

Communique 4 of 2023

Motor Insurance Policies (Road Accident Disputes)

Reference is made to the [Communique](#) issued by the Office of Ombudsperson for Financial Services on 13 January 2023.

Following consultation with the Attorney General's Office, it has been resolved that the Office of Ombudsperson for Financial Services can entertain complaints relating to road accidents where *inter alia* the complaints **do not fall** under the categories listed under section 7(3) of the Ombudsperson for Financial Services Act or section 68E of the Road Traffic Act.

Pursuant to section 7(3) of the Ombudsperson for Financial Services Act, the Ombudsperson shall not entertain a complaint –

- a) unless the complainant had, before making the complaint, made written representations, including representations made electronically, to the relevant financial institution;
- b) unless the complainant has sufficient interest in the subject matter of the complaint;
- c) where it is made more than 6 months from the date of receipt of the decision of the financial institution;
- d) where, following the non-receipt of the decision of the financial institution within the delay referred to in section 7(1)(a)(ii), the complaint is made more than 6 months from the expiry of the delay of 10 days referred to in that subsection;
- e) where it is made after the expiry of any prescribed period for monetary claims relating to the complaint, where such period does not exceed the time limit referred to in paragraph (c) or (d), as the case may be;
- f) where it is in respect of a matter that has been disposed of by the Ombudsperson and where the complainant was a party; or
- g) where it pertains to a subject matter which is or has been the subject of proceedings before, or has been determined by the Commissioner for the Protection of Borrowers, a Court, a tribunal or an arbitrator.

Section 68E of the Road Traffic Act governs settlement of dispute where an Agreed Statement of Facts Form or Minor Road Accident Report Form was used. It provides that where a dispute arises between two insurers, or between a policy holder and an insurer, regarding their respective liability or the amount of compensation to be paid, the dispute shall, if it has not been resolved amicably within 21 days of the date on which the Agreed Statement of Facts Form or Minor Road Accident Form is received by the two insurers, whichever is the later, be referred to the Motor Vehicle Insurance Arbitration Committee for determination.

Accordingly, Financial Institutions and Members of the Public are being informed that, henceforth, complaints in relation to road accidents covered by motor insurance policies should be addressed

to this Office, unless they fall under the categories listed under section 7(3) of the Ombudsperson for Financial Services Act or section 68E of the Road Traffic Act, in which case, for the latter, the dispute should be addressed to the Motor Vehicle Insurance Arbitration Committee for determination. A copy of the Application Form may be downloaded from the website of the Ministry of Land Transport and Light Rail.

To avoid any undue delay in processing, please refer to our [website](#) for step-to-step guidance on how to lodge a complaint with this Office.

The Communique issued on 13 January 2023 is revoked.

Office of Ombudsperson for Financial Services

Monday, 15 May 2023