

Nru 163

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 ir-Regolament tat-Traffiku, Kap. 65.

AN ACT to amend the Traffic Regulation Ordinance, Cap. 65.

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 ir-Regolament tat-Traffiku, Kap. 65.

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqa' f'dan il-Parlament, u bl-awtorità tal-istess, ħarġet 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 ir-Regolament tat-Traffiku u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Ordinanza dwar ir-Regolament tat-Traffiku, hawn iżjed 'il quddiem imsejha l-"liġi prinċipali".

Titolu fil-qosor u għan.
Kap. 65.

(2) L-għan ta' dan l-Att huwa li jittrasponi d-deroga tal-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-obbligi ta' assicurazzjoni kontra din ir-responsabbiltà.

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

Emenda tal-artikolu 2 tal-liġi prinċipali.

(a) minnufih wara t-tifsira "motor cycle" tagħha għandha tiġi miżjuda t-tifsira ġdida li ġejja:

" "parti leża" tfisser kwalunkwe persuna li tkun intitolata għall-kumpens fir-rigward ta' xi telf jew korriment ikkawżati minn vettura bil-mutur;"

(b) minnufih wara t-tifsira "Stat Membru" tagħha għandha tiġi miżjuda t-tifsira ġdida li ġejja:

" "Stat nominat" tfisser Stat elenkat bħala tali

permezz ta' regolamenti magħmula mill-Ministru responsabbli għat-trasport;".

Emenda tal-artikolu 16 tal-liġi prinċipali.

3. Fis-subartikolu (3) tal-artikolu 16 tal-liġi prinċipali l-kliem "polza ta' sigurtà", kull fejn jokkorru, għandhom jiġu sostitwiti bil-kliem "polza ta' assigurazzjoni".

Żieda ta' artikoli godda fil-liġi prinċipali.

4. Minnufih wara l-artikolu 45 tal-liġi prinċipali għandhom jiġu miżjuda l-artikoli godda li ġejjin:

"Permessi meħtieġa.

45A. L-ebda persuna ma għandha torganizza jew tuża vettura f'avveniment tal-motorsport jew f'attività simili, inkluż tlielaq, kompetizzjonijiet, taħriġ, ittestjar u dimostrazzjonijiet, sakemm l-imsemmi avveniment jew attività ma tkunx koperta:

(a) b'licenzja maħruġa mill-Awtorità; u

(b) b'polza ta' assigurazzjoni għar-riskji ta' terzi persuni li tkun tissodisfa l-kondizzjonijiet stabbiliti fl-artikolu 45B.

Rekwiżit ta' polza ta' assigurazzjoni għal responsabbiltà ċivili fir-rigward ta' terzi persuni.

45B. (1) L-assigurazzjoni msemmija fl-artikolu 45A għandha tkun polza ta' assigurazzjoni għar-riskji ta' terzi persuni maħruġa minn assiguratatur awtorizzat sabiex iwettaq in-negożju ta' assigurazzjoni f'Malta u li tippovdi kopertura għal responsabbiltà ċivili lil kwalunkwe terza persuna, inkluż spettaturi u persuni oħra li jkunu fuq il-post, li tista' tiġi mgarrba fir-rigward tal-użu ta' vettura bil-mutur fi kwalunkwe tali avveniment tal-motorsport jew attività simili f'każ ta':

(a) mewt jew korriment ta' persuna, għal somma ta' mhux inqas minn sitt miljun erba' mija u ħamsin elf euro (€6,450,000) għal kull aċċident irrispettivament min-numru ta' partijiet leżi;

(b) ħsara lill-proprjetà, għal somma ta' mhux inqas minn miljun u tliet mitt elf euro (€1,300,000) għal kull aċċident, irrispettivament min-numru ta' partijiet leżi.

(2) Il-polza ta' assigurazzjoni msemmija fis-subartikolu (1) ma għandhiex tkun meħtieġa sabiex tkopri r-responsabbiltà inkorsa minn kwalunkwe parteċipant f'tali avveniment tal-motorsport jew attività simili lil kwalunkwe mis-sewwieqa jew fir-rigward ta' kwalunkwe mill-vetturi li jkunu qed jieħdu sehem fl-imsemmi avveniment tal-motorsport jew attività simili.

