



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**MOTOR VEHICLES (THIRD-PARTY RISKS AND
COMPENSATION) ACT**

(CHAPTER 189)

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Motor Vehicles (Third-Party Risks and Compensation) Act

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An Act to provide against third-party risks arising out of the use of motor vehicles and for the payment of compensation in respect of death or bodily injury arising out of the use of motor vehicles and for matters incidental thereto.

[5th February 1960]

Short title

1. This Act may be cited as the Motor Vehicles (Third-Party Risks and Compensation) Act.

Interpretation

2. In this Act, unless the context otherwise requires —

“appropriate Minister”, in relation to the exercise of powers under sections 20 and 24, means —

- (a) the Minister charged with the responsibility for the Public Trustee’s department insofar as those powers are exercised in connection with the purposes of sections 5A, 6, 9(1), (2), (2A), (2B), (2C), (3), (8), (8A) and (9), 18, 18A and 19; and
- (b) the Minister charged with the responsibility for land transport insofar as those powers are exercised in connection with the purposes of any other provision of this Act;

[Act 22 of 2013 wef 01/08/2014]

“Deputy Commissioner of Police” includes any police officer authorised by him in writing by name or office to exercise the powers vested by this Act in the Deputy Commissioner of Police;

“detention barrack” means a building or any part thereof which is set apart by —

- (a) the Armed Forces Council under the Singapore Armed Forces Act (Cap. 295);
- (b) the Commissioner of Civil Defence under the Civil Defence Act (Cap. 42);

(c) the Commissioner of Police under the Police Force Act (Cap. 235); or

(d) the Commissioner of Police under the Vigilante Corps Act (Cap. 343),

for the purpose of persons serving sentences of detention under the respective Acts;

[Act 22 of 2013 wef 01/08/2014]

“Minister” means the Minister charged with the responsibility for land transport;

[Act 22 of 2013 wef 01/08/2014]

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“place of detention” means any of the following places:

- (a) a detention barrack;
- (b) a disciplinary barrack within the meaning of section 2(1) of the Singapore Armed Forces Act;
- (c) a military prison within the meaning of section 2(1) of the Singapore Armed Forces Act;
- (d) a place or premises declared under section 18 of the Intoxicating Substances Act (Cap. 146A) to be an approved centre for the treatment and rehabilitation of persons who use or inhale intoxicating substances for the purpose of inducing or causing a state of intoxication;
- (e) a prison within the meaning of section 2 of the Prisons Act (Cap. 247);
- (f) a hospital or part thereof designated under section 3 of the Mental Health (Care and Treatment) Act (Cap. 178A) to be a psychiatric institution;
- (g) a welfare home within the meaning of section 2(1) of the Destitute Persons Act (Cap. 78);

- (h) any other place as may be prescribed by the Minister charged with the responsibility for the Public Trustee's department;

[Act 22 of 2013 wef 01/08/2014]

“policy of insurance” includes a cover note;

“Public Trustee” means the Public Trustee appointed under the provisions of the Public Trustee Act (Cap. 260) and includes an Assistant Public Trustee appointed under the provisions of that Act;

“Registrar” means the Registrar of Vehicles or a Deputy Registrar or Assistant Registrar appointed under the provisions of the Road Traffic Act (Cap. 276);

“relevant amount” means \$5,000 or, where another amount has been prescribed under section 20 by the appropriate Minister for the purposes of sections 6(1), 9(1)(a) and (b) and 18(4), the prescribed amount;

[Act 22 of 2013 wef 01/08/2014]

“road” means any public road and any other road to which the public has access, and includes bridges over which a road passes;

“specified person” means —

- (a) for the purposes of section 6, a person who is entitled to the benefit of a payment, pursuant to a settlement agreement, referred to in section 6(1) and who —
- (i) at the time the settlement agreement is made, is not represented by a public officer or an advocate and solicitor;
 - (ii) at the time of the making of the payment under section 6(2), is isolated in a hospital or other place under section 15(1) or (2) of the Infectious Diseases Act (Cap. 137); or
 - (iii) at the time of the making of the payment under section 6(2), is under legal custody in a place of detention; and

- (b) for the purposes of section 9, a person who is entitled to the benefit of a judgment referred to in section 9(1)(b) and who, at the time the judgment is given —
- (i) is below the age of 21 years;
 - (ii) lacks capacity within the meaning of section 4 of the Mental Capacity Act (Cap. 177A);
 - (iii) is not represented by a public officer or an advocate and solicitor;
 - (iv) is isolated in a hospital or other place under section 15(1) or (2) of the Infectious Diseases Act; or
 - (v) is under legal custody in a place of detention;
- [Act 22 of 2013 wef 01/08/2014]*

“use” means use on any road.

[21/73; 28/2000]

Users of motor vehicles to be insured against third-party risks

3.—(1) Subject to the provisions of this Act, it shall not be lawful for any person to use or to cause or permit any other person to use —

- (a) a motor vehicle in Singapore; or
- (b) a motor vehicle which is registered in Singapore in any territory specified in the Schedule,

unless there is in force in relation to the use of the motor vehicle by that person or that other person, as the case may be, such a policy of insurance or such a security in respect of third-party risks as complies with the requirements of this Act.

[23/98]

(2) If a person acts in contravention of this section, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both.

(3) A person convicted of an offence under this section shall (unless the court for special reasons thinks fit to order otherwise and without

prejudice to the power of the court to order a longer period of disqualification) be disqualified for holding or obtaining a driving licence under the Road Traffic Act (Cap. 276) for a period of 12 months from the date of the conviction.

