

**LAWS OF GUYANA**

**MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) ACT**

**CHAPTER 51:03**

**Act**

**22 of 1937**

Amended by

6 of 1959  
24 of 1961  
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**LAWS OF GUYANA**

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**CHAPTER 51:03**

**MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) ACT**

**ARRANGEMENT OF SECTIONS**

SECTION

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**CHAPTER 51:03**

1953 Ed.  
c. 281

**MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) ACT**

2 of 1937

**An Act to make provision against third party risks arising out of the use of motor vehicles.**

[1<sup>ST</sup> APRIL, 1938]

Short title.

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

Interpretation.  
[6 of 1959  
4 of 1972  
6 of 1985]  
c. 91:02

2. In this Act—

“authorised insurer” shall have the meaning assigned to “insurer” in section 2 of the Insurance Act;

“Commissioner” means the Commissioner of Police;

“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;

“Government” includes the Transport and Harbours Department;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, but does not include a steam traction engine, a steam roller or a vehicle constructed and intended for use exclusively on rails;

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

“policy of insurance” means a policy issued by an authorised insurer and includes a covering note;

“public road” means any highway and any other road to which the public has access, and includes bridges over which a road passes, and any wharf, stelling or part of the foreshore to which the public has access.

Users of motor vehicles to be insured against third party risks.  
[6 of 1959  
29 of 1961  
6 of 1985  
16 of 1997  
17 of 1998]

3. (1) Subject to this Act, 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 public 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 Act.

(2) If a person acts in contravention of this section he shall be liable to a fine of not less than twenty-five thousand dollars nor more than fifty thousand dollars and to imprisonment for six months, and a person convicted of an offence under this section shall (unless the court thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification) be disqualified for holding or obtaining a driver’s licence under the Motor Vehicles and Road Traffic Act for a period of twelve months from the date of the conviction.

c. 51:02

(3) Notwithstanding any enactment prescribing the time in 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 alleged offence,

whichever period is the longer.

(4) This section shall not apply to any motor vehicle owned by Government or by the Georgetown City Council or the New Amsterdam Town Council when such motor vehicle is used and employed exclusively upon Government or Municipal service or to any vehicle at any time when it is being driven for police purposes by or under the direction of a member of the police force or when it is being driven by a certifying officer in exercise of his duties under the Motor Vehicles and Road Traffic Act.

(5) A person who by virtue of an order of a court under this section is disqualified from holding or obtaining a driver's licence may appeal against the order in the same manner as against a conviction, and the court may, if it thinks fit, notwithstanding the provisions of the Summary Jurisdiction (Appeals) Act, declare that the disqualification shall operate until the appeal is finally determined.

c. 3:04

Requirements  
in respect of  
policies.  
[6 of 1985]

**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 authorised insurer; and
- (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 of or bodily injury to or damage to the

property of any person caused by or arising out of the use of the motor vehicle on a public road:

Provided that in the case of death or of bodily injury such 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; or
- (ii) except in the case of a motor vehicle in which passengers are 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 in respect of the first twenty-five dollars of any claim by any one person;
- (v) liability in respect of any sum in excess of twenty-five thousand dollars arising out of any one claim by any one person;
- (vi) liability in respect of any sum in

excess of one hundred and twenty-five thousand dollars arising out of the total claims for any one accident for each vehicle concerned.

(1A) For the purposes of this Act, “property” does not include—

- (a) property carried in or on a motor vehicle;
- (b) property belonging to or held in trust by or in the custody or control of the person insured; or
- (c) any bridge, weighbridge, viaduct or road or anything beneath the bridge, weighbridge, viaduct or road which has been damaged by vibration caused by the weight of the motor vehicle or of the load carried by the motor vehicle.

(1B) In the case of damage to property, a policy of insurance shall not be required to cover liability in respect of any sum in excess of—

- (a) twenty thousand dollars where the liability arises out of any one claim by any one person;
- (b) one hundred thousand dollars where the liability arises out of the total claims for any one accident.