(3) Id-dispożizzjonijiet tal-artikoli 45Ċ, 45D, 45E u 45F għandhom japplikaw għal assigurazzjoni msemmija fis-subartikolu (1).

(4) L-Awtorità ma għandhiex tohroġ liċenzja skont l-artikolu 45A kemm-il darba l-avveniment tal-motorsport jew attività simili ma jkunux jinżammu f'żona ristretta u demarkata u kemm-il darba l-organizzatur ma jissodisfax kwalunkwe kondizzjoni oħra, inkluż dawk li huma relatati mas-sigurtà li l-Awtorità tista' timponi minn żmien għal żmien.

(5) L-Awtorità tista' timponi kwalunkwe kondizzjonijiet kif jidhrilha xieraq fir-rigward ta' liċenzja msemmija fis-subartikolu (4).

(6) Kwalunkwe liċenzja maħruġa mill-Awtorità skont l-artikolu 45A għandha tindika fuqha n-numru ta' registrazzjoni jew mezz oħra ta' identifikazzjoni tal-vetturi bil-mutur kollha li jkollhom id-dritt li jieħdu sehem fl-avveniment tal-motorsport jew attività simili koperta bil-liċenzja.

(7) L-imsemmija liċenzja għandha tintwera f'post prominenti fiż-żona użata għall-fini tal-imsemmi avveniment tal-motorsport jew attività simili.

(8) Applikazzjoni għall-ħruġ ta' liċenzja skont din l-Ordinanza għandha ssir fuq formola pprovduta għal dan l-għan mill-Awtorità u għandha timtela bl-informazzjoni kollha li l-Awtorità tista' teħtieġ.

(9) L-Awtorità għandu jkollha s-setgħa li tissospendi, tirtira jew tirrevoka kwalunkwe liċenzja maħruġa jew imġedda minnha skont din l-Ordinanza għar-raġunijiet li ġejjin:

(a) jeżistu atti gravi ta' mġiba hażina jew negliġenza jew kwalunkwe raġunijiet oħra serja għal sospensjoni, irtirar jew revoka immedjata;

(b) fejn id-detentur ikun ta informazzjoni skorretta lill-Awtorità dwar il-ħruġ ta' liċenzja jew kwalunkwe kwistjoni marbuta magħha; jew

(ċ) fejn id-detentur ikun kiser kwalunkwe mill-kondizzjonijiet tal-liċenzja u ma rrimedjax tali ksur minkejja li jkun ingħata avviż bil-miktub tal-ksur.

Notifika tas-sentenza u appelli.

45Ċ. (1) F'każ li wara li tkun inħarġet polza ta' assigurazzjoni skont l-artikolu 45A, tingħata sentenza fir-rigward ta' responsabbiltà li tkun teħtieġ li tiġi koperta b'polza ta' assigurazzjoni skont l-artikolu 45B kontra persuna li tkun assigurata bl-imsemmija polza, l-assigurat għandu, soġġett għad-dispożizzjonijiet ta' din l-Ordinanza, iħallas lill-parti leża li tkun intitolata għal tali ħlas skont is-sentenza, kwalunkwe somma li tkun dovuta fir-rigward ta' tali responsabbiltà, inkluż kwalunkwe ammont relattiv għal spejjeż u kwalunkwe ammont pagabbli bħala imghax fuq tali somma.

Kap. 12.

(2) Sentenza mogħtija kif imsemmi fis-subartikolu (1) għandha tikkostitwixxi titolu eżekuttiv fil-konfront tal-assigurat għall-finijiet tal-Kodiċi ta' Organizazzjoni u Proċedura Ċivili għaxart (10) ijiem wara li tkun giet notifikata lill-assigurat permezz ta' att ġudizzjarju, u tista' tkun eżegwibbli fil-konfront tal-assigurat sakemm l-assigurat ma jipprezentax rikors skont is-subartikolu (3).

