

Motor Vehicles (Compulsory Insurance) Bill

[AS INTRODUCED]

LEGISLATIVE COMPETENCE

At Introduction the Minister for Infrastructure had made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Motor Vehicles (Compulsory Insurance) Bill would be within the legislative competence of the Northern Ireland Assembly.”

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CONTENTS

1. Retained EU law relating to compulsory insurance for motor vehicles
2. Crown application, commencement and short title

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Amend retained EU law relating to compulsory insurance for the use of motor vehicles; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Retained EU law relating to compulsory insurance for motor vehicles

1. After Article 102A of the Road Traffic (Northern Ireland) Order 1981 insert—

“Retained EU law relating to compulsory insurance

5 102B.—(1) To the extent that Article 3 of the 2009 Motor Insurance Directive (as it had effect at any time) is relevant to any question as to the interpretation or effect of any provision of this Part, references in that Article to liability in respect of the use of vehicles are to be read as not including liability in respect of the use in Northern Ireland of vehicles—

(a) other than motor vehicles, or

10 (b) otherwise than on a road or other public place.

(2) Paragraph (1) does not apply in relation to any question for the purposes of Article 92(1)(bb) or (c) as to the interpretation or effect of the law on compulsory insurance of, or applicable in, a member State or Great Britain.

15 (3) Relevant Directive rights cease to be recognised and available so far as they relate to affected compensation (to the extent, if any, that they would have been so recognised and available in the absence of this paragraph).

(4) In paragraph (3), “affected compensation” means compensation in
20 connection with the use in Northern Ireland of vehicles—

(a) other than motor vehicles, or

(b) otherwise than on a road or other public place.

Motor Vehicles (Compulsory Insurance)

(5) Accordingly, to the extent that it is inconsistent with paragraph (1) or (3), retained case law ceases to have effect.

(6) In this Article—

“the 2009 Motor Insurance Directive” means 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;

“recognised and available” means recognised and available in the law of Northern Ireland by virtue of section 4 of the European Union (Withdrawal) Act 2018 (saving for rights etc under section 2(1) of the European Communities Act 1972);

“relevant Directive rights” means any rights, powers, liabilities, obligations, restrictions, remedies and procedures deriving from the obligation imposed on the United Kingdom by Article 10 of the 2009 Motor Insurance Directive as it had effect immediately before IP completion day (compensation in connection with the use of vehicles where drivers are uninsured or untraced), including any such rights, powers, liabilities, obligations, restrictions, remedies and procedures—

(a) as modified by domestic law from time to time, and

(b) as applying to the Crown;

“retained case law” has the same meaning as in the European Union (Withdrawal) Act 2018 (see section 6(7) of that Act).

(7) Nothing in this Article applies in relation to the use of a vehicle before the day on which section 1 of the Motor Vehicles (Compulsory Insurance) Act (Northern Ireland) 2022 comes into operation.”.

Crown application, commencement and short title

2.—(1) This Act binds the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

(2) This Act comes into operation on the day after the day on which this Act receives Royal Assent.

(3) This Act may be cited as the Motor Vehicles (Compulsory Insurance) Act (Northern Ireland) 2022.

Motor Vehicles (Compulsory Insurance) Bill

[AS INTRODUCED]

A Bill to amend retained EU law relating to compulsory insurance for the use of motor vehicles; and for connected purposes.

Introduced by: Ms Nichola Mallon, Minister for Infrastructure

On: 7 February 2022

Bill Type: Executive Bill

ACCOMPANYING DOCUMENTS

**An Explanatory and Financial Memorandum is printed separately as
NIA Bill 53/17-22 EFM.**



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