



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**MOTOR VEHICLES (THIRD-PARTY
RISKS AND COMPENSATION)
ACT 1960**

2020 REVISED EDITION

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Motor Vehicles (Third-Party Risks and Compensation) Act 1960

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Users of motor vehicles to be insured against third-party risks
- 3A. Presumption as to using motor vehicle
4. Requirements in respect of policies and securities
5. Exclusion of liability in respect of passengers to be of no effect
- 5A. Composite settlement agreements
6. Payment of compensation under settlement agreements
7. Certain conditions in policies or securities to be of no effect
8. Avoidance of restrictions on scope of policies covering third-party risks
9. Duty of insurers to satisfy judgments against persons insured in respect of third-party risks
10. Rights of third parties against insurers
11. Duty to give necessary information to third parties
12. Settlement between insurers and insured persons
13. Bankruptcy, etc., of insured person not to affect certain claims by third parties
14. Further rights of third parties against insurers
15. Duty to surrender certificate on cancellation of policy
16. Requirements as to production of certificate of insurance or of security
17. Deposits under this Act
18. Prohibition of solicitation in respect of claims
- 18A. Power of Public Trustee to obtain information
19. Public Trustee may appear in court
20. Power to amend sums specified in certain provisions
21. Application of this Act to securities
22. Penalty
23. Power to exempt

Section

24. Rules
The Schedule — Territory
-

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.

[5 February 1960]

Short title

1. This Act is the Motor Vehicles (Third-Party Risks and Compensation) Act 1960.

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), (3), (4), (5), (6), (11), (12) and (13), 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;

“Deputy Commissioner of Police” includes any police officer authorised by him or her 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 of a building which is set apart by —

- (a) the Armed Forces Council under the Singapore Armed Forces Act 1972;
- (b) the Commissioner of Civil Defence under the Civil Defence Act 1986;
- (c) the Commissioner of Police under the Police Force Act 2004; or
- (d) the Commissioner of Police under the Vigilante Corps Act 1967,

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

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

“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 1972;
- (c) a military prison within the meaning of section 2(1) of the Singapore Armed Forces Act 1972;
- (d) a place or premises declared under section 18 of the Intoxicating Substances Act 1987 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 1933;
- (f) a hospital or part of a hospital designated under section 3 of the Mental Health (Care and Treatment) Act 2008 to be a psychiatric institution;

- (g) a welfare home within the meaning of section 2(1) of the Destitute Persons Act 1989;
- (h) any other place as may be prescribed by the Minister charged with the responsibility for the Public Trustee's department;

“policy of insurance” includes a cover note;

“Public Trustee” means the Public Trustee appointed under the provisions of the Public Trustee Act 1915 and includes a Deputy Public Trustee and 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 1961;

“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(5), the prescribed amount;

“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, mentioned 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 1976; 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 21 years of age;
 - (ii) lacks capacity within the meaning of section 4 of the Mental Capacity Act 2008;
 - (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 1976; or
 - (v) is under legal custody in a place of detention;

“use” means use on any road.

[22/2013; 44/2014]

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

3.—(1) Subject to the provisions of this Act, it is not 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) a policy of insurance or a security in respect of third-party risks that complies with the requirements of this Act.

(2) If a person acts in contravention of this section, the person 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 is (unless the court for special reasons thinks fit to order otherwise and without affecting the power of the court to order a longer period of

disqualification) to be disqualified from holding or obtaining a driving licence under the Road Traffic Act 1961 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 the person proves —

- (a) that the motor vehicle did not belong to the person and was not in the person's possession under a contract of hiring or loan;
- (b) that the person was using the vehicle in the course of the person's employment; and
- (c) that the person 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 under this section from holding or obtaining a driving licence is for the purposes of Part 2 of the Road Traffic Act 1961 deemed to be disqualified by virtue of a conviction under the provisions of that Part.

(6) This section does not apply —

- (a) to a vehicle owned by —
 - (i) the Government;
 - (ii) the government of Malaysia or of any State of Malaysia; 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 or her 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 the Registrar to drive such vehicle.

(7) This section does not extend to invalid carriages.