(4) A person shall not be guilty of an offence under this section if he proves —

- (a) that the motor vehicle did not belong to him and was not in his possession under a contract of hiring or loan;
- (b) that he was using the vehicle in the course of his employment; and
- (c) that he neither knew nor had reason to believe that there was not in force in relation to such user a policy of insurance or such security as complies with the provisions of this Act.

(5) A person disqualified by virtue of a conviction under this section or of an order made thereunder for holding or obtaining a driving licence shall for the purposes of Part II of the Road Traffic Act be deemed to be disqualified by virtue of a conviction under the provisions of that Part.

(6) Notwithstanding any Act prescribing a time within which proceedings may be brought before a court, proceedings for an offence under this section may be brought —

- (a) within a period of 6 months from the date of the commission of the alleged offence; or
- (b) within a period which exceeds neither 3 months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is the longer.

(7) This section shall not apply —

- (a) to a vehicle owned by —
 - (i) the Government;

- (ii) the government of Malaysia or of any State thereof;
or
 - (iii) any visiting forces lawfully present in Singapore,
on any occasion upon which the vehicle is being used by
any person authorised by any of such governments or by
any such forces, as the case may require, to use the vehicle
on such occasion;
- (b) to a vehicle owned by a person who has deposited and
keeps deposited with the Accountant-General the sum of
\$125,000 at any time when the vehicle is being driven by
the owner or by an employee of the owner in the course of
his employment or is otherwise subject to the control of the
owner; or
- (c) to any vehicle at any time when it is being driven for police
purposes by or under the direction of —
- (i) a police officer or by a person employed by the
Deputy Commissioner of Police; or
 - (ii) the Registrar or a person authorised by him to drive
such vehicle.

(8) This section shall not extend to invalid carriages.

(9) The Minister may, by order published in the *Gazette*, amend
the Schedule.

[23/98]

Requirements in respect of policies and securities

4.—(1) In order to comply with the requirements of this Act, a
policy of insurance must, subject to subsection (4), be a policy
which —

- (a) is issued by an insurer who at the time the policy is issued
is lawfully carrying on motor insurance business in
Singapore; and
- (b) insures such person, persons or classes of persons as may
be specified in the policy in respect of any liability which
may be incurred by him or them in respect of the death of

or bodily injury to any person caused by or arising out of the use of the motor vehicle in Singapore and in any territory specified in the Schedule.

[37/80; 23/98]

(2) It is hereby declared that a policy of insurance —

- (a) which was issued on or before 21st October 1998 by an insurer who at the time the policy was issued was lawfully carrying on motor insurance business in Singapore; and
- (b) which insures such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle in any territory specified in the Schedule,

shall be deemed always to have been a policy of insurance —

- (i) issued for the purposes of this Act; and
- (ii) under which third parties are conferred rights by sections 9, 11, 13 and 14.

[23/98]

(3) Nothing in subsection (2) shall affect the rights of any person under any judgment given by any court of law before 21st October 1998 in respect of any claim arising under a policy of insurance which falls within the description of that subsection.

[23/98]

(4) A policy of insurance shall not, by virtue of subsection (1)(b), be required to cover —

- (a) liability in respect of the death, arising out of and in the course of his employment, of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment; or
- (b) any contractual liability.

[37/80]

(5) Where any payment is made (whether or not with an admission of liability) by —

- (a) an approved insurer under or in consequence of a policy issued under this Act;
- (b) the owner of a motor vehicle in relation to the user of which a security under subsection (11) is in force; or
- (c) the owner of a motor vehicle who has made a deposit under section 3,

in respect of the death of or bodily injury to any person arising out of the use of a motor vehicle on a road in Singapore or in any territory specified in the Schedule, and the person who has so died or been bodily injured has, to the knowledge of the approved insurer or the owner, as the case may be, received treatment at a hospital, whether as an inpatient, or as an out-patient, in respect of the injury so arising, there shall also be paid by the approved insurer or the owner to the hospital the expenses reasonably incurred by the hospital in affording that treatment, after deducting from those expenses any moneys actually received by the hospital in payment of a specific charge for that treatment.

[23/98]

(6) The amount to be paid by the approved insurer or the owner under subsection (5) shall not exceed \$400 for each person so treated as an in-patient or \$40 for each person so treated as an out-patient.

(7) For the purposes of subsection (5) —

“expenses reasonably incurred” means —

- (a) in relation to a person who receives in-patient treatment at any hospital as an in-patient, an amount for each day the person is maintained in the hospital representing the average daily cost for each in-patient of the maintenance of the hospital and the staff thereof and the maintenance and treatment of the in-patients therein; and

[26/2001 wef 01/09/2001]

(b) [Deleted by Act 26/2001 wef 01/09/2001]

- (c) in relation to a person who receives treatment at a hospital as an out-patient, reasonable expenses actually incurred;

“hospital” means an institution (not being an institution carried on for profit) which provides medical or surgical treatment for in-patients.

[23/98]

(8) Notwithstanding anything in any Act, a person issuing a policy of insurance under this section shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

(9) A policy shall be of no effect for the purposes of this Act unless there is issued by the insurer to the person by whom the policy is effected a certificate (referred to in this Act as a certificate of insurance) in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be prescribed.

(10) Different forms and different particulars may be prescribed in relation to different cases or circumstances under subsection (9).

(11) In order to comply with the requirements of this Act, a security shall —

- (a) be given either by an insurer approved by the Minister or by some body of persons approved by the Minister which carries on the business of giving securities of a like kind; and
- (b) consist of an undertaking by the giver of the security to make good, subject to any conditions specified therein and up to the amount in the case of an undertaking relating to the use of public service vehicles of not less than \$225,000 and in any other case of not less than \$45,000, any failure by the owner of the vehicle or such other persons or classes of persons as may be specified in the security duly to discharge any such liability as is required to be covered by a policy of insurance under this section which may be incurred by him or them.

