

Compensation Body Compendium

M – Malta

Review date: 30/11/2020

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1. What is the full identity (exact name, address, etc.) of the Compensation Body established or approved in accordance with Article 24 of the Codified Motor Insurance Directive? Please specify.

Motor Insurers' Bureau

The Bureau is a non-profit organisation which is composed of all the Insurers that are authorised to transact MTPL Insurance in Malta. It is registered in terms of the second schedule of the Civil Code. It has its own legal personality, as distinct from that of its members.

3. On what legal basis is it authorised to carry out compensation?

The basis on which it is authorised to carry out compensation is both in terms of Law as well as a Protocol / Agreement with the Government.

4. Is compensation by this body subsidiary?

No.

5. If the compensation is subsidiary, which entities are excluded?

N/A.

6. Is this body a VAT liable entity?

Under Maltese VAT legislation, the Motor Insurers' Bureau is considered to fall within legal definition of a "Taxable Person". However the Bureau is not required to register for VAT purposes since all the services it provides are considered by the said legislation to be VAT exempt. This includes the Handling Fee charged by the Bureau as reimbursement for its services.

If yes, please indicate the VAT number:

As above.

In this case, is the service of claim handling VAT exempted?

As above.

7. Are there any specific provisions governing the recourse between this body and those responsible for the accident and other insurers or social security bodies obliged to compensate the victim for the same accident?

Yes.

If yes, what do these specific provisions consist of? Please specify briefly.

The victim assigns and subrogates his/her rights against the tortfeasor for eventual recovery by the Bureau. An Insurer, which compensates in lieu of the Bureau, has a right of reimbursement against the Bureau.

8. Under your legislation, does a victim who has requested compensation under Articles 24 and 25 of the Codified Motor Insurance Directive have the right to remedy against the decision/omission of the Compensation Body?

Yes.

If yes, please specify (appeal to administrative authority, judicial review of the latter's decision or action to court directly, i.e. passive procedural legitimacy of the Compensation Body):

Legal proceedings can be instituted in a Court of Law.

9. Are there natural or legal persons (public or private) exempt from the obligation of compulsory MTPL insurance in your country? (Article 5.1 of the Codified Motor Insurance Directive)

Answer to this question is available in the Green Card Bureau Compendium, question 14.1.

If yes, please list the persons exempt from compulsory MTPL insurance:

Answer to this question is available in the Green Card Bureau Compendium, question 14.2.a).

In case of disagreement, please concert with your national Bureau.

Please also indicate the authorities or bodies responsible for compensation:

Answer to this question is available in the Green Card Bureau Compendium, question 14.2.b).

In case of disagreement, please concert with your national Bureau.

10. Are there certain types of vehicles or certain vehicles having a special plate exempted from the obligation of compulsory MTPL insurance in your country? (Article 5.2 of the Codified Motor Insurance Directive)

Answer to this question is available in the Green Card Bureau Compendium, question 14.3.

In case of disagreement, please concert with your national Bureau.

If yes, please list those vehicles:

Answer to this question is available in the Green Card Bureau Compendium, question 14.4.

In case of disagreement, please concert with your national Bureau.