(1C) Sections 6 and 14 shall not apply to damage to property.



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

For the purposes of this subsection the expression "hospital" means an institution which provides medical or surgical treatment for in-patients, and the expression "expenses reasonably incurred" means, in relation to a person who receives treatment in a hospital, an amount for each day such person is maintained in such hospital representing the approximate actual daily cost of such a patient to the hospital in relation to the maintenance of the hospital and the staff thereof:

Provided that in any case where a charge has been made by the hospital in addition to expenses reasonably incurred in respect of such treatment there shall be paid by the authorised insurer to such hospital only that portion of any such charge as represents the approximate actual daily cost of such a patient to the hospital.

(3) Notwithstanding anything in any enactment, 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.

(4) A policy shall be of no effect for the purposes of this Act 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 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.

5. [Repealed by Act No. 6 of 1985]

Certain conditions to policies to be of no effect. [6 of 1985]

6. 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):

Provided that nothing in this section shall be taken to render void any provision in a policy requiring the person insured to repay to the authorised 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.

Requirements as to production of certificate of insurance. [6 of 1985]

7. (1) Any person driving a motor vehicle on a public 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:

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 subsection of the offence of failing to produce his certificate.

(2) 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 an assistant superintendent to give as to the identity of the driver of a motor vehicle on any occasion when the driver was required under subsection (1) to produce the certificate, and if the owner fails to do so he shall be guilty of an offence.

(3) If in any case where, owing to the presence of a motor vehicle on a public road, an accident occurs involving personal injury to another person, 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 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 as may be prescribed.

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

8. (1) If after a certificate of insurance has been issued under section 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 section 4(1)(b) (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then,

notwithstanding that the authorised insurer may be entitled to avoid or cancel or may have avoided or cancelled the policy, the authorised insurer shall, subject to this section, and subject to any limitations on the total amount payable under the policy in pursuance of the fourth, fifth and sixth provisos to section 4(1)(b) 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 any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.

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

- (a) in respect of any judgment, unless before or within seven days after the commencement of the proceedings in which the judgment was given, the authorised insurer had notice of the bringing of the proceedings; 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 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 authorised insurer, or the person to whom

- the certificate was issued made and delivered to the authorised insurer a statutory 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 authorised 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 authorised insurer has commenced proceedings under this Act in respect of the failure to surrender the certificate.

(3) No sum shall be payable by an authorised insurer under the foregoing provisions of this section, 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 authorised insurer who has obtained

such 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 authorised 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 authorised insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy.

(6) In this Act references to a certificate of insurance in any provisions 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.

Preservation of  
rights in case  
of death of an

9. The rights of any person in respect of any liability incurred by an insured shall, in the event of the death of the

insured.  
[6 of 1985]

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 section 4 (3) shall apply accordingly.

In this section the word “insured” means a person who is insured under a contract of insurance against liabilities to third parties in accordance with this Act.

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

**10.** (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—

- (a) in the event of the insured becoming insolvent 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 a 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.

c. 12:21 (2) Where an order is made under section 108 of the Insolvency Act for the administration of the estate of a deceased debtor according to the law of insolvency, then, if any debt provable in insolvency 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 rights 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.

c. 12:21 (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 subsection (1)(a) or (b) of this section or upon the making of an order under section 108 of the Insolvency Act, 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, 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 to which section 28(1) and (2) of the Workmen’s Compensation Act apply.

Cap. 111  
1953 Ed.

Duty to give  
necessary  
information to  
third parties.  
c. 12:21

**11.** (1) In the event of any person becoming insolvent or making a composition or arrangement with his creditors or in the event of an order being made under section 108 of the Insolvency Act, in respect of the estate of any person, or in the event of a winding-up order being made, or a resolution for a voluntarily winding-up order 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 a floating charge of any property comprised in or subject to the charge it shall be the duty of the insolvent, debtor, personal representative of the deceased debtor or company, and, as the case may be, of the trustee in insolvency, trustee, liquidator, receiver, or manager, or person in possession of the property to give at the request of any person claiming that the insolvent, debtor, deceased debtor, or company is under a 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, and 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 aforesaid or otherwise to prohibit or prevent the giving thereof in the said events, shall be of no effect.

