



BELIZE

**MOTOR VEHICLE INSURANCE
(THIRD PARTY RISKS) ACT
CHAPTER 231**

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CHAPTER 231

MOTOR VEHICLE INSURANCE

(THIRD PARTY RISKS)

CAP. 193,
R.E. 1980-1990.
9 of 1980.
8 of 1986.
20 of 1987.
22 of 1987.
7 of 1988.
S.I. 75 of 1980.

[1st November, 1981]

PART I

Preliminary

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

Short title.

2. In this Act, unless the context otherwise requires,

Interpretation.

“dependant” includes a dependent child and dependent parents;

“dependent child” includes a natural born child, adopted child or child born out of wedlock who is under the age of eighteen years and is dependent upon the head of the household for financial support or who is eighteen years or over that age residing in the same dwelling premises as the head of the household and who because of mental or physical infirmity is principally dependent upon the head of the household for financial support;

“driver”, where a separate person acts as steerman 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;

“insured” means a person who is insured under a contract of insurance against liabilities to third parties and includes every person who operates or drives the designated motor vehicle with the permission and consent of the owner;

“insurer” means an insurer licensed to carry on motor vehicle insurance business under the provisions of the Insurance Act, Cap. 251;

“motor cab” means any motor vehicle kept or used for hire or reward, or standing or plying for hire or reward, for the conveyance of not more than six passengers and their personal luggage, whether at separate fares or otherwise;

“motor omnibus” means any motor vehicle kept or used for hire or reward, or standing or plying for hire or reward, for the conveyance of more than six passengers whether at separate fares or otherwise;

“motor van”, “motor lorry” means any motor vehicle transporting or intended for the transport of goods or materials or for hauling or intended for the haulage of goods or materials or of any other vehicle so engaged;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

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

“policy of insurance” includes a covering note;

“public road” means any street or road to which the public has access, and includes bridges over which a public road passes;

“third party” means any person to or in respect of whom indemnity is payable if bodily injury is sustained by him or if he suffers loss of life or damage to property as a result of a motor accident for which coverage is provided under this Act.

PART II

*Obligation of Motor Vehicle Owner to hold
Third Party Insurance ,Policy etc.*

3.–(1) Subject to this Act, no person shall use, or cause or permit any other person to use, a motor vehicle on a public road unless there is in force in relation to the use of the motor 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 Act.

Obligation on owners of motor vehicles to hold insurance policies against third party risks.

(2) The Minister may by regulations exempt any vehicle or class of vehicles from all or any of the requirements of this Act upon such terms and conditions as he may think fit.

(3) If a person acts in contravention of this section he is guilty of an offence and is liable on conviction to a fine not exceeding four hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment. And a person convicted of an offence under this section shall (unless the Court for special reasons thinks fit to order otherwise and without prejudice to the power of the Court to order a longer period of disqualification) be disqualified from holding or obtaining a licence under the Motor Vehicles and Road Traffic Act, Cap. 230 for a period of twelve months from the date of the conviction.

(4) A person disqualified by virtue of a conviction under this section or of an order made thereunder from holding or obtaining a licence shall, for the purposes of the Motor Vehicles and Road Traffic Act, Cap. 230, be deemed to be disqualified under the provisions of that Act.

(5) Notwithstanding any enactment prescribing a time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under this section may be brought,

- (a) within a period of six months from the date of the commission of the alleged offence; or

- (b) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence, whichever period is the longer.

(6) This section shall not apply to any person in the service of the Government keeping or allowing to be kept any vehicle used and employed exclusively in the Government’s service, or to any City Council or Town Council Cap. 87, keeping or allowing to be kept any vehicle used and employed exclusively in the service of such Council, or to any town or village council keeping or allowing to be kept any vehicle used and employed exclusively in the service of such council.

Requirements in respect of policies.

