

**EXTRAORDINARY
GOVERNMENT OF FIJI GAZETTE SUPPLEMENT**

No. 47

WEDNESDAY, 29th NOVEMBER

2017

[LEGAL NOTICE NO. 100]

**Accident Compensation (Third Party Insurance)
Regulations 2017**

IN exercise of the powers conferred upon me by section 35 of the Accident Compensation Act 2017 and following consultation with the Accident Compensation Commission Fiji, I hereby make these Regulations—

Short title and commencement

1.—(1) These Regulations may be cited as the Accident Compensation (Third Party Insurance) Regulations 2017.

(2) These Regulations come into force on the date of publication in the Gazette.

Transfer of insurance obligations

2.—(1) Where a policy of insurance in respect of third party risks has been issued under the repealed Act to any person by an insurance company before 1 January 2018, the insurance company may transfer its obligations under such policy of insurance to the Commission, and any such transfer shall on delivery by the insurance company be binding and effective from 1 January 2018 on the Commission and any records with the Land Transport Authority in respect thereof are deemed to have been amended to reflect the transfer of obligations under such policy of insurance to the Commission.

(2) Where a policy of insurance is transferred by the insurance company to the Commission under subregulation (1), the insurance company must pay to the Commission such sum of unused premiums on a *pro rata* basis for the term of the policy of insurance from 1 January 2018 to the date of its expiry.

(3) Where a policy of insurance is transferred by the insurance company to the Commission under subregulation (1), any claim or action for compensation for personal injury or death as a result of a motor vehicle accident which occurred on or after 1 January 2018 must be made to and must be considered and determined by the Commission and any compensation must be paid by the Commission in accordance with the Act without recourse to the insurance company.

(4) Where a policy of insurance is transferred by the insurance company to the Commission under subregulation (1), any claim or action for compensation for personal injury or death as a result of a motor vehicle accident which occurred before 1 January 2018 must be dealt with in accordance with the repealed Act as if the policy of insurance had not been transferred.

(5) Notwithstanding anything contained in this regulation, the Commission is not liable for any proceeding, claim or action for compensation for personal injury or death as a result of a motor vehicle accident which occurred before 1 January 2018.

Made this 29th day of November 2017.

A. SAYED-KHAIYUM
Attorney-General and Minister responsible for justice