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

Presumption as to using motor vehicle

3A.—(1) For the purposes of this Act, it is presumed, until the contrary is proved, that a person uses a motor vehicle on a road in Singapore if it is proved —

- (a) for a vehicle registered under the Road Traffic Act 1961, that the person is, at the material time, recorded as the owner of that vehicle in a register of vehicles;
- (b) for a vehicle the registration of which under the Road Traffic Act 1961 is cancelled under section 27(1) of that Act or has lapsed, that the person is last recorded as the owner of that vehicle in a register of vehicles; or
- (c) for a vehicle that is not registered under the Road Traffic Act 1961 and is not a vehicle mentioned in paragraph (b), that the person has a legal right to possession of the vehicle (including any person who has the use of the vehicle under a lease or hire-purchase agreement, but not the lessor while the vehicle is being leased under any such agreement).

[10/2017]

(2) In subsection (1), “register of vehicles” means the register required by rules made under section 34 of the Road Traffic Act 1961 to be maintained by the Authority for the purposes of section 10 of that Act.

[10/2017]

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 the person, persons or classes of persons that may be specified in the policy in respect of any liability which may be incurred by him, her 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.

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

- (a) which was issued on or before 21 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 the person, persons or classes of persons that may be specified in the policy in respect of any liability which may be incurred by him, her 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,

is deemed always to have been a policy of insurance —

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

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

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

- (a) liability in respect of the death, arising out of and in the course of his or her 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 or her employment; or
- (b) any contractual liability.

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

- (a) an 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 insurer or the owner (as the case may be) received treatment at a hospital, whether as an in-patient, or as an outpatient, in respect of the injury so arising, there must also be paid by the 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.

[22/2013]

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

[22/2013]

(7) In 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 of the hospital and the maintenance and treatment of the in-patients in the hospital; and

- (b) in relation to a person who receives treatment at a hospital as an outpatient, 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.

(8) Despite anything in any Act, a person issuing a policy of insurance under this section is 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 is 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 (called in this Act 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 must —

- (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 in the undertaking 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 any

other persons or classes of persons that 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, her or them.

(12) A security is 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 (called in this Act 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 any returns and information relating to the motor vehicle insurance business carried on by the insurer that 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 the person's use of it a policy of insurance or security that 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) is 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.

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

(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.

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) must ensure that the settlement agreement states the amount of compensation and costs (where applicable) that each of the persons is entitled to.

[22/2013]

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.

[22/2013]

(2) Subject to subsections (3) and (4), the insurer or the owner of a motor vehicle must 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

*Motor Vehicles (Third-Party
Risks and Compensation)
Act 1960*

2020 Ed.

13

(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.

[22/2013]

(3) Subject to subsection (5), payment under subsection (2) must not 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).

[22/2013]

(4) Before making any payment under subsection (2), the insurer or the owner of a motor vehicle must 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.

[22/2013]

(5) Nothing in subsection (2)(a), (3) or (4) prevents 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 of compensation.

[22/2013]

(6) Every application to the Public Trustee for his or her approval under subsection (3)(a)(i) and every payment to the Public Trustee under subsection (2)(a) must be made in the manner, and together

with the documents and information, that the Public Trustee may require.

[22/2013]

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

[22/2013]

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

[22/2013]

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 arises under the policy or security or that any liability so arising ceases 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 is of no effect in connection with such claims as are mentioned in section 4(1)(b).

(2) Nothing in this section is 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 by the policy 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 horsepower or value of the vehicle;
- (g) the carrying on the vehicle of any particular apparatus;
- (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 1961,

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

(2) Nothing in this section requires 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 is 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, even though the insurer may be entitled to avoid or cancel or may have avoided or cancelled the policy, the following 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;
- (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 must 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 —
- (i) 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, the person in accordance with the judgment and with any rules made under this Act.

[22/2013]

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

[22/2013]

(3) Subject to subsection (5), payment must not 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).

[22/2013]

(4) Before making any payment under subsection (1)(b), the insurer must deduct from it the costs referred to in subsection (3) and pay the costs directly to the public officer or the advocate and solicitor entitled to it.

[22/2013]

(5) Nothing in subsection (1)(b)(i), (3) or (4) prevents the insurer from making any interim payment of compensation of any amount to any person entitled to the benefit of compensation.

[22/2013]

(6) No sum is payable by an insurer under subsections (1) and (4) —

- (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 on the judgment 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 in the policy 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 end 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.

