

Nru 164

13. 02. 2026

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Jonathan Attard, M.P., Ministru għall-Ġustizzja u r-Riforma tas-Settur tal-Kostruzzjoni, f'isem il-Ministru għat-Trasport, l-Infrastruttura u x-Xogħlijiet Pubbliċi, u moqri għall-Ewwel darba fis-Seduta tad-9 ta' Frar 2026.

A BILL introduced by the Honourable Jonathan Attard, M.P., Minister for Justice and Reform of the Construction Sector on behalf of the Minister for Transport, Infrastructure and Public Works, and read the First time at the Sitting of the 9th February 2026.

ATT sabiex jemenda l-Ordinanza dwar l-Assigurazzjoni ta' Vetturi bil-Mutur għar-Riskji ta' Terzi Persuni, Kap. 104.

AN ACT to amend the Motor Vehicles Insurance (Third-Party Risks) Ordinance, Cap. 104.

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

ELEANOR SCERRI
Clerk of the House of Representatives

**ABBOZZ TA' LIĠI
msejjah**

ATT sabiex jemenda l-Ordinanza dwar l-Assigurazzjoni ta' Vetturi bil-Mutur għar-Riskji ta' Terzi Persuni, Kap. 104.

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2026 li jemenda l-Ordinanza dwar l-Assigurazzjoni ta' Vetturi bil-Mutur għar-Riskji ta' Terzi Persuni, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Ordinanza dwar l-Assigurazzjoni ta' Vetturi bil-Mutur għar-Riskji ta' Terzi Persuni, hawnhekk iżjed 'il quddiem imsejja l-"liġi prinċipali".

Titolu fil-qosor
u għan.

Kap. 104.

(2) L-għan ta' dan l-Att huwa sabiex jittrasponi d-Direttiva (UE) 2021/2118 tal-Parlament Ewropew u tal-Kunsill tal-24 ta' Novembru 2021 li temenda d-Direttiva 2009/103/KE dwar l-assigurazzjoni kontra responsabbiltà ċivili fir-rigward tal-użu ta' vetturi bil-mutur, u l-infurzar tal-obbligu ta' assicurazzjoni kontra din ir-responsabbiltà, u sabiex isiru emendi oħra meħtieġa.

2. Il-liġi prinċipali għandha tiġi emendata kif ġej:

Emendi ġenerali
fil-liġi
prinċipali.

(a) il-kliem "lill-parti offiża" u "lill-partijiet offiži", kull fejn jokkorru, għandhom jiġu sostitwiti bil-kliem "lill-parti leża" u "lill-partijiet leži", rispettivament;

(b) il-kliem "parti offiża" u "partijiet offiži", kull fejn jokkorru, għandhom jiġu sostitwiti bil-kliem "parti leża" u "partijiet leži", rispettivament;

(ċ) il-kliem "parti offiża", kull fejn jokkorru, għandhom

jigü sostitwiti bil-kliem "parti leża";

(d) il-kliem "l-parti offiża", "il-parti offiża" u "l-partijiet offiži", kull fejn jokkorru, għandhom jigü sostitwiti bil-kliem "l-parti leża", "il-parti leži" u "l-partijiet leži", rispettivament;

(e) il-kliem "mill-parti offiża", kull fejn jokkorru, għandhom jigü sostitwiti bil-kliem "mill-parti leża";

(f) il-kliem "għall-parti offiża" u "għall-partijiet offiži", kull fejn jokkorru, għandhom jigü sostitwiti bil-kliem "għall-parti leża" u "għall-partijiet leži", rispettivament;

(g) il-kliem "tal-parti offiża", kull fejn jokkorru, għandhom jigü sostitwiti bil-kliem "tal-parti leża";

(h) il-kliem "drajver", "id-drajver" u "d-drajver", kull fejn jokkorru, għandhom jigü sostitwiti bil-kliem "xufier", "ix-xufier" u "x-xufier", rispettivament;

(i) il-kliem "mid-drajver" u "tad-drajver", kull fejn jokkorru, għandhom jigü sostitwiti bil-kliem "mix-xufier" u "tax-xufier", rispettivament.

Emenda tal-artikolu 2 tal-liġi prinċipali.

3. L-artikolu 2 tal-liġi prinċipali għandu jigi emendat kif ġej:

(a) it-tifsir "drajver" u "parti offiża" għandu jigi mħassar;

(b) minnufih wara t-tifsira "*bureau* lokali" għandha tigi miżjuda t-tifsira ġdida li ġejja:

" "Ċentru ta' Informazzjoni dwar l-Assigurazzjoni ta' Vetturi" tfisser iċ-Ċentru ta' Informazzjoni dwar l-Assigurazzjoni ta' Vetturi mwaqqaf permezz tar-Regolamenti dwar Ċentru ta' Informazzjoni dwar l-Assigurazzjoni ta' Vetturi bil-Mutur;"

L.S.104.06.

(ċ) minnufih wara t-tifsira "pajjiż terz" għandha tigi miżjuda t-tifsira ġdida li ġejja:

" "parti leża" tfisser kwalunkwe persuna li jkollha jedd għal kumpens għal telf jew feriment kaġunat minn vettura bil-mutur;"

(d) minnufih qabel it-tifsira "triq", għandha tigi miżjuda t-tifsira ġdida li ġejja:

" "sentenza" tfisser sentenza li fil-mertu, tikkonċedi danni għal responsabbiltà li jeħtieg li tkun koperta b'polza tal-assigurazzjoni skont l-artikolu 4(1), mogħtija minn qorti ta' ġurisdizzjoni kompetenti f'Malta li tkun saret *res judicata* jew sentenza ta' qorti ta' ġurisdizzjoni kompetenti ta' kwalunkwe Stat imsemmi li tkun saret *res judicata* u li tkun giet dikjarata bħala eżegwibbli f'Malta, u għandha tinkludi deċizzjoni ta' arbitraġġ mogħtija f'Malta fi proċeduri ta' arbitraġġ mandatorju skont it-Taqsima A tar-Raba' Skeda tal-Att dwar l-Arbitraġġ li tkun saret *res judicata* u li minnha jkun inkiseb titolu eżekuttiv skont l-artikolu 166A tal-Kodiċi ta' Organizazzjoni u Proċedura Ċivili. Kwalunkwe referenza f'din l-Ordinanza għal azzjoni jew għal proċeduri għandha tinftiehem li tinkludi referenza għal proċeduri ta' arbitraġġ mandatorju skont it-Taqsima A tar-Raba' Skeda tal-Att dwar l-Arbitraġġ u għal proċeduri skont l-artikolu 166A tal-Kodiċi ta' Organizazzjoni u Proċedura Ċivili;"

Kap. 387.

Kap. 12.

(e) minnufih wara t-tifsira "triq" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

" "użu ta' vettura bil-mutur" tfisser kwalunkwe użu ta' vettura bil-mutur li jkun konsistenti mal-funzjoni tagħha bħala mezz ta' trasport fil-ħin tal-aċċident, irrispettivament mill-karatteristiċi tal-vettura bil-mutur u mit-terren li fuqha tintuża l-vettura bil-mutur u minn jekk tkunx wieqfa jew miexja:

Iżda dak l-użu ma għandux jinkludi:

(i) l-użu ta' vettura bil-mutur fit-twettiq ta' att ta' terroriżmu jew attività terroristika kif imfissra fis-Subtitolu IV A ta' Titolu IX tat-Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; jew

Kap. 9.

(ii) l-użu ta' vettura bil-mutur f'avvenimenti tal-motorsport u attivitajiet simili, inkluż tlielaq, kompetizzjonijiet, taħriġ, ittestjar u dimostrazzjonijiet f'żona ristretta u demarkata, meta tali użu jsir bl-approvazzjoni bil-quddiem mogħtija mill-Awtorità għat-Trasport f'Malta imwaqqfa bl-artikolu 5 tal-Att dwar l-Awtorità għat-Trasport f'Malta; jew

Kap. 499.

(iii) l-użu f'żona ristretta u demarkata ta' vettura bil-mutur li mhux liċenzjata sabiex tintuża f'toroq pubbliċi;"

C 3712

(f) it-tifsira "vettura bil-mutur" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

" "vettura bil-mutur" tfisser:

(a) kwalunkwe vettura bil-mutur li taħdem esklussivament b'forza mekkanika fuq l-art iżda li ma timxix fuq binarji:

(i) b'velocità massima skont id-disinn ta' iżjed minn ħamsa u għoxrin (25) kilometru fis-siegħa; jew

(ii) b'piż massimu nett ta' iżjed minn ħamsa u għoxrin (25) kilogramma u b'velocità massima skont id-disinn ta' iżjed minn erbatax (14)-il kilometru fis-siegħa;

(b) kwalunkwe trailer li jintuża flimkien ma' kwalunkwe vettura msemmija fil-paragrafu (a), kemm jekk ikunu mqabbdha jew xort'oħra:

Iżda bla ħsara għal paragrafi (a) u (b), vetturi li jgħorru sigġijiet tar-roti li huma intiżi esklussivament għall-użu ta' persuni b'diżabilità fiżika ma għandhomx jitqiesu bħala vetturi bil-mutur għall-finijiet ta' din l-Ordinanza;"

(g) fit-tifsira "vettura tat-trasport pubbliku" l-kliem "Awtorità għat-Trasport f'Malta." għandhom jiġu sostitwiti bil-kliem "Awtorità għat-Trasport f'Malta;" u minnufih wara għandhom jiġu miżjudha t-tifsiriet ġodda li ġejjin:

" "xufier" tfisser kwalunkwe persuna inkarigata mis-sewqan ta' vettura u għandha tinkludi wkoll persuna separata li taġixxi ta' steersman ta' vettura bil-mutur, u l-kelma "issuq" għandha tinftiehem bl-istess mod;

"żona ristretta" tfisser żona li mhux liberament aċċessibbli għall-pubbliku u li hija hekk identifikata mill-Ministru responsabbli għat-trasport."

