

*Government Notice No. 74 of 2025***INSURANCE ACT****FSC Rules made by the Commission under section 6A, subsections (6A) and (8), section 130 of the Insurance Act 2005 and section 93 of the Financial Services Act****1. Citation**

These Rules may be cited as the Insurance (National Insurance Claims Database) Rules 2025.

2. Definitions

In these Rules –

“Act” means the Insurance Act;

“Agreed Statement of Facts Form” means the form specified in Section 68B(1)(a) of the Road Traffic Act;

“Bank of Mauritius” means the central bank as defined under Bank of Mauritius Act;

“business day” means any day of the week excluding Saturday, Sunday and any other public holiday applicable in Mauritius;

“claim” means an event or an alleged event that is —

- (a) recorded in writing by an insurer as having been notified to it; and
- (b) treated, in the interim, by the insurer as giving rise to an actual or potential liability, on the part of the undertaking, under a policy to which it is party;

“Commission” means the Financial Services Commission established under the Financial Services Act;

“controller workstation” means a computer workstation designated by an insurer for the management, control and monitoring of its connection to the National Insurance Claims Database;

“fee” means the annual fee payable to the Commission pursuant to Rule 13 (1) and as specified in the Schedule;

“insured” means the party named on a motor insurance policy or certificate as the individual with legal rights to the benefits provided under the policy;

“insurer” for the purposes of these Rules means a person carrying on a motor insurance business within Mauritius under a licence issued by the Commission;

“Mauritius Automated Clearing and Settlement System” is a system operated by the Bank of Mauritius which allows funds to be transferred between two counterparties immediately and without risk;

“motor claim” means any claim to an insurer made by an insured or third party insurer in relation to a motor vehicle accident;

“MVIAC” means the Motor Vehicle Insurance Arbitration Committee established under the Road Traffic Act;

“National Insurance Claims Database” means the National Insurance Claims Database established by the Commission under section 6A of the Act;

“Notice of Intended Prosecution” means a notice as referred to under Section 130 of the Road Traffic Act;

“operator workstation” means a computer workstation designated by an insurer for day-to-day use by its authorised staff to input, access and update information on the National Insurance Claims Database;

“third party insured” means a party who can claim third party insurance against damages or losses caused to him by the insured;

“third party insurer” means an insurer carrying out motor insurance business and who provides motor insurance against damages or losses caused by an insured to a third party insured;

“user guidelines” means instructions, technical specifications, operational procedures or any other guidance issued by the Commission from time to time in relation to the use, operation and security of the National Insurance Claims Database.

3. Application of the Rules

- (1) These Rules shall apply to an insurer conducting motor insurance business accessing information on the National Insurance Claims Database for the purposes specified under section 6A of the Act.
- (2) All insurers providing motor insurance business shall –
 - (a) furnish information pertaining to all motor claims reported to them on the National Insurance Claims Database platform within two business days from the date the motor claim was notified in writing; and
 - (b) abide by the terms and conditions of all available user guidelines, in relation to the National Insurance Claims Database, issued by the Commission.
- (3) These Rules are not exhaustive and should be read in conjunction with the provisions of the relevant Acts, and regulations made under those Acts, or FSC Rules or guidelines which the Commission may issue from time to time.

4. Claims

These Rules shall apply to a motor claim where the liability (actual or potential) of the insurer concerned is in respect of a risk falling within a relevant class of motor insurance business specified in Part II of the Schedule to the Act, where that risk is situated in Mauritius.

5. Claims History Certificate

An insurer shall, for the purpose of underwriting risks relating to motor insurance policy, generate claims history certificate on the National Insurance Claims Database for –

- (a) its existing policyholder at time of renewal of its motor insurance cover; and
- (b) any new and potential policyholder requesting for a motor insurance cover.

6. Claims handling and processing

- (1) An insurer shall register, on the National Insurance Claims Database, every motor claim which has been reported to it by –
 - (a) its insured;
 - (b) a third party insured; or
 - (c) a third party insurer.
- (2) Any registration of motor claim made pursuant to paragraph (1), shall be done within two business days from the date on which the motor claim has been reported to that insurer.
- (3) An insurer shall process all particulars of every motor claim on the National Insurance Claims Database, irrespective of whether the third party insured is at fault or not.

- (4) An insurer shall ensure –
 - (a) that motor claims are processed promptly and fairly; and
 - (b) all relevant information is recorded diligently on the National Insurance Claims Database by the insurer.
- (5) Any changes to the status of a motor claim should be updated on the National Insurance Claims Database in a timely manner.
- (6) Any motor claim that is registered on the National Insurance Claims Database by an insurer shall be accompanied by –
 - (a) a duly filled in Agreed Statement of Facts Form, or Notice of Intended Prosecution as applicable; and
 - (b) a copy of a valid driver's licence involved in the motor claim.
- (7) The description of an accident provided by an insurer to the National Insurance Claims Database shall be strictly in accordance with the Agreed Statement of Facts Form.
- (8) In the event that there is conflict between the information provided in the Agreed Statement of Facts Form and the information recorded on the National Insurance Claims Database, the information provided in the Agreed Statement of Facts Form shall prevail.
- (9) In the event that an insurer receives a claim notification from a third party insurer on the National Insurance Claims Database, or from a third party insured, and such motor claim has not been duly reported to the insurer by its insured, the insurer shall notify its insured by registered post or by email, within two business days of receiving such notification.

