify the insurance undertaking:

Provided that the accident:

- (i) occurred in a designated State by the use of a motor vehicle insured and normally based in Malta or a designated State; or
- (ii) occurred in a third country whose foreign bureau has joined the green card system by the use of a motor vehicle insured and normally based in Malta or a designated State; or
- (iii) was caused by a motor vehicle covered by article 5.

(2) The compensation body shall provide the compensation in accordance with the provisions of article 4(1) and article 9D.

(3) A body in a designated State equivalent to the compensation body in Malta as referred to in article 9C(1), which has compensated an injured party resident in that State, under conditions equivalent to those in article 9C(7), shall be entitled to claim reimbursement against the Protection and Compensation Fund:

- (a) where the insurance undertaking cannot be identified and the motor vehicle is normally based in Malta;
- (b) where the motor vehicle cannot be identified and the accident took place in Malta;
- (c) where the motor vehicle is normally based in the territory of a third country and the accident took place in Malta.

Central repository.
Added by: L.N. 167 of 2008.

9F. (1) The Minister responsible for transport shall provide, by way of regulations under this article, for the setting up of a central repository to collect all information in electronic form to facilitate the availability in due time to the injured parties, their insurers or their legal representatives of the basic data necessary for the settlement of claims.

(2) The information mentioned in subarticle (1) shall be collected and made available to the injured party, their insurers or their legal representatives notwithstanding the provisions of the [Data Protection Act](#).

Cap. 440.

10. (1) If, after a certificate of insurance has been issued under article 4(4) to the person by whom a policy has been effected, judgment in respect of any such liability as is required to be covered by a policy under article 4(1) (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then, notwithstanding that the authorized insurer may be entitled to avoid or cancel, or may have avoided or cancelled the policy, the authorized insurer shall, subject to the provisions of this article, 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 and that sentence shall two days after it is notified on the insurer by judicial act constitute an executive act against the insured for all purposes of the [Code of Organization and Civil Procedure](#), and may be enforced against him.

Duty of insurers to satisfy judgments against persons insured in respect of third party risks.
Amended by:
XXII. 1962.4;
III. 1985.4;
XLI. 1986.4;
VII. 1990.4;
XXX. 2002.9;
IX. 2004.18;
L.N. 181 of 2006.

Cap. 12.

(2) No sum shall be payable by an authorized insurer under the foregoing provisions of this article -

- (a) in respect of any judgment, unless before or within seven days after the conclusion of the evidence of the plaintiff in the proceedings in which the judgment was given, the authorized insurer had notice of the bringing of the proceedings by means of a judicial act; or
- (b) in respect of any judgment, so long as execution thereon is stayed pending an appeal; or
- (c) in connection with any liability, if before the happening of the event which was the cause of the death or bodily injury or damage to property giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein, and -
 - (i) either before the happening of the said event the certificate was surrendered to the authorized insurer, or the person to whom the certificate was issued, made and delivered to the authorized insurer a sworn 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 authorized insurer or the person to whom the certificate was issued, made and delivered such sworn declaration as aforesaid, or
 - (iii) before the happening of the said event, the authorized insurer has filed a judicial letter against the person to whom the certificate was issued, made or delivered, in respect of the failure to surrender such certificate, and such letter was notified in writing to such person at least two working days before the happening of

such event; or

- (iv) 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 authorized insurer has commenced proceedings under this Ordinance in respect of the failure to surrender such certificate.

(3) No sum shall be payable by an authorized insurer under the foregoing provisions of this article, if, in an action commenced before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration that, apart from any provision contained in the policy, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact or by a representation of fact which was false in some material particular, or, if he has avoided the policy on that ground, that he was entitled so to do apart from any provision contained in it:

Provided that an authorized insurer who has obtained such a declaration as aforesaid in an action shall not thereby become entitled to the benefit of this subarticle 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 by means of a judicial act 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 authorized insurer becomes liable under this article 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 article, be liable under the policy in respect of that liability, he shall be entitled to recover the excess from that person.

(5) In this article, 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 authorized insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy.

(6) Proceedings shall be deemed to have been commenced on the date on which a sworn application is filed in any court having civil jurisdiction.