Emenda tal-artikolu 3 tal-liġi prinċipali.

4. L-artikolu 3 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu l-kliem "fit-toroq" għandu jiġi mħassar;

(b) fis-subparagrafu (i) tal-paragrafu (ċ) tas-subartikolu (2) tiegħu l-kliem "fi triq" għandu jiġi mħassar.

5. L-artikolu 4 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 4 tal-liġi prinċipali.

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Sabiex tikkonforma mar-rekwiżiti ta' din l-Ordinanza, polza ta' assigurazzjoni fir-rigward tal-użu ta' vettura bil-mutur li normalment tkun ibbażata f'Malta jew fit-territorju ta' Stat imsemmi għandha, minbarra li tkun polza ta' assigurazzjoni kif imfissra fl-artikolu 2, tkopri:

(a) kwalunkwe responsabbiltà ċivili sal-limiti tar-responsabbiltà li l-Ministru responsabbli għat-trasport bi qbil mal-Ministru responsabbli għall-finanzi jista' minn żmien għal żmien jippreskrivi b'regolamenti skont dan l-artikolu, jew tali ammont oġġla kif jista' jkun ġie miftiehem mill-partijiet fil-polza ta' assigurazzjoni, jew kif huwa meħtieġ li jkun kopert mil-liġi tal-Istat li fit-territorju tiegħu l-vettura tkun normalment ibbażata jekk dik il-kopertura tkun oġġla, fir-rigward tal-mewt jew korriment ta' kwalunkwe persuna, inklużi l-passiġġieri kollha, minbarra x-xufier, jew ħsara lil kwalunkwe proprjetà, ikkawżata mill-vettura bil-mutur f'Malta;

(b) kwalunkwe telf jew korriment sal-limiti tar-responsabbiltà li l-Ministru responsabbli għat-trasport, bi qbil mal-Ministru responsabbli għall-finanzi, jista' minn żmien għal żmien jippreskrivi b'regolamenti skont dan l-artikolu jew tali ammont oġġla kif jista' jkun ġie miftiehem mill-partijiet fil-polza ta' assigurazzjoni, ikkawżat mill-vettura bil-mutur fit-territorju ta' Stat imsemmi, skont il-liġi fis-seħħ f'tali Stat imsemmi;

(ċ) kwalunkwe telf jew korriment sal-limiti tar-responsabbiltà li l-Ministru responsabbli għat-trasport bi qbil mal-Ministru responsabbli għall-finanzi jista' minn żmien għal żmien jippreskrivi b'regolamenti skont dan l-artikolu jew tali ammont oġġla kif jista' jkun ġie miftiehem mill-partijiet fil-polza ta' assigurazzjoni, ikkawżat minn vettura bil-mutur u mgarrba minn ċittadin Malti jew ċittadin ta' Stat imsemmi, waqt vjaġġ dirett bejn Malta u t-territorju ta' Stat imsemmi jew bejn it-territorji ta' żewġ Stati msemmija, jekk ma jkunx hemm *bureau* barrani responsabbli għat-territorju li jkun qed

jinqasam; u

(d) kwalunkwe responsabbiltà ċivili fir-rigward tal-mewt jew korriment ta' kwalunkwe persuna, inklużi l-passiġġieri kollha, minbarra x-xufier, jew ħsara lil kwalunkwe proprjetà, ikkawżata mill-vettura bil-mutur fit-territorju ta' Stat, li ma jkunx Stat imsemmi, li l-bureau tagħhom ikunu ffirmaw il-Ftehim ta' Garanzija Multilaterali, sal-limiti tar-responsabbiltà kif meħtieġ li jkun kopert minn polza ta' assigurazzjoni mil-liġi ta' tali Stat:

Iżda tali polza ta' assigurazzjoni ma għandhiex tkun meħtieġa li tkopri:

(i) kwalunkwe responsabbiltà għal tali ħsara lil proprjetà ta' terzi kif jista' jkun preskritt b'regolamenti magħmula mill-Ministru responsabbli għat-trasport skont dan l-artikolu;

(ii) kwalunkwe responsabbiltà għal ħsara lil oġġetti li jingarru għal kiri jew għal kumpens, fil-vettura jew fuqha jew fi jew fuq kwalunkwe trailer, kemm jekk imqabbd u anke jew xort'ohra, miġbud mill-vettura;

(iii) kwalunkwe responsabbiltà għal ħsara lil proprjetà ta' terzi fuq, jew fil-vettura bil-mutur assigurata jew fil-pussess tal-persuna assigurata; jew

(iv) kwalunkwe responsabbiltà kuntrattwali.";

(b) fis-subartikolu (2) tiegħu l-kliem "fit-toroq" għandu jiġi mħassar;

(ċ) is-subartikolu (3) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(3) Persuna li toħroġ polza ta' assigurazzjoni skont dan l-artikolu għandha tkun responsabbli li tindenniza lill-persuni jew il-klassijiet ta' persuni speċifikati fil-polza fir-rigward ta' kwalunkwe responsabbiltà li tkopri l-polza fil-każ ta' dawk il-persuni jew klassijiet ta' persuni, diment li l-polza tissodisfa r-rekwiżiti tas-subartikolu (1) u tar-regolament 3 tar-Regolamenti dwar Limiti ta' Responsabbiltà.";

(d) minnufih wara s-subartikolu (4) tiegħu għandhom

jigü miżjuda s-subartikoli godda li ġejjin:

"(5) Fil-każijiet fejn ikun hemm iżjed minn parti waħda leża mill-istess inċident u t-talbiet tagħhom jeċċedu l-ammonti assigurati preskritti, għall-finijiet tal-kumpens tal-partijiet leżi skont is-subartikolu (1), id-drittijiet ta' kull parti leża fil-konfront tal-assiguratur awtorizzat li kien qiegħed jipprovdi assigurazzjoni kontra dik ir-responsabilità għandha tonqos proporzjonalment.

(6) Meta wara tletin (30) ġurnata mill-inċident, l-assiguratur awtorizzat ma jkunx jaf b'partijiet leżi oħra involuti fl-inċident, minkejja li jkun eżerċita d-diligenza dovuta għall-identifikazzjoni tagħhom, tali assiguratur awtorizzat jista' jipproċedi sabiex iħallas lill-partijiet leżi li jkun jaf bihom, u għandu jkun responsabbli biss sabiex iħallas il-persuni leżi oħra li ma jkunx jaf bihom id-differenza bejn l-ammont assigurat u l-ammont li diġà tqassam lill-partijiet leżi, li jkun jaf bihom jew li jsir jaf bihom.

(7) Fejn il-proċeduri għad-danni jigü istitwiti kontra assiguratur awtorizzat fir-rigward ta' kwalunkwe responsabbiltà ċivili li jeħtieġ li tkun koperta b'polza tal-assigurazzjoni skont din l-Ordinanza, u l-assiguratur awtorizzat jikkunsidra illi l-ammonti pagabbli lill-partijiet leżi kollha involuti fl-istess inċident jeċċedu l-ammonti provduti fis-subartikolu (1), tali assiguratur awtorizzat għandu jkun intitolat li, fi kwalunkwe stadju tal-proċeduri jitlob, permezz ta' rikors illi l-partijiet leżi kollha jigü msejha bħala partijiet fl-imsemmija proċeduri skont l-artikoli 961 u 962 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili."

Kap. 12.

6. Minnufih wara l-artikolu 5 tal-liġi prinċipali għandu jigü miżjud l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid mal-liġi prinċipali.

"Rekwiżiti tal-assigurazzjoni ta' vettura mibghuta minn Stat imsemmi.

5A. Meta vettura bil-mutur tintbagħat minn Stat imsemmi lejn Malta, il-persuna li tkun meħtieġa li tkun koperta b'polza ta' assigurazzjoni skont ir-rekwiżiti ta' din l-Ordinanza, tista' tagħżel jekk toħroġ polza ta' assigurazzjoni fl-Istat imsemmi li fih tkun reġistrata l-vettura bil-mutur jew, għall-perjodu ta' tletin (30) ġurnata mid-data tal-aċċettazzjoni tal-konsenja tal-vettura bil-mutur minn tali persuna f'Malta, anke jekk il-vettura ma tkunx ġiet formalment reġistrata f'Malta."

C 3716

Sostituzzjoni
tal-artikolu 7A
tal-liġi
prinċipali.

7. L-artikolu 7A tal-liġi prinċipali għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

"Verifiki fuq l-assigurazzjoni.

7A. (1) Verifiki fuq vetturi bil-mutur bil-għan li jiġi stabbilit biss jekk vettura bil-mutur tkunx koperta b'assigurazzjoni għar-responsabbiltà ċivili, ma għandhomx jitwettqu fir-rigward ta' vetturi bil-mutur li huma normalment stazzjonati fit-territorju ta' Stat imsemmi jew fir-rigward ta' vetturi bil-mutur li huma normalment stazzjonati fit-territorju ta' pajjiż terz li jidhlu f'Malta mit-territorju ta' Stat imsemmi ieħor:

Izda l-verifiki fuq vetturi bil-mutur bil-għan li jiġi stabbilit jekk humiex koperti b'assigurazzjoni għar-responsabbiltà ċivili jistgħu jitwettqu bil-kondizzjoni li tali verifiki jkunu meħtieġa, proporzjonati u mhux diskriminatorji sabiex jintlaħaq l-għan mixtieq u:

(a) jiġu mwettqa bħala parti minn kontroll li ma jkunx intiż esklussivament għall-verifika tal-assigurazzjoni; jew

(b) jiformaw parti minn sistema ġenerali ta' verifiki fit-territorju ta' Malta u li jitwettqu wkoll fir-rigward ta' vetturi li normalment ikunu stazzjonati f'Malta u ma jkunx jinħtieġu l-waqfien tal-vettura.