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

- (a) is issued by a person who is an insurer;
- (b) insures such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death or bodily injury to any person or damage to any property caused by or arising out of the use of the motor vehicle on a public road; and
- (c) insures such person, persons or classes of persons as may be specified in the policy in respect of any statutory liability which may be incurred by him or them under the provisions of this Act relating to the payment of the benefits mentioned in section 5, but such a policy shall not be required to cover,
 - (i) liability in respect of the death arising out of and in the course of his employment of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment;

- (ii) except in the case of a motor vehicle in which passengers are being carried for hire or reward or by reason of or in pursuance of a contract of employment, liability in respect of the death of or bodily injury to persons being carried in or upon or entering or getting on to or alighting from the motor vehicle at the time of the occurrence of the event out of which the claims arise;
- (iii) any contractual liability;
- (iv) liability for death or bodily injury in excess of fifty thousand dollars in respect of any one claim by any one person;
- (v) liability for death or bodily injury in excess of two hundred thousand dollars in respect of the total claims arising from any one accident;
- (vi) liability in excess of twenty thousand dollars for damage to any property, arising from any one accident;
- (vii) liability for damage to the motor vehicle or to property owned by or in control of those insured.

(2) Notwithstanding anything in any enactment, rule of law or the common law, a person issuing a policy of insurance under this section shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

(3) A policy shall be of no effect for the purposes of this Act unless and until there is issued by the insurer in favour of the person by whom the policy is effected a certificate (in this Act referred to as a “certificate of insurance”) in the prescribed form and containing such particulars of any

conditions subject to which the policy is issued and of any other matters as may be prescribed, and different forms and different particulars may be prescribed in relation to different cases or circumstances.

20 of 1987.

(4) Every insurer shall, in addition to the certificate of insurance referred to in subsection (3) of this section, issue in favour of the insured an 'insurance disc' in the form and size set out in the First Schedule hereto.

20 of 1987.

(5) Every owner and every person in charge of a motor vehicle shall at all times keep the insurance disc relating to such vehicle fixed and displayed on such vehicle adjacent to the position where the motor vehicle licence is required to be fixed and displayed under the Motor Vehicles and Road Traffic Regulations, made in Subsidiary Legislation 1962, Volume II at page 848.

Benefits.

5.—(1) Notwithstanding anything in any enactment, rule of law or the common law and without prejudice to any claim or action for damages made as a result of negligence, the insurer of a person who was using a motor vehicle at the time of an accident involving the said vehicle out of which any bodily injury arose shall, irrespective of whether such person be negligent or not, pay as benefits to the injured third party all reasonable expenses incurred as a result of that injury for necessary medical, surgical, dental, hospital and nursing services up to an amount not exceeding five thousand dollars.

(2) If such bodily injury within twenty days following an accident totally disables an employed third party and prevents him from engaging in any occupation for wages or profit for which he is suited having regard to his skill and ability the insurer shall pay to such injured third party a disability allowance of forty dollars a week for the duration of that total disability or one hundred and four weeks whichever period is the shorter.

(3) If such bodily injury within twenty days following an accident, substantially and continuously disables a housewife from performing regularly her household tasks and duties the insurer shall pay such injured housewife a disability allowance of twenty dollars a week for the period of that total disability or twenty-six consecutive weeks whichever period is the shorter.

(4) Where such bodily injury caused by an accident as herein mentioned results in the death of the third party the insurer shall promptly pay as indemnity burial and funeral expenses not exceeding four hundred dollars, and if the deceased third party is survived by a spouse or a dependant the insurer shall in addition pay death benefits based on the age and the status of the deceased third party as follows,

<i>Status of Deceased</i>	<i>Surviving Spouse</i>	<i>Dependent Child</i>	<i>Parents</i>
under 4 years	-	-	500
4-12 years	-	-	1000
12-16 years	1500	1000	1500
over 16 years	2500	1000	1500

(5) In addition to the benefits mentioned herein, the insurer shall also pay a supplemental death benefit of one thousand dollars for each surviving dependant other than the first where the deceased third party is survived by a spouse and one or more dependants or by more than two dependants.