(12) A security shall be of no effect for the purposes of this Act unless there is issued by the person giving the security to the persons

to whom it is given a certificate (referred to in this Act as a certificate of security) in the prescribed form and containing such particulars of any conditions subject to which the security is issued and of any other matters as may be prescribed.

(13) Different forms and different particulars may be prescribed in relation to different cases or circumstances under subsection (12).

(14) The Minister may require the insurer to furnish such returns and information relating to the motor vehicle insurance business carried on by the insurer as the Minister may require.

Exclusion of liability in respect of passengers to be of no effect

5.—(1) Where a person uses a motor vehicle in circumstances such that under section 3 there is required to be in force in relation to his use of it such a policy of insurance or security as is mentioned in section 3(1), then, if any other person is carried in or upon the motor vehicle while the user is so using it, any antecedent agreement or understanding between them (whether intended to be legally binding or not) shall be of no effect so far as it purports or might be held —

- (a) to negative or restrict any such liability of the user in respect of persons carried in or upon the motor vehicle as is required by section 4 to be covered by a policy of insurance; or
- (b) to impose any conditions with respect to the enforcement of any such liability of the user.

[37/80; 23/98]

(2) The fact that a person so carried as referred to in subsection (1) has willingly accepted as his the risk of negligence on the part of the user shall not be treated as negating any such liability of the user.

[37/80]

(3) For the purposes of this section, references to a person being carried in or upon a motor vehicle include references to a person entering or getting on to, or alighting from, the motor vehicle, and the reference to an antecedent agreement is to one made at any time before the liability arose.

[37/80]

Composite settlement agreements

5A. In every case where 2 or more persons are entitled to the benefit of any payment of compensation made by an insurer or the owner of a motor vehicle under section 6 pursuant to a settlement agreement, the insurer or the owner of the motor vehicle, as the case may be, shall ensure that the settlement agreement states the amount of compensation and costs (where applicable) that each of the persons are entitled to.

[Act 22 of 2013 wef 01/08/2014]

Payment of compensation under settlement agreements

6.—(1) This section applies to every payment (excluding any sum payable in respect of costs and interest) exceeding the relevant amount that —

- (a) is made by way of compensation by an insurer or the owner of a motor vehicle pursuant to a settlement agreement in respect of the death or bodily injury to a person arising out of the use of a motor vehicle on a road in Singapore or in any territory specified in the Schedule; and
- (b) is not a liquidated sum specified in a policy of insurance.

(2) Subject to subsections (3) and (4), the insurer or the owner of a motor vehicle shall make the payment, together with any sum payable in respect of costs and interest under the settlement agreement, directly to —

- (a) the Public Trustee as trustee for the person entitled to the benefit of the payment if the person is a specified person; or
- (b) in any other case, the person entitled to the benefit of the payment in accordance with the law for the time being in force and with any rules made under this Act.

(3) Subject to subsection (5), no payment under subsection (2) shall be made until —

- (a) in the case where the person entitled to the benefit of the payment is a person referred to in paragraph (a)(i) of the

definition of “specified person” in section 2, the insurer or the owner of the motor vehicle obtains —

- (i) the approval of the Public Trustee of the adequacy of the payment to be made; or
 - (ii) where the Public Trustee considers it to be manifestly inadequate, the approval of the court of its adequacy; and
- (b) the costs payable to any public officer or any advocate and solicitor who acts or has acted in respect of the claim for compensation on behalf of the person entitled to the benefit of the payment have been determined in accordance with section 18(3).

(4) Before making any payment under subsection (2), the insurer or the owner of a motor vehicle shall deduct from it the costs referred to in subsection (3)(b) and pay the costs directly to the public officer or the advocate and solicitor entitled to it.

(5) Nothing in subsection (2)(a), (3) or (4) shall prevent an insurer or the owner of a motor vehicle from making any interim payment of compensation of any amount to any person entitled to the benefit thereof.

(6) Every application to the Public Trustee for his approval under subsection (3)(a)(i) and every payment to the Public Trustee under subsection (2)(a) shall be made in such manner, and together with such documents and information, as the Public Trustee may require.

(7) Subject to subsection (8), the Public Trustee shall, after deducting any fee payable to him for acting as trustee, distribute the moneys received by him under subsection (2)(a) directly to the persons entitled thereto in accordance with the law for the time being in force and with any rules made under this Act.

(8) The Public Trustee may, where he receives moneys under subsection (2)(a) for a specified person who is below the age of 21 years, hold the moneys on trust for that person until that person attains the age of 21 years.

[Act 22 of 2013 wef 01/08/2014]

Certain conditions in policies or securities to be of no effect

7.—(1) Any condition in a policy or security issued or given for the purposes of this Act providing that no liability shall arise under the policy or security or that any liability so arising shall cease in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security shall be of no effect in connection with such claims as are mentioned in section 4(1)(b).

(2) Nothing in this section shall be taken to render void any provision in a policy or security requiring the person insured or secured to repay to the insurer or the giver of the security any sums which the latter may have become liable to pay under the policy or security and which have been applied to the satisfaction of the claims of third parties.

Avoidance of restrictions on scope of policies covering third-party risks

8.—(1) Where a certificate of insurance has been issued under section 4(9) to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any of the following matters:

- (a) the age or physical or mental condition of persons 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; or
- (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 the Road Traffic Act (Cap. 276),

shall as respects such liabilities as are required to be covered by a policy under section 4(1)(b) be of no effect.

(2) Nothing in this section shall require an insurer to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability.

(3) 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 section shall be recoverable by the insurer from that person.