(2) Iċ-Ċentru ta' Informazzjoni dwar l-Assigurazzjoni ta' Vetturi għandu jkun responsabbli għall-ipproċessar ta' data personali bil-għan li jitnaqqas is-sewqan ta' vetturi bil-mutur minghajr assicurazzjoni u għandu jikkopera u jiskambja informazzjoni mal-awtoritajiet, l-entitajiet u l-persuni fi Stati msemmija oħra li għandhom funzjonijiet simili għal dawk ta' Ċentru ta' Informazzjoni dwar l-Assigurazzjoni ta' Vetturi.

(3) L-ipproċessar ta' data personali, bil-għan li jitnaqqas is-sewqan ta' vetturi bil-mutur mingħajr assigurazzjoni għandu jitqies bħala meħtieġ fl-interess pubbliku għall-fini tal-Artikolu 6(1)(e) tar-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April 2016 dwar il-protezzjoni tal-persuni fiżiċi fir-rigward tal-ipproċessar ta' data personali u dwar il-moviment liberu ta' tali data, u li jhassar id-Direttiva 95/46/KE (Regolament Ġenerali dwar il-Protezzjoni tad-Data), u iċ-Ċentru ta' Informazzjoni dwar l-Assigurazzjoni ta' Vetturi għandu jikkonforma mar-Regolament (UE) 2016/679 meta jipproċessa tali data personali.

(4) Iċ-Ċentru ta' Informazzjoni dwar l-Assigurazzjoni ta' Vetturi għandu jżomm id-data personali msemmija fis-subartikolu (2) esklussivament għall-fini li titwettaq verifika dwar l-assigurazzjoni u għal dak iż-żmien biss li matulu tali data tkun meħtieġa għal dak l-għan, u hekk kif tali għan jiġi milhuq, tali data għandha tiġi mħassra mingħajr dewmien żejjed.

(5) Fejn waqt il-verifika dwar assigurazzjoni jirriżulta li l-vettura bil-mutur tkun koperta b'polza ta' assigurazzjoni fir-rigward ta' riskji ta' terzi f'konformità mar-rekwiżiti ta' din l-Ordinanza, iċ-Ċentru ta' Informazzjoni dwar l-Assigurazzjoni ta' Vetturi għandu jhassar minnufih id-data personali msemmija fis-subartikolu (2).

(6) Meta verifika dwar l-assigurazzjoni ma tkunx tista' tiddetermina jekk vettura bil-mutur tkunx koperta b'polza ta' assigurazzjoni fir-rigward ta' riskji ta' terzi f'konformità mar-rekwiżiti ta' din l-Ordinanza, iċ-Ċentru ta' Informazzjoni dwar l-Assigurazzjoni ta' Vetturi għandu jżomm id-data personali msemmija fis-subartikolu (2) għal perjodu limitat, li ma għandux jeċċedi n-numru ta' granet meħtieġa sabiex jiġi determinat jekk il-kopertura tal-assigurazzjoni teżistix.

(7) Fir-rigward ta' vetturi bil-mutur li jkunu nstabu li ma humiex koperti b'polza ta' assigurazzjoni valida fir-rigward ta' riskji ta' terzi f'konformità mar-rekwiżiti ta' din l-Ordinanza, iċ-Ċentru ta' Informazzjoni dwar l-Assigurazzjoni ta' Vetturi għandu jżomm id-data personali msemmija fis-subartikolu (2), sakemm jintemmu kwalunkwe proċeduri amministrattivi jew ġudizzjarji u l-vettura bil-mutur tkun koperta b'polza valida ta' assigurazzjoni fir-rigward ta' riskji ta' terzi.

(8) Bla ħsara għad-dispożizzjonijiet l-oħra ta' dan l-artikolu, il-kondizzjonijiet minimi li ġejjin, għandhom ukoll jiġu milħuqa meta tiġi skambjata informazzjoni skont is-subartikolu (2):

(a) l-informazzjoni għandha tingħata bil-għan li jitnaqqas l-użu ta' vetturi bil-mutur mingħajr kopertura ta' assigurazzjoni;

(b) l-informazzjoni ma għandhiex tiġi żvelata minn min jirċieviha lil persuni oħra mingħajr il-kunsens espress taċ-Ċentru ta' Informazzjoni dwar l-Assigurazzjoni ta' Vetturi; u

(ċ) għandha ssir referenza għall-bażi legali rilevanti u kwalunkwe skambju għandu jikkonforma mar-rekwiżiti ta' sigurtà rilevanti u jirrispetta l-prinċipji tan-neċessità, il-proporzjonalità u l-limitazzjoni tal-għan.

(9) Il-Ministru responsabbli għat-trasport jista', wara konsultazzjoni mal-Awtorità permezz ta' regolamenti, jipprovdi għat-twertiq ta' verifiki fuq vetturi bil-mutur jew l-ipproċessar ta' informazzjoni għall-finijiet ta' dan l-artikolu kif ukollgħal kwalunkwe miżuri ulterjuri li jistgħu jkunu xierqa sabiex jissalvagwardjaw id-drittijiet, il-libertajiet u l-interessi legittimi tas-suġġetti tad-data." .

Sostituzzjoni tal-artikolu 7B tal-liġi prinċipali.

8. L-artikolu 7B tal-liġi prinċipali għandu jiġi sostitwit b'dan l-

artikolu ġdid li ġej:

"Talbiet
preċedenti.

7B. (1) Bla ħsara għal kwalunkwe dispożizzjoni fi kwalunkwe liġi oħra li tistipula xort'oħra, id-detentur tal-polza jista' jitlob fi kwalunkwe waqt, lill-impriża tal-assigurazzjoni sabiex ttiprovdi dikjarazzjoni dwar talbiet preċedenti fir-rigward tar-responsabbiltà ta' terzi li jkunu jnvolvuti vetturi bil-mutur koperti mill-kuntratt ta' assicurazzjoni, għallinqas għal perjodu li jkopri l-ħames (5) snin preċedenti u, jew dwar in-nuqqas ta' tali talbiet.

(2) Meta ssir tali talba, l-impriża tal-assigurazzjoni għandha ttiprovdi lid-detentur tal-polza bid-dikjarazzjoni dwar talbiet preċedenti fuq il-formola li tikkontjeni l-informazzjoni msemmija fis-subartikolu (3) fi żmien ħmistax (15)-il ġurnata mit-talba.

(3) Id-dikjarazzjoni dwar talbiet preċedenti għandha ssir fuq tali formola kif għandha tiġi preskritta mill-Ministru responsabbli għat-trasport permezz ta' regolamenti magħmula taħt din l-Ordinanza u għandu jkun fiha, minn tal-inqas l-informazzjoni li ġejja:

(a) l-identità tal-impriża tal-assigurazzjoni;

(b) l-identità tad-detentur tal-polza, inkluż l-informazzjoni dwar il-kuntatt tiegħu;

(c) il-vettura bil-mutur assicurata u n-numru ta' identifikazzjoni tal-vettura;

(d) id-data tad-dħul fis-seħħ u d-data tal-iskadenza tal-polza tal-assigurazzjoni tal-vettura bil-mutur;

(e) in-numru ta' talbiet ta' responsabbiltà ta' terzi mgarrba jew solvuti taħt il-kuntratt ta' assicurazzjoni tad-detentur tal-polza matul il-perjodu kopert mid-dikjarazzjoni dwar it-talbiet preċedenti, inkluż id-data ta' kull talba għad-danni;

(f) kwalunkwe informazzjoni rilevanti oħra.

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(4) L-impriża ta' assigurazzjoni ma għandhiex, meta tqis dikjarazzjonijiet dwar talbiet preċedenti maħruġa minn impriži oħra ta' assigurazzjoni, titratta detenturi ta' poloz ta' assigurazzjoni b'mod diskriminatorju jew titlob h̄las addizzjonali għall-primjum tagħhom minħabba n-nazzjonalità tagħhom jew unikament abbażi tar-residenza preċedenti tagħhom fit-territorju ta' Stat imsemmi.

(5) Fejn l-impriża ta' assigurazzjoni tqis id-dikjarazzjonijiet dwar talbiet preċedenti sabiex tiddetermina l-primjums jew tapplika l-iskonti, hija għandha titratta daww maħruġa fi Stati msemmija oħra bl-istess mod bħal daww maħruġa minn impriża tal-assigurazzjoni f'Malta.

(6) L-assiguraturi awtorizzati għandhom jipubblikaw h̄arsa kumplessiva ġenerali tal-politiki tagħhom fir-rigward tal-użu tad-dikjarazzjonijiet dwar talbiet preċedenti meta jikkalkulaw il-primjums."

Emenda tal-artikolu 8 tal-liġi prinċipali.

9. L-artikolu 8 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu l-kelma "fit-toroq" għandha tiġi mħassra;

(b) fis-subartikolu (2) l-kelma "fit-triq" għandha tiġi mħassra.

Thassir tal-artikolu 9F tal-liġi prinċipali.

10. L-artikolu 9F tal-liġi prinċipali għandu jiġi mħassar.

Sostituzzjoni tal-artikolu 10 tal-liġi prinċipali.