(6) (a) Except with respect to weekly benefits, payment of all benefits payable under this Act shall be made by the insurer within sixty days after receipt of proof of the claim;

(b) in the case of weekly benefit payments, the insurer shall pay within four weeks after it has received proof of the claim;

(c) continuing weekly payments shall be made by the insurer within each consecutive four-week period, while the insurer remains liable therefor, if the third party furnishes proof of continuing disability whenever required to do so.

(7) Subject to subsection (8) of this section, no person shall commence an action or proceeding against the insurer for recovery of any claim for benefits under this section, after the expiration of twelve months from the date of the last benefit payment received by him or after the expiration of twelve months from the date of accident, whichever is the longer period of time.

(8) The provisions of this subsection shall not be a bar to any action or proceeding where the delay is shown to have been due to any handicap resulting from the injury suffered or as due to the actions of the insurer.

(9) (a) The insurer, upon making payment of any benefits to an injured third party under this section, is subrogated to all rights of the insured to recovery of the amount of those benefits from any other person; and the insurer may bring an action in the name of the insured to enforce its rights of subrogation or recovery.

(b) The insured shall co-operate with the co-insurer in all acts of subrogation or recovery, all the costs of which shall be paid by the insurer.

(c) The insurer has complete authority to commence, carry on, or conclude any subrogation or recovery proceeding.

(10) Where more than one motor vehicle is involved in any accident out of which any bodily injury or damage to property was caused to a third party, the injured third party shall be entitled to claim the benefits set out in this section from the insurers of either vehicle and such insurer shall be liable to pay the full benefits due to the claimant.

(11) Where more than one motor vehicle is involved in any accident out of which any bodily injury or damage to property was caused to a third party and the insurer against whom a claim is made by the injured third party is not the person liable to pay the said claim, such insurer shall nevertheless pay the said claim and shall himself be entitled to recover the said sum from whoever shall be liable therefor.

(12) Where any claim is made for any benefit under this section, the insurer may have and the claimant shall afford the insurer or its medical representative full opportunity of having the claimant examined and may obtain a report thereon when, and as often as is reasonably necessary throughout the time required to recover from an injury or to conclude any claim; and all of any such examinations shall be at the expense of the insurer.

(13) Where any insurer of any person who was using a motor vehicle at the time of an accident involving the said vehicle does not pay any benefit claimed within ten days of the making of the claim, the claimant may report the said matter to the Supervisor of Insurance and the Supervisor of Insurance may, if he is satisfied that the claim is proper and justified, make an order against the insurer to pay the said claim.

(14) Where the Supervisor of Insurance makes an order against any insurer to pay a claim, the insurer shall comply with the said order and may, after having complied therewith, appeal to the Supreme Court against such order.

(15) The Supreme Court procedure applicable to appeals from inferior courts shall apply to such appeals.

6.—(1) Subject to subsection (2) of this section, any condition in a policy issued for the purposes of this Act 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 section 4 (1) (b) and (c) of this Act.

Certain conditions to policies to be of no effect.

(2) Nothing in this section shall be taken to render void any provision in a policy requiring the person insured to repay to the 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 claim of third parties.

Requirements as to production of certificate of insurance.
42 of 1999.

7.—(1) Any person driving a motor vehicle on a public road shall, on being required by a member of the Belize Police Department, 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 to do so he shall be guilty of an offence,

Provided that, if the driver of a motor vehicle within five days after the date on which the production of his certificate was so required, produces the certificate in person at such police station as may have been specified by him at the time its production was required, he shall not be convicted under this sub-section of the offence of failing to produce his certificate.

42 of 1999.

