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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Joseph Cassar, M.P., Deputat Prim Ministru Anzjan u Ministru tal-Gustizzja u Affarijiet tal-Parlament u moqri għall-Ewwel darba fis-Seduta ta' 14 ta' Novembru, 1985.

A BILL introduced by the Honourable Joseph Cassar, M.P., Senior Deputy Prime Minister and Minister of Justice and Parliamentary Affairs and read the First time at the Sitting of the 4th November, 1985.

ATT biex ikompli jemenda l-Ordinanza dwar l-Assigurazzjoni ta' Vetturi tal-Mutur għar-Riskji ta' Terzi Persuni (Kap. 165).

AN ACT further to amend the Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 165).

C. MIFSUD

Skriivan tal-Kamra tad-Deputati

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Clerk to the House of Representatives

ABBOZZ TA' LIGI

msejjah

ATT biex ikompli jemenda l-Ordinanza dwar l-Assigurazzjoni ta' Vetturi tal-Mutur għar-Riskji ta' Terzi Persuni (Kap. 165).

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'ligi dan li ġej:—

1. Dan l-Att jista' jissejjah l-Att ta' l-1986 li jemenda l-Ordinanza dwar l-Assigurazzjoni ta' Vetturi tal-Mutur għar-Riskji ta' Terzi Persuni, u għandu jinqara u jftiehem haġa waħda ma' l-Ordinanza dwar l-Assigurazzjoni ta' Vetturi tal-Mutur għar-Riskji ta' Terzi Persuni, hawnhekk iżjed 'il quddiem imsejha "il-ligi prinċipali".

Titolu fil-qosor.

2. L-artikolu 3 tal-ligi prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 3 tal-ligi prinċipali.

(a) minflok is-subartikolu (2) tiegħu, għandhom jidhlu dawn is-subartikoli:

“(2) Kull min jikser id-dispożizzjonijiet ta' dan l-artikolu jeħel:

(a) fil-każ ta' lewwel reat, multa ta' mhux anqas minn Lm250 iżda ta' mhux iżjed minn Lm500 jew priġunerija għal żmien ta' mhux iżjed minn tliet xhur, jew il-multa u l-priġunerija flimkien;

(b) fil-każ tat-tieni reat, multa ta' mhux anqas minn Lm500 iżda ta' mhux iżjed minn Lm750 jew priġunerija għal żmien ta' mhux iżjed minn sitt xhur, jew il-multa u l-priġunerija flimkien;

(ċ) fil-każ tat-tielet reat jew iktar, multa ta' mhux anqas minn Lm750 iżda ta' mhux iżjed minn Lm1000 jew priġunerija għal żmien ta' mhux iżjed minn sena, jew il-multa u l-priġunerija flimkien, u —

(i) meta r-reat ikun jikkonsisti fl-użu ta' vettura tal-mutur f' triq minn min ikun sid il-vettura tal-mutur jew minn impjegat ta', jew minn membru tal-

(d) fl-artikolu 7, il-kliem “jew il-garanzija meħtieġa” għandhom jithassru;

(e) fis-subartikolu (4) ta' l-artikolu 8, il-kliem “jew iċ-ċertifikat ta' garanzija” għandhom jithassru;

(f) fl-artikolu 19 —

(i) il-kliem “jew ċertifikat ta' garanzija” fis-subartikoli (1), (2), (3) u (4) tiegħu għandhom jithassru; u

(ii) fis-subartikolu (5) tiegħu, minflok il-kliem “l-espres-sjonijiet ‘ċertifikat ta' sigurtà’ u ‘ċertifikat ta' garanzija’” għandhom jidhlu l-kliem “l-espres-sjoni ‘ċertifikat ta' sigurtà’”, u l-kliem “jew ċertifikat ta' garanzija” għandhom jithassru;

(g) fl-artikolu 23, paragrafu (b), il-kliem “u ċertifikati ta' garanzija” għandhom jithassru.

4. Fis-subartikolu (1) ta' l-artikolu 12 tal-liġi prinċipali, minnufih wara l-paragrafu (h) tiegħu, għandhom jidhlu dawn il-paragrafi ġodda li ġejjin:

Emenda ta' l-artikolu 12 tal-liġi prinċipali.

“(i) il-kulur tal-vettura;

(j) l-età ta' min ikun qed isuq il-vettura;”.

Għanijiet u Raġunijiet

L-Għan prinċipali ta' dan l-Abbozz huwa li jżid b'mod konsiderevoli il-pieni għal kull darba li vettura tal-mutur tintuża fit-triq mingħajr polza ta' sigurtà skond kif meħtieġ mill-liġi prinċipali. Dawn il-pieni jihraxu sew mat-tielet darba li wieħed jinsab ħati ta' reat, u jinkludu l-konfiska tal-vettura u multa li tkun daqs il-valur tagħha. Fin-nuqqas ta' dawn il-pieni diversi sidien ta' karozzi jagħzlu iktar li jirriskjaw jekk jinqabdux milli jħallsu l-premium relattiv.