(7) In this Ordinance references to a certificate of insurance in any provision relating to the surrender, or the loss or destruction, of a certificate of insurance shall, in relation to policies under which more than one certificate is issued, be construed as references to all the certificates, and shall, where any copy has been issued of any certificate, be construed as including a reference to that copy.

(8) Any reference in this article to a judgement or a sentence shall be deemed to include a reference to an arbitral award made under the Arbitration Act, and one obtained under article 166A of the [Code of Organization and Civil Procedure](#), and any reference to an action or to proceedings shall be deemed to include reference to arbitration proceedings and to the said article 166A under the said Act.

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Cap. 12.

11. The person towards whom any liability has been incurred by an insured person to whom a policy of insurance has been issued for the purposes of this Ordinance shall have a privilege with preference over all other creditors on any sum payable to the insured person by the authorized insurer under the policy.

Liability of insured person to be a first charge on the sum payable under the policy.

12. (1) Where a certificate of insurance has been issued under article 4(4) to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any of the following matters:

Avoidance of restrictions on scope of policies, and of contracts restrictive of liability.
Amended by:
XLI. 1986.5;
XXX. 2002.10.

- (a) the condition of the person driving the vehicle; or
- (b) the condition of the vehicle; or
- (c) the number of persons that the vehicle carries; or
- (d) the weight or physical characteristics of the goods that the vehicle carries; or
- (e) the times at which or the areas within which the vehicle is used; or
- (f) the horse-power or value of the vehicle; or
- (g) the carrying on the vehicle of any particular apparatus; or
- (h) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under any law in force; or
- (i) the colour of the vehicles; or
- (j) the age of the person driving the vehicle,

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

Provided that nothing in this subarticle shall require an authorized 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 authorized insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this subarticle shall be recoverable by the authorized insurer from that person.

(2) Any contract for the conveyance of a passenger in a motor vehicle in which passengers are carried for hire or reward shall, so far as it purports to negative or to restrict the liability of any person in respect of any claim which may be made against that person in respect of the death of, or bodily injury to the passenger while being carried in or upon, or entering or getting on to, or alighting

from the motor vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.

(3) Any clause contained in the policy of insurance issued in accordance with article 4(1) which excludes from insurance cover under the policy the use or driving of motor vehicles by -

- (a) persons who do not have express or implied authorisation thereto; or
- (b) persons who do not hold a licence permitting them to drive the motor vehicle concerned; or
- (c) persons who are in breach of the prescribed technical requirements concerning the condition and safety of the motor vehicle concerned,

shall be void in respect of claims by third parties:

Provided that the clause referred to in paragraph (a) may be invoked against persons who voluntarily entered the motor vehicle the use of which caused the damage or injury, if the authorized insurer can prove that such persons knew the motor vehicle was stolen or was used without authorisation

(4) Any clause contained in the policy of insurance which excludes the members of the family of the insured person, driver or any other person who incurs civil liability, and whose liability is covered by the policy of insurance as referred to in article 4(1), from insurance in respect of their personal injuries by virtue of that relationship shall be void.

Duty of persons against whom claims are made to give information as to insurance.
Amended by: VII. 1990.5.

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 article 4(1) shall, on demand by or on behalf of the person making the claim, state whether or not he was insured in respect of that liability by any policy having effect for the purposes of this Ordinance, or would have been so insured if the authorized insurer had not avoided or cancelled the policy, and, if he was or would have been so insured, give such particulars with respect to that policy as were specified in the certificate of insurance issued in respect thereof under article 4(4).

(2) If, without reasonable excuse, any person fails to comply with the provisions of this article, or wilfully makes any false statement in reply to any such demand as aforesaid, he shall be guilty of an offence.

Duty to surrender certificate on cancellation of policy.

14. Where a certificate of insurance has been issued under article 4(4) to the person by whom a policy has been effected and the policy is cancelled by mutual consent or by virtue of any provision in the policy, the person to whom the certificate was issued shall, within seven days from the taking effect of the cancellation, surrender the certificate to the authorized insurer or, if it has been lost or destroyed, make and deliver to the authorized insurer a sworn declaration to that effect, and if he fails so to do he shall be guilty of an offence.