11. L-artikolu 10 tal-liġi prinċipali għandu jiġi sostitwit bl-

artikolu ġdid li ġej:

"Dmir tal-assiguraturi li jeżegwixxu l-hlas kif ordnat minn sentenza li għalih tkun ġiet ikkundannata persuna assigurata kontra r-riskji ta' terzi persuni.

10. (1) Jekk wara li jinħareġ ċertifikat ta' assigurazzjoni skont l-artikolu 4(4), tinkiseb sentenza fir-rigward ta' kwalunkwe responsabbiltà koperta mill-polza ta' assigurazzjoni kontra kwalunkwe persuna assigurata bil-polza, f'dan il-każ, minkejja li l-assiguratur awtorizzat jista' jkollu d-dritt li jevita jew jikkancella, jew jista' jkun evita jew ikkancella l-polza ta' assigurazzjoni għal raġuni stabbilita fil-polza ta' assigurazzjoni, l-assiguratur awtorizzat għandu, bla ħsara għad-dispożizzjonijiet l-oħra ta' dan l-artikolu, iħallas lill-parti leża kwalunkwe somma li għandha tithallas taħta fir-rigward tar-responsabbiltà, inkluż kwalunkwe ammont pagabbli fir-rigward ta' spejjeż u kwalunkwe somma pagabbli fir-rigward ta' imġax fuq dik is-somma.

(2) L-obbligu tal-assiguratur awtorizzat li jħallas lill-parti leża kwalunkwe somma skont is-subartikolu (1) ma għandu japplika fir-rigward tal-ebda sentenza, sakemm:

(a) f'kull każ, fi żmien tliet (3) xhur mill-istituzzjoni tal-proċeduri mill-applikant li fihom ingħatat is-sentenza, l-assiguratur awtorizzat ikun ġie notifikat bil-proċeduri msemmija permezz ta' att ġudizzjarju; u

(b) fil-każ ta' sentenza mogħtija minn qorti ta' ġuriżdizzjoni kompetenti fi kwalunkwe Stat imsemmi, l-assiguratur awtorizzat ikun ġie notifikat bl-istituzzjoni tal-proċeduri li jitolbu li s-sentenza barranija tiġi dikjarata bħala waħda infurzabbli f'Malta permezz ta' att ġudizzjarju, fi żmien tliet (3) xhur mid-data tal-preżentata tal-imsemmija proċeduri:

Iżda bla ħsara għal kwalunkwe dritt ieħor taħt din l-Ordinanza jew xi liġi oħra, l-assiguratur awtorizzat għandu d-dritt li jintervjeni in *statu et terminis* fil-proċeduri msemmija fil-paragrafi (a) u (b).

(3) Ir-responsabbiltà ta' assiguratur awtorizzat skont is-subartikolu (1) u d-dritt dirett ta' azzjoni kontra l-assiguratur awtorizzat ma għandhomx iqumu u l-ebda somma ma għandha tkun pagabbli minn assiguratur awtorizzat:

(a) fejn ir-responsabbiltà gġarbet wara d-data li fiha tkun skadjet il-polza;

(b) jekk qabel ma jseħħ l-avveniment li kien il-kawża tal-mewt jew tal-korriment jew tal-ħsara lil proprjetà li tikkawża r-responsabbiltà, l-assiguratur awtorizzat ikun ippreżenta ittra ġudizzjarja kontra d-detentur tal-polza, li tgħarrfu li l-polza tal-assigurazzjoni qiegħda tiġi kkanċellata bis-saħħa ta' din id-dispożizzjoni, u l-imsemmija ittra tiġi notifikata skont il-liġi lil tali persuna, kemm qabel kif ukoll wara li jseħħ l-avveniment li kkawża tali responsabbiltà.

(4) Ir-responsabbiltà ta' assicuratur awtorizzat skont is-subartikolu (1) u d-dritt dirett ta' azzjoni kontra l-assiguratur awtorizzat ma għandhomx iqumu u l-ebda somma ma għandha tkun pagabbli minn assicuratur awtorizzat meta l-polza tkun ġiet ikkanċellata bil-miktub b'kunsens reċiproku qabel ma jkun seħħ l-avveniment li wassal għar-responsabbiltà, kemm-il darba l-avviż ta' tali kanċellazzjoni jkun ingħata liċ-Ċentru ta' Informazzjoni dwar l-Assigurazzjoni tal-Vetturi fi żmien għaxart (10) ijiem minn tali kanċellazzjoni flimkien ma' kopja tal-kanċellazzjoni bil-miktub iffirmata kemm mill-assicuratur awtorizzat kif ukoll mid-detentur tal-polza.

(5) Ir-responsabbiltà ta' assicuratur awtorizzat skont is-subartikolu (1) u d-dritt dirett ta' azzjoni kontra l-assiguratur awtorizzat ma għandhomx iqumu u l-ebda somma ma għandha tkun pagabbli minn assicuratur awtorizzat meta l-assicuratur awtorizzat ikun, qabel iseħħ l-avveniment imsemmi, ippreżenta ittra uffiċjali kontra d-detentur tal-polza, fejn jgħarrfu li l-polza qiegħda tiġi kkanċellata bis-saħħa ta' klawsola li tinsab fiha, u tali ittra uffiċjali għandha tkun ġiet debitament notifikata, kemm qabel kif ukoll wara li jseħħ l-avveniment li wassal għar-responsabbiltà.

(6) Qabel ma tingħata s-sentenza msemmiya fis-subartikolu (1), l-assicuratur awtorizzat għandu jiġi notifikat bil-proċeduri mressqa kontra l-parti assicurata fir-rigward ta' kwalunkwe responsabbiltà tal-parti assicurata li hija koperta mill-polza ta' assicurazzjoni.

Kap. 12.

(7) Kwalunkwe sentenza msemija fis-subartikolu (1) għandha, jumejn (2) wara li tiġi notifikata lill-assiguratur awtorizzat permezz ta' att ġudizzjarju, tikkostitwixxi titolu eżekuttiv kontra l-assiguratur awtorizzat għall-finijiet kollha tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u tista' tiġi inforzata mill-parti leża kontra l-assiguratur awtorizzat.

(8) Bla ħsara għal kwalunkwe dritt ieħor taħt din l-Ordinanza jew xi liġi oħra, l-assiguratur awtorizzat li jkun ġie notifikat b'att ġudizzjarju skont is-subartikolu (7) jista', fi żmien għaxar (10) ijiem mid-data tan-notifika tal-att ġudizzjarju, jippreżenta rikors quddiem il-qorti kontra l-parti assigurata koperta mill-polza ta' assigurazzjoni, li fih jitlob ir-rimbors ta' kwalunkwe somma li tkun thallset lill-parti leża fir-rigward tar-responsabbiltà li dwarha tkun inġhatat is-sentenza, inkluż kwalunkwe ammont pagabbli fir-rigward ta' spejjeż u kwalunkwe somma pagabbli fir-rigward ta' imgħax fuq dik is-somma, mill-parti assigurata, meta fil-mument tal-avveniment li ta lok għat-talba tal-parti leża, l-assiguratur awtorizzat kellu d-dritt li jannulla jew jikkancella, jew seta' annulla jew ikkancella l-polza ta' assigurazzjoni għal raġuni stabbilita fil-polza ta' assigurazzjoni.

(9) Ir-rikors imsemmi fis-subartikolu (8) għandu jinkludi s-sottomissjonijiet kollha neċessarji flimkien mad-dokumenti kollha li jappoġġjaw ir-rikors.

(10) Ir-rikors imsemmi fis-subartikolu (8) għandu jiġi notifikat lill-parti assigurata, li fi żmien għaxart (10) ijiem min-notifika tar-rikors, għandha tippreżenta risposta li tinkludi s-sottomissjonijiet kollha li tali parti tkun trid tagħmel flimkien mad-dokumenti kollha li jsostnu r-risposta. Il-qorti għandha tappunta r-rikors għas-smiġ u tiddeciedi dwaru wara li tisma' lill-partijiet u dik l-evidenza li tqis xierqa, sa mhux aktar tard minn tliet (3) xhur mill-iskadenza tal-perjodu għall-preżentata tar-risposta.

(11) Appell minn digriet mogħti taħt is-subartikolu (10) jista' jiġi ppreżentat permezz ta' rikors fi żmien għaxart (10) ijiem mid-data meta d-digriet jinqara fil-miftuħ fil-qorti.

(12) Ir-risposta tal-appell tista' tiġi pprezentata fi żmien għaxart (10) ijiem mid-data tan-notifika tar-rikors. Il-Qorti tal-Appell għandha tappunta tali appell għas-smiġ fi żmien xahar (1) mid-data tal-iskadenza tat-terminu għall-prezentata tar-risposta u l-appell għandu jiġi deċiż fi żmien tliet (3) xhur mid-data li fih ikun ġie appuntat għas-smiġ.

(13) Is-sentenza għandha tikkostitwixxi titolu eżekuttiv kontra l-parti assicurata fejn u sal-limitu li l-Qorti tiddeċiedi li tkun hekk infurzabbli.

