



STATUTORY INSTRUMENTS.

S.I. No. 657 of 2010



EUROPEAN COMMUNITIES (MOTOR INSURANCE) REGULATIONS
2010

(Prn. A10/1953)

EUROPEAN COMMUNITIES (MOTOR INSURANCE) REGULATIONS
2010

I, NOEL DEMPSEY, Minister for Transport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purposes of giving effect to Article 4 of Directive No. 2005/14/EC of the European Parliament and of the Council of 11 May 2005¹, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Motor Insurance) Regulations 2010.

2. (1) In these Regulations “motor insurance policy” means an approved policy of insurance or an approved guarantee (within the meaning of the Road Traffic Act 1961 (No. 24 of 1961)).

(2) A word or expression that is used in these Regulations and is also used in Directive 90/232/EEC of 14 May 1990² (as amended by Article 4 of Directive No. 2005/14/EC of the European Parliament and of the Council of 11 May 2003¹) has, unless the context otherwise requires, the same meaning in these Regulations as it has in that Directive.

3. A condition or any contractual clause in a motor insurance policy which excludes a passenger from cover under the policy on the basis that he or she knew or should have known that the driver of the vehicle to which the policy relates was under the influence of alcohol or of any other intoxicating agent at the time of an accident, shall be deemed to be void in respect of the claims of such passengers.

4. (1) An insurer shall, at the request of a policy holder at any time during the period of cover of the motor insurance policy, not less than 15 days after the making of the request by the policy holder, notify the policy holder in writing of information concerning the third party liability claims involving the vehicle or vehicles covered by the insurance contract at least during the preceding 5 years of the contractual relationship.

(2) An insurer is deemed to have complied with this Regulation where the information is provided to an insurance intermediary (within the meaning of section 2 of the Insurance Act 1989 (No. 3 of 1989)) with whom the insurer has an arrangement for onward transmission to the policy holder in sufficient time to be forwarded to the client within the period referred to in paragraph (1).

¹OJ No. L149, 11.6.2005, p.14.

²OJ No. L129, 19.5.1990, p.33.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 7th January, 2011.*

5. No excess may be applied against an injured party to an accident making a claim for personal injury on foot of a motor insurance policy.



GIVEN under my Official Seal,
22 December 2010.

NOEL DEMPSEY,
Minister for Transport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

The Regulations provide for:

- The compensation of victims of road traffic accidents who may be passengers of drunk drivers.
- The policy holder being able to request at any time during the period of cover of a motor insurance policy details of any third party liability claims during the previous five years and the insurance undertaking providing this information within 15 days of the request.
- Prohibit insurers applying an excess to injured parties who claim on foot of any motor insurance policy issued in accordance with the Road Traffic Act 1961.

These regulations are required to complete the full Transposition of the Directive 2005/14/EC.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)
or through any bookseller.

€2.54



Wt. (B28001). 285. 1/11. Cahill. Gr. 30-15.