[22/2013]

(7) No sum is payable by an insurer under subsections (1), (4) and (6) if in an action commenced before or within 3 months after the commencement of the proceedings in which the judgment was given the insurer has obtained a declaration that apart from any provision contained in the policy the insurer 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 the insurer has avoided the policy on that ground, that the insurer was entitled to do so apart from any provision contained in it.

[22/2013]

(8) An insurer who has obtained a declaration under subsection (7) in an action does 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 the insurer has given notice thereof to the person who is the plaintiff in those proceedings specifying the non-disclosure or false representation on which the insurer proposes to rely and any person to whom notice of such an action is so given is entitled if that person thinks fit to be made a party to the action.

(9) 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 the insurer would apart from this section be liable under the policy in respect of that liability, the insurer is entitled to recover the excess from that person.

(10) 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 are, in relation to policies under which more than one certificate is issued, to be construed as references to all the certificates and are, where any copy has been issued of any certificate, to be construed as including a reference to that copy.

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

- (a) must state the amount payable to each person entitled to the benefit of the judgment; and
- (b) must require the costs referred to in subsection (3) to be paid directly to the public officer or the advocate and solicitor entitled to it.

[22/2013]

(12) Every payment to the Public Trustee under subsection (1)(b)(i) must be made in the manner, and together with the documents and information, that the Public Trustee may require.

[22/2013]

(13) The Public Trustee must, after deducting any fee payable to him or her for acting as trustee, distribute the moneys received by him or her 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.

[22/2013]

(14) In this section —

“judgment” includes an approval of the court obtained under Order 76, Rule 10 or 11 of the Rules of Court;

“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;

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

[22/2013]

Rights of third parties against insurers

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

- (a) in the event of the insured becoming bankrupt or making a composition or arrangement with the insured's 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 the insured's rights against the insurer under the policy in respect of the liability are, despite anything in any written law to the contrary, to be transferred to and vest in the third party to whom the liability was so incurred.

(2) Where an order is made under section 419 of the Insolvency, Restructuring and Dissolution Act 2018 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 or she 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 are, despite anything in the Insolvency, Restructuring and Dissolution Act 2018, to be transferred to and vest in the person to whom the debt is owing.

[40/2018]

(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 under the policy 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 419 of the Insolvency, Restructuring and Dissolution Act 2018 in respect of his or her estate is of no effect.

[40/2018]

(4) Upon a transfer under subsection (1) or (2), the insurer is, subject to section 12, under the same liability to the third party as the insurer 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 affects 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 affects 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 does 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 do 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 28(1), (2) and (3) of the Work Injury Compensation Act 2019, or section 19(1), (1A) and (2) of the Work Injury Compensation Act (Cap. 354, 2009 Revised Edition) repealed by the Work Injury Compensation Act 2019, applies.

[5/2018; 27/2019]

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) must on demand by or on behalf of the person making the claim state whether or not the person 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 the person 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 of the policy under section 4(9).

(2) In the event of —

- (a) any person becoming bankrupt or making a composition or arrangement with the person's creditors or in the event of an order being made under section 419 of the Insolvency, Restructuring and Dissolution Act 2018 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 is 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 that person, any information that may reasonably be required by that person for the purpose of ascertaining whether any rights have been transferred to and vested in that person by this Act and for the purpose of enforcing those rights, if any.

[40/2018]

(3) Any contract of insurance, insofar as it purports, directly or indirectly, to avoid the contract or to alter the rights of the parties under the contract 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, is 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 the person under this Act rights against any particular insurer, that insurer is subject to the same duty as is imposed by that subsection on the persons mentioned in that subsection.

(5) The duty to give information imposed by this section includes 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, the person 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 is effective to defeat or affect the rights transferred to the third party under this Act but those rights are 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 event that is mentioned in section 10(1) or (2) does not, despite anything in

this Act, 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 affects 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) is valid unless the third party is a party to the settlement.

(2) A policy issued under this Act remains in force and available for third parties despite 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 must, 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 must on being so required by a police officer give the person's name and address and the name and address of the owner of the motor vehicle and produce his or her 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 or her certificate was so required produces the certificate in person at any police office or police station in Singapore that may have been specified by the driver at the time its production was required the driver must not be convicted of an offence under subsection (2) by reason only of failure to produce his or her 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 or her certificate to a police officer or to some person who having reasonable grounds for so doing has required its production, the driver must, 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 or her 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 must not be convicted of an offence under subsection (5) by reason only of failure to produce his or her certificate if within 5 days after the occurrence of the accident the person produces the certificate in person at any police office or police station in Singapore that may be specified by him or her at the time the accident was reported.