(14) Ir-responsabbiltà ta' assicuratur awtorizzat fil-konfront tal- parti leża, u l-jedd dirett għal azzjoni kontra l-assicuratur awtorizzat għandha tqum minkejja li l-assicuratur awtorizzat ikun intitolat li jannulla l-polza fuq il-bażi li, bla ħsara għad-dispożizzjonijiet tal-istess polza, il-polza kienet inkisbet mid-detentur ta' polza minħabba ħabi ta' fatt sostanzjali jew b'rappreżentazzjoni ta' fatt li kien falz f'xi partikolarità sostanzjali, jew minkejja li l-assicuratur awtorizzat ikun annulla l-polza minħabba xi raġuni bħal dik:

Iżda meta assicuratur awtorizzat ikun intitolat li jannulla l-polza, jew ikun annulla l-polza, huwa għandu jkun intitolat li jieħu lura mingħand id-detentur tal-polza kwalunkwe somma li huwa jkun ħallas lill-parti leża skont is-subartiklu (8):

Iżda wkoll fejn il-persuna li tkun ġarrbet ir-responsabbiltà lejn il-parti leża ma tkunx id-detentur tal-polza u tali persuna ma tkunx koperta bil-polza minħabba xi raġuni oħra minbarra li l-polza tkun inkisbet b'ħabi ta' fatt sostanzjali jew b'rappreżentazzjoni ta' fatt li jkun falz f'xi partikolarità sostanzjali, l-assicuratur awtorizzat għandu jkun intitolat ukoll li jieħu lura kwalunkwe somma li huwa jkun ħallas lill-parti leża bis-saħħa ta' dan l-artikolu mingħand tali persuna li għandha tkun responsabbli *in solidum* mad-detentur tal-polza għall-ħlas ta' tali somma lill-assicuratur awtorizzat:

Iżda wkoll għall-finijiet ta' dan is-subartikolu, il-terminu "materjali" tfisser ta' tali xorta li tinfluwenza d-deċiżjoni ta' assicuratur prudenti meta jiġi sabiex jiddetermina jekk għandux jieħu r-riskju, u fil-każ b'liema primjum u fuq liema kondizzjonijiet.

(15) Ir-responsabbiltà ta' assiguratur awtorizzat u l-jedd dirett għal azzjoni kontra l-assiguratur awtorizzat skont dan l-artikolu għandhom iqumu minkejja li ċ-ċertifikat ta' assigurazzjoni jkun inħareġ lid-detentur ta' polza wara l-aċċident li jagħti lok għar-responsabbiltà fejn tali ċertifikat ta' assigurazzjoni jitqies li kien effettiv fiż-żmien meta seħħ tali aċċident."

12. Il-proviso għas-subartikolu (3) tal-artikolu 12 tal-liġi prinċipali għandu jiġi sostitwit bil-proviso ġdid li ġej:

Emenda tal-artikolu 12 tal-liġi prinċipali.

"Iżda assiguratur awtorizzat ma għandux ikun meħtieġ li jhallas kwalunkwe somma jekk iressaq prova li t-talba irriżultat mill-użu ta' vettura misruqa jew miksuba bi vjolenza u, fi kwalunkwe każ bħal dan, il-kumpens għandu jithallas mill-Fond għall-Protezzjoni u Kumpens meta jkun sodisfatti ċ-ċirkostanzi preskritti fir-Regolamenti dwar Insurance Business (Protection and Compensation Fund)."

L.S. 403.25.

13. L-artikolu 16 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 16 tal-liġi prinċipali.

(a) in-nota marginali tiegħu għandha tiġi sostitwita bin-nota marginali ġdida li ġejja:

"Ħlasijiet u assigurazzjoni għall-kura b'urgenza ta' feriment mill-użu ta' vetturi bil-mutur.";

(b) fis-subartikolu (1) tiegħu l-kelma "fit-toroq" għandha tiġi mħassra.

14. L-artikolu 18 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 18 tal-liġi prinċipali

(a) fis-subartikolu (2) tiegħu l-kliem "aċċident stradali tat-traffiku" għandu jiġi sostitwit bil-kliem "aċċident tat-traffiku";

(b) minnufih wara s-subartikolu (3) tiegħu għandu jiġi miżjud is-subartikolu ġdid li ġej:

"(4) Fil-każ ta' aċċident kaġunat minn sett ta' vetturi bil-mutur li jikkonsistu minn vettura bil-mutur li tkun qiegħda tigbed trailer, l-assiguratur tat-trailer għandu, fuq talba tal-parti leża, jinformat mingħajr dewmien bl-informazzjoni li ġejja:

(a) l-identità tal-assiguratour tal-vettura involuta fl-aċċident li jkun qieged jiġbed it-trailer; jew

L.S. 403.25.

(b) fejn l-assiguratour tat-trailer ma jkunx jista' jidentifika l-assiguratour tal-vettura li tkun qieghda tiġbed it-trailer; il-mekkaniżmu ta' kumpens provdut fir-Regolamenti dwar Insurance Business (Protection and Compensation Fund)."

Emenda tal-artikolu 18A tal-liġi prinċipali.

15. L-artikolu 18A tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Il-Ministru responsabbli għat-trasport għandu jistabbilixxi permezz ta' regolamenti ċ-Ċentru ta' Informazzjoni dwar Assigurazzjoni ta' Vetturi sabiex il-partijiet leżi jkunu jistgħu jfittxu kumpens skont is-subartikolu (2).";

(b) is-subartikolu (2) tiegħu għandu jiġi emendat kif ġej:

(i) il-kliem "ċentru ta' informazzjoni" għandu jiġi sostitwit bil-kliem "Ċentru ta' Informazzjoni dwar Assigurazzjoni ta' Vetturi";

(ii) minnufih wara l-paragrafu (a) tiegħu għandu jiġi miżjud dan il-paragrafu ġdid li ġej:

"(aa) biex jiġbor u jzomm f'forma elettronika repożitorju ċentrali bid-data bażika meħtieġa għar-risoluzzjoni ta' talbiet għad-danni. Tali data għandha tinkludi l-informazzjoni miġbura mill-uffiċjali tal-komunità jew uffiċjali tal-pulizija waqt l-investigazzjoni ta' aċċidenti li jkunu jinvolvu vettura bil-mutur jew diversi vetturi bil-mutur;";

(iii) fil-paragrafu (ċ) tiegħu l-kliem "(iv) u (v)." għandu jiġi sostitwit bil-kliem "(iv) u (v);" u minnufih wara għandu jiġi miżjud dan il-paragrafu ġdid li ġej:

"(d) biex jikkoopera ma', u jrendu disponibbli liċ-ċentri ta' informazzjoni ta' Stati msemmija oħra, l-informazzjoni meħtieġa dwar kwalunkwe polza ta' assigurazzjoni maħruġa f'Malta, fiċ-ċirkostanzi provduti fl-artikolu 5A, li tkun tkopri vettura bil-

mutur reġistrata fi Stat imsemmi li ma huwiex Malta.";

(ċ) fis-subartikolu (3) tiegħu l-kliem "ċentru ta' informazzjoni Malti" għandu jiġu sostitwit bil-kliem "Ċentru ta' Informazzjoni dwar Assigurazzjoni ta' Vetturi";

(d) minnufih wara s-subartikolu (3) tiegħu għandhom jiġu miżjuda s-subartikoli ġodda li ġejjin:

"(3A) Assiguraturi awtorizzati u impriži ta' assigurazzjoni msemmija fis-subartikolu (2)(a)(iii) għandhom, fir-rigward ta' vetturi bil-mutur li huma normalment ibbażati f'Malta u li huma koperti b'polza tal-assigurazzjoni dwar ir-riskji ta' terzi persuni, irendu disponibbli mingħajr dewmien l-informazzjoni li ġejja liċ-Ċentru ta' Informazzjoni dwar Assigurazzjoni ta' Vetturi:

(a) in-numru ta' identifikazzjoni tal-vettura bil-mutur u n-numru ta' referenza tal-polza ta' assigurazzjoni rispettiva;

(b) id-data tal-bidu u d-data tal-iskadenza tal-polza ta' assigurazzjoni provduta fil-paragrafu (a);

(ċ) meta l-polza ta' assigurazzjoni provduta fil-paragrafu (a) tkun giet imħassra qabel id-data tal-iskadenza tagħha, id-data tat-tħassir ta' tali polza.

(3B) L-Aġenzija responsabbli għall-infurzar lokali u l-Kummissarju tal-Pulizija għandhom irendu disponibbli liċ-Ċentru ta' Informazzjoni dwar Assigurazzjoni ta' Vetturi l-informazzjoni kollha miġbura minn uffiċjali tal-komunità jew uffiċjali tal-pulizija, skont il-każ, waqt l-investigazzjoni tagħhom ta' aċċidenti li jkunu jinvolvu vettura bil-mutur waħda jew aktar mingħajr dewmien.";

(e) is-subartikolu (4) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(4) Id-dispożizzjonijiet tas-subartikolu (3) ma għandhomx jimpedixxu lill-partijiet leżi, lill-assiguraturi tagħhom jew lir-rappreżentanti legali tagħhom milli jressqu, matul il-perjodu ta' seba' (7) snin mid-data ta' aċċident, milli jagħmlu talba bil-miktub lill-Aġenzija responsabbli għall-infurzar lokali jew lill-Kummissarju tal-Pulizija sabiex jiġu pprovduti b'kopja tar-rapport dwar

aċċident tat-traffiku, f'liema każ l-imsemmi rapport għandu jiġi provdut mill-Aġenzija responsabbli għall-infurzar lokali jew mill-Kummissarju tal-Pulizija, skont il-każ, mingħajr dewmien, wara l-ħlas ta' dritt raġonevoli. L-informazzjoni li għandu jkun hemm f'tali rapport dwar aċċident tat-traffiku għandha tinkludi li ġej:

(a) l-isem u l-indirizz tal-assigurator awtorizzat jew l-impreża ta' assigurazzjoni rilevanti;

(b) in-numru tal-polza ta' assigurazzjoni rilevanti;

(ċ) l-isem u l-indirizz tal-assigurator awtorizzat jew tar-rappreżentant għal talbiet għad-danni tal-impreża ta' assigurazzjoni fl-Istat ta' residenza tal-parti leża;

(d) l-informazzjoni kollha miġbura minn uffiċjali tal-komunità u uffiċjali tal-pulizija, skont il-każ, waqt l-investigazzjoni tagħhom ta' aċċidenti li jkunu jinvolvu vettura bil-mutur waħda jew aktar:

Iżda l-parti leża għandha tkun residenti f'Malta, il-vettura bil-mutur involuta għandha tkun normalment ibbażata f'Malta jew l-aċċident ikun seħħ f'Malta.";

(f) is-subartikolu (5) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(5) Iċ-Ċentru ta' Informazzjoni dwar Assigurazzjoni ta' Vetturi għandu jipprovdi lill-partijiet leżi, lill-assiguraturi tagħhom jew lir-rappreżentanti legali tagħhom bl-isem u l-indirizz ta' sid il-vettura jew is-sewwieq assigurat jew tal-persuna li f'isimha hija reġistrata l-vettura bil-mutur jekk il-parti leża jkollha interess legittimu sabiex tikseb din l-informazzjoni.";

(g) is-subartikolu (8) tiegħu għandu jiġi mħassar.

