

LAW AMENDING THE MOTOR VEHICLE
(THIRD PARTY LIABILITY INSURANCE) LAW

For the purpose of harmonisation with the European Community act with the title;

*Official Journal
the EU
L. 149
11.06.2005
p.14.*

"Directive 2005/14 / EC of the European Parliament and of the Council of 11 May 2005 of amending Council Directives 72/166 / EEC, 84/5 / EEC, 88/357 / EEC and 90/232 / EEC and Directive 2000/26 / EC of the European Parliament and of the Council on insurance against civil liability arising from the use of vehicles "

The House of Representatives votes as follows:

*Short title

96 (I) of 2000
97 (I) of 2003
156 (I) of 2003
168 (I) of 2006*

1. This Law may be cited as the Motor Vehicles (Third Party Liability Insurance (Amendment) Law of 2007 and shall be read together with the Motor Vehicles (Third Party Liability) Laws of 2000-2006 (to be referred to as the "basic law") and the basic law and this Law may be referred to collectively as The Motor Vehicles (Third Party Liability Insurance) Laws of 2000-2007.

*Amendment of
section 2 of the
basic law.*

2. Section 2 of the basic law is amended as follows-

(a) By replacing the terms and definitions of "claims representative" and "injured party" with the following new definitions:

*35 (I) of 2002
141 (I) of 2003*

" claims representative " means the person appointed by the insurer for the management and settlement of claims in the cases referred to in section 16B, whose appointment does not in itself constitute the opening of a branch or representation or establishment of an insurance undertaking within the meaning of section 2 of the Insurance Services and Other Related Issues Law nor within the meaning of Regulation (EC) No. 44/2001 of the Council of 22 December 2000, for jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

165 (I) 2003
69 (I) 2004
70 (I) 2004
136 (I) 2004
152 (I) 2004
153 (I) 2004
240 (I) 2004
17 (I) of 2005

Official Journal of the EU L. 12, 16.01.01 p.1 'injured party' means any person who has suffered personal injury or damage to property, caused or resulting from the use of a motor vehicle; in case of death, "injured party" means the person entitled to compensation under the Civil Wrongs Law;
Cap. 148 '

87 of 1973

54 of 1978

156 of 1985

41 of 1989

73 (I) of 1992

101 (I) of 1996

49 (I) of 1997

29 (I) of 2000

154 (I) of 2002

129 (I) of 2006

171 (I) of 2006.

(b) by adding in the appropriate alphabetical order the following new terms and their definitions:

Official Journal of the EU: L 257 27.10.1995, p. 1.

"Regulation 2495/95 / EC" means Regulation 2495/95 / EC of 23 October 1995 concerning harmonised indices of consumer prices, as may be amended or replaced from time to time.

"member state" means a state that is a member of the European Union and / or a contracting party to the Agreement on the European Economic Area signed in Oporto on 2 May 1992, and adjusted by the Protocol signed in Brussels on 17th May 1993 as this Agreement is further amended from time to time;

*Official Journal
of the EU. L. 103
2.5.1972, p. 1.*

"certificate of frontier insurance" means the insurance certificate provided for in Article 7 of Directive 72/166 / EEC of 24 April 1972 on the approximation of the laws of member states 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, as amended or replaced at any given time, and which is issued in connection with a motor vehicle by or on behalf of a body, recognised by a member state as competent to issue such certificates "; and

(c) by replacing the definition of the term 'place of usual parking of motor vehicle', with the following new definition:

"place of usual parking of motor vehicle" means:

- (a) the territory of the state of which the vehicle bears a registration plate, irrespective of whether the plate is permanent or temporary,
- (b) in case where no registration is required for a certain vehicles, but the vehicles bear an insurance plate, or a distinguishing sign comparable to the registration plate, the territory of the state in which the insurance plate or the sign is issued; or
- c) in case where in respect of certain motor vehicles no registration nor insurance plate nor distinguishing mark is envisaged, the territory of the state in which the owner of the vehicle has permanent residence,
- (d) in case the motor vehicle involved in an accident does not bear registration plates or bears a plate which does not correspond or no longer corresponds to the vehicle, in the territory of the state where the accident took place, for the purpose of settling the claims from accidents ».