(3) Bla ħsara għal kwalunkwe dritt ieħor taħt dan l-Att jew xi liġi oħra, l-assigurat li jkun gie notifikat b'att ġudizzjarju skont is-subartikolu (2) jista', jipprezenta rikors quddiem il-Qorti fejn gie pprezentat l-att ġudizzjarju fi żmien għaxart (10) ijiem mid-data tan-notifika tal-att ġudizzjarju, fejn jitlob li jiġi dikjarat li huwa ma għandu l-ebda obbligu fil-liġi li jħallas lill-parti leża l-ammonti mogħtija fis-sentenza msemmija fis-subartikolu (1). Ir-rikors għandu jinkludi s-sottomissjonijiet kollha neċessarji flimkien ma' kwalunkwe dokumenti li jsostnu r-rikors.

(4) Ir-rikors għandu jiġi notifikat lill-parti leża li għandha, fi żmien għaxart (10) ijiem mid-data ta' tali notifika tippreżenta risposta li jkun fiha kwalunkwe sottomissjoni li l-imsemmija parti leża hija intenzjonata li tagħmel flimkien ma' kwalunkwe dokumentazzjoni ta' sostenn.

(5) Il-Qorti għandha, mhux aktar tard minn xahar (1) mill-iskadenza tal-perjodu sabiex tiġi pprezentata r-risposta, tappunta r-rikors għas-smiġħ u għandha tiddeċiedi dwar ir-rikors wara li tisma' lill-partijiet u tqis tali provi li jidhrilha xierqa.

(6) Appell minn digriet imsemmi fis-subartikolu (5) jista' jiġi pprezentat permezz ta' rikors fi żmien għaxart (10) ijiem mid-data li fiha d-digriet jinqara bil-miftuħ. Risposta għar-rikors tal-appell tista' tiġi pprezentata fi żmien għaxart (10) ijiem mid-data tan-notifika tar-rikors tal-appell. Il-Qorti tal-Appell għandha tappunta l-appell għas-smiġh fi żmien xahar (1) mill-iskadenza tal-perjodu sabiex tiġi pprezentata r-risposta u l-appell għandu jiġi deċiż fi żmien tliet (3) xhur mid-data minn meta l-appell ikun ġie appuntat għas-smiġh.

Kap. 12. (7) Il-garanzija għall-ispejjeż imsemmija fl-artikolu 249 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili ma għandhiex tkun meħtieġa fil-każijiet imsemmija fis-subartikolu (6).

(8) Is-sentenza għandha tikkostitwixxi titolu eżekuttiv fil-konfront tal-assiguratur fejn u sal-limitu li l-Qorti tkun iddeċidiet li hija hekk eżegwibbli.

Nuqqas ta' żvelar jew rappreżentazzjoni falza ta' kwalunkwe fatti materjali.

45D. (1) L-assiguratur għandu jkun responsabbli fir-rigward tal-parti leża skont l-artikolu 45Ċ minkejja li huwa jkun intitolat li jeżenta ruħu mill-polza fuq il-bażi li, minkejja kwalunkwe dispożizzjoni oħra stipulata fiha, il-polza inkisbet bis-saħħa tal-fatt li d-detentur tal-polza ikun naqas milli jiżvela xi fatt materjali jew ikun għamel rappreżentazzjoni tal-fatti li tkun falza f'xi partikolaritajiet materjali, jew minkejja li l-assiguratur ikun evita l-polza minħabba xi waħda minn dawn ir-raġunijiet:

Iżda fejn l-assiguratur ikun intitolat li jevita jew ikun evita l-polza kif imsemmi preċedentement, l-assiguratur għandu jkun intitolat li jirkupra mingħand id-detentur tal-polza kwalunkwe ammont li huwa ħallas lill-parti leża skont l-artikolu 45Ċ:

Iżda wkoll fejn il-persuna li ġgarrab responsabilità fir-rigward tal-parti leża ma tkunx id-detentur tal-polza u l-imsemmija persuna ma tkunx koperta mill-polza għal raġunijiet oħra għajr li l-polza inkisbet bin-nuqqas ta' żvelar ta' fatt materjali jew min rappreżentazzjoni ta' fatt li tkun falza f'xi partikolaritajiet materjali, l-assiguratur għandu jkun intitolat li jirkupra kwalunkwe ammont li huwa ħallas lill-parti leża skont l-artikolu 45Ċ mingħand tali persuna li tkun responsabbli *in solidum* mad-detentur tal-polza għall-ħlas tal-imsemmi ammont lill-assiguratur:

Iżda wkoll għall-finijiet ta' dan is-subartikolu, "materjali" tfisser ta' tali natura li tinfluwenza l-gudizzju ta' assiguratur prudenti fid-determinazzjoni ta' jekk għandux jieħu r-riskju u, jekk iva, b'liema premium u fuq liema kondizzjonijiet.

(2) L-assiguratur għandu jkun responsabbli skont l-artikolu 45Ċ minkejja li l-polza ta' assigurazzjoni tkun inħarget lid-detentur tal-polza wara l-aċċident li jagħti lok għal responsabbiltà meta l-imsemmija polza ta' assigurazzjoni dehret li kienet effettiva fi żmien tal-aċċident.

(3) L-assiguratur ma għandux ikun responsabbli skont l-artikolu 45Ċ u l-ebda somma ma għandha tithallas mill-assiguratur skont id-dispożizzjoni msemmija preċedement fir-rigward ta' sentenza jekk:

(a) fil-każijiet kollha l-assiguratur kellu avviż tal-imsemmija proċeduri permezz ta' att gudizzjarju fi żmien tliet (3) xhur mill-istituzzjoni tal-proċeduri mill-parti leża li fiha tkun ingħatat sentenza; u

(b) f'każ ta' sentenza mogħtija minn qorti kompetenti ta' Stat Deżinjat, l-assiguratur ikun ġie notifikat b'att gudizzjarju li permezz tiegħu jiġi nformat bil-proċeduri istitwiti sabiex sentenza tal-qorti barranija tiġi dikjarata bħala enforzabbli f'Malta fi żmien tliet xhur mill-ftuħ ta' dawk il-proċeduri:

Iżda mingħajr preġudizzju għal kull dritt ieħor lilu spettanti taħt din il-liġi jew kwalunkwe liġi oħra, l-assiguratur huwa intitolat li jintervjeni *in statu et terminis* fil-proċeduri msemmija fil-paragrafi (a) u (b).

(4) L-assiguratur ma għandux ikun responsabbli skont l-artikolu 45Ċ u l-ebda somma ma għandha tithallas mill-assiguratur fejn ir-responsabbiltà tkun ġiet inkorsa wara li t-terminu tal-polza ikun skada u għalhekk ma tkunx għadha fis-seħħ.

(5) L-assiguratur ma għandux ikun responsabbli skont l-artikolu 45Ċ u l-ebda somma ma għandha tithallas mill-assiguratur fejn il-polza tkun ġiet kancellata bil-kunsens bil-miktub taż-żewġ partijiet qabel ma jkun seħħ l-avveniment li jwassal għal responsabbiltà, diment li l-avviż ta' kancellament ikun ingħata lill-Awtorità u liċ-Ċentru tal-Infurmazzjoni dwar Assigurazzjoni ta' Vetturi bil-Mutur fi żmien għaxart (10) ijiem mid-data tal-kancellament.

(6) L-assiguratatur ma għandux ikun responsabbli skont l-artikolu 45Ċ u l-ebda somma ma għandha titħallas b'konsegwenza tad-dispożizzjonijiet hawn fuq imsemmija fejn l-assiguratatur, qabel ma jkun seħħ l-avveniment, ikun ippreżenta ittra uffiċjali fil-konfront tad-detentur tal-liċenzja li permezz tagħha javżah li l-polza qed tiġi kancellata abbażi ta' dispożizzjoni stipulata fl-imsemmija polza, u l-imsemmija ittra uffiċjali għandha tiġi debitament notifikata lil tali persuna, qabel u kif ukoll wara li jseħħ l-avveniment li jwassal għal responsabbiltà.