15. (1) Where an event occurs in relation to a motor vehicle in consequence of which an authorized insurer may become liable to indemnify an injured party, the insured person shall as soon as practicable after the occurrence of the event and in any case within two weeks, or where the event did not occur in his presence, within two weeks after the occurrence of the event first came to his knowledge, give to the authorized insurer by whom the policy was issued, notice in writing of the occurrence of the event together with such particulars of the event as are in his knowledge or may be procured by him, and are reasonably required by the insurer.

Duty to give notice to the insurer.
Repealed by:
XLI. 1986.3.
Added by:
XXX. 2002.11.

(2) Where an event occurs in relation to a motor vehicle in consequence of which an authorized insurer may become liable to indemnify an injured party, the person who was actually using the motor vehicle when the aforementioned event occurred shall:

- (a) unless he is himself the insured under the policy, give to such insured person as soon as practicable after the occurrence of the event, and in any case within two weeks, notice of the occurrence of the event together with full particulars of the event; and
- (b) give to the authorised insurer by whom the policy was issued, as soon as practicable after the occurrence of the event, and in any case within two weeks, notice in writing of the occurrence of the event together with such particulars of the event as are in his knowledge or may be procured by him, and are reasonably required by the insurer.

(3) Where an authorized insurer has reasonable grounds to believe that an event has occurred in relation to a motor vehicle in consequence of which the insurer may become liable to indemnify an injured party, then, notwithstanding that the person who is required to give notice to him of such event under subarticles (1) or (2) fails to do so, he shall handle such event as a claim made by the insured under the policy of insurance.

(4) Where a claim is made against an authorized insurer in respect of any liability as is required to be covered by a policy of insurance in respect of the use of a motor vehicle under this Ordinance, it shall be presumed that the insured has agreed to the payment of the claim, if:

- (a) the authorized insurer has given written notice, by registered mail or judicial letter, to the insured or the person acting on his behalf of his intention to pay the claim to the injured party, and the amount of such payment; and
- (b) the insured has not, within ten days of receipt of such notice, given written notice to the authorized insurer of his objection to such payment.

(5) The authorized insurer shall be entitled to recover the legal and judicial costs and interest from the insured person, if:

- (a) the insurer has provided the insured person with written information in an intelligible form about the

consequences of his objection; and

- (b) the insured person objected to the claim; and
- (c) the insured person is found liable in a final judgment:

Provided that the authorized insurer shall only be entitled to recover the said costs and interest incurred in the proceedings leading to the final judgment and in proportion to the insured person's liability as established by the final judgment.

Payments and insurance in respect of emergency treatment of injuries arising from the use of motor vehicles on the road.
Amended by: VII. 1990.6.

16. (1) Where medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to any person caused by, or arising out of, the use of a motor vehicle on a road, and the treatment or examination so required (in this article referred to as "emergency treatment") is effected by a licensed medical practitioner, the person who was using the vehicle at the time of the event out of which the bodily injury arose shall, on a claim being made in accordance with the provisions of the next succeeding article, pay to the practitioner or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected, such fee as may be from time to time prescribed.

(2) Where emergency treatment is first effected in a hospital (that is to say, an institution which provides medical or surgical treatment for in-patients) the provisions of the foregoing subarticle with respect to the payment of a fee shall, so far as applicable, have effect with the substitution of references to the hospital for references to a licensed medical practitioner.

(3) Liability incurred under this article by the person using the vehicle shall, where the event out of which it arose was caused by the wrongful act of another person, be treated for the purposes of any claim to recover damage by reason of that wrongful act, as damage sustained by the person using the vehicle.

(4) In article 4(1), the reference to liability in respect of death or bodily injury shall be deemed to include a reference to liability to make a payment under this article in respect of emergency treatment required as a result of bodily injury, and the proviso to that paragraph shall not have effect as respects liability to make a payment under this article.

Provisions as to claims for, and supplementary provisions as to, payments for emergency treatment.
Amended by: XXIII. 2000.30; XV. 2009.49.