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

(3) 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.

Settlement  
between  
insurers and  
insured  
persons.

12. Where the insured has become insolvent or where, in the case of the insured being a company a winding-up order has been made or a resolution for a 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 insolvency 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 rights 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.

Insolvency, etc.,

13. Where a certificate of insurance has been issued

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

under section 4(4) 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) and (2) shall, notwithstanding anything contained in that section or in sections 11 and 12, not affect any such liability of that person as is required to be covered by a policy under section 4(1)(b), but nothing in this section shall affect any rights against the authorised insurer conferred by this Act on the person to whom the liability was incurred.

Avoidance of restrictions on scope of policies, and of contracts restrictive of liability in respect of passengers carried for hire or reward.

**14.** (1) Where a certificate of insurance has been issued under section 4(7) 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:

- (a) the age or physical or mental condition of persons 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 the Motor Vehicles and Road Traffic Act,

c. 51:02

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

Provided that nothing in this subsection shall require an authorised 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 authorised 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 authorised 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.

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

**15. (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) 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 authorised 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

section 4(4).

(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.

**16.** Where a certificate of insurance has been issued under section 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 authorised insurer or, if it has been lost or destroyed, make and deliver to the authorised insurer a statutory declaration to that effect, and if he fails so to do he shall be guilty of an offence.

**17.** [Repealed by Act No. 6 of 1985]

Payments and insurance in respect of emergency treatment of injuries arising from the use of motor vehicles on public roads.  
[6 of 1985]

**18.** (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 public road, and the treatment or examination so required (in this section referred to as “emergency treatment”) is effected by a registered 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 next succeeding section, pay to the practitioner, or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected —

- (a) a fee of twenty-five dollars in respect of each person in whose case the emergency treatment is effected by him; and

- (b) a sum, in respect of any distance in excess of two miles which he must cover in order to proceed from the place whence he is summoned to the place where the emergency treatment is carried out by him and to return to the first- mentioned place, equal to one dollar for every complete mile and additional part of a mile of that distance.

(2) Where emergency treatment is first effected in a hospital (that is to say, an institution which provides medical or surgical treatment of in-patients) the provisions of the foregoing subsection 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 registered medical practitioner.

(3) Liability incurred under this section by the person using a 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 section 4(1)(b), 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 section 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 section.

Provisions as to claims for and supplementary provisions as to payments for, emergency

19. (1) The Commissioner shall, if so requested by a person who alleges that he is entitled to claim a payment under the last foregoing section, 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

treatment. 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 section 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 an executive 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 section shall be recoverable as if it were a simple contract debt due from the person who was using the vehicle to the practitioner or the hospital.

(6) A payment made under the last foregoing section 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 section shall not be deemed to be a payment by an authorised insurer

or owner for the purposes of section 4(2).

20. [Repealed by Act No. 6 of 1985]

Forgery, etc. of  
certificates.  
[6 of 1985  
16 of 1997]  
[17 of 1998]

21. (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 Act; or
- (b) makes or has in 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—

- (i) on conviction on indictment to imprisonment for four years;
- (ii) on summary conviction to a fine of not less than forty thousand dollars nor more than eighty thousand dollars and to imprisonment for eight months.

(2) If any person for the purpose of obtaining a licence for any motor vehicle or the issue of a certificate of insurance under this Act makes any false statement or withholds any material information, he shall be liable to a fine of not less than twenty-five thousand dollars nor more than fifty thousand dollars and to imprisonment for twelve months.

(3) If any person issues a certificate of insurance which is to his knowledge false in any material particular, he shall be liable to a fine of not less than fifty thousand dollars nor more than one hundred thousand dollars and to



imprisonment for twelve months.