(7) Ir-responsabbiltà tal-assiguratatur taħt l-artikolu 45Ċ ma għandhiex teċċedi l-limiti tar-responsabbiltà stabbiliti bis-saħħa tal-artikolu 45B.

Jedd ta' ħlas lill-persuna li gġarrab responsabbiltà fir-rigward tal-parti leża u li ma tkunx id-detentur tal-polza.

45E. Il-persuna li gġarrab responsabbiltà fir-rigward ta' persuna assigurata taħt polza ta' assigurazzjoni maħruġa skont l-artikolu 45A għandu jkollha l-jedd li titħallas minn kwalunkwe somma pagabbli mill-assiguratatur lill-persuna assigurata taħt il-polza bi privileġġ fuq kull kreditur ieħor.

Kondizzjonijiet tal-polza ta' assigurazzjoni.

45F. (1) Meta tkun inħarġet polza ta' assigurazzjoni lill-persuna skont l-artikolu 45A, kull dispożizzjoni maħsuba sabiex tnaqqas l-assigurazzjoni tal-persuni assigurati b'referenza għal kwalunkwe mis-segwenti:

- (a) il-kondizzjoni tal-persuna li tkun qed issuq il-vettura;
- (b) il-kondizzjoni tal-vettura;
- (ċ) in-numru ta' persuni li l-vettura tkun qed iġġorr;
- (d) il-piż jew il-karatteristiċi fiżiċi tal-merkanzija li tingarr mill-vettura;
- (e) il-ħinijiet li fihom, jew il-postijiet li fihom tintuża l-vettura;
- (f) iċ-ċilindrata jew il-valur tal-vettura;
- (g) il-ġarr fuq il-vettura ta' xi apparat partikolari;
- (h) il-ġarr fuq il-vettura ta' xi mezz ta' identifikazzjoni partikolari li ma jkunx xi mezz ta' identifikazzjoni meħtieġ li jingarr minn jew taħt xi liġi fis-seħħ;
- (i) il-kulur tal-vetturi; jew
- (j) l-età tal-persuna li tkun qed issuq il-vettura,

ma għandu jkollha l-ebda effett fir-rigward ta' dawk ir-responsabbiltajiet li għandhom jiġu koperti permezz ta' polza skont l-artikolu 45A:

Iżda l-assiguratur ma għandux ikun meħtieġ sabiex iħallas kwalunkwe somma fir-rigward tar-responsabbiltà ta' persuna ħlief b'eżekuzzjoni ta' tali responsabbiltà, u kwalunkwe somma mħallsa minn assicuratur b'eżekuzzjoni tar-responsabbiltà ta' persuna li tkun koperta bil-polza unikament bis-saħħa ta' dan is-subartikolu tkun tista' tiġi rkuprata mill-assicuratur mingħand dik il-persuna.

(2) Kwalunkwe klawżola li tinsab fil-polza ta' assicurazzjoni maħruġa skont l-artikolu 45A li teskludi mill-kopertura tal-assicurazzjoni taht il-polza l-użu jew is-sewqan ta' vetturi bil-mutur minn:

(a) persuna li ma għandhiex l-awtorizzazzjoni espressa jew impliċita sabiex tużaha;

(b) persuna li ma għandhiex liċenzja tas-sewqan sabiex issuq il-vettura inkwistjoni; jew

(ċ) persuna li tkun tikser ir-rekwiżiti tekniċi preskritti rigwardanti l-kondizzjoni u s-sigurtà tal-vettura inkwistjoni,

għandha tkun bla effett fir-rigward ta' terzi persuni:

Iżda assicuratur ma għandux ikun obligat li jħallas l-ebda somma jekk huwa jipprova illi t-talba għall-ħlas tkun irriżultat mill-użu ta' vettura misruqa jew miksuba bi vjolenza.

Setgħa tal-Ministru li jagħmel regolamenti.

