

Instructions No. (6) of 2004
Instructions of the Fund to Remunerate the Injured Parties From Motor Accidents *
Issued by the Board of Directors of the Insurance Commission pursuant to
paragraph (B) of Article (85) of the Insurance Regulatory Act No.
(33) of 1999 and the Amendments Thereof

Article (1):

These Instructions shall be known as the (Instructions of the Fund to Remunerate the Injured Parties From Motor Accidents of 2004) and shall come into force as of the date of its publication in the Official Gazette.

Article (2):

- A- The words and phrases mentioned in these Instructions shall have the meanings ascribed thereto under Article (2) of the Insurance Regulatory Act No. (33) of 1999 and the Amendments Thereof, and Article (2) of the Civil Liability Compulsory Motor Insurance Regulation No. (32) of 2001 and the Amendments Thereof, unless otherwise indicated by context.
- B- For the purpose of these Instructions the words and phrases ascribed below shall mean the following:-

Fund	:	The fund to remunerate the injured parties from motor accidents.
Compulsory Insurance Gross Premiums	:	The gross premiums of the civil liability compulsory motor insurance arising from compulsory insurance policies premiums issued separately, and the premiums collected from the insurance coverage of the civil liability compulsory motor insurance in the comprehensive motor insurance policy.
Committee	:	The management committee of the fund to remunerate the injured parties from motor accidents.

Article (3):

Pursuant to the provisions of these Instructions, a Fund shall be established to remunerate the injured parties in respect of death, bodily injuries, emotional damages, and the medical expenses arising from motor accidents, in the following two cases:-

- A- Absence of an Insurance Policy in force covering the civil liability arising from the use of the motor.
- B- Where the identity of the motor causing damage, or the owner of the motor or driver thereof was not identified.

Article (4):

- A- The liability of the Fund to remunerate the injured parties from motor accidents as in the two cases stipulated in Article (3) of these Instructions, shall not exceed the limits of liability for death, bodily injuries, emotional damages, and the medical expenses ascribed in the Civil Liability Compulsory

* These Instructions were published in the Official Gazette volume (4666) dated 1/7/2004 page (3306).

Motor Insurance Regulation in force and the Instructions and Decisions issued by virtue thereof.

- B- The Fund shall not be liable to remunerate for death, bodily injuries, emotional damages, and the medical expenses stipulated in Article (12) of the Civil Liability Compulsory Motor Insurance Regulation in force or any other stipulation that may supersede them, and the Instructions and Decisions issued by virtue thereof.

Article (5):

The revenues of the Fund shall be derived from the following resources:-

- A- A percentage of (1%) of the Compulsory Motor Insurance gross premiums collected from insurance companies. The Board may, according to the recommendation of the Director General, reconsider this percentage, provided that the date and means to collect such percentage be decided by a Decision issued by the Director General for this purpose.
- B- Aids, contributions, grants, and donations made to the Fund, and accepted by the Board and approved by the Council of Ministers, if from a non-Jordanian source.
- C- Returns from investing the assets of the Fund.
- D- Any other revenues approved by the Board according to the recommendation of the Director General based upon the recommendation of the Committee.

Article (6):

In all cases, the Fund shall maintain reserves equivalent to the gross business for the three previous years. Any surplus shall be remitted to the Companies, according to their last contribution in the Fund or shall be considered a credit for the next year, if the Company so desires.

Article (7):

- A- The Fund shall be structured as follows:-
 - 1- A Management Committee consisting of three members to be established by a Decision of the Director General, one of whom shall be an employee of the Commission as the chairman of the Committee, and two other members from the insurance sector, for the period of two years, renewable for similar period.
 - 2- A secretary from the employees of the Commission, to be appointed by the Director General.
- B- The Committee shall meet, upon the request of the chairman, twice a month, or whenever necessary. The Committee shall take its decisions by the majority of its members, and no abstention shall be allowed. In case of dissent by a member, the dissenting opinion shall be documented in the minutes of the decision.
- C- The remuneration of the members and the secretary of the Committee shall be determined by a decision to be made by the Director General.

Article (8):

- A- The Committee shall be entrusted with the following Fund management functions and authorities:-
 - 1- Management and settlements of claims including asking the party injured to submit all the necessary papers and documents to prove the claim

together with the police accident report, and the decision of the competent court, as the case may be. The Committee shall also refer any person to the medical authority accredited by the Committee, if the Committee deems necessary.

- 2- Setting the necessary policies for investing the Fund revenues.
 - 3- Preparing the financial quarterly reports and submitting them to the Director General.
 - 4- Preparing the annual report including the financial statements for the previous year and submitting them to the Director General to be presented to the Board.
 - 5- Setting a mechanism for collecting the monies of the Fund, in case the Fund exercises the right of recourse against the person who caused the damage and/or was responsible for it, including requesting the injured person to take all the legal actions to exercise the right of recourse.
 - 6- Any other matter as assigned by the Director General.
- B- The Secretary of the Committee shall be entrusted with the following functions and responsibilities:-
- 1- Receiving claims submitted to the Fund.
 - 2- Preparing the agenda of the Committee meetings.
 - 3- Documenting the minutes of meetings, the decisions and the correspondences issued by the Committee.
 - 4- Keeping records and files of the Committee.
 - 5- Any other matter as assigned by the Committee.

Article (9):

- A- The priority for paying the remuneration decided by the Committee shall be made according to the date the claim was filed in case the resources of the Fund are sufficient to fulfill its obligations.
- B- The Fund shall start paying remuneration, pursuant to the provisions of these Instructions; ninety days after these Instructions come into force.

Article (10):

- A- The fiscal year of the Fund shall commence on the first day of January and shall end on the thirty first of December of the same year. The first fiscal year shall commence as of the date the Fund started operating and shall end at the end of the same year.
- B- The Director General shall appoint an Auditor to audit the final annual statements and the rest of the enclosed detailed data, to submit a report to that effect to the Director General to be presented to the Board within a period not exceeding two months as of the end of the fiscal year, provided that the auditing fees be borne by the Fund.

Article (11):

- A- No claim for remuneration pursuant to the provisions of these Instructions shall be accepted after the elapse of one year as of the date the accident occurred.
- B- The provisions of these Instructions shall not be applied to claims arising from accidents, which occurred before the provisions of these Instructions came into force.

Article (12):

The Director General shall issue the Decisions necessary for implementing the provisions of these Instructions.

Board of Directors of the Insurance Commission