17. (1) The Authority for Transport in Malta shall, if so requested by a person who alleges that he is entitled to claim a payment under the last foregoing article, furnish to that person any information at his disposal as to the identification marks of any motor vehicle which that person alleges to be a vehicle out of the use of which the bodily injury arose, and as to the identity and address of the person who was using the vehicle at the time of the event out of which it arose.

(2) A claim for a payment under the last foregoing article may be made at the time when the emergency treatment is effected by oral request to the person who was using the vehicle, and if not so made must be made by request in writing served on him within

seven days from the day on which the emergency treatment was effected.

(3) A request in writing must be signed by the claimant or, in the case of a hospital, by a responsible officer thereof, and must state the name and address of the claimant, the circumstances in which the emergency treatment was effected, and that it was first effected by the claimant, or, in the case of a hospital, in the hospital.

(4) A request in writing may be served by delivering it to the person who was using the vehicle, or by sending it in a pre-paid registered letter addressed to him at his usual or last known address.

(5) A sum payable under the last foregoing article shall be recoverable as if it were a civil debt due from the person who was using the vehicle to the practitioner or the hospital.

(6) A payment made under the last foregoing article to a practitioner or hospital shall operate as a discharge, to the extent of the amount paid, of any liability of the person who was using the vehicle, or of any other person, to pay any sum in respect of the expenses or remuneration of the practitioner or hospital of or for effecting the emergency treatment.

(7) A payment under the last foregoing article shall not be deemed to be a payment by an authorized insurer or owner for the purposes of article 4(2).

18. (1) The provisions of article 17(1) shall *mutatis mutandis* apply to a request for information by any person who alleges that he has suffered any damage or personal injury as a result of an accident as is mentioned in article 8(2) or to such a request by that person's insurer.

(2) The person having custody of the vehicle shall without delay, if so requested by the persons involved in a road traffic accident, inform such persons of the identity of the insurer covering the liability arising out of the use of any motor vehicle involved in the accident.

(3) If an accident is caused in Malta by a motor vehicle which is normally based in the territory of a designated State, the local bureau shall obtain information as to the territory in which the motor vehicle is normally based, and as to its registration mark, if any; and in so far as is possible, as to the details of the insurance of the motor vehicle, as they normally appear on the international certificate of insurance, which are in possession of the person having custody of the vehicle, to the extent that these details are required by the designated State in whose territory the vehicle is normally based. The local bureau shall communicate the said information to the foreign bureau of the designated State in whose territory the vehicle is normally based.

Furnishing of
information in the
case of accidents
involving damage
or personal injury.
Added by:
III. 1998.3.
Amended by:
XXX. 2002.12.

Provisions relating to the information centre.

Added by:

XXX. 2002.13.

Amended by:

L.N. 167 of 2008.

18A. (1) There shall be approved by the Minister responsible for transport an information centre for the purposes of facilitating certain injured parties resident in Malta or a designated State to seek compensation.

(2) The information centre shall be responsible for:

(a) keeping a register containing the following information:

(i) the registration numbers of motor vehicles which are normally based in Malta;

(ii) the numbers of the policies of insurance covering the use of motor vehicles which are normally based in Malta for the risks other than carrier's liability, classified in class 10 of Part I of the Third Schedule to the [Insurance Business Act](#), and where the period of validity of the policy of insurance has expired, also the date of termination of the insurance cover;

(iii) authorized insurers and insurance undertakings covering the use of motor vehicles for the risks other than carrier's liability, classified in class 10 of Part I of the Third Schedule to the [Insurance Business Act](#), and claims representatives appointed by such authorized insurers and insurance undertakings;

(iv) the list of motor vehicles which, in Malta and in each designated State, benefit from the derogation from the requirement for civil liability insurance cover;

(v) regarding the motor vehicles referred to in subparagraph (iv):

- the name of the authority or the body designated as responsible for compensating injured parties in cases where a State has not signed the Multilateral Guarantee Agreement, if the motor vehicle benefits from the derogation in respect of certain natural or legal persons as referred to in article 3(4)(b);

- the name of the body covering the motor vehicle in Malta or in the designated State where it is normally based if the motor vehicle benefits from the derogation in respect of such types of vehicle having a special plate as are referred to in article 5(2);

(b) for co-ordinating the compilation and dissemination of that information; and

(c) for assisting entitled persons to be apprised of the information mentioned in paragraph (a)(i), (ii), (iii), (iv) and (v).

