



Jersey

MOTOR TRAFFIC (THIRD-PARTY INSURANCE) (JERSEY) ORDER 1961

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Jersey

MOTOR TRAFFIC (THIRD-PARTY INSURANCE) (JERSEY) ORDER 1961

THE HOME AFFAIRS COMMITTEE, in pursuance of the [Motor Traffic \(Third-Party Insurance\) \(Jersey\) Law 1948](#), orders as follows –

Commencement [[see endnotes](#)]

PART 1

1

- (1) In this Order, unless the context otherwise requires –
 - “Law” means the [Motor Traffic \(Third-Party Insurance\) \(Jersey\) Law 1948](#);
 - “policy” means such a policy of insurance in respect of third-party risks arising out of the use of motor vehicles as complies with the requirements of the Law, and includes a covering note.
- (2) This Order shall not apply to invalid carriages, that is to say, mechanically propelled vehicles, the weight of which unladen does not exceed 5 hundredweight and which are specially designed and constructed, and not merely adapted, for the use of persons suffering from some physical defect or disability and are used solely by such persons.
- (3) Any reference in this Order to a certificate in Form A, B, C, D or E shall be construed as a reference to a certificate in the form so headed and set out in Part 1 of the Schedule which has been duly made and completed subject to and in accordance with the provisions set out in Part 2 of the said Schedule.

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- (1) An authorized insurer shall issue to every holder of a policy, other than a covering note issued by the insurer –
 - (a) in the case of a policy relating to one or more specified vehicles, a certificate of insurance in Form A in respect of each such vehicle;

- (b) in the case of a policy relating to vehicles other than specified vehicles, such number of certificates in Form B as may be necessary for the purpose of complying with the requirements of Article 15(1) of the Law and of this Order as to the production of evidence that a motor vehicle is not being driven in contravention of Article 2 of the Law.
- (2) Every policy in the form of a covering note issued by an authorized insurer shall have printed thereon or on the back a certificate of insurance in Form C.

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- (1) Every certificate of insurance shall be duly authenticated by or on behalf of the authorized insurer by whom it was issued.
- (2) The certificate shall be issued not later than 4 days after the date on which the policy is issued or renewed.

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Where under the terms of a policy relating to a specified motor vehicle the holder is entitled to drive any motor vehicle other than that specified without contravention of Article 2 of the Law, the authorized insurer by whom the policy was issued may, and shall on demand being made by the holder, issue to him or her a further certificate of insurance in Form A or Form B, as the case may be.

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- (1) The following evidence that a motor vehicle is not being driven in contravention of Article 2 of the Law may be produced by the driver of such motor vehicle on the request of a Police or Traffic Officer in pursuance of Article 15 of the Law as an alternative to the production of a certificate of insurance –
 - (a) in the case of a motor vehicle owned by an authority referred to in Article 2 of the Law, a certificate in Form D signed by some person authorized in that behalf by such authority;
 - (b) in the case of a motor vehicle to which Article 2 of the Law does not apply by reason of the owner having complied with the provisions of paragraph (6) of that Article, a certificate in Form E, signed by the owner of the motor vehicle or by his or her attorney or attorneys duly appointed under sub-paragraph (c) of that paragraph.
- (2) Any certificate issued in accordance with paragraph (1) shall be destroyed by the authority or person by whom it was issued before the motor vehicle to which it relates is sold or otherwise disposed of.

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- 1**
 - (1) An insurance disc shall –
 - (a) be printed in black on paper of a colour approved, and which may be varied from time to time, by the Minister²; and
 - (b) bear a security number individual to itself printed on it by its manufacturer.³

- (2) The colour of the paper on which an insurance disc is printed and the ink used in printing it shall be resistant against fading in direct sunlight.
- (3) An insurance disc shall be in Form 1 in Part 3 of the Schedule, and before issuing it the authorized insurer shall complete it by inserting the following particulars –
- (a) the number of the policy of insurance to which it relates;
 - (b) the dates of commencement and expiry of the period of cover under the policy specified in the certificate of insurance;
 - (c) either –
 - (i) the registration mark of the motor vehicle on which it is to be displayed, being a motor vehicle whose use is covered by the policy, or
 - (ii) where the policy is effected by a fleet registered keeper or is a motor cycle rider policy, the name of the policy holder;
 - (d) the name of the authorized insurer issuing the policy; and
 - (e) in print not less than ½ inch in height, the month and year in which the period of cover under the policy expires, the month being represented by the first 3 letters of the name of the month in block capitals and the year by the last 2 digits of the year in arabic numerals:

Provided that in the case of an insurance disc issued in replacement of a disc which has been lost, stolen, damaged or destroyed, instead of inserting the date of commencement of the period of cover, the authorized insurer shall insert the word “DUPLICATE”.⁴

- (4) Where –
- (a) an insurance disc has been issued and lost, stolen, damaged or destroyed and is pending replacement; or
 - (b) a temporary covering note has been issued,
- the authorized insurer or his or her agent may, by means of electronic communication (within the meaning of the [Electronic Communications \(Jersey\) Law 2000](#)) or otherwise, issue and deliver to the person by whom the policy of insurance is, or is to be, effected a temporary insurance disc.⁵

(4A) Paragraphs (1) to (3) do not apply to a temporary insurance disc.⁶

- (4B) A temporary insurance disc shall –
- (a) be in Form 2 in Part 3 of the Schedule;
 - (b) bear a security number individual to itself, allocated by or on behalf of the authorized insurer issuing the disc;
 - (c) be printed in black ink on white paper and in such a manner as to be easily legible; and
 - (d) be printed by or on behalf of –
 - (i) the authorized insurer issuing the disc, or
 - (ii) the person by whom the policy of insurance is effected, if all the conditions in paragraph (4C) are met.⁷

(4C) The conditions are that the temporary insurance disc –

- (a) is issued because a temporary covering note has been issued;

- (b) is issued and delivered by means of electronic communication; and
 - (c) is printed in accordance with that communication.⁸
- (5) Before issuing a temporary insurance disc the authorized insurer or his or her agent shall complete it by inserting the following particulars –
- (a) the number of the insurance policy or covering note to which it relates;
 - (b) the dates and times of commencement and expiry of the period of cover under the policy specified in the certificate of insurance or, where the temporary insurance disc is issued in respect of a covering note, the period of cover specified in the note;
 - (c) either –
 - (i) the registration mark of the motor vehicle on which it is to be displayed, being a motor vehicle whose use is covered by the policy or covering note, or
 - (ii) where the policy is, or is to be, effected by a fleet registered keeper or is, or is to be, a motor cycle rider policy, the name of the policy holder; and
 - (d) where the temporary insurance disc is issued by the authorized insurer, his or her name, or, where it is issued by the agent of the authorized insurer, the names of the authorized insurer and the agent.⁹
- (6) An insurance disc required to be displayed on a motor vehicle in accordance with Article 6 of the Law shall –
- (a) either –
 - (i) where the vehicle is fitted with a front windscreen, be secured to the inner surface of the windscreen on the near side of the vehicle, or
 - (ii) where the vehicle is not fitted with a front windscreen, be contained in a holder with a transparent cover on the near side of the vehicle:

Provided, in either case, that where a trade registration mark is exhibited on the vehicle, the disc may alternatively be contained in a holder with a transparent cover placed adjacent to the mark exhibited at the back of the vehicle;
 - (b) be so displayed that the printed face of the disc is conspicuous and unobscured, and is visible and readily accessible for inspection from outside the vehicle; and
 - (c) be so located that it does not obstruct the view of the road and traffic ahead of the vehicle of a person driving the vehicle or, where this is not possible, does so to the least extent practicable.
- (7) Any person who shall wilfully alter, deface or mutilate an insurance disc shall be guilty of an offence.

7 ¹⁰

For the purposes of the Law, the number of motor vehicles owned by a fleet registered keeper and operated for trade or business purposes shall not be fewer than 5.

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- (1) Every authorized insurer by whom a policy is issued shall keep a record of the following particulars relative thereto and of any certificates or discs issued in connection therewith –
- (a) the full name and address of the person to whom the policy, certificate or disc is issued;
 - (b) in the case of a policy relating to one or more specified motor vehicles, the registration mark of each such motor vehicle;
 - (c) the date on which the policy comes into force and the date on which it expires; and
 - (d) the conditions subject to which the persons or classes of persons specified in the policy will be indemnified,

and every such record shall be preserved for one year from the date of expiry of the policy.¹¹

- (2) Every authority referred to in Article 2(3) of the Law shall keep a record of the motor vehicles owned by it in respect of which a policy has not been obtained and of any certificates issued by it under this Order in respect of such motor vehicles, and of the withdrawal or destruction of any such certificates.
- (3) Any person who has complied with the provisions of Article 2(4) of the Law shall keep a record of the motor vehicles owned by him or her and of any certificates issued by him or her under this Order in respect of such motor vehicles, and of the withdrawal or destruction of any such certificates.
- (4) Any person, authority or authorized insurer by whom records of documents are required by this Order to be kept shall, on being requested so to do by the Minister or the Connétable of a parish, furnish any particulars, without charge, to the Minister or the Connétable, as the case may be.