(4) If any member of the police force has reasonable cause to believe that any certificate of insurance produced to him in pursuance 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 the document has been previously returned to him or he has previously been 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 by the Minister in pursuance of his power under this Act to prescribe documents which may be produced in lieu of a certificate of insurance.

Prosecutions.

**22.** Save as otherwise expressly provided all offences under this Act shall be prosecuted under the Summary Jurisdiction Acts.

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

**23.** 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 shall be guilty of an offence; and it shall be the duty of the owner of the motor vehicle if required to give any information which it 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 shall be guilty of an offence.

Offences and general penalty.

**24.** (1) Any person who by any act or omission contravenes or fails to comply with this Act shall, unless a

[16 of 1997  
17 of 1998]

penalty is otherwise specifically provided, be liable on summary conviction to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars or to imprisonment for six months.

(2) Where a person is, by virtue of any power contained in this Act or in 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 a magistrate on conviction, in addition to any other penalty which he may impose, to order such person to comply with such requisition and to 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 not exceeding two thousand 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 thirty thousand dollars or to imprisonment for any periods amounting in the aggregate to more than four months in addition to any other fine or term of imprisonment to which he may otherwise be liable.

Regulations.  
[6 of 1985  
16 of 1997  
17 of 1998]

25. (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 Minister or Commissioner or Commissioner of Insurance;
- (c) as to the issue of copies of any such certificates or of other documents which are lost or destroyed;
- (d) as to the custody, production, cancellation and surrender of any such certificates or other documents;
- (e) for providing that any provisions of this Act shall, in relation to motor vehicles brought into Guyana by persons making only a temporary stay therein, have effect subject to such modifications and adaptations as may be prescribed;
- (f) with respect to applications for the payment of deposits, the investment thereof or dealing therewith, the deposit of securities in lieu of money, the payment of the interest or dividends from time to time accruing due on any securities, in which deposits are for the time being invested, and the withdrawal and transfer of deposits.

(2) If any person acts in contravention of or fails to comply with any regulation under this Act he shall, for each offence, be liable to such maximum penalty not exceeding a fine of thirty thousand dollars as may be prescribed by the regulations.

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SUBSIDIARY LEGISLATION

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[Reg. 7/12/1937  
7/1997]

**MOTOR VEHICLES (THIRD-PARTY RISKS)  
REGULATIONS**

*made under section 25*

ARRANGEMENT OF REGULATIONS

REGULATION

**PART I**

1. Citation.
2. Interpretation.
3. Duty on companies to issue certificates to holders of a security or policy.
4. Form and date of issue of certificate of insurance and of security.
5. Duty on companies to issue further certificates of insurance or of security in certain circumstances.
6. Form of certificate to be produced by Government and Municipal Authorities.
7. Duty to destroy certificates under Form E.
8. Certificate not to contain advertising matter.
9. Duty of companies to keep records of certificates issued.
10. Duty of companies to notify Commissioner of Police of policies or securities cancelled by them.
11. Duty of insured to return expired certificates.
12. Duty of companies to replace lost or defaced certificates.

**PART II**

13. Penalty.

SCHEDULE-Forms.

**PART I**

Citation.                      1. These Regulations may be cited as the Motor Vehicles (Third- party Risks) Regulations.

Interpretation.              2. In these Regulations-

“company” means an authorised insurer as defined in section 2 of the Act;

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

“policy” means such policy of insurance in respect of third-party risks arising out of the use of motor vehicles as complies with the requirements of the Act and includes a covering note;

“security” means such security in respect of third-party risks arising out of the use of motor vehicles as complies with the requirements of the Act.

Duty on companies to issue certificates to holders of a security or policy.                      3. (1) A company shall issue to every holder of a security or of a policy other than a covering note issued by the company –

- (a) in the case of a policy of security relating to a specified vehicle or to specified vehicles a certificate of insurance in duplicate in Form A or a certificate of security in Form D in the Schedule in respect of each such vehicle;

Schedule.