45G. (1) Il-Ministru jista', fuq il-parir tal-Awtorità, jagħmel regolamenti għat-twettiq tal-artikoli 45A u 45B, u sabiex jemenda jew jirrevoka tali regolamenti u bla ħsara għall-ġeneralità ta' dak imsemmi, il-Ministru jista', b'mod partikolari, jagħmel regolamenti fir-rigward ta' waħda jew iżjed mill-kwistjonijiet li ġejjin:

(a) kwalunkwe haġa relatata ma', jew marbuta mal-liċenzja jew l-assicurazzjoni msemmija fl-artikolu 45A;

(b) ir-rekwiżiti, id-dmirijiet u l-kondizzjonijiet li għandhom jiġu osservati minn kwalunkwe persuna li torganizza jew tagħmel użu minn vettura bil-mutur f'avveniment tal-motorsport jew attività simili msemmija fl-artikolu 45A;

(ċ) il-ħlas minn kwalunkwe persuna ta' drittijiet jew tariffi pagabbli lill-Awtorità fir-rigward ta' kwalunkwe ħaġa li hemm provdut dwarha bl-artikolu 45A jew ta' kwalunkwe regolamenti magħmula taħtha;

(d) il-penali amministrattivi u, jew il-pieni illi jistgħu jeħlu persuni li jiksru jew jonqsu milli josservaw id-dispożizzjonijiet tal-artikolu 45A jew ta' kwalunkwe regolamenti magħmula taħtha;

(e) kwalunkwe ħaġa oħra inċidentali għal jew marbuta ma' dak hawn fuq imsemmi."

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma li jittrasponu d-deroga taħt l-Artikolu 3 tad-Direttiva 2009/103/KE fl-Ordinanza dwar ir-Regolament tat-Traffiku (Kap. 65) u sabiex jipprovdi għar-reqwizit ta' kopertura ta' assigurazzjoni għar-riskji ta' terzi persuni għal vetturi użati f'avveniment tal-motorsport jew attività simili, inkluż tlielaq, kompetizzjonijiet, taħriġ, ittestjar u dimostrazzjonijiet.

**A BILL
entitled**

AN ACT to amend the Traffic Regulation Ordinance, Cap. 65.

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. 65.

1. (1) The short title of this Act is the Traffic Regulation Ordinance (Amendment) Act, 2026 and this Act shall be read and construed as one with the Traffic Regulation Ordinance, hereinafter referred to as the "principal law".

(2) The scope of this Act is to transpose the derogation under 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.

Amendment of
article 2 of the
principal law.

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

(a) immediately after the definition "Authority" and "Authority for Transport in Malta" thereof there shall be added the following new definition:

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

(b) immediately after the definition "high occupancy vehicle" thereof there shall be added the following new definition:

" "injured party" means any person entitled to

compensation in respect of any loss or injury caused by a motor vehicle;".

3. In the Maltese version only, in sub-article (3) of article 16 of the principal law the words "polza ta' sigurtà", wherever they occur, shall be substituted by the words "polza ta' assigurazzjoni".

Amendment of article 16 of the principal law.

4. Immediately after article 45 of the principal law there shall be added the following new articles:

Addition of new articles to the principal law.

"Necessary permits.

45A. No person shall organise or use a motor vehicle in a motorsport event or similar activity, including races, competitions, training, testing and demonstrations, unless such event or activity is covered by:

- (a) a licence issued by the Authority; and
- (b) a third-party risks insurance which satisfies the conditions established in article 45B.

Requirement of insurance policy in respect of third-party civil liability.

45B. (1) The insurance referred to in article 45A shall be a policy of insurance in respect of third-party risks which is issued by an insurer authorised to carry on the business of insurance in Malta and which provides cover for civil liability to any third party, including spectators and other bystanders, which may be incurred in relation to the use of a motor vehicle in any such motorsport event or similar activity in the case of:

- (a) death or bodily injury, for an amount of not less than six million and four hundred and fifty thousand euro (€6,450,000) for every accident, irrespective of the number of injured parties;
- (b) damage to property, for an amount of not less than one million and three hundred thousand euro (€1,300,000) for every accident, irrespective of the number of injured parties.