Żieda ta' artikolu ġdid mal-liġi prinċipali.

16. Minnufih wara l-artikolu 25 tal-liġi prinċipali għandu jiġi

miżjud dan l-artikolu ġdid li ġej:

"Notifika tad-deroga.

26. L-Awtorità għat-Trasport f'Malta għandha tinnotifika lill-Kummissjoni Ewropea dwar l-użu ta' kwalunkwe deroga għall-Artikolu 3 tad-Direttiva 2009/103/KE tal-Parlament Ewropew u tal-Kunsill tas-16 ta' Settembru 2009 dwar l-assigurazzjoni kontra responsabbiltà ċivili fir-rigward tal-użu ta' vetturi bil-mutur u l-infurzar tal-obbligu ta' assicurazzjoni kontra din ir-responsabbiltà, u l-arrangamenti partikolari li jikkoncernaw l-implimentazzjoni ta' tali deroga."

Għanijiet u Raġunijiet

L-għan u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma li jittrasponu fil-liġi Maltija ċerti dispożizzjonijiet tad-Direttiva (UE) 2021/2118 tal-Parlament Ewropew u tal-Kunsill tal-24 ta' Novembru 2021 li temenda d-Direttiva 2009/103/KE dwar l-assigurazzjoni kontra r-responsabbiltà ċivili fir-rigward tal-użu ta' vetturi bil-mutur u l-infurzar tal-obbligu ta' assicurazzjoni kontra dik ir-responsabbiltà.

**A BILL
entitled**

AN ACT to amend the Motor Vehicles Insurance (Third-Party Risks) Ordinance, Cap. 104.

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 and
scope.
Cap. 104.

1. (1) The short title of this Act is the Motor Vehicles Insurance (Third-Party Risks) (Amendment) Ordinance, 2026 and this Act shall be read and construed as one with the Motor Vehicles Insurance (Third-Party Risks) Ordinance, hereinafter referred to as the "principal law".

(2) The scope of this Act is to transpose Directive (EU) 2021/2118 of the European Parliament and of the Council of 24 November 2021 amending Directive 2009/103/EC relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability, and to carry out other necessary amendments.

General
amendments to
the principal
law.

2. In the Maltese version only, the principal law, shall be amended as follows:

(a) the words "lill-parti offiża" and "lill-partijiet offiži", wherever they occur, shall be substituted by the words "lill-parti leża" and "lill-partijiet leži", respectively;

(b) the words "parti offiża" and "partijiet offiži", wherever they occur, shall be substituted by the words "parti leża" u "partijiet leži", respectively;

(c) the words "parti offiża", wherever they occur, shall

be substituted by the words "parti leża";

(d) the words "l-parti offiża", "il-parti offiża" and "l-partijiet offiži", wherever they occur, shall be substituted by the words "l-parti leża", "il-parti leża" u "l-partijiet leži", respectively;

(e) the words "mill-parti offiża", wherever they occur, shall be substituted by the words "mill-parti leża";

(f) the words "għall-parti offiża" and "għall-partijiet offiži", wherever they occur, shall be substituted by the words "għall-parti leża" u "għall-partijiet leži", respectively;

(g) the words "tal-parti offiża", wherever they occur, shall be substituted by the words "tal-parti leża";

(h) the words "drajver", "id-drajver" and "d-drajver", wherever they occur, shall be substituted by the words "xufier", "ix-xufier" u "x-xufier", respectively;

(i) the words "mid-drajver" u "tad-drajver", wherever they occur, shall be substituted by the words "mix-xufier" u "tax-xufier", respectively.

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

Amendment of article 2 of the principal law.

(a) in the Maltese version only, the definitions "drajver" and "parti offiża" shall be deleted;

(b) in the Maltese version only, immediately after the definition "pajjiż terz" there shall be added the following new definition:

" "parti leża" tfisser kwalunkwe persuna li jkollha jedd għal kumpens għal telf jew feriment kaġunat minn vettura bil-mutur;"

(c) in the Maltese version only, the definition "xufier" shall be substituted by the following new definition:

" "xufier" tfisser kwalunkwe persuna inkarigata mis-sewqan ta' vettura u għandha tinkludi wkoll persuna separata li taġixxi ta' steersman ta' vettura bil-mutur, u l-kelma "issuq" għandha tinftiehem bl-istess mod;"

(d) immediately after the definition "international certificate of insurance" there shall be added the following new

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definition:

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" "judgement" means a judgement which on the merits, awards damages for a liability that is required to be covered by an insurance policy in accordance with article 4(1), delivered by a court of competent jurisdiction in Malta which has become *res judicata* or a judgement of a court of competent jurisdiction in any designated State which has become *res judicata* and which has been declared to be enforceable in Malta, and shall include an arbitral award delivered in Malta in mandatory arbitration proceedings in accordance with Part A of the Fourth Schedule to the Arbitration Act which has become *res judicata* and from which an executive title has been obtained in accordance with article 166A of the Code of Organization and Civil Procedure. Any reference under this Ordinance to an action or to proceedings shall be deemed to include a reference to mandatory arbitration proceedings in accordance with Part A of the Fourth Schedule to the Arbitration Act and to the procedures under article 166A of the Code of Organization and Civil Procedure;"

(e) in the definition "third country" the words "designated State." shall be substituted by the words "designated State;" and immediately thereafter there shall be added the following new definition:

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

Provided that such use shall not include:

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(i) the use of a motor vehicle in the commission of an act of terrorism or a terrorist activity as defined in Sub-title IV A of Title IX of Part II of Book First of the Criminal Code; or

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(ii) the use of a motor vehicle in motorsport events and similar activities, including races, competitions, training, testing and demonstrations in a restricted and demarcated area, where such use is made with the prior approval of the Authority for Transport in Malta established by article 5 of the Authority for Transport in

Malta Act; or

(iii) the use in a restricted and demarcated area of a motor vehicle not licensed for use on public roads;";

(f) immediately after the definition "Malta's international commitments" there shall be added the following new definition:

" "Motor Insurance Information Centre" means the Motor Insurance Information Centre established by the Motor Vehicles (Insurance Information Centre) Regulations;"; S.L.104.06.

(g) the definition "motor vehicle" shall be substituted by the following new definition:

" "motor vehicle" means:

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

(i) with a maximum design speed of more than twenty-five (25) kilometres per hour; or

(ii) with a maximum net weight of more than twenty-five (25) kilograms and a maximum design speed of more than fourteen (14) kilometres per hour;

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

Provided that without prejudice to paragraphs (a) and (b), wheelchair vehicles exclusively intended for use by persons with physical disabilities shall not be considered to be motor vehicles for the purpose of this Ordinance;";

(h) immediately after the definition "public transport vehicle" there shall be added the following new definition:

"restricted area" means an area which is not freely accessible to the public and which is designated as such by the Minister responsible for transport;".

4. Article 3 of the principal law shall be amended as follows:

Amendment of article 3 of the principal law.

(a) in sub-article (1) thereof the word "on a road" shall be deleted;

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(b) in sub-paragraph (i) of paragraph (c) of sub-article (2) thereof the words "on a road" shall be deleted.

Amendment of article 4 of the principal law.

5. Article 4 of the principal law shall be amended as follows:

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

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

(a) any civil liability up to such liability as the Minister responsible for transport with the concurrence of the Minister responsible for finance may from time to time prescribe by regulations in accordance with this article, or such higher amount as may have been agreed by the parties in the policy of insurance, or as is required to be covered by the law of the State in the territory of which the vehicle is normally based if that cover is higher, in respect of the death or bodily injury to any person, including all passengers, other than the driver, or damage to any property, caused by the motor vehicle in Malta;

(b) any loss or injury up to such liability as the Minister responsible for transport, with the concurrence of the Minister responsible for finance, may from time to time prescribe by regulations in accordance with this article or such higher amount as may have been agreed by the parties in the policy of insurance, caused by the motor vehicle in the territory of a designated State, according to the law in force in such designated State;

(c) any loss or injury up to such liability as the Minister responsible for transport with the concurrence of the Minister responsible for finance may from time to time prescribe by regulations in accordance with this article or such higher amount as may have been agreed by the parties in the policy of insurance, caused by the motor vehicle which is suffered by a Maltese citizen or a citizen of a designated State during a direct journey between Malta and the territory of a designated State or

between the territories of two designated States, if there is no foreign bureau responsible for the territory which is being crossed; and

(d) any civil liability in respect of the death of, or bodily injury to any person, including all passengers, other than the driver, or damage to any property, caused by the motor vehicle in the territory of a State, not being a designated State, whose bureaux have signed the Multilateral Guarantee Agreement, up to such liability as is required to be covered by a policy of insurance by the law of such State:

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

(i) any liability for such damage to third party property as may be prescribed by regulations made by the Minister responsible for transport in accordance with this article;

(ii) any liability for damage to goods carried for hire or reward, in or on the vehicle, or in or on any trailer, whether coupled or otherwise, drawn by the vehicle;

(iii) any liability for damage to third-party property on, or in the insured motor vehicle or in the possession of the person insured; or

(iv) any contractual liability.";

(b) in sub-article (2) thereof the words "on a road" shall be deleted;

(c) sub-article (3) thereof shall be substituted by the following new sub-article:

"(3) A person issuing a policy of insurance in accordance with this article shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy covers in the case of those persons or classes of persons, provided that the policy meets the requirements of sub-article (1) and regulation 3 of the Limits of Liability Regulations.";

(d) immediately after sub-article (4) thereof there shall be added the following new sub-articles:

"(5) In the cases where there is more than one injured party in the same accident and their claims exceed the insured amounts prescribed for the purpose of compensation of injured parties in accordance with sub-article (1), each of the injured parties' rights against the authorised insurer which was providing insurance against such liability shall be proportionately reduced.