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The information under paragraph (a)(i), (ii) and (iii) must be preserved for a period of seven years after the termination of the registration of the motor vehicle or the termination of the insurance contract whichever is the earlier.

(3) Authorized insurers and insurance undertakings referred to in subarticle (2)(a)(iii) shall notify to the Maltese information centre and to the information centres of all designated States the name and address of the claims representative which they have appointed in Malta and in each of the designated States.

(4) An injured party shall be entitled, for a period of seven years after the accident, to obtain without delay from the information centre the following information:

- (a) the name and address of the relevant authorized insurer or insurance undertaking; and
- (b) the number of the relevant policy of insurance;
- (c) the name and address of the relevant authorized insurer's or insurance undertaking's claims representative in the State of residence of the injured party:

Provided that the injured party is resident in Malta or the motor vehicle involved is normally based in Malta or the accident occurred in Malta.

(5) The information centre shall provide the injured party with the name and address of the owner or usual driver or the registered keeper of the motor vehicle if the injured party has a legitimate interest in obtaining this information. For the purposes of this subarticle, the information centre shall address itself in particular:

- (a) to the authorized insurer; or
- (b) to the relevant vehicle registration agency.

(6) If the motor vehicle benefits from the derogation in respect of such natural or legal persons as are referred to in article 3(4)(b), the information centre shall inform the injured party of the name of the authority or body designated in accordance with the proviso of article 3(4)(b) as responsible for compensating injured parties in cases where a State has not signed the Multilateral Guarantee Agreement.

(7) If the vehicle benefits from the derogation as is referred to in article 5(2), the information centre shall inform the injured party of the name of the body covering the vehicle in the country where it is normally based.

(8) The processing of personal data resulting from this article shall be carried out in accordance with the [Data Protection Act](#).

Forgery, etc., of certificates.
 Amended by:
 L.N. 4 of 1963;
 XIII. 1983.5;
 XLI. 1986.3;
 VIII. 1990.3;
 XXIII. 2000.30;
 L.N. 409 of 2007.

19. (1) If, with intent to deceive, any person -
- (a) forges or alters or uses or lends to or allows to be used by any other person, a certificate of insurance under this Ordinance; or
 - (b) makes or has in his possession any document so closely resembling such a certificate as to be calculated to deceive,

he shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding one year or to a fine (*multa*) not exceeding two hundred and thirty-two euro and ninety-four cents (232.94) or to both such imprisonment and fine.

(2) If any person for the purpose of obtaining the grant of any licence in respect of any motor vehicle or for the purpose of obtaining the issue of a certificate of insurance under this Ordinance makes any false statement or withholds any material information, he shall be liable, on conviction, to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding one hundred and sixteen euro and forty-seven cents (116.47) or to both such imprisonment and fine.

(3) If any person issues a certificate of insurance which is to his knowledge false in any material particular, he shall be liable, on conviction, to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding one hundred and sixteen euro and forty-seven cents (116.47) or to both such imprisonment and fine.

(4) If any member of the Police Force has reasonable cause to believe that any certificate of insurance produced to him in pursuance of the provisions of this Ordinance by the driver of a motor vehicle is a document in relation to which an offence under this article has been committed, he may seize the document and, when any document is seized under this article, the person from whom it was taken shall, unless the document has been previously returned to him or he has previously been charged with an offence under this article, be summoned before the Criminal Court of Magistrates to account for his possession of the said document, and the court shall make such order respecting the disposal of the said document as the justice of the case may require.

(5) In this article the expression "certificate of insurance" includes any document issued under regulations made by the Minister responsible for transport in pursuance of his power under this Ordinance to prescribe documents which may be produced in lieu of a certificate of insurance.

False declarations or information to authorised insurer.
 Added by:
 III. 1998.4.
 Amended by:
 L.N. 409 of 2007.

19A. Whosoever, in order to gain any advantage or benefit for himself or others, shall, in a document intended for any authorised insurer, knowingly make a false declaration or statement, or give false information, concerning the circumstances of any accident resulting in personal injury or damage to any vehicle, animal or other property, shall, on conviction be liable to the punishment of imprisonment for a term not exceeding six months or to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) and not exceeding one thousand and one

hundred and sixty-four euro and sixty-nine cents (1,164.69) or to both such imprisonment and fine.