9

Where, to the knowledge of an authorized insurer, a policy issued by the insurer ceases to be effective without the consent of the person to whom it was issued, otherwise than by effluxion of time or by reason of his or her death, the insurer shall forthwith notify the Minister of the date on which the policy ceased to be effective.

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Where, with the consent of the person to whom it was issued, a policy is transferred or suspended or ceases to be effective, otherwise than by effluxion of time, such person shall within 7 days from the date on which it is transferred, suspended or ceases to be effective return any relative certificates and discs to the authorized insurer by whom they were issued and a new policy shall not be issued to that person, nor shall the policy be transferred to any other person, until the certificates and discs have been returned to the insurer or the insurer is satisfied that they have been lost or destroyed.¹²

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Where any authorized insurer by whom a certificate of insurance or insurance disc has been issued is satisfied that the certificate or disc has become defaced or has been lost or destroyed, the insurer shall, if requested so to do by the person to whom the certificate or disc was issued, issue to him or her a fresh certificate or disc. In the case of a defaced certificate or disc the insurer shall not issue a fresh certificate or disc unless the defaced certificate or disc is returned to him or her.¹³

PART 2**12**

- (1) The Minister shall keep a register of all assurance companies and underwriters for the time being approved as authorized insurers under Article 4 of the Law and of the addresses of their principal places of business and of the names and addresses of their attorney or attorneys appointed for the purposes of that Article.
- (2) The register kept in pursuance of this Article shall at all reasonable times be open to inspection by any person on payment of a fee of £1, and any person inspecting the register may take a copy of any entry therein.¹⁴

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This Order may be cited as the Motor Traffic (Third-Party Insurance) (Jersey) Order 1961.

SCHEDULE

PART 1

FORMS OF CERTIFICATES

FORM A.

 CERTIFICATE OF MOTOR INSURANCE. ¹⁵

Certificate No..... Policy No.

(Optional)

- 1. Registration mark of vehicle.
- 2. Name of policy holder.
- 3. Effective date of the commencement of insurance for the purposes of the relevant law.
- 4. Date of expiry of insurance.
- 5. Persons or classes of persons entitled to drive.
- 6. Limitation as to use.

I/We certify that the policy to which this Certificate relates satisfies the requirements of the relevant law applicable in Jersey.

.....

Authorized Insurers.

NOTE: For full details of the insurance cover reference should be made to the policy.

FORM B.

CERTIFICATE OF MOTOR INSURANCE.¹⁶

Certificate No..... Policy No.

(Optional)

1. Description of vehicles.
2. Name of policy holder.
3. Effective date of the commencement of insurance for the purposes of the relevant law.
4. Date of expiry of insurance.
5. Persons or classes of persons entitled to drive.
6. Limitations as to use.

I/We certify that the policy to which this Certificate relates satisfies the requirements of the relevant law applicable in Jersey.

.....

Authorized Insurers.

NOTE: For full details of the insurance cover reference should be made to the policy.

FORM C.

CERTIFICATE OF MOTOR INSURANCE.¹⁷

I/We certify that this covering note satisfies the requirements of the relevant law applicable in Jersey.

.....
Authorized Insurers.

FORM D

CERTIFICATE OF OWNERSHIP BY AUTHORITY¹⁸

We certify that the vehicle of which the registration mark is is the property of

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

.....
NOTE: For full details of the cover reference should be made to the security.

FORM E

CERTIFICATE OF DEPOSIT¹⁹

I/We certify that I am/we are the owner/owners of the vehicle of which the registration mark is..... and that in pursuance of the relevant law applicable in Jersey I/we have on deposit with the Accountant-General of the Supreme Court of Judicature in England the sum of £15,000.

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

.....

PART 2**PROVISIONS RELATING TO THE FORMS AND COMPLETION OF CERTIFICATES**

1. Every certificate issued in pursuance of the Law and of this Order shall be printed and completed in black on white paper or similar material. This provision shall not apply to any reproduction of a seal or a monogram or similar device referred to in paragraph 2 of this Part of this Schedule.
2. No certificate so issued shall contain any advertising matter either on the face or on the back:

Provided that the name and address of an authorized insurer by whom a certificate is issued or a reproduction of the seal of the insurer or any monogram or similar device of the insurer or the name and address of an insurance broker shall not be deemed to be advertising matter for the purposes of this Article if it is printed or stamped at the foot or on the back of such certificate.
3. The whole of each form as set out in Part 1 of this Schedule shall, in each case, appear on the face of the form, the items being in the order so set out and the certification being at the end of the form.
4. The particulars to be inserted on the said form shall, so far as possible, appear on the face of the form, but where in the case of any of the numbered headings in Form A or B, this cannot conveniently be done, any part of such particulars may be inserted on the back of the form, provided that their presence on the back is clearly indicated under the relevant heading.
5. The particulars inserted on any of the said forms shall not include particulars relating to any exceptions purporting to restrict the insurance under the relevant policy which are by Article 9 of the Law rendered of no effect as respects the third party liabilities required by Article 3(1)(b) of the Law to be covered by a policy.²⁰
6.
 - (1) In any case where it is intended that a certificate of insurance or a covering note shall be effective not only in Jersey, but also in all or any of the following territories, that is to say, Great Britain, Northern Ireland, the Isle of Man, the Island of Guernsey or the Island of Alderney, Forms A, B and C may be modified by the addition, where necessary, of a reference to the relevant legal provisions of such of those territories as may be appropriate.²¹
 - (2) A certificate of insurance may contain either on the face or on the back of the certificate a statement as to whether or not the policy to which it relates satisfies the requirements of the relevant Law in any of the territories referred to in this paragraph.²²
7. Every certificate of insurance shall be duly authenticated by or on behalf of the authorized insurer by whom it is issued.

PART 3²³

(Article 6)

FORMS OF INSURANCE DISCS

FORM 1.

INSURANCE DISC

(not being a temporary insurance disc)

Motor Traffic (Third Party Insurance) (Jersey) Law 1948 – Insurance Disc
Policy No: Commencement Date: Expiry Date: Reg. Mark/Fleet Reg. Keeper: Authorized Insurer:

FORM 2.

TEMPORARY INSURANCE DISC.

Motor Traffic (Third Party Insurance) (Jersey) Law 1948 – TEMPORARY Insurance Disc
Policy/Cover Note No: Commencement Time: Commencement Date: Expiry Time: Expiry Date: Reg. Mark/Fleet Reg. Keeper: Authorized Insurer: Issuer:

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Motor Traffic (Third-Party Insurance) (Jersey) Order 1961	R&O.4317	1 January 1962
Motor Traffic (Third-Party Insurance) (Amendment) (Jersey) Order 1972	R&O.5759	1 November 1972
Motor Traffic (Third-Party Insurance) (Amendment No. 3) (Jersey) Order 1993	R&O.8631	1 January 1994
Motor Traffic (Third-Party Insurance) (Amendment No. 4) (Jersey) Order 2015	R&O.109/2015	21 September 2015

Table of Renumbered Provisions

Original	Current
6A	7
7	8
8	9
9	10
10	11
11	12
12	repealed by R&O.8631
13	spent, omitted from this revised edition
14	spent, omitted from this revised edition
15	13

Table of Endnote References

¹ Article 6	<i>substituted by R&O.8631</i>
²	<i>The functions of the Home Affairs Committee were transferred to the Minister for Home Affairs by the States of Jersey (Transfer of Functions from Committees to Ministers) (Jersey) Regulations 2005 chapter 16.800.30</i>
³ Article 6(1)	<i>amended by R&O.109/2015</i>
⁴ Article 6(3)	<i>amended by R&O.109/2015</i>
⁵ Article 6(4)	<i>amended by R&O.109/2015</i>
⁶ Article 6(4A)	<i>inserted by R&O.109/2015</i>
⁷ Article 6(4B)	<i>inserted by R&O.109/2015</i>
⁸ Article 6(4C)	<i>inserted by R&O.109/2015</i>
⁹ Article 6(5)	<i>amended by R&O.109/2015</i>
¹⁰ Article 7	<i>inserted by R&O.8631</i>
¹¹ Article 8(1)	<i>amended by R&O.8631</i>
¹² Article 10	<i>amended by R&O.8631</i>
¹³ Article 11	<i>amended by R&O.8631</i>

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- ¹⁴ *Article 12(2)* *amended by R&O.8631*
- ¹⁵ *Schedule* *Part 1 Form A amended by R&O.5759*
- ¹⁶ *Schedule* *Part 1 Form B amended by R&O.5759*
- ¹⁷ *Schedule* *Part 1 Form C amended by R&O.5759*
- ¹⁸ *Schedule* *Part 1 Form D substituted by R&O.5759*
- ¹⁹ *Schedule* *Part 1 Form E substituted by R&O.5759*
- ²⁰ *Schedule* *Part 2 paragraph 5 amended by R&O.5759*
- ²¹ *Schedule* *Part 2 paragraph 6(1) amended by R&O.5759*
- ²² *Schedule* *Part 2 paragraph 6(2) amended by R&O.5759*
- ²³ *Schedule* *Part 3 inserted by R&O.8631*