(6) When after thirty (30) days from the accident, the authorised insurer is not aware of other injured parties involved in the accident, despite exercising due diligence for their identification, such authorised insurer may proceed to pay the injured parties of which it is aware, and shall only be liable to pay other injured parties of which it had no knowledge up to the difference between the insured amount and the amount already distributed to injured parties of which it is, or becomes aware.

(7) Where proceedings for damages are instituted against an authorised insurer in respect of any civil liability which is required to be covered by a policy of insurance under this Ordinance, and the authorised insurer considers that the sums payable to all injured parties in the same accident exceed the amounts provided for in sub-article (1), such authorised insurer shall be entitled at any stage of such proceedings to request by application that all the injured parties be called as parties to the said proceedings in accordance with articles 961 and 962 of the Code of Organization and Civil Procedure."

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Addition of a new article to the principal law.

6. Immediately after article 5 of the principal law there shall be added the following new article:

"Insurance requirements for vehicle dispatched from a designated State.

5A. Where a motor vehicle is dispatched from a designated State to Malta, the person required to be covered by a policy of insurance in accordance with the requirements of this Ordinance, may choose whether to take up a policy of insurance in the designated State in which the motor vehicle is registered or, for a period of thirty (30) days from the date of acceptance of delivery of the motor vehicle by such person in Malta, even if the motor vehicle has not formally been registered in Malta."

7. Article 7A of the principal law shall be substituted by the following new article:

Substitution of article 7A of the principal law.

"Checks on insurance.

7A. (1) Checks on motor vehicles for the purpose of establishing only whether a motor vehicle is covered by insurance against civil liability shall not be performed in respect of motor vehicles normally based in the territory of a designated State or in respect of motor vehicles normally based in the territory of a third country entering Malta from the territory of another designated State:

Provided that checks on motor vehicles for the purpose of establishing whether they are covered by insurance against civil liability may be carried out on condition that such checks are necessary, proportionate and non-discriminatory to achieve the objective pursued and:

(a) are carried out as part of a control which is not aimed exclusively at insurance verification; or

(b) form part of a general system of checks in the national territory of Malta and which are also carried out in respect of vehicles normally based in Malta, and do not require the vehicle to stop.

(2) The Motor Insurance Information Centre shall be responsible for the processing of personal data for the purpose of reducing the uninsured driving of motor vehicles and shall co-operate and exchange information with the authorities, entities and persons in other designated States which have functions similar to those of the Motor Insurance Information Centre.

(3) The processing of personal data, for the purpose of reducing the uninsured driving of motor vehicles shall be deemed to be necessary in the public interest for the purpose of Article 6(1)(e) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), and the Motor Insurance Information Centre shall comply with Regulation (EU) 2016/679 when processing such personal data.

(4) The Motor Insurance Information Centre shall retain the personal data referred to in sub-article (2) exclusively for the purpose of carrying out an insurance check and only for as long as such data is necessary for that purpose, and as soon as such purpose has been achieved, such data shall be erased without undue delay.

(5) Where during an insurance check it results that a motor vehicle is covered by a policy of insurance in respect of third-party risks in conformity with the requirements of this Ordinance, the Motor Insurance Information Centre shall immediately erase the personal data referred to in sub-article (2).

(6) When an insurance check is unable to determine if a motor vehicle is covered by a policy of insurance in respect of third-party risks in conformity with the requirements of this Ordinance, the Motor Insurance Information Centre shall retain the personal data referred to in sub-article (2) for a limited period, which shall not exceed the number of days necessary to determine whether the insurance cover exists.

(7) With respect to motor vehicles which have been found not to be covered by a valid policy of insurance in respect of third-party risks in conformity with the requirements of this Ordinance, the Motor Insurance Information Centre shall retain the personal data referred to in sub-article (2), until any administrative or judicial procedures are completed and the motor vehicle is covered by a valid policy of insurance in respect of third-party risks.

(8) Without prejudice to the other provisions of this article, the following minimum conditions, shall also be met when information is exchanged in accordance with sub-article (2):

(a) the information shall be for the purpose of reducing the driving of motor vehicles without insurance cover;

(b) the information shall not be disclosed by the recipient to other persons without the express consent of the Motor Insurance Information Centre; and

(c) reference shall be made to the relevant legal basis and any exchange shall comply with the relevant security requirements and respect the principles of necessity, proportionality and purpose limitation.

(9) The Minister responsible for transport may provide by regulations, in consultation with the Authority for the carrying out of checks on motor vehicles or the processing of information for the purposes of this article as well as for any further measures which may be appropriate to safeguard the data subject's rights, freedoms and legitimate interests."

8. Article 7B of the principal law shall be substituted by the following new article:

Substitution of article 7B of the principal law.

"Claims history.

7B. (1) Notwithstanding any provision of any other law to the contrary, a policyholder may request at any time, an insurance undertaking to provide a claims history statement relating to the third-party liability claims involving the motor vehicles covered by the insurance contract, for at least the preceding five (5) years and, or to the absence of such claims.

(2) When such a request is made, the insurance undertaking shall provide the policyholder with a claims history statement on the form which contains the information referred to in sub-article (3) within fifteen (15) days of the request.

(3) The claims history statement shall be on such form as shall be prescribed by the Minister responsible for transport by regulations made under this Ordinance, and shall contain, at least the following information:

(a) the identity of the insurance undertaking;

(b) the identity of the policyholder, including his contact information;

(c) the motor vehicle insured and the vehicle identification number;

(d) the commencement date and expiry date of the insurance cover of the motor vehicle;

(e) the number of third-party liability claims incurred or settled under the insurance contract of the policyholder during the period covered by the claims history statement, including the date of each claim;

(f) any other relevant information.

(4) An insurance undertaking shall not, when taking account of claims history statements issued by other insurance undertakings, treat policyholders in a discriminatory manner or surcharge their premiums because of their nationality or solely on the basis of their previous residence in the territory of a designated State.

(5) Where an insurance undertaking takes into account claims history statements for the purpose of determining premiums or applying discounts, it shall treat those issued in other designated States as equal to those issued by an insurance undertaking in Malta.

(6) Authorised insurers shall publish a general overview of their policies in respect of their use of claims history statements when calculating premiums."

Amendment of article 8 of the principal law.

9. Article 8 of the principal law shall be amended as follows:

(a) in sub-article (1) thereof the words "on a road" shall be deleted;

(b) in sub-article (2) thereof the words "on a road" shall be deleted.

10. Article 9F of the principal law shall be deleted.

Deletion of article 9F of the principal law.

11. Article 10 of the principal law shall be substituted by the following new article:

Substitution of article 10 of the principal law.

"Duty of insurers to execute payment as ordered by judgements against persons insured in respect of third party risks.

10. (1) If after a certificate of insurance has been issued in accordance with article 4(4), judgement in respect of any such liability covered by the policy of insurance is obtained against any person insured by the policy, notwithstanding that the authorised insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy of insurance for a reason established in the policy of insurance, the authorised insurer shall, subject to the other provisions of this article, pay to the injured party 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 such sum.

(2) The obligation of the authorised insurer to pay an injured party any sum under sub-article (1) shall not apply in respect of any judgment, unless:

(a) in all cases, within three (3) months from the institution by the applicant of the proceedings in which the judgement was given, the authorised insurer had been served with the said proceedings by means of a judicial act; and

(b) in the case of a judgement delivered by a court of a competent jurisdiction in any designated State, the authorised insurer had been served with the institution of the proceedings requesting that the foreign judgement be declared enforceable in Malta by means of a judicial act within three (3) months from the date of the filing of the said proceedings.

Provided that without prejudice to any other right under this Ordinance or any other law, the authorised insurer shall be entitled to intervene *in statu et terminis* in the proceedings referred to in paragraphs (a) and (b).

(3) The liability of an authorised insurer in accordance with sub-article (1) and the direct right of action against the authorised insurer shall not arise and no sum shall be payable by an authorised insurer:

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(a) where the liability was incurred after the date on which the term of the policy has expired;

(b) if before the happening of the event which was the cause of the death or bodily injury or damage to property giving rise to the liability, the authorised insurer has filed a judicial letter against the policyholder, giving him notice that the policy of insurance is being cancelled by virtue of a provision contained therein, and the said letter is served according to law on such person, either before or after the happening of the event giving rise to such liability.