L-Abbozz ineħħi wkoll id-dispożizzjoni dwar il-garanzija bħala alternattiva għal polza ta' assigurazzjoni; dan għax din l-alternattiva illum il-ġurnata ma tintużax u fil-fatt bilkemm qatt ġiet użata.

L-Abbozz iżid ukoll żewġ restrizzjonijiet dwar l-iskop tal-poloż li assigurat ma jistax jimponi għar-rigward ta' l-assigurazzjoni obbligatorja, u dawn huma dwar it-tibdil tal-kulur tal-vettura u dwar l-età ta' min ikun qed isuq il-vettura.

A BILL
entitled

AN ACT further to amend the Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 165)

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Motor Vehicles Insurance (Third Party Risks) (Amendment) Act, 1986 and shall be read and construed as one with the Motor Vehicles Insurance (Third Party Risks) Ordinance, hereinafter referred to as "the principal law".

Amendment of section 3 of the principal law.

2. Section 3 of the principal law shall be amended as follows:

(a) for subsection (2) thereof, there shall be substituted the following subsections:

"(2) If a person acts in contravention of this section he shall on conviction be liable —

(a) in the case of a first offence, to a fine (*multa*) of not less than Lm250 but not exceeding Lm500 or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment;

(b) in the case of a second offence, to a fine (*multa*) of not less than Lm500 but not exceeding Lm750 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment;

(c) in the case of a third or subsequent offence, to a fine (*multa*) of not less than Lm750 but not exceeding Lm1000 or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment, and —

(i) where the offence consists in the use of a motor vehicle on a road by a person who is the owner of the motor vehicle or an employee of, or a member of the family of and living with, the owner of the motor vehicle, when there is not in force a

policy of insurance in respect of such vehicle as complies with the requirements of this Ordinance, the Court shall, in addition to the punishments laid down in this sub-paragraph, order the forfeiture of the motor vehicle;

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

(2A) A person convicted of an offence under this section shall (unless the Court for special reasons think fit to order otherwise and without prejudice to the power of the Court to order a longer period of disqualification) be disqualified from holding or obtaining a driving licence for a period of twelve months from the date of the conviction:

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

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

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

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

(2B) The provisions of section 23A of the Criminal Code and of the Probation of Offenders Act, 1957, shall not apply in respect of any offence against the provisions of this section.”.

3. (1) Sections 5, 15 and 18 (of the principal law) are hereby repealed and the other sections of the principal law mentioned in the following provisions of this section shall have effect subject to the amendments therein specified:

(a) in subsection (1) of section 3, the words “or such a security”, shall be deleted;

(b) in subsection (2) of section 4, the words “or by the owner of a motor vehicle in relation to the user of which a security under this Ordinance is in force, or who has made a deposit under this Ordinance”, and the words “or such owner”, wherever they occur, shall be deleted;

(c) in section 6 —

(i) for the words “in a policy or security issued or given” there shall be substituted the words “in a policy issued”;

(ii) the words “or security” wherever they otherwise occur, the words “or secured” and the words “or the giver of the security” shall be deleted.

Repeal and amendment of sections and other provisions relating to the giving of security in lieu of the issue of a policy of insurance.

(d) in section 7, the words "or the necessary security" shall be deleted;

(e) in subsection (4) of section 8, the words "or certificate of security" shall be deleted;

(f) in section 19 —

(i) the words "or certificate of security" in subsections (1), (3) and (4) thereof; and the words "or of a certificate of security" in subsection (2) thereof shall be deleted; and

(ii) in subsection (5) thereof, for the words "the expressions 'certificate of insurance' and 'certificate of security'" there shall be substituted the words "the expression 'certificate of insurance'", and the words "or a certificate of security" shall be deleted;

(g) in section 23, paragraph (b), the words "and certificates of security" shall be deleted.

Amendment of section 12 of the principal law.

4. In subsection (1) of section 12 of the principal law, immediately after paragraph (h) thereof, there shall be inserted the following new paragraphs:

"(i) the colour of the vehicles;

(j) the age of the person driving the vehicle;"

Objects and Reasons

The main object of the Bill is to increase substantially the penalties whenever a motor vehicle is used on the road without the cover of an insurance policy as required by the principal law. These are particularly heavy on a third conviction, and include the forfeiture of the car and a fine equal to its value. In the absence of such penalties a number of car owners prefer to risk being caught than pay the appropriate premium.

The Bill also removes the provision of a security as an alternative to a policy of insurance; an alternative which is out of date and has in fact hardly ever been used.

Finally the Bill adds two restrictions on the scope of policies which an insurer cannot impose with respect to compulsory insurance viz: a change in the colour of the vehicle and the age of the person driving the vehicle.