*Amendment of
of section 3 of
the basic law*

3. Section 3 of the basic law is amended as follows:

- (a) By substituting in subsection (1) thereof, the words "as any person" (second line)

with the words "to any person to";

- (b) by adding in paragraph (e) of subsection (2) thereof, immediately after the word "tool" (fourth line) the phrase "and not as a motor vehicle."and
- (c) by adding immediately after subsection (2) thereof the following new subsections:

"(2A) For persons falling within the categories defined in paragraphs (a), (b) and (c) of subsection (2), the authority responsible for the payment of compensation to injured persons in case of an accident is the Treasury of the Republic; a list of these categories of persons and the authority responsible for the payment of compensation shall be notified to the other member states and the Commission of the European Communities;

or

(2B) In case of any liability of a vehicle covered by the exemption provided in paragraph (d) of subsection (2) and the said vehicle does not have insurance coverage, responsible for the payment of compensation is the Motor Insurers' Fund; if the accident is caused in the Republic by a vehicle which has as place of usual parking another member state, the Motor Insurers' Fund has the right to make a claim against the Guarantee Fund of that state for the amounts it paid as compensation. "

*Amendment of
section 4 of
the Basic Law*

4. Section 4 of the basic law is amended as follows:

- (a) by adding to paragraph (b) of subsection (1) thereof, immediately after the word "shall" (first line), the following:

"on the basis of a single premium and irrespective of the time the vehicle remains in other member states during the validity of the insurance coverage";

- (b) by deleting from sub-paragraph (i) (cc) of paragraph (b) of subsection (1) thereof immediately after the semicolon the word "and" ' "

(c) by adding in subparagraph (i) of paragraph (b) of subsection (1) thereof, immediately after subparagraph (dd), the following new sub-paragraph:

"(ee) pedestrians, cyclists and other non-motorised road users,
and»

(d) by replacing paragraph (a) of subsection (2) thereof, with the following new paragraph:

"(a) Bodily injury or death, including costs and interest, of a total amount exceeding an amount in pounds equivalent to thirty million euro (€ 30,000,000) per incident, regardless of the number of claims arising from or in connection with this incident.

The above amount is automatically adjusted every five years after the entry of this law into force. This amount increases according to the percentage change in the European Index of Consumer Prices (EICP), as provided for in Regulation 2494/95 / EC five years prior to the readjustment, rounded up to a multiple of 10000 euro »

(e) by replacing paragraph (c) of subsection(2) thereof with the following new paragraph:

"(c) damage to property, including costs and interest, of a total amount exceeding the amount in pounds of one million euro (€ 1,000,000) per incident, regardless of the number of claims arising from or in connection with this incident.

The above amount is automatically adjusted every five years after the entry into force of this Law. This amount increases according to the percentage change in the European Index of Consumer Prices (EICP), as provided for in Regulation 2494/95 / EC five years before the adjustment, rounded up to a multiple of 10000 euro. "

*Amendment of Article
6 of the basic law*

5. Article 6 of the basic law is amended as follows:

(a) By replacing paragraph (b) of subsection (1) thereof, with the following new paragraph:

"(b) by a certificate of frontier insurance issued or recognised by a member state" -

(b) by replacing from paragraph (c) of subsection (1) thereof, the words "place of usual parking in a state" (second and third line) with the words "place of usual parking in the territory of another state" -

(c) by replacing subsection (2) thereof, with the following new subsection:

"(2) Notwithstanding the provisions of any other law, the competent organs of the Republic shall refrain from making checks to verify the existence of insurance cover for motor vehicles entering or circulating in the Republic, which have the place of usual parking in the territory of another EU member state or a state which has signed the Multilateral Guarantee Agreement or the territory of a third country, when they enter the territory of the Republic from the territory of another EU member state or a state which has signed the Multilateral Guarantee Agreement:

Provided that the competent organs of the Republic may carry out in the above vehicles non-systematic checks to verify the existence of insurance cover, if they are not discriminatory and are carried out in the context of checking which is not aimed exclusively at insurance verification:

Provided further that the competent bodies of the Republic shall carry out systematic checks on vehicles which have the place of parking in the territory of a third country and enter or circulate in the Republic from the territory of a third country. "

(d) by replacing in subsection (3) thereof, the words "for thirty days" (fifth line) with the words "for a period of at least thirty days, and not more than one year."

*Amendment of
section 9 of the
basic law*

6. Section 9 of the basic law is amended as follows:

(a) By replacing the full stop at the end of subparagraph (h) thereof with a semicolon and adding immediately after it, the word 'or'; and

(b) by adding immediately after subparagraph (h) thereof, the following new subparagraphs:

"(i) the fact that the passenger of the vehicle knew or should have known that the driver was at the time of the accident under the influence of alcohol or any other substance that causes intoxication, as to the claim made by the passenger under the provisions of this Law; or

(j) the excess against the injured party in an accident as far as civil liability is concerned which is related to the circulation of motor vehicles having the place of usual parking in the Republic ".

*Amendment of
section 16A
of the basic law.*

7. Section 16A of the basic law is amended with the replacement of subsection (1) thereof with the following new subsection

*"Cap. 149
N.22 (I) of
1995* (1) Notwithstanding any provision of the Contract Law and the Civil Wrongs Law, the injured party subject to subsections (2) and (3) has a direct enforceable right also against the insurer covering the civil liability of the person responsible, who in this case is subrogated in place of the insured vis-a-vis the injured party, without the injured party being required to turn also against the insured:
Provided that in case of termination of the policy by the insurer, then the insured should be involved in the judicial proceedings."

*Amendment of
section 16B of
the basic law.*

8. Section 16B of the basic law is amended as follows:

(a) by replacing subsection (1) thereof with the following new subsection:

"(1) Within three months from the date when the injured party presented his claim for compensation, either directly to the insurer of the person responsible for the accident or the claims representative, or the Motor Insurers' Fund in the case of an accident settled by the national insurance bureaux system -

(a) The insurer of the person responsible for the accident or his claims representative or the Motor Insurers' Fund shall make a reasoned offer of compensation in cases where liability is not contested and the compensation for death or for personal injury or damage to property has been valued or

(b) the insurer to whom the claim for compensation is submitted or his claim representative or the Motor Insurers' Fund shall give a reasoned reply to the points raised in the claim, if the liability is contested or has not yet been clearly established or if the compensation for death or bodily injury or damage to property has not been fully valued:

Provided that the insurer may invoke against the injured party all the defences and rights available to him against the insured. "; and

(b) by the adding in subsection (3) thereof, immediately after the phrase "which is offered by the insurer" (seventh line) of the phrase "or the Motor Insurers' Fund".

*Amendment of
section 16C of
the basic law.*

9. Section 16C of the basic law is amended as follows:

(a) by substituting subsection (2) thereof with the following new subsection

"(2) The Cyprus Information Center is responsible for -

(a) keeping in paper or electronic form a register containing the information specified by the decision of the Minister; the Minister's decision is published in the Official Gazette of the Republic;

(b) helping the beneficiaries to receive within five working days after their request the information specified in the Minister's decision published in the Government Gazette of the Republic.

(b) by adding immediately after subsection (3) thereof the following new subsection:

"(3A) The Cyprus Information Center has the right, whenever necessary to address itself to any insurer in order to get any information falling within its remit."