[Subsidiary]

*Motor Vehicles (Third-Party Risks) Regulations*

- (b) in the case of a policy or security not relating to any specified vehicle or vehicles such number of certificates in Form B or D in the Schedule as may be necessary to enable the requirements of section 7(1) of the Act and of these Regulations as to the production of evidence that a motor vehicle is not being driven in contravention of section 3 of the Act to be complied with:

Provided that where a security is intended to cover the use of more than 10 motor vehicles at one time the company by whom it was issued may subject to the consent of the Minister issue one certificate only and where such consent has been given the holder of the security may issue duplicate copies of such certificate duly authenticated by him up to such number and subject to such conditions as the Minister may determine.

(2) Every policy in the form of a covering note issued by a company shall have printed thereon or on the back thereof a certificate of insurance in the Form C in the Schedule.

Form and date of issue of certificate of insurance and of security.

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

(2) The certificate aforesaid shall be issued on or before the date on which the policy or security is issued or renewed.

Duty on companies to issues further certificates of

5. Where under the terms of a policy or security relating to a specified motor vehicle the holder is entitled to drive any other motor vehicle than that specified without contravention of section 3 of the Act, the company by which

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insurances or of security in certain circumstances. Schedule. the policy or security was issued may and shall on demand being made to them by the holder issue to him a further certificate of insurance in Form A or B in the Schedule or a further certificate of security as the case may be.

Form of certificate to be produced by Government and Municipal Authorities. 6. The following evidence that a motor vehicle is not being driven in contravention of section 3 of the Act may be produced by the driver of such motor vehicle on the request of a member of the Police Force in pursuance of section 7 of the Act as an alternative to the production of a certificate of insurance or a certificate of security –

- (a) a duplicate copy of a certificate of security issued in accordance with regulation 3(1)(6);
- (b) in the case of the motor vehicles mentioned in section 3(4) of the Act, a certificate in the Form E in the Schedule signed by some person authorised in that behalf by such authority.

Schedule.

Duty to destroy certificates under Form E. 7. Any certificate issued in accordance with paragraph (b) of the last preceding regulation shall be destroyed by the person by whom it was issued before the motor vehicle to which it relates is sold or otherwise disposed of.

Certificate not to contain advertising matter. 8. (1) Every certificate issued in pursuance of the Act and of these Regulations shall be printed and completed in black on white paper or similar material.

(2) No certificate so issued shall contain any advertising matter either on the face or on the back thereof:

Provided that the name and address of a company by which a certificate is issued or a reproduction of the seal of



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*Motor Vehicles (Third-Party Risks) Regulations*

the company or any monogram or similar device of the company or the name and address of an insurance broker shall not be deemed to be advertising matter for the purposes of this regulation if it is printed or stamped at the foot or on the back of such certificate.

Duty of companies to keep records of certificates issued.

9. (1) Every company by whom a policy or a security is issued shall keep a record (which shall be preserved for one year from the date of the expiry of the policy or security) of the following particulars relative thereto and of any certificates issued in connection therewith:

- (a) full name and address of the person to whom the policy, security or certificate is issued;
- (b) in the case of a policy relating to a specified motor vehicle or to specified motor vehicles, the index mark, if any, and registration number of each such motor vehicle;
- (c) the date on which the policy or security comes into force and the date on which it expires;
- (d) in the case of a policy, the conditions subject to which the persons or classes of persons specified in the policy will be indemnified;
- (e) in the case of a security, the conditions subject to which the undertaking given by the company under the security will be implemented.

(2) The authorities mentioned in section 3(4) of the

Act shall keep a record of the motor vehicles owned by them in respect of which a policy or a security has not been obtained, and of any certificates issued by them under these regulations in respect of such motor vehicles, and of the withdrawal or destruction of any such certificates.