20. All offences under this Ordinance shall be prosecuted in accordance with the provisions of the [Criminal Code](#).

Prosecutions.
Amended by:
XIII. 1968.3.
Cap. 9.

21. If the driver of any motor vehicle who has committed an offence under this Ordinance or any regulations made thereunder refuses to give his name and address, or gives a false name or address, he shall be guilty of an offence under this Ordinance; and it shall be the duty of the owner of the motor vehicle, if required so to do, to give any information which it is in his power to give and which may lead to the identification and apprehension of the driver, and if he fails to give such information he shall be guilty of an offence under this Ordinance.

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

22. (1) Any person who by any act or omission contravenes or fails to comply with the provisions of this Ordinance shall, unless a penalty is otherwise specifically provided, be liable to a fine (*multa*) not exceeding forty-six euro and fifty-nine cents (46.59) or to imprisonment for a term not exceeding three months.

Offences and general penalty.
Amended by:
XIII. 1983.5;
L.N. 409 of 2007.

(2) Where a person is, by virtue of any power under this Ordinance or any regulations made thereunder, required to do or to abstain from doing any act or thing and makes default in complying with any such requisition, it shall be lawful for the court on the conviction of such person, in addition to any other penalty which it may impose, to order such person to comply with such requisition and to attach to any such order any condition as to time or mode of action, or otherwise, which it may think necessary to enforce compliance therewith.

(3) If a person makes default in complying with any such order as aforesaid, the court may, in its discretion, order such person to pay a sum not exceeding two euro and thirty-three cents (2.33) for every day the default continues or that he be kept in prison until he complies with the said order:

Provided that any such person shall not in respect of such default be liable to the payment of any sums amounting in the aggregate to more than forty-six euro and fifty-nine cents (46.59) 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.

Regulations for purposes of this Ordinance.

Amended by:
X. 1947.3;
VI. 1958.2;
XXV. 1962.4;
L.N. 4 of 1963;
XLIX. 1981.6;
XIII. 1983.5;
XLI. 1986.3;
L.N. 163 of 1990;
XXIII. 2000.30;
XXX. 2002.14;
L.N. 409 of 2007;
XV. 2009.49.

23. (1) The Minister responsible for transport may make regulations for prescribing anything which may be prescribed under this Ordinance, and generally for the purpose of carrying this Ordinance into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations -

- (a) as to the forms to be used for the purposes of this Ordinance;
- (b) as to applications for and the issue of certificates of insurance and 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 or to the Authority for Transport in Malta, as the case may require;
- (c) as to the issue of copies of any of the said 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) with respect to applications for the making of deposits, the investment thereof or dealing therewith, the payment and rate of interest on deposit and the withdrawal thereof;
- (f) as to require that a policy of insurance, insure such person, persons or classes of persons, as may be specified in the policy, against any liability for moral damages arising under any other law.

(2) The exercise of the powers conferred by this article shall be subject to any obligations or restrictions arising from Malta's international commitments.

(3) If any person acts in contravention of or fails to comply with any regulation under this Ordinance he shall, for each offence, be liable to such maximum penalty not exceeding a fine (*multa*) of forty-six euro and fifty-nine cents (46.59) as may be prescribed by the regulations.

Application of certain provisions if reciprocity is required by a third country.

Added by:
XXX. 2002.15.

24. If an injured party's right to apply for the payment of compensation to a body with the task to provide compensation for loss or injury caused by an unidentified or uninsured motor vehicle in a third country is on the condition of reciprocity, the provisions of article 9D shall take effect in respect of such third country, its nationals or residents from a date to be appointed by the Minister responsible for Transport.

Jurisdiction and enforcement.

Added by:
L.N. 167 of 2008.

25. Under subarticle (2) of article 11 read in conjunction with paragraph (1) of subarticle (1) of article 9 of Council Regulations (EC) [No 44/2001](#) of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, injured parties may bring legal proceedings against the civil liability insurance provider in the Member State in which they are domiciled.