10. Replacement of section 16D of the basic law

10. Section 16D of the basic law shall be replaced with the following new section.

"Provision of information from the Cyprus information centre

16D .- (1) Within a period of seven years from the date of the accident, the injured party is entitled to receive, without delay, either from the Cyprus Information Centre, or from the information centre of his state of residence, if he does not reside in the Republic, or the information center of the member state of the place of usual parking of the motor vehicle or from the information center of the member state where the accident occurred, the information specified in the decision of the Minister published in the Government Gazette of the Republic, provided that the injured party has a legitimate interest in obtaining this information:

Provided that the Cyprus Information Center shall cooperate with all information centers of the European Union and the European Economic Area:

Provided further that the provisions of this subsection shall apply, *mutatis mutandis*, also in connection with the persons referred to in

paragraphs (a) and (b) of subsection (2) of this section.

(2) In addition to the provisions of subsection (1), the Cyprus Information Center shall provide, within the period envisaged in paragraph (b) of subsection (2) of section 16 C, the data specified by the decision of the Minister published in the Official Gazette of the Republic:

(a) to any person involved in a traffic accident caused by a motor vehicle having the place of usual parking in a member state;

(b) to any person who has his habitual residence in the Republic and is involved in an accident in the Republic;

(c) to any insurer, whose insured person is involved in an accident with a motor vehicle, of which the driver or owner, or the insurance coverage or their address is unknown

(d) to the Motor Insurers' Fund if , under this Law, or the agreement with the Minister Finance, as provided for in section 28, may be obliged to pay compensation to injured persons:

Provided that no person shall receive data under this subsection, unless she has a legitimate interest in obtaining these data.

(3) Subject to subsection (2), the Cyprus Information Center shall provide to the persons specified in paragraphs (a), (b), (c) and (d) of this subsection, the information regarding the name and the address of the registered owner of any vehicle involved in a traffic accident and / or the driver of the vehicle. "

Amendment of the basic law by adding a new section.

11. The basic Law is amended by adding, immediately after section 20 thereof, the following new section:

*Obligation of
insurers to grant
a certificate*

20A. The insurer, within fifteen days from the submission of a relevant request by the insured, shall grant a certificate on the claims of third parties for compensation concerning a vehicle or vehicles covered by the insurance policy, or the absence of such claims, at least during the last five years of the contractual relationship, especially if the policyholder wishes to conclude a new insurance contract with another insurer. "

*Amendment of
section 29 of the
basic law.*

12. Section 29 of the basic law is amended as follows:

(a) By replacing the full stop at the end of paragraph (c) thereof with a semicolon and adding immediately after the word 'or'; and

(b) by adding immediately after paragraph (c) thereof, the following new paragraphs:

"(d) persons using a motor vehicle covered by the case referred to in paragraph (d) of subsection (2) of section 3 of this Law; or

(e) motor vehicles sent to the Republic by a member state and which are involved in an accident within a period of thirty (30) days after acceptance of delivery by the buyer, without being insured, even if they have not yet been officially registered in the Republic. "

LAW AMENDING THE MOTOR VEHICLES
(THIRD PARTY LIABILITY INSURANCE) LAW

The House of Representatives votes as follows:

Short title. 1. This Law may be cited as the Motor Vehicles (Third Party Liability Insurance)
96 (I) of 2000 (Amendment) Law of 2010 and shall be read together with the Motor Vehicles
97 (I) of 2003 (Third Party Liability Insurance) Laws of 2000-2007 (to be referred to as "the
156 (1) of 2003 basic Law ") and the basic law and this Law shall together be referred to as the
168 (I) of 2006 Motor Vehicles (Third Party Liability) Insurance Laws of 2000-2010.
69 (I) of 2007.

Amendment 2. Section 15 of the basic law is amended as follows:
of section 15
of the basic Law

(a) by substituting in paragraph (a) of subsection (1) thereof, the words "seven days"
with the words "fourteen days" (second line) and

(b) by substituting in proviso (2) thereof, the words "seven days" with the words "fourteen
days" (fourth line).