(4) The liability of an authorised insurer in accordance with sub-article (1) and the direct right of action against the authorised insurer shall not arise and no sum shall be payable by an authorised insurer when the policy is cancelled in writing by mutual consent before the happening of the event giving rise to the liability, on condition that notice of such cancellation has been given to the Motor Insurance Information Centre within a period of ten (10) days from such cancellation together with a copy of the written cancellation signed by both the authorised insurer and the policyholder.

(5) The liability of an authorised insurer in accordance with sub-article (1) and the direct right of action against the authorised insurer shall not arise and no sum shall be payable by an authorised insurer when the authorised insurer has, before the happening of the said event, filed a judicial letter against the policyholder, giving him notice that the policy is being cancelled by virtue of a provision contained therein, and the said judicial letter is duly served, either before or after the happening of the event giving rise to such liability.

(6) Before the delivery of the judgement referred to in sub-article (1), the authorised insurer shall be served with the proceedings brought against the insured party concerning any liability of the insured party covered by the policy of insurance.

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(7) Any judgement as referred to in sub-article (1) shall, two (2) days after it is served on the authorised insurer by means of a judicial act, constitute an executive title against the authorised insurer for all purposes of the Code of Organization and Civil Procedure, and may be enforced by the injured party against the authorised insurer.

(8) Without prejudice to any other right under this Ordinance or any other law, the authorised insurer that is served with a judicial act in accordance with sub-article (7) may, within ten (10) days from the date of service of the judicial act, file an application to the court against the insured party covered by the policy of insurance, in which it requests the reimbursement of any sums paid to an injured party in respect of the liability upon which a judgement was delivered, including any amount payable in respect of costs and any sum payable in respect of interest on such sum, by the insured party, where at the time of the event giving rise to the claim of the injured party, the authorised insurer was entitled to annul or cancel, or may have annulled or cancelled the policy of insurance for a reason stipulated in the policy of insurance.

(9) The application referred to in sub-article (8) shall contain all necessary submissions together with all the documents supporting the application.

(10) The application referred to in sub-article (8) shall be served on the insured party who shall, within ten (10) days from service of the application, file a reply containing all submissions which such party may want to make together with all the documents supporting the reply. The court shall appoint the application for hearing and shall decide on the application after hearing the parties and such evidence as it may deem fit, not later than three (3) months from the expiry of the period for the filing of the reply.

(11) An appeal from a decree delivered under sub-article (10) may be filed by an application within ten (10) days from the date on which the decree is read out in open court.

(12) A reply to the appeal may be filed within ten (10) days from the service of the application for appeal. The Court of Appeal shall appoint such an appeal for hearing within one (1) month from the expiry of the period for the filing of the reply and the appeal shall be decided within three (3) months from the date when it has been appointed for hearing.

(13) The judgement shall constitute an executive title against the insured party where and to the extent that the Court decides that it is so enforceable.

(14) The liability of an authorised insurer towards the injured party and the direct right of action against the authorised insurer shall arise notwithstanding that the authorised insurer is entitled to annul the policy on the ground that, without prejudice to any provision of the said policy, the policy was obtained by the policy holder through the non-disclosure of a material fact or by a representation of fact which was false in some material particular, or notwithstanding that the authorised insurer has annulled the policy on any such ground:

Provided that when an authorised insurer is entitled to annul, or has annulled the policy, he shall be entitled to recover from the policy holder any sum which he has paid to the injured party in accordance with sub-article (8):

Provided further that where the person incurring liability towards the injured party is not the policy holder and such person is not covered by the policy for reasons other than that the policy was obtained by the non-disclosure of a material fact or by a representation of fact which was false in some material particular, the authorised insurer shall also be entitled to recover any sum which he has paid to the injured party by virtue of this article from such person who shall be jointly and severally bound with the policy holder for the payment of such sum to the authorised insurer:

Provided further that for the purposes of this sub-article, the term "material" means of such a nature as to influence the judgement of a prudent insurer in determining whether he shall take the risk and if so, at what premium and on what conditions.

(15) The liability of an authorised insurer and the direct right of action against the authorised insurer in accordance with this article shall arise notwithstanding that the certificate of insurance was issued to the policy holder after the accident giving rise to the liability where the said certificate of insurance purported to be effective at the time of such incident."

12. The proviso to sub-article (3) of article 12 of the principal law shall be substituted by the following new proviso: Amendment of article 12 of the principal law.

S.L. 403.25. "Provided that an authorised insurer shall not be required to pay any sum if he provides proof that the claim arose from the use of a stolen vehicle or a vehicle obtained by violence, and in any such case, the compensation shall be paid by the Protection and Compensation Fund when the circumstances prescribed by the Insurance Business (Protection and Compensation Fund) Regulations are satisfied."

13. Article 16 of the principal law shall be amended as follows: Amendment of article 16 of the principal law.

(a) the marginal note thereof shall be substituted by the following new marginal note:

"Payments and insurance in respect of emergency treatment of injuries arising from the use of motor vehicles.";

(b) in sub-article (1) thereof the words "on a road" shall be deleted.

14. Article 18 of the principal law shall be amended as follows: Amendment of article 18 of the principal law.

(a) in sub-article (2) thereof the words "road traffic accident" shall be substituted by the words "traffic accident";

(b) immediately after sub-article (3) thereof there shall be added the following new sub-article:

"(4) In the case of an accident caused by a set of motor vehicles consisting of a motor vehicle towing a trailer, the insurer of the trailer shall, at the request of the injured party, provide him without undue delay with the following information:

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(a) the identity of the insurer of the vehicle towing a trailer involved in the accident;
or

(b) where the insurer of the trailer cannot identify the insurer of the vehicle towing a trailer, the compensation mechanism provided in the Insurance Business (Protection and Compensation Fund) Regulations.".

S.L. 403.25.

Amendment of article 18A of the principal law.

15. Article 18A of the principal law shall be amended as follows:

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) The Minister responsible for transport shall establish by means of regulations the Motor Insurance Information Centre to enable injured parties to seek compensation in accordance with sub-article (2).";

(b) sub-article (2) thereof shall be amended by the following:

(i) the words "information centre" thereof shall be substituted by the words "Motor Insurance Information Centre";

(ii) immediately after paragraph (a) thereof there shall be added the following new paragraph:

"(aa) collecting and keeping a central repository in electronic form of the basic data necessary for the settlement of claims. Such data shall include the information collected by community officers or police officers in the course of their investigation of accidents involving one or more motor vehicles;"

(iii) in paragraph (c) thereof the words "(iv) and (v)." shall be substituted by the words "(iv) and (v);" and immediately thereafter there shall be added the following new paragraph:

"(d) cooperate with and make available to the information centres of other designated States, the necessary information in respect of any policy of insurance taken up in Malta, in the circumstances provided for in article 5A, which covers a motor

vehicle registered in a designated State other than Malta.";

(c) in sub-article (3) thereof the words "Maltese information centre" shall be substituted by the words "Motor Insurance Information Centre";

(d) immediately after sub-article (3) thereof there shall be added the following new sub-articles:

"(3A) Authorised insurers and insurance undertakings referred to in sub-article (2)(a)(iii) shall, in respect of motor vehicles which are normally based in Malta and which are covered by a policy of insurance issued by them in respect of third-party risks, provide without delay the following information to the Motor Insurance Information Centre:

(a) the vehicle identification number of the motor vehicle and the reference number of the respective policy of insurance;

(b) the commencement date and the expiry date of the policy of insurance provided for in paragraph (a);

(c) when the policy of insurance provided for in paragraph (a) has been cancelled before the date of its expiry, also the date of cancellation of such policy.

(3B) The Agency responsible for local enforcement and the Police Commissioner shall provide to the Motor Insurance Information Centre all information collected by community officers or police officers, as the case may be, in the course of their investigation of accidents involving one or more motor vehicles without delay.";

(e) sub-article (4) thereof shall be substituted by the following new sub-article:

"(4) The provisions of sub-article (3) shall not impede the injured parties, their insurers or their legal representatives, throughout a period of seven (7) years following an accident, from making a request in writing to the Agency responsible for local enforcement or the Police Commissioner for the provision of a copy of the motor accident report, in which case said report shall be provided

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by the Agency responsible for local enforcement or the Police Commissioner, as the case may be, without delay upon payment of a reasonable fee. The information which shall be contained in any such motor accident report shall include the following:

(a) the name and address of the relevant authorised insurer or insurance undertaking;

(b) the number of the relevant policy of insurance;

(c) the name and address of the relevant authorised insurer or insurance undertaking's claims representative in the State of residence of the injured party;

(d) all the information collected by community officers or police officers, as the case may be, in the course of their investigation of accidents involving one or more motor vehicles:

Provided that the injured party shall be resident in Malta, the motor vehicle involved is normally based in Malta or the accident occurred in Malta.";

(f) sub-article (5) thereof shall be substituted by the following new sub-article:

"(5) The Motor Insurance Information Centre shall provide injured parties, their insurers or their legal representatives with the name and address of the owner or insured driver or the registered keeper of the motor vehicle if the injured party has a legitimate interest in obtaining this information.";

(g) sub-article (8) thereof shall be deleted.

Addition of
new article to
the principal
law.

16. Immediately after article 25 of the principal law there shall be

added the following new article:

"Notification of
derogation.

26. The Authority for Transport in Malta shall notify the European Commission about the use of any derogation to Article 3 of Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles and the enforcement of the obligation to insure against such liability, and the particular arrangements concerning the implementation of any such derogation."

Objects and Reasons

The object and reasons of this Bill are to transpose into Maltese law certain provisions of Directive (EU) 2021/2118 of the European Parliament and of the Council of 24 November 2021 amending Directive 2009/103/EC relating to insurance against civil liability in respect of the use of motor vehicles and to the enforcement of the obligation to insure against such liability.

VERŻJONI ELETTRONIKA