(2) The owner of a motor vehicle shall give such information as he may be required by or on behalf of an officer of the Belize Police Department not below the rank of sergeant to give as to the identity of the driver of the motor vehicle on any occasion when the driver was required to produce the certificate, and if the owner fails to do so, he shall be guilty of an offence.

42 of 1999.

(3) If in any case where, owing to the presence of a motor vehicle on a public road, an accident occurs involving injury to another person or damage to any property, the driver of the motor vehicle does not at the time produce his certificate to a member of the Belize Police Department or to some person who, having reasonable grounds for doing so, has required its production, the driver shall report the accident at a police station as soon as possible, and in any case within twenty-four hours of the occurrence of the accident and there produce his certificate, and if he fails so to do, he shall be guilty of an offence,

Provided that a person shall not be convicted under this subsection of the offence of failing to produce his certificate if within five days after the occurrence of the accident, he produces the certificate in person at such police station as may be specified by him at the time the accident was reported.

(4) In this section, 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 section 3 of this Act as may be prescribed.

8. The rights of any person in respect of any liability incurred by an insured shall, in the event of the death of the insured, and notwithstanding any enactment, rule of law or the common law to the contrary, be preserved to and be enforceable by such person against the personal representatives of the insured in the same manner and to the same extent as such rights would have been enforceable against the insured if he had survived and the provisions of section 4 (2) of this Act shall apply accordingly.

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

PART III

Rights of a Third Party under the Third Part Insurance Policy

9.—(1) Where under any contract of insurance a person (hereinafter referred to as the insured) is insured against liabilities to third parties which he may incur, then,

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

- (a) in the event of the insured becoming bankrupt or making a composition or arrangement with his creditors; or
- (b) in the case of the insured being a company, in the event of a winding-up order being made or a resolution for voluntary winding-up being passed, with respect to the company or of a receiver or manager of the company's business or undertaking being duly appointed or of possession being taken, by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge,

if, either before or after that event, any such liability as aforesaid is incurred by the insured, his rights against the insurer under the contract in respect of the liability shall, notwithstanding anything in any Act or

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

(2) Where an order is made under the Bankruptcy Act, Cap. 244 for the administration of the estate of a deceased debtor according to the law of bankruptcy then, if any debt provable in bankruptcy is owing by the deceased in respect of a liability against which he was insured under a contract of insurance as being a liability to a third party, the deceased debtor's right against the insurer under the contract in respect of that liability shall, notwithstanding anything in the said Act, be transferred to and vest in the person to whom the debt is owing.

(3) In so far as any contract of insurance made after the commencement of this Act in respect of any liability of the insured to third parties purports whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the happening to the insured of any of the events specified in paragraph (a) or paragraph (b) of subsection (1) of this section or upon the making of an order under the Bankruptcy Act, Cap. 244, in respect of his estate, the contract shall be of no effect.

(4) Upon a transfer under subsection (1) or subsection (2) of this section, the insurer shall, subject to section 12 of this Act, be under the same liability to the third party as he would have been under to the insured, but,

- (a) if the liability of the insurer to the insured exceeds the liability of the insured to the third party, nothing in this Act shall affect the rights of the insured against the insurer in respect of the excess; and
- (b) if the liability of the insurer to the insured is less than the liability of the insured to the third party, nothing in this Act shall affect the rights of the third party against the insured in respect of the balance.

(5) For the purposes of this Act, the expression "liabilities to third parties", in relation to a person insured under any contract of insurance, shall not include any liability of that person in the capacity of insurer under some other contract of insurance.

(6) This Act shall not apply,

- (a) where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company; or
- (b) to any case in which section 35 (1) and (2) of the Workmen's Compensation Act, Cap. 303, applies.

10.—(1) Subject to subsection (2) of this section, where a certificate of insurance has been issued under section 4 (3) of this Act, 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 covering third party risks.

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

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

(2) Nothing in this section shall require an insurer to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this section shall be recoverable by the insurer from that person.

Duty to give necessary information to third parties.