(2) The policy of insurance referred to in sub-article (1) shall not be required to cover the liability incurred by any participant of such motorsport event or similar activity to any of the drivers or in respect of any of the vehicles participating in the said motorsport event or similar activity.

(3) The provisions of articles 45C, 45D, 45E and 45F shall apply to an insurance referred to in sub-article (1).

(4) The Authority shall not issue a licence in accordance with article 45A unless the motorsport event or similar activity takes place in a restricted and demarcated area and unless the organiser satisfies any other condition, including those relating to safety which the Authority may impose from time to time.

(5) The Authority may impose any conditions as it may deem fit in relation to the licence referred to in sub-article (4).

(6) Any licence issued by the Authority in accordance with article 45A shall indicate thereon the registration number or other means of identification of all the motor vehicles entitled to participate in the motorsport event or similar activity covered by the licence.

(7) The said licence shall be displayed in a prominent place in the area used for the purpose of the said motorsport event or similar activity.

(8) An application for the issue of a licence in accordance with this Ordinance shall be made on a form supplied for this purpose by the Authority and shall be completed with all the information as the Authority may require.

(9) The Authority shall have the power to suspend, withdraw or revoke any licence issued or renewed by it in accordance with this Ordinance on the following grounds:

(a) there exist gross acts of misconduct or negligence or any other serious grounds for immediate suspension, withdrawal or revocation;

(b) where the holder has supplied incorrect information to the Authority in relation to the issuance of a licence or any other matter connected thereto; or

(c) where the holder has breached any of the conditions of the licence and has not remedied such breach, notwithstanding that written notice of the breach has been given.

Service of
judgment
appeals.

45C. (1) In the event that after a policy of insurance in accordance with article 45A has been issued, a judgement is given in respect of liability as is required to be covered by a policy of insurance in accordance with article 45B against any person insured by the said policy, the insurer shall, subject to the provisions of this Ordinance, pay to the injured party entitled to such payment in accordance with the judgement, any sum due in respect of such liability, including any amount payable in respect of costs and any amount payable in respect of interest on that sum.

Cap. 12.

(2) A judgement given as is referred to in sub-article (1) shall constitute an executive title against the insurer for the purposes of the Code of Organization and Civil Procedure ten (10) days after it is served on the insurer by means of a judicial, and may be enforced against the insurer unless the insurer files an application in accordance with sub-article (3).

(3) Without prejudice to any other right under this Act or any other law, the insurer who is served with a judicial act in accordance with sub-article (2) may file an application before the Court where the judicial act is filed within ten (10) days from the date of notification of the judicial act, asking for a declaration that it has no obligation at law to pay to the injured party the sums awarded in the judgement referred to in sub-article (1). The application shall contain all necessary submissions together with any documents supporting the application.

(4) The application shall be served on the injured party who shall, within ten (10) days from such service, file a reply containing all the submissions which the said injured party intends to make together with any supporting documentation.

(5) The Court shall, by not later than one (1) month from the expiry of the period for the filing of the reply, appoint the application for hearing and shall decide on the application after hearing the parties and considering such evidence as it may deem fit.

(6) An appeal from a decree referred to in sub-article (5) may be filed by means of an application within ten (10) days from the date on which the decree is read out in open court. 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 the said 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 from which it has been appointed for hearing.

Cap. 12.

(7) The security referred to in article 249 of the Code of Organization and Civil Procedure shall not be required in the cases referred to in sub-article (6).

(8) The judgement shall constitute an executive title against the insurer where and to the extent that the Court has decided that it is so enforceable.

Non-disclosure or false representation of any material facts.

45D. (1) The insurer shall be liable towards the injured party in accordance with article 45C notwithstanding that he is entitled to exempt himself from the policy on the ground that, notwithstanding any provision contained therein, the policy was obtained by the policy holder through the non-disclosure of any material fact or made a representation of fact which was false in some material particular, or notwithstanding that the insurer has avoided it on any such ground:

Provided that where an insurer is entitled to or has avoided the policy as aforesaid, the insurer shall be entitled to recover from the policy holder any amount which it has paid to the injured party in accordance with article 45C:

Provided further that where the person incurring liability towards the injured party is not the policy holder and the said 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 insurer shall also be entitled to recover any amount which it has paid to the injured party in accordance with article 45C from such person, who shall be jointly and severally bound with the policy holder for the payment of the said amount to the insurer:

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

(2) The insurer shall be liable in accordance with article 45C notwithstanding that the policy of insurance was issued to the policy holder after the accident giving rise to the liability where the said policy of insurance deemed to be effective at the time of the accident.

(3) The insurer shall not be liable in accordance with article 45C and no sum shall be payable by an insurer in accordance with the aforementioned provision in respect of any judgement unless:

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

(b) in the case of a judgement delivered by a court of a competent jurisdiction in any Designated State, the insurer had notice of the institution of the proceedings demanding that the foreign judgement be declared enforceable in Malta by means of a judicial act within three months from the date of the filing of the said proceedings:

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

(4) The insurer shall not be liable in accordance with article 45C and no sum shall be payable by an insurer where the liability was incurred after the date on which the policy expired and consequently it was not in force.

(5) The insurer shall not be liable in accordance with article 45C and no sum shall be payable by an insurer where the policy is cancelled with the written consent of both parties before the event giving rise to the liability occurred, provided that notice of cancellation has been given to the Authority and the Motor Insurance Information Centre within ten (10) days from the said cancellation.

(6) The insurer shall not be liable in accordance with article 45C and no sum shall be payable by an insurer in virtue of the afore-mentioned provisions where the insurer has, before the happening of the said event, filed a judicial letter against the policy holder, giving him notice that the policy of insurance is being cancelled by virtue of a provision contained therein, and such letter is duly served on such person, whether before or after the happening of the event giving rise to such liability.

(7) The liability of an insurer under article 45C shall not exceed the limits of liability established by virtue of article 45B.

Entitlement of payment to person incurring liability towards the injured party who is not the policy holder.

45E. The person incurring liability in respect of a person insured under a policy of insurance issued in accordance with article 45A shall be entitled to be paid out of any sum payable by the insurer to the insured person under the policy the privilege over any other creditor.

Conditions of insurance policy.

45F. (1) Where a policy of insurance has been issued in accordance with article 45A to the person, any provision intended to restrict the insurance of the persons insured thereby by reference to any of the following matters:

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

shall with respect to such liabilities as are required to be covered by a policy in accordance with article 45A, be of no effect:

Provided that an insurer shall not be required to pay any sum in respect of the liability of a person otherwise than in or towards the discharge of such liability, and any sum paid by an insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this sub-article shall be recoverable by the insurer from such person.

(2) Any clause contained in the policy of insurance issued in accordance with article 45A which excludes from the insurance cover under the policy the use or driving of motor vehicles by:

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

shall be void in respect of claims by third parties:

Provided that an insurer shall not be required to pay any sum if it can prove that the claim arose from the use of a stolen vehicle, or a vehicle obtained by violence.

Power of
Minister to
make
regulations.

45G. (1) The Minister may, on the advice of the Authority, make regulations for the carrying into effect of articles 45A and 45B, and to amend or revoke any such regulations and without prejudice to the generality of the foregoing, the Minister may, in particular, make provision in respect of any one or more of the following matters:

- (a) any matter relating to or connected with the licence or the insurance referred to in article 45A;
- (b) the requirements, duties or conditions to be observed by any person who organises or uses a motor vehicle in a motorsport event or similar activity as referred to in article 45A;
- (c) the payment by any person of any fees or other charges as may be payable to the Authority in respect of any matter provided for, by or under article 45A or any regulations made thereunder;

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(d) the administrative penalties and, or punishments which persons who breach or fail to comply with the provisions of article 45A or of any regulations made thereunder may be liable to;

(e) any matter incidental to, or connected with the aforesaid."

Objects and Reasons

The objects and reasons of this Bill are to transpose the derogation under Article 3 of Directive 2009/103/EC in the Traffic Ordinance (Cap. 65) and to make provision for the requirement of a third-party risk insurance cover for motor vehicles used in a motorsport event or similar activity, including races, competitions, training, testing and demonstrations.