Duty of insurers to satisfy judgments against persons insured in respect of third-party risks

9.—(1) Subject to this section, if after a certificate of insurance has been issued under section 4(9) to the person by whom a policy has been effected, judgment in respect of any liability required to be covered by a policy under section 4(1)(b) (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid or cancel or may have avoided or cancelled the policy, the following shall apply to the insurer:

- (a) where the sum payable (excluding any amount payable in respect of costs and interest by virtue of any written law relating to interest on judgments) under the judgment to any person entitled to the benefit of the judgment in respect of the liability does not exceed the relevant amount, the insurer may pay that sum, together with any amount payable in respect of costs and interest on the sum by virtue of any written law relating to interest on judgments, to the person; and
- (b) where the sum payable (excluding any amount payable in respect of costs and interest by virtue of any written law relating to interest on judgments) under the judgment to any person entitled to the benefit of the judgment in respect of the liability exceeds the relevant amount, the insurer shall —

- (i) pay that sum, together with any amount payable in respect of costs and interest on the sum by virtue of any written law relating to interest on judgments, directly to the Public Trustee as trustee for the person if the person is a specified person and the judgment requires the sum to be paid to the Public Trustee as trustee for the person; or
- (ii) in any other case, pay that sum, together with any amount payable in respect of costs and interest on the sum by virtue of any written law relating to interest on judgments, directly to the person in accordance with the judgment and with any rules made under this Act.

[Act 22 of 2013 wef 01/08/2014]

(2) Notwithstanding subsection (1)(b)(i) providing for payment to the Public Trustee, the right of action created by the judgment referred to in that subsection shall vest in the person or persons entitled to the benefit of the judgment.

[Act 22 of 2013 wef 01/08/2014]

(2A) Subject to subsection (2C), no payment shall be made under subsection (1)(b) until the costs payable to any public officer or any advocate and solicitor who acts or has acted in respect of the claim or action (relating to the judgment) on behalf of the person entitled to the benefit of the judgment have been determined in accordance with section 18(3).

[Act 22 of 2013 wef 01/08/2014]

(2B) Before making any payment under subsection (1)(b), the insurer shall deduct from it the costs referred to in subsection (2A) and pay the costs directly to the public officer or the advocate and solicitor entitled to it.

[Act 22 of 2013 wef 01/08/2014]

(2C) Nothing in subsection (1)(b)(i), (2A) or (2B) shall prevent the insurer from making any interim payment of compensation of any amount to any person entitled to the benefit thereof.

[Act 22 of 2013 wef 01/08/2014]

(3) No sum shall be payable by an insurer under subsections (1) and (2B) —

- (a) in respect of any judgment unless before or within 7 days after the commencement of the proceedings in which the judgment was given the insurer had notice of the bringing of the proceedings;
- (b) in respect of any judgment so long as execution thereon is stayed pending an appeal; or
- (c) in connection with any liability if before the happening of the event which was the cause of the death or bodily injury giving rise to the liability the policy was cancelled by mutual consent or by virtue of any provision contained therein and either —
 - (i) before the happening of that event the certificate was surrendered to the insurer or the person to whom the certificate was issued made a statutory declaration stating that the certificate had been lost or destroyed;
 - (ii) after the happening of that event but before the expiration of a period of 14 days from the taking effect of the cancellation of the policy the certificate was surrendered to the insurer or the person to whom the certificate was issued made such a statutory declaration as aforesaid; or
 - (iii) before or after the happening of that event but within the period of 14 days the insurer commenced proceedings under this Act in respect of the failure to surrender the certificate.

[Act 22 of 2013 wef 01/08/2014]

(4) No sum shall be payable by an insurer under (3) subsections (1), (2B) and (3) if in an action commenced before or within 3 months after the commencement of the proceedings in which the judgment was given he has obtained a declaration that apart from any provision contained in the policy he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact or by a representation of fact which was false in some material particular or, if he has avoided the policy on that ground, that he was entitled to do so apart from any provision contained in it.

[Act 22 of 2013 wef 01/08/2014]

(5) An insurer who has obtained a declaration under subsection (4) in an action shall not thereby become entitled to the benefit of that subsection as respects any judgment obtained in proceedings commenced before the commencement of that action unless before or within 7 days after the commencement of that action he has given notice thereof to the person who is the plaintiff in those proceedings specifying the non-disclosure or false representation on which he proposes to rely and any person to whom notice of such an action is so given shall be entitled if he thinks fit to be made a party thereto.

(6) If the amount which an insurer becomes liable to pay under this section in respect of a liability of a person insured by a policy exceeds the amount for which he would apart from this section be liable under the policy in respect of that liability, he shall be entitled to recover the excess from that person.

(7) In this Act references to a certificate of insurance in any provision relating to the surrender or the loss or destruction of a certificate of insurance shall in relation to policies under which more than one certificate is issued be construed as references to all the certificates and shall where any copy has been issued of any certificate be construed as including a reference to that copy.

(8) Every judgment referred to in subsection (1)(b) —

- (a) shall state the amount payable to each person entitled to the benefit of the judgment; and
- (b) shall require the costs referred to in subsection (2A) to be paid directly to the public officer or the advocate and solicitor entitled to it.

[Act 22 of 2013 wef 01/08/2014]

(8A) Every payment to the Public Trustee under subsection (1)(b)(i) shall be made in such manner, and together with such documents and information, as the Public Trustee may require.

[Act 22 of 2013 wef 01/08/2014]

(9) The Public Trustee shall, after deducting any fee payable to him for acting as trustee, distribute the moneys received by him under a judgment in accordance with subsection (1)(b)(i) directly to the

persons entitled in accordance with the judgment and with any rules made under this Act.