(7) It is the duty of the owner of a motor vehicle to give any information that the owner 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 or her 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 or her certificate” means produce for examination the relevant certificate of insurance or certificate of security or any other evidence that the motor vehicle is not or was not being driven in contravention of section 3 that 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, 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 that person, have not been discharged or otherwise provided for, is applicable in discharge of any other liabilities incurred by that person.

Prohibition of solicitation in respect of claims

18.—(1) A person must not, 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) A person, other than a public officer or an advocate and solicitor properly acting in the course of his or her profession, must not, 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) Despite 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), must not receive or accept any payment of money for so acting other than —

- (a) the costs that are agreed between him or her and the Public Trustee;
- (b) taxed costs, in default of such agreement with the Public Trustee; or
- (c) the costs that 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.

(4) 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 must be made in the manner, and together with the documents and information, that the Public Trustee may require.

[22/2013]

(5) Subsection (3) does 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.

[22/2013]

(6) In subsection (3)(c), “relevant date” means —

- (a) in relation to a settlement agreement mentioned 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 the approval; and
 - (ii) in any other case, the date of the settlement agreement; and

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

[22/2013]

(7) 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.

(8) 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) is void.

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

(10) 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 is 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 is recoverable from the advocate and solicitor.

Power of Public Trustee to obtain information

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

[22/2013]

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

[22/2013]

(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.

[22/2013]

Public Trustee may appear in court

19. The Public Trustee has 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.

Power to amend sums specified in certain provisions

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

Sections 3(6)(b), 4(6) and (11)(b), 6(1), 9(1)(a) and (b) and 18(5).

[22/2013]

Application of this Act to securities

21.—(1) The provisions of this Act 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 are to 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.

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 under this Act 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 under this Act 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.

Power to exempt

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

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 limiting 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;

- (c) as to the fees to be paid to the Public Trustee for anything to be done under this Act;
- (d) as to the manner in which moneys received by the Public Trustee under this Act must be distributed;
- (e) as to the issue of copies of any such certificates or other documents which are lost or destroyed;
- (f) as to the custody, production, cancellation and surrender of any such certificates or other documents;
- (g) for providing that any provisions of this Act, 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 any modifications and adaptations that may be prescribed;
- (h) with respect to the payment of deposits under this Act and the investment of deposits or dealing with deposits, 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.

[22/2013]

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

(3) If a resolution is passed pursuant to a motion notice of which 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 of the rules as from a specified date, the rules or such part of the rules (as the case may be) thereupon become void as from that date but without affecting the validity of anything previously done under the rules or the making of new rules.

THE SCHEDULE

Sections 3(1)(b) and (8), 4(1)(b), (2)(b)
and (5) and 6(1)(a)

TERRITORY

West Malaysia

[22/2013]

LEGISLATIVE HISTORY
MOTOR VEHICLES (THIRD-PARTY
RISKS AND COMPENSATION)
ACT 1960

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Ordinance 1 of 1960 — Motor Vehicles (Third-party Risks and Compensation) Ordinance, 1960

Bill	:	39/1959
First Reading	:	11 November 1959
Second Reading	:	13 January 1960
Notice of Amendments	:	13 January 1960
Third Reading	:	13 January 1960
Commencement	:	5 February 1960

Note: This Ordinance repealed Part II of the Road Traffic Ordinance (Chapter 227, 1955 Revised Edition).

2. Ordinance 17 of 1962 — Motor Vehicles (Third-party Risks and Compensation) (Amendment) Ordinance, 1962

Bill	:	173/1962
First Reading	:	26 March 1962
Second and Third Readings	:	17 April 1962
Commencement	:	27 April 1962

3. L.N. 470/1964 (G.N. Sp. No. S 14/1965) — Modification of Laws (Insurance) (Extension) Order, 1964

Commencement	:	1 January 1965
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4. G.N. No. S 148/1967 — Modification of Laws (Motor Vehicles (Third-party Risks and Compensation)) Order, 1967

Commencement	:	1 July 1967
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5. 1970 Revised Edition — Motor Vehicles (Third-Party Risks and Compensation) Act (Chapter 88)