11.—(1) In the event of,

- (a) any person becoming bankrupt or making a composition or arrangement with his creditors;
- (b) an order being made under the Bankruptcy Act, Cap. 244, in respect of the estate of any person; or
- (c) a winding-up order being made, or a resolution for a voluntary winding-up being passed, with respect to any company, or of a receiver or manager of the company's business or undertaking being duly appointed, or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge on any property comprised in or subject to the charge,

it shall be the duty of the bankrupt, debtor, personal representative of the deceased debtor or company and, as the case may be, of the trustee in bankruptcy, trustee, liquidator, receiver or manager or person in possession of the property to give at the request of any person claiming that the bankrupt, debtor, deceased debtor or company is under liability to him, such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him by this Act, and for the purpose of enforcing such rights, if any.

(2) Any contract of insurance, in so far as it purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties, thereunder upon the giving of any such information in the events specified in subsection (1) of this section or otherwise to prohibit or prevent the giving thereof in the said events, shall be of no effect.

(3) If the information given to any person in pursuance of subsection (1) of this section discloses reasonable grounds for supposing that there have or may have been transferred to him under this Act rights against any particular insurer, the insurer shall be subject to the same duty as is imposed by the said subsection on the person therein mentioned.

(4) The duty to give information imposed by this section shall include a duty to allow all contracts of insurance, receipts for premiums, and other relevant documents in the possession or power of the person on whom the duty is so imposed to be inspected and copies thereof to be taken.

12. Where the insured has become bankrupt, or where, in the case of the insured being a company a winding-up order has been made or a resolution for voluntary winding-up has been passed, with respect to the company, no agreement made between the insurer and the insured after liability has been incurred to a third party and after the commencement of the bankruptcy or winding-up, as the case may be, nor any waiver, assignment, or other disposition made by, or payment made to the insured after the commencement aforesaid shall be effective to defeat or affect the right transferred to the third party under this Act, but those rights shall be the same as if no such agreement, waiver, assignment, disposition or payment had been made.

Settlement between insurers and insured persons.

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

Forgery, etc., of certificate.

- (a) forges within the meaning of the Criminal Code, Cap. 101, or alters or uses or lends to or allows to be used by any other person a certificate of insurance within the meaning of this Act; or
- (b) makes or has in his possession any document so closely resembling such a certificate as to be calculated to deceive,

he shall be guilty of a misdemeanour and shall be liable on conviction on indictment to imprisonment for two years.

(2) If any person for the purpose of obtaining the issue of a certificate of insurance under this Act makes any false statement or withholds any

material information he is guilty of an offence and is liable on summary conviction to a fine not exceeding four hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

(3) If any person issues a certificate of insurance which is to his knowledge false in any material particular he is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding four hundred dollars, or to both such fine and term of imprisonment.

42 of 1999.

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

(5) In this section, the expression “certificate of insurance” includes any document issued under regulations made under the Motor Vehicles and Road Traffic Act, Cap. 230 to prescribe evidence which may be produced *in lieu* of a certificate of insurance.

Recovery of penalties.

14. Except as otherwise expressly provided, all penalties imposed under this Act or any regulations made thereunder shall be recoverable on conviction before a magistrate.

PART IV

Miscellaneous

Regulations.

15.—(1) The Minister may make regulations for prescribing anything which may be prescribed under this Act, and generally for the purpose

of carrying this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations,

- (a) as to the forms to be used for the purposes of this Act;
- (b) as to applications for and the issue of certificates of insurance and any other documents which may be prescribed and as to the keeping of records of documents and the furnishing of particulars thereof or the giving of information with respect thereto to the Commissioner of Police;
- (c) as to the issue of copies of any such certificate 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) as to the maximum amounts of premiums or other fees that may be charged by the insurers for issuing policies of insurance and other documents required by or under this Act.

7 of 1988.

(2) The regulations made pursuant to this section shall be subject to negative resolution.