(3) Any person, authority, or company by whom records of documents are required to be kept by these Regulations shall, without charge, furnish to the Commissioner of Police on request any particulars thereof.

Duty of companies to notify Commissioner of Police of policies or securities being cancelled by them.

10. Where to the knowledge of a company a policy or security issued by them ceases to be effective without the consent of the person to whom it was issued otherwise than by effluxion of time or by reason of his death the company shall forthwith notify the Commissioner of Police of the date on which the policy or security securities ceased to be effective.

Duty of insured to return expired certificates.

11. Where with the consent of the person to whom it was issued Duty of a policy or security is suspended or ceases to be effective otherwise than by effluxion of time such person shall forthwith return any relative certificates to the company by whom they were issued and a new policy or security shall not be issued to that person, nor shall the said policy or security be transferred to any other person unless and until the certificates have been returned to the company or the company are satisfied that they have been lost or destroyed.

Duty of companies to replace lost or defaced certificates.

12. Where any company by whom a certificate of insurance or a certificate of security has been issued are satisfied that the certificate has become defaced or has been lost or destroyed they shall if requested so to do by the person to whom the certificate was issued, issue to him a fresh certificate.

[Subsidiary]

Motor Vehicles (Third-Party Risks) Regulations

PART II

Penalty.  
[7/1997]

13. Any person acting in contravention of or failing to comply with these Regulations shall for each offence be liable on summary conviction to a fine of ten thousand dollars.

regs. 3, 5.

SCHEDULE

FORM A

*The Motor Vehicles Insurance (Third-party Risks) Act*

CERTIFICATE OF INSURANCE

Certificate No ..... Policy No .....  
(Optional)

1. Index mark, if any, and registration number of vehicle.
2. Name of Policy holder.
3. Effective date of the commencement of insurance for the purposes of the Act.
4. Date of expiry of Insurance.
5. Persons or classes of persons entitled to drive.\*
6. Limitations as to use.\*

I/We hereby certify that the Policy to which this Certificate relates is issued in accordance with the above-mentioned Act.

.....  
Authorised Insurers

\* Limitations rendered inoperative by section 14 (1) of the Act are not to be included under this heading.

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regs. 3,5.

FORM B

The Motor Vehicles Insurance (Third-party Risks) Act

CERTIFICATE OF INSURANCE

Certificate No ..... Policy No .....
(Optional)

- 1. Description of vehicles.
2. Name of Policy holder.
3. Effective date of the commencement of insurance for the purposes of the Act.
4. Date of expiry of Insurance.
5. Persons or classes of persons entitled to drive.\*
6. Limitations as to use.\*

I/We hereby certify that the policy to which this Certificate relates is issued in accordance with the above-mentioned Act.

.....

Authorised Insurers

\* Limitations rendered inoperative by section 14 (1) of the Act are not to be included under this heading.

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reg. 3

FORM C

The Motor Vehicles Insurance (Third-party Risks) Act

CERTIFICATE OF INSURANCE

I/We hereby certify that this covering note is issued in accordance with the above-mentioned Act.

[Subsidiary]

Motor Vehicles (Third-Party Risks) Regulations

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Authorised Insurers

reg. 3

FORM D

*The Motor Vehicles Insurance (Third-Party Risks) Act*

CERTIFICATE OF SECURITY

Certificate No..... Security No.....  
(Optional)

1. Name of holder of security.
2. Effective date of the commencement of security for the purposes of the Act.
3. Date of expiry of security.
4. Conditions to which security is subject.\*

I/ We hereby certify that the security to which the certificate relates is issued in accordance with the above-mentioned Act.

.....  
(Authorised under the  
said Act to issue securities)

\* Conditions rendered inoperative by section 14(1) of the Act are not to be included under this heading.

reg. 6

FORM E

*The Motor Vehicles Insurance (Third-party Risks) Act*

CERTIFICATE OF OWNERSHIP BY A GOVERNMENT OR  
MUNICIPAL AUTHORITY

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

Signed.....  
on behalf of.....

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