Operation	:	1 April 1971
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6. Act 21 of 1973 — Statutes of the Republic of Singapore (Miscellaneous Amendments) Act, 1973

(Amendments made by section 2 read with the Schedule to the above Act)

Bill	:	16/1973
First Reading	:	7 March 1973
Second and Third Readings	:	20 March 1973
Commencement	:	6 April 1973 (section 2 read with the Schedule)

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

Bill	:	26/1980
First Reading	:	31 October 1980
Second and Third Readings	:	28 November 1980
Commencement	:	1 March 1981

8. 1985 Revised Edition — Motor Vehicles (Third-Party Risks and Compensation) Act (Chapter 189)

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

Bill	:	27/1994
First Reading	:	31 October 1994
Second and Third Readings	:	5 December 1994
Commencement	:	1 February 1995

10. Act 15 of 1995 — Bankruptcy Act 1995

(Amendments made by section 167(4) read with item (13) of the Second Schedule to the above Act)

Bill	:	16/1994
First Reading	:	25 July 1994
Second Reading	:	25 August 1994
Select Committee Report	:	Parl. 1 of 1995
Third Reading	:	23 March 1995
Commencement	:	15 July 1995 (section 167(4) read with item (13) of the Second Schedule)

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

Bill	:	27/1998
First Reading	:	1 June 1998
Second and Third Readings	:	29 June 1998
Commencement	:	21 October 1998

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

(Amendments made by section 9 of the above Act)

Bill	:	22/2000
First Reading	:	25 August 2000
Second and Third Readings	:	9 October 2000
Commencement	:	1 November 2000 (section 9)

13. 2000 Revised Edition — Motor Vehicles (Third-Party Risks and Compensation) Act (Chapter 189)

Operation	:	30 December 2000
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14. Act 26 of 2001 — Statutes (Miscellaneous Amendments and Repeal) Act 2001

(Amendments made by section 12 of the above Act)

Bill	:	24/2001
First Reading	:	11 July 2001
Second and Third Readings	:	25 July 2001
Commencement	:	1 September 2001 (section 12)

15. Act 5 of 2008 — Workmen's Compensation (Amendment) Act 2008

(Amendments made by section 40 read with item (12) of the Schedule to the above Act)

Bill	:	50/2007
First Reading	:	12 November 2007
Second and Third Readings	:	22 January 2008
Commencement	:	1 April 2008 (section 40 read with item (12) of the Schedule)

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

Bill	:	18/2013
First Reading	:	21 October 2013
Second and Third Readings	:	11 November 2013
Commencement	:	1 August 2014 (except section 3) 1 September 2014 (section 3)

17. Act 44 of 2014 — Public Trustee (Amendment) Act 2014

(Amendments made by section 19(2) of the above Act)

Bill	:	34/2014
First Reading	:	7 October 2014
Second and Third Readings	:	3 November 2014
Commencement	:	31 December 2014 (section 19(2))

18. Act 10 of 2017 — Road Traffic (Amendment) Act 2017

(Amendments made by section 45 of the above Act)

Bill	:	5/2017
First Reading	:	10 January 2017
Second and Third Readings	:	7 February 2017
Commencement	:	20 June 2017 (section 45)

19. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018

(Amendments made by section 494 of the above Act)

Bill	:	32/2018
First Reading	:	10 September 2018
Second and Third Readings	:	1 October 2018
Commencement	:	30 July 2020 (section 494)

20. Act 27 of 2019 — Work Injury Compensation Act 2019

(Amendments made by section 83(4) of the above Act)

Bill	:	21/2019
First Reading	:	5 August 2019
Second and Third Readings	:	3 September 2019
Commencement	:	1 September 2020 (section 83(4))

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE
MOTOR VEHICLES (THIRD-PARTY
RISKS AND COMPENSATION)
ACT 1960

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2000 Ed.
—	3—(6) [<i>Deleted by Act 10 of 2017</i>]
3—(6)	(7)
(7)	(8)
(8)	(9)
9—(3)	9—(2A)
(4)	(2B)
(5)	(2C)
(6)	(3)
(7)	(4)
(8)	(5)
(9)	(6)
(10)	(7)
(11)	(8)
(12)	(8A)
(13)	(9)
(14)	(10)
18—(4)	18—(3A)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
(9)	(8)

2020 Ed.	2000 Ed.
(10)	(9)