16.—(1) Any person who by any act or omission contravenes or fails to comply with the provisions of this Act shall, unless a penalty is otherwise specifically provided, be liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months.

Offences and general penalty.

(2) Where a person is, by virtue of any power contained in this Act or in any regulation made thereunder, required to do or to abstain from doing any act or thing and makes default in complying with any such requisition, a magistrate may on conviction, in addition to any other penalty which he may impose, order such person to comply with such requisition and annex to any such order any condition as to time or mode of action or otherwise which he may think necessary to enforce compliance therewith.

(3) Every person who makes default in complying with any such order of the magistrate may, in the discretion of the court, be ordered to pay a sum of four dollars for every day during which he is thereafter in default, or to be imprisoned until he has remedied his default,

Provided that any such person shall not for such non-compliance be liable to the payment of any sums amounting in the aggregate to more than one hundred dollars or to imprisonment for any periods amounting in the aggregate to more than two months in addition to any other fine or term of imprisonment to which he may otherwise be liable.

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

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

42 of 1999.

Provided that refusal by such a driver or owner to give his name and address or information, as the case may be, shall be no offence unless a request therefor be made by a member of the Belize Police Department, or by any person having reasonable grounds for making such request.

Liability of driver and owner for offences.

18. If,

- (a) any motor vehicle is used which does not comply with or contravenes any provision of this Act or of any regulation or of any order lawfully made under this Act or any regulations;
- (b) any motor vehicle is used in such state or condition or in such a manner as to contravene any such provision; or
- (c) anything is done or omitted in connection with a motor vehicle in contravention of any such provision, then, unless otherwise expressly provided by this Act,

- (i) the driver or person in charge of the motor vehicle at the time of the offence shall be guilty of an offence unless the offence was not due to any act, omission, neglect, or default on his part; and
- (ii) the owner of the motor vehicle shall also be guilty of an offence, if present at the time of the offence or if absent, unless the offence was committed without his consent and was not due to any act or omission on his part, and he had taken all reasonable precautions to prevent an offence.

19.—(1) If, after a certificate of insurance has been issued under section 4(3) of this Act, in favour of the person by whom a policy has been effected, judgment in respect of any such liability as is required to be covered by a policy under section 4(1)(b) or (c) of this Act (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled the policy, the insurer shall, subject to this section, pay to the persons entitled to the benefit of the judgment any sum payable thereunder in respect of the liability including any amount payable in respect of costs and any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments,

Duty of insurer to satisfy judgments against persons insured in respect of third party risks.

Provided that the court shall not proceed to entertain or hear a claim or to issue any judgments to which this section applies until a notice in the form prescribed in the Second Schedule is filed at the Registry of the Supreme Court by the plaintiff and is served on the insurer, and the Registrar of the Supreme Court has issued his certificate that the proceedings are in order.

8 of 1986.

(2) No sum shall be payable by an insurer under the foregoing provisions of this section,

- (a) in respect of any judgment, so long as execution thereon is stayed pending an appeal; or

- (b) in connection with any liability, if before the happening of the event which was the cause of the death, 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, either,
- (i) before the happening of the said event the certificate was surrendered to the insurer, or the person to whom the certificate was issued made a statutory declaration stating that the certificate had been lost or destroyed;
 - (ii) after the happening of the said event, but before the expiration of a period of fourteen days from the taking effect of the cancellation of the policy, the certificate was surrendered to the insurer, or the person to whom the certificate was issued made such a statutory declaration as aforesaid; or
 - (iii) either before or after the happening of the said event, but within the said period of fourteen days, the insurer has commenced proceedings under this Act in respect of the failure to surrender the certificate.

(3) No sum shall be payable by an insurer under the foregoing provisions of this section against a judgment in respect of any liability required to be covered by section 4(1)(b) of this Act, if, in an action commenced before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration that, apart from any provision contained in the policy, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact, or by a representation of fact which was false in some material particular, or, if he has avoided the policy on that ground, that he was entitled to do so apart from any provision contained in it,

Provided that an insurer who has obtained a declaration as aforesaid in an action shall not thereby become entitled to the benefit of this subsection as respects any judgment obtained in proceedings commenced before the commencement of that action, unless before or within seven days after the commencement of that action he has given notice thereof to the person who is the plaintiff in the said proceedings specifying the non-disclosure or false representation on which he proposes to rely, and any person to whom notice of such an action is so given shall be entitled, if he thinks fit, to be made a party thereto.

(4) If the amount which an insurer becomes liable under this section to pay in respect of a liability of a person insured by a policy exceeds the amount for which he would, apart from the provisions of this section, be liable under the policy in respect of that liability, he shall be entitled to recover the excess from that person.

(5) In this section, the expression “material” means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk, and, if so, at what premium and on what conditions; and the expression “liability covered by the terms of the policy” means a liability which is covered by the policy or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy.

(6) In this Act reference 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.

20. Where a certificate of insurance has been issued under section 4 (3) of this Act, to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as is mentioned in section 10(1) or (2) of this Act shall, notwithstanding anything in this Act, not affect any such liability of that person as is required to be covered by a policy under section 4(1)(b) or (c) of this Act, but nothing in this section shall affect any rights against the insurer conferred by this Act on the person to whom the liability was incurred.

Bankruptcy, etc., of insured persons not to affect certain claims by third parties.

Duty of person against whom claims are made to give information as to insurance.

21.—(1) Any person against whom a claim is made in respect of any such liability as is required to be covered by a policy under section 4 (1) (b) and (c) shall, on demand by or on behalf of the person making the claim, state whether or not he was insured in respect of that liability by any policy having effect for the purposes of this Act, or would have been so insured if the insurer has not avoided or cancelled the policy, and, if he was or would have been so insured, give such particulars with respect to that policy as were specified in the certificate of insurance issued in respect thereof under section 4 (3) of this Act.

(2) If, without reasonable excuse, any person fails to comply with this section, 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.

22. Where a certificate of insurance has been issued under section 4 (3) of this Act, 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 insurer or, if it has been lost or destroyed, make a statutory declaration to that effect, and if he fails to do so he shall be guilty of an offence.

Jurisdiction of courts.

23.—(1) Nothing in this Act shall affect the jurisdiction of any court to hear and determine any claim for compensation in respect of any bodily injury or damage to property arising from an accident involving a motor vehicle.

(2) In awarding any compensation for bodily injury or any damage to property, the court shall take into account any compensation already received by the claimant.

(3) An injured party shall not be stopped from his resort to a court of law by any purported release given by him upon receipt of any benefit under this Act.

FIRST SCHEDULE

SIZE=3" X 3"

MOTOR VEHICLE INSURANCE (THIRD PARTY RISKS) ACT
 Motor Vehicle Third Party Risk Insurance Policy
[Section 4(4)]

INSURED:	NAME OF CO.		PREMIUM:
	V.I.N.	Date Insured	
VALUE	Act 1980		VEHICLE NO.
CAPACITY		MOTOR VEHICLE INSURANCE	
MAKE	3 rd Party Risks	Expiry Date	Vehicle No.
TYPE			
	CLASS OF INSURANCE:		

8 of 1986.

SECOND SCHEDULE

MOTOR VEHICLE INSURANCE (THIRD PARTY RISKS) ACT

Notice of Action on Insurer
[Section 19]

BELIZE
In the Supreme Court.

PLAINTIFF
VS
DEFENDANT

TO of

TAKE NOTICE that.....the
above-named plaintiff, third party, of.....
has commenced proceedings by writ of summons against the defendant
..... of....., the
insured, holder of a policy of third party motor vehicle insurance
from..... Insurance Company.

TO:

AND

TO: The Registrar