- (10) An insurer shall appoint a motor surveyor within three business days from the date estimate of repairs has been received.

7. Scale of liability

- (1) An insurer shall select its scale of liability on the National Insurance Claims Database in accordance with Section 68D of the Road Traffic Act.
- (2) Once a liability has been confirmed on the National Insurance Claims Database, the scale of liability referred to in paragraph (1) shall not be modified except with the prior approval of the Commission.

8. Data accuracy, protection and privacy

- (1) An insurer shall ensure that all data entered on the National Insurance Claims Database is accurate, complete, and up to date.
- (2) All insurers shall have the responsibility to ensure that access to the National Insurance Claims Database is restricted to authorised personnel only, and appropriate security measures are in place to prevent unauthorised access or disclosure.
- (3) All insurers shall comply with the applicable provisions of the Data Protection Act when accessing and using the National Insurance Claims Database.
- (4) Information on the National Insurance Claims Database regarding motor claims history certificate shall be accessed by insurers only after obtaining the consent of the policyholder or driver.

- (5) No insurer shall verify the motor claims history certificate of a policyholder or driver unless a formal request for quotation for motor insurance has been submitted to the insurer under section 6A (5) of the Act.

9. Claims repudiation

An insurer shall not reject a motor claim unless the rejection is in line with the Road Traffic Act, any other enactment, or any term or condition of any insurance policy, or any agreement relating to the insured or third party insured.

10. Dispute Resolution

- (1) Insurance motor claim disputes shall be referred for dispute resolution in accordance with the provisions of the Road Traffic Act and other applicable laws.
- (2) For any cases referred to in paragraph (1) whereby liability is disputed, the insurer whose liability is being disputed by another insurer, shall refer the case to MVIAC for dispute resolution in line with the Road Traffic Act.
- (3) The limitation period for cases referred to the MVIAC shall be in accordance with the provisions of the Road Traffic Act and other applicable laws.
- (4) The MVIAC may for the purpose of the National Insurance Claims Database, upload its official ruling on the National Insurance Claims Database within two business days in such form and manner as it may determine.
- (5) Notwithstanding paragraph (4), the Commission may require any insurer which has obtained a ruling in its favour from the MVIAC to upload the official ruling on the National Insurance Claims Database within two business days from the receipt of the ruling.

- (6) An insurer which has obtained a judgement in its favour from a Court shall upload the judgment on the National Insurance Claims Database within two business days of its receipt.

11. Administration of the National Insurance Claims Database

- (1) An insurer shall have a dedicated email address acceptable to the Commission and a backup email address or emergency contact details for emergencies or exceptional cases, for the purposes of using the National Insurance Claims Database.
- (2) Any notification by the National Insurance Claims Database to the insurer shall be transmitted to the email address identified at paragraph (1).
- (3) Failure to provide a dedicated email address acceptable to the Commission may result in the suspension or termination of the insurer's access to the National Insurance Claims Database.
- (4) An insurer shall –
 - (a) at all times monitor its dashboard on the National Insurance Claims Database and ensure that all unmatched claims are responded within two business days;
 - (b) verify on the National Insurance Claims Database whether the vehicle to be insured is a total loss vehicle with respect to new clients prospecting insurance cover on the said vehicle;
 - (c) develop an internal system for linking to and from the National Insurance Claims Database and ensure the maintenance, security and reliability, including

back-up and contingency arrangements, of such system at its own cost;

- (d) ensure National Insurance Claims Database connections at their site;
- (e) oversee the day-to-day responsibility for operating any equipment connected to National Insurance Claims Database at their site, which includes application server, database server, controller workstation, operator workstation and the interface between their host system and National Insurance Claims Database; and
- (f) report any technical issue, in respect of the use of the National Insurance Claims Database, to the Commission, promptly and in any event no later than two business days from the occurrence of the issue.

12. Multilateral Settlement

- (1) All motor claims which have been acknowledged for recovery of payment by an insurer shall automatically be flagged for settlement 5 business days before the settlement date on a monthly basis.
- (2) The National Insurance Claims Database shall automatically calculate the net obligations of each insurer and shall generate the settlement listing.
- (3) The National Insurance Claims Database shall create a net settlement file that shall automatically be sent to the Bank of Mauritius for automatic settlement through the Mauritius Automated Clearing and Settlement System.

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- (4) All payments required on the National Insurance Claims Database shall be settled through the Mauritius Automated Clearing and Settlement System.
 - (5) An insurer shall, for the purpose of settlement under the Mauritius Automated Clearing and Settlement System, hold a separate and dedicated bank account with a bank licensed by the Bank of Mauritius to be used solely for the purpose of facilitating payments and settlements arising from the National Insurance Claims Database which shall have a minimum balance of MUR 1 million.
 - (6) An insurer shall, within the period between the date on which the National Insurance Claims Database generates the settlement listing, and the settlement date, ensure that it has the required funds in the bank account as specified under Rule 12 and confirm availability of funds on the National Insurance Claims Database for payment of claims recoveries.
 - (7) An insurer shall provide instructions to its bank for payment of motor claim by the last Monday of the relevant month.
 - (8) The settlement shall take place on the last Monday of each month under the Mauritius Automated Clearing and Settlement System.

13. Fee payable

- (1) Every insurer accessing information from the National Insurance