[Act 22 of 2013 wef 01/08/2014]

(10) In this section —

“judgment” includes an approval of the court obtained under Order 76, Rule 10 or 11 of the Rules of Court (Cap. 322, R 5);

[Act 22 of 2013 wef 01/08/2014]

“material” means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk and if so at what premium and on what conditions;

“liability covered by the terms of the policy” means a liability which is covered by the policy or which would be so covered but for the fact that the insurer is entitled to avoid or cancel or has avoided or cancelled the policy.

Rights of third parties against insurers

10.—(1) Where under any policy issued for the purposes of this Act a person (referred to in this Act as the insured) is insured against liabilities to third parties which he may incur then —

- (a) in the event of the insured becoming bankrupt or making a composition or arrangement with his creditors; or
- (b) in the case of the insured being a company in the event of —
 - (i) a winding-up order being made or a resolution for a voluntary winding up being passed with respect to the company;
 - (ii) a receiver or manager of the company’s business or undertaking being duly appointed; or
 - (iii) possession being taken by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge,

if either before or after that event any such liability as aforesaid is incurred by the insured his rights against the insurer under the policy in respect of the liability shall, notwithstanding anything in any

written law to the contrary, be transferred to and vest in the third party to whom the liability was so incurred.

(2) Where an order is made under section 148 of the Bankruptcy Act (Cap. 20) for the administration in bankruptcy of the estate of a deceased debtor then if any debt provable in bankruptcy is owing by the deceased in respect of a liability against which he was insured under a policy issued for the purposes of this Act as being a liability to a third party the deceased debtor's rights against the insurer under the policy in respect of that liability shall notwithstanding anything in the Bankruptcy Act (Cap. 20) be transferred to and vest in the person to whom the debt is owing.

[15/95]

(3) Any condition in a policy issued for the purposes of this Act purporting, directly or indirectly, to avoid the policy or to alter the rights of the party thereunder upon the happening to the insured of any of the events specified in subsection (1)(a) or (b) or upon the making of an order under section 148 of the Bankruptcy Act in respect of his estate shall be of no effect.

[15/95]

(4) Upon a transfer under subsection (1) or (2), the insurer shall, subject to section 12, be under the same liability to the third party as he would have been under to the insured but —

- (a) if the liability of the insurer to the insured exceeds the liability of the insured to the third party nothing in this Act shall affect the rights of the insured against the insurer in respect of the excess; and
- (b) if the liability of the insurer to the insured is less than the liability of the insured to the third party nothing in this Act shall affect the rights of the third party against the insured in respect of the balance.

(5) For the purposes of this section and sections 11 and 12, the expression "liabilities to third parties" in relation to a person insured under any policy of insurance shall not include any liability of that person in the capacity of insurer under some other policy of insurance.

- (6) This section and sections 11 and 12 shall not apply —
- (a) where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company; or
 - (b) to any case to which section 19(1) and (2) of the Work Injury Compensation Act (Cap. 354) applies.

Duty to give necessary information to third parties

11.—(1) Any person against whom a claim is made in respect of any such liability as is required to be covered by a policy under section 4(1)(b) shall on demand by or on behalf of the person making the claim state whether or not he was insured in respect of that liability by any policy having effect for the purposes of this Act or would have been so insured if the insurer had not avoided or cancelled the policy and if he was or would have been so insured give such particulars with respect to that policy as were specified in the certificate of insurance issued in respect thereof under section 4(9).

- (2) In the event of —
- (a) any person becoming bankrupt or making a composition or arrangement with his creditors or in the event of an order being made under section 148 of the Bankruptcy Act (Cap. 20) in respect of the estate of any person; or
 - (b) a winding-up order being made or a resolution for a voluntary winding up being passed with respect to any company or a receiver or manager of the company's business or undertaking being duly appointed or possession being taken by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge,

it shall be the duty of the bankrupt debtor, personal representative of the deceased debtor or company and, as the case may be, of the Official Assignee, trustee, liquidator, receiver or manager or person in possession of the property, to give, at the request of any person claiming that the bankrupt debtor, deceased debtor or company is under a liability to him, such information as may reasonably be

required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him by this Act and for the purpose of enforcing those rights (if any).

[15/95]

(3) Any contract of insurance, in so far as it purports, directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the giving of any such information in the events mentioned in subsection (2) or otherwise to prohibit or prevent the giving thereof in those events, shall be of no effect.

(4) If the information given to any person under subsection (2) discloses reasonable ground for supposing that there have or may have been transferred to him under this Act rights against any particular insurer, that insurer shall be subject to the same duty as is imposed by the said subsection on the persons therein mentioned.

(5) The duty to give information imposed by this section shall include a duty to allow all contracts of insurance, receipts for premiums and other relevant documents in the possession or power of the person on whom the duty is so imposed to be inspected and copies thereof to be taken.

(6) If without reasonable excuse any person fails to comply with this section or wilfully makes any false or misleading statement in reply to any such demand as aforesaid, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 and, in the case of a second or subsequent conviction, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months.

Settlement between insurers and insured persons

12. Where —

- (a) a person who is insured under a policy issued for the purposes of this Act has become bankrupt; or
- (b) in the case of the insured person being a company a winding-up order has been made or a resolution for a voluntary winding up has been passed with respect to the company,

no agreement made between the insurer and the insured after liability has been incurred to a third party and after the commencement of the bankruptcy or winding up, as the case may be, nor any waiver, assignment or other disposition made by, or payment made to, the insured after the commencement aforesaid shall be effective to defeat or affect the rights transferred to the third party under this Act but those rights shall be the same as if no such agreement, waiver, assignment, disposition or payment has been made.

Bankruptcy, etc., of insured person not to affect certain claims by third parties

13.—(1) Where a certificate of insurance has been issued under section 4(9) to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as is mentioned in section 10(1) or (2) shall, notwithstanding anything in this Act, not affect any such liability of that person as is required to be covered by a policy under section 4(1)(b).

(2) Nothing in this section shall affect any rights against the insurer conferred under sections 10, 11 and 12 on the person to whom the liability was incurred.

Further rights of third parties against insurers

14.—(1) No settlement by an insurer in respect of any claim which might be made by a third party in respect of any such liability as is required to be covered by a policy under section 4(1)(b) shall be valid unless the third party is a party to such settlement.

(2) A policy issued under this Act shall remain in force and available for third parties notwithstanding the death of any person insured under section 4(1)(b) as if the insured person were still alive.

Duty to surrender certificate on cancellation of policy

15.—(1) Where a certificate of insurance has been issued under section 4(9) to the person by whom a policy has been effected and the policy is cancelled by mutual consent or by virtue of any provision in the policy, the person to whom the certificate was issued shall, within 7 days from the taking effect of the cancellation, surrender the

certificate to the insurer or, if it has been lost or destroyed, make a statutory declaration to that effect.

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 and, in the case of a second or subsequent conviction, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months.

Requirements as to production of certificate of insurance or of security

16.—(1) Any person driving a motor vehicle on a road shall on being so required by a police officer give his name and address and the name and address of the owner of the motor vehicle and produce his certificate.

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 and, in the case of a second or subsequent conviction, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months.

(3) If the driver of a motor vehicle within 5 days after the date on which the production of his certificate was so required produces the certificate in person at such police office or police station in Singapore as may have been specified by the driver at the time its production was required he shall not be convicted of an offence under subsection (2) by reason only of failure to produce his certificate to the police officer.

(4) If in any case where owing to the presence of a motor vehicle on a road an accident occurs involving personal injury to another person the driver of the vehicle does not at the time produce his certificate to a police officer or to some person who having reasonable grounds for so doing has required its production, the driver shall, as soon as possible and in any case within 24 hours of the occurrence of the accident, report the accident at a police office or police station in Singapore and thereupon produce his certificate.

(5) Any person who fails to comply with subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not

exceeding \$500 and, in the case of a second or subsequent conviction, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months.

(6) A person shall not be convicted of an offence under subsection (5) by reason only of failure to produce his certificate if within 5 days after the occurrence of the accident he produces the certificate in person at such police office or police station in Singapore as may be specified by him at the time the accident was reported.

(7) It shall be the duty of the owner of a motor vehicle to give such information as he may be required by or on behalf of the Deputy Commissioner of Police to give for the purpose of determining whether the motor vehicle was or was not being driven in contravention of section 3 on any occasion when the driver was required under this section to produce his certificate.

(8) Any owner of a motor vehicle who fails to comply with subsection (7) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 and, in the case of a second or subsequent conviction, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months.

(9) In this section, “produce his certificate” means produce for examination the relevant certificate of insurance or certificate of security or such other evidence that the motor vehicle is not or was not being driven in contravention of section 3 as may be prescribed.

Deposits under this Act

17. If any sum is deposited by any person under section 3 or as a condition of approval by the Minister under section 4, no part of that sum shall, so long as any liabilities, being such liabilities as are required to be covered by a policy of insurance under this Act which have been incurred by him, have not been discharged or otherwise provided for, be applicable in discharge of any other liabilities incurred by him.

Prohibition of solicitation in respect of claims

18.—(1) No person shall, directly or indirectly, solicit instructions or authority to act on behalf of any other person in respect of the making or commencement of any claim or action for damages for the death of or bodily injury to any person arising out of the use of a motor vehicle or in respect of the negotiation, compromise or settlement of that claim or action.

(2) No person, other than a public officer or an advocate and solicitor properly acting in the course of his profession, shall, directly or indirectly, for personal gain make or commence or cause to be made or commenced on behalf of any other person any claim or action for damages for the death of or bodily injury to any person arising out of the use of a motor vehicle or negotiate, settle or compromise that claim or action when made or commenced.

(3) Notwithstanding the provisions of any other written law, a public officer or an advocate and solicitor, acting in respect of the matters referred to in subsection (2), shall not receive or accept any payment of money for so acting other than —

- (a) such costs as are agreed between him and the Public Trustee;
- (b) taxed costs, in default of such agreement with the Public Trustee; or
- (c) such costs as the Public Trustee may determine to be the costs of the public officer or advocate and solicitor, if the public officer or advocate and solicitor fails to begin proceedings for taxation of costs within 3 months after the relevant date unless before that time the public officer or the advocate and solicitor has agreed with the Public Trustee on costs.

[28/2000]

(3A) For the purpose of subsection (3)(a), an application to the Public Trustee by a public officer or an advocate and solicitor for an agreement on costs shall be made in such manner, and together with such documents and information, as the Public Trustee may require.

[Act 22 of 2013 wef 01/08/2014]

(4) Subsection (3) shall not apply to a public officer or an advocate and solicitor claiming costs in respect of a judgment or settlement for a sum (excluding any amount payable in respect of costs and interest) not exceeding the relevant amount.

[28/2000]

[Act 22 of 2013 wef 01/08/2014]

(5) For the purposes of subsection (3)(c), “relevant date” means —

(a) in relation to a settlement agreement referred to in section 6(1) —

(i) in the case where the quantum of the compensation payable under the settlement agreement requires the approval of the Public Trustee or the court under section 6(3)(a), the date of such approval; and

(ii) in any other case, the date of the settlement agreement; and

(b) in relation to a judgment referred to in section 9(1), the date the judgment is given.

[Act 22 of 2013 wef 01/08/2014]

(6) Any person who contravenes this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both.

(7) Any agreement to pay any money other than the costs referred to in subsection (3)(a), (b) or (c) to any person for work done or to be done or services rendered or to be rendered in respect of the matters referred to in subsection (1) or (2) shall be void.

[28/2000]

(8) Any money paid under subsection (7), shall be recoverable by action brought in a court by the person who has paid it.

(9) Where it is shown that any money other than costs referred to in subsection (3)(a), (b) or (c) has been paid to any clerk employed by an advocate and solicitor for work done or to be done or services rendered or to be rendered in respect of the matters referred to in subsection (1) or (2), it shall be presumed in, and for the purposes of, any action against the advocate and solicitor that the money was

received by the clerk on behalf of the advocate and solicitor and the money shall be recoverable from the advocate and solicitor.

[28/2000]

Power of Public Trustee to obtain information

18A.—(1) The Public Trustee may by notice in writing require a person to furnish, within such period and in such manner specified in the notice, any document or information that the Public Trustee may reasonably require for the discharge of his duties or functions, or the exercise of his powers, under this Act.

(2) The Public Trustee shall be entitled without payment to keep any copy of or extract from a document furnished under subsection (1).

(3) Any person who —

(a) without reasonable excuse, fails to comply with any requirement under subsection (1); or

(b) in purported compliance with any requirement under subsection (1), knowingly or recklessly furnishes to the Public Trustee any document or information that is false or misleading in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 and, in the case of a second or subsequent conviction, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months.

[Act 22 of 2013 wef 01/08/2014]

Public Trustee may appear in court

19. The Public Trustee shall have the right to appear and be heard in a court in any proceedings under this Act or in relation to any claim or action for damages for the death or bodily injury of any person arising out of the use of a motor vehicle.

[18A

[28/2000]

Power to amend sums specified in certain provisions

20. The appropriate Minister may, by order published in the *Gazette*, amend the following provisions of this Act by substituting a different sum for any sum for the time being specified therein:

Sections 3(7)(b), 4(6) and (11)(b), 6(1), 9(1)(a) and (b) and 18(4).

[19A
[23/98]

[Act 22 of 2013 wef 01/08/2014]

Application of this Act to securities

21.—(1) The provisions of this Act shall apply in relation to securities having effect for the purposes of this Act as they apply in relation to policies of insurance.

(2) In relation to any security referred to in subsection (1), references in the provisions of this Act to being insured, to a certificate of insurance, to an insurer and to persons insured shall be construed respectively as references to the having in force of the security, to the certificate of security, to the giver of the security and to the persons whose liability is covered by the security.

[20

Penalty

22.—(1) Any person who acts in contravention of or fails to comply with any provision of this Act or of any rules made thereunder shall be guilty of an offence and shall be liable on conviction where no special penalty is provided to a fine not exceeding \$500 and, in the case of a second or subsequent conviction, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) If any person acting in contravention of or failing to comply with any provisions of this Act or of any rules made thereunder is a company, the managing director or other manager in Singapore of the company who is privy to the offence shall be liable to the like punishment.

[21

Power to exempt

23. The Minister may, by notification in the *Gazette* from time to time and either generally or for any period stated in the notification and subject to such conditions as may in the notification be stated, exempt from any provision of this Act or of any rules made thereunder any person or class or description of persons or any vehicle or class or description of vehicles.

[22

Rules

24.—(1) The appropriate Minister may make rules for prescribing anything which may be prescribed under this Act and generally for the purpose of carrying this Act into effect and in particular but without prejudice to the generality of this provision may make rules —

- (a) to prescribe the forms to be used for the purposes of this Act;
- (b) as to applications for and the issue of certificates of insurance and any other documents which may be prescribed and as to the keeping of records of documents and the furnishing of particulars thereof or the giving of information with respect thereto to the Minister or to the Deputy Commissioner of Police;
- (ba) as to the fees to be paid to the Public Trustee for anything to be done under this Act;
[Act 22 of 2013 wef 01/08/2014]
- (c) as to the manner in which moneys received by the Public Trustee under this Act shall be distributed;
- (d) as to the issue of copies of any such certificates or other documents which are lost or destroyed;
- (e) as to the custody, production, cancellation and surrender of any such certificates or other documents;
- (f) for providing that any provisions of this Act shall, in relation to motor vehicles brought into Singapore from a place outside Singapore by persons making only a

temporary stay in Singapore, have effect subject to such modifications and adaptations as may be prescribed;

- (g) with respect to the payment of deposits under this Act and the investment thereof or dealing therewith, the deposit of stocks or other securities in lieu of money, the payment of the interest or dividends from time to time accruing due on any securities in which deposits are for the time being invested and the withdrawal and transfer of deposits.

[23/98]

[Act 22 of 2013 wef 01/08/2014]

(2) All rules made under this Act shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication.

(3) If a resolution is passed pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of Parliament next after the expiry of one month from the date when the rules are so presented annulling the rules or any part thereof as from a specified date, the rules or such part thereof, as the case may be, shall thereupon become void as from that date but without prejudice to the validity of anything previously done thereunder or to the making of new rules.

[19]

THE SCHEDULE

6(1)Sections 3(1)(b) and (9), 4(1)(b),
(2)(b) and (5) and 6(1)(a)

TERRITORY

West Malaysia

[23/98]

LEGISLATIVE HISTORY
MOTOR VEHICLES (THIRD-PARTY RISKS AND
COMPENSATION) ACT
(CHAPTER 189)

This Legislative History is provided for the convenience of users of the Motor Vehicles (Third-Party Risks and Compensation) Act. It is not part of this Act.

1. Act 1 of 1960 — Motor Vehicles (Third-Party Risks and Compensation) Ordinance 1960

Date of First Reading : 11 November 1959
(Bill No. 39/59 published on
14 November 1959)

Date of Second and Third Readings : 13 January 1960

Date of commencement : 5 February 1960

2. Act 17 of 1962 — Motor Vehicles (Third-Party Risks and Compensation) (Amendment) Act 1962

Date of First Reading : 26 March 1962
(Bill No. 173/62 published on
3 April 1962)

Date of Second and Third Readings : 17 April 1962

Date of commencement : 27 April 1962

3. G. N. No. S 148/1967 — Modification of Laws (Motor Vehicles (Third-Party Risks and Compensation)) Order 1967

Date of commencement : 1 July 1967

4. 1970 Revised Edition — Motor Vehicles (Third-Party Risks and Compensation) Act (Chapter 88)

Date of operation : 1 April 1971

5. Act 21 of 1973 — Statutes of the Republic of Singapore (Miscellaneous Amendments) Act 1973

Date of First Reading : 7 March 1973
(Bill No. 16/73 published on
9 March 1973)

Date of Second and Third Readings : 20 March 1973

Date of commencement : 6 April 1973

6. Act 37 of 1980 — Motor Vehicles (Third-Party Risks and Compensation) (Amendment) Act 1980

Date of First Reading	:	31 October 1980 (Bill No. 26/80 published on 7 November 1980)
Date of Second and Third Readings	:	28 November 1980
Date of commencement	:	1 March 1981

7. 1985 Revised Edition — Motor Vehicles (Third-Party Risks and Compensation) Act

Date of operation	:	30 March 1987
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8. Act 26 of 1994 — Motor Vehicles (Third-Party Risks and Compensation) (Amendment) Act 1994

Date of First Reading	:	31 October 1994 (Bill No. 27/94 published on 1 November 1994)
Date of Second and Third Readings	:	5 December 1994
Date of commencement	:	1 February 1995

9. Act 15 of 1995 — Bankruptcy (Amendment) Act 1995
(Consequential amendments made by)

Date of First Reading	:	25 July 1994 (Bill No. 16/94 published on 29 July 1994)
Date of Second Reading	:	25 August 1994
Date Committed to Select Committee	:	Parl. 1 of 1995 presented to Parliament on 7 March 1995
Date of Third Reading	:	23 March 1995
Date of commencement	:	15 July 1995

10. Act 23 of 1998 — Motor Vehicles (Third-Party Risks and Compensation) (Amendment) Act 1998

Date of First Reading	:	1 June 1998 (Bill No. 27/98 published on 2 June 1998)
Date of Second and Third Readings	:	29 June 1998
Date of commencement	:	21 October 1998

11. Act 28 of 2000 — Statutes (Miscellaneous Amendments and Repeal) Act 2000

- Date of First Reading : 25 August 2000
(Bill No. 22/2000 published on 26 August 2000)
- Date of Second and Third Readings : 9 October 2000
- Date of commencement : 1 November 2000

12. 2000 Revised Edition — Motor Vehicles (Third-Party Risks and Compensation) Act

- Date of operation : 30 December 2000

13. Act 26 of 2001 — Statutes (Miscellaneous Amendments and Repeal) Act 2001

- Date of First Reading : 11 July 2001
(Bill No. 24/2001 published on 12 July 2001)
- Date of Second and Third Readings : 25 July 2001
- Date of commencement : 1 September 2001

14. Act 5 of 2008 — Workmen's Compensation (Amendment) Act 2008
(Consequential amendments made to Act\ by)

- Date of First Reading : 12 November 2007
(Bill No. 50/2007 published on 13 November 2007)
- Date of Second and Third Readings : 22 January 2008
- Date of commencement : 1 April 2008

15. Act 22 of 2013 — Motor Vehicles (Third-Party Risks and Compensation) (Amendment) Act 2013

- Date of First Reading : 21 October 2013 (Bill No. 18/2013 published on 21 October 2013)
- Date of Second and Third Readings : 11 November 2013
- Date of commencement : 1 August 2014

COMPARATIVE TABLE
MOTOR VEHICLES (THIRD-PARTY RISKS AND
COMPENSATION) ACT
(CHAPTER 189)

The following provisions in the 1985 Revised Edition of the Motor Vehicles (Third-Party Risks and Compensation) Act have been renumbered by the Law Revision Commissioners in this 2000 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Motor Vehicles (Third-Party Risks and Compensation) Act.

2000 Ed.	1985 Ed.
3 — (2) and (3)	3 — (2)
(4)	Proviso to (2)
(5)	(3)
(6)	(4)
(7)	(5)
(8)	(6)
(9)	(7)
4 — (2)	4 — (1A)
(3)	(1B)
(4)	(2)
(5), (6) and (7)	(3)
(8)	(4)
(9) and (10)	(5)
(11)	(6)
(12) and (13)	(7)
(14)	(8)
5 — (1) and (2)	5 — (1)
(3)	(2)
7 — (1) and (2)	7
8 — (1) and (2)	8
9 — (4) and (5)	9 — (4)

(6)	(5)
(10)	(6)
11 — (2) and (3)	11 — (2)
(4)	(3)
(5)	(4)
(6)	(5)
13 — (1) and (2)	13
15 — (1) and (2)	15
16 — (1), (2) and (3)	16 — (1)
(4), (5) and (6)	(2)
(7) and (8)	(3)
(9)	(4)
18 — (4)	18 — (3A)
(5)	(3B)
(6)	(4)
(7) and (8)	(5)
(9)	(6)
19	18A
20	19A
21 — (1) and (2)	20
22	21
23	22
24 — (1)	19 — (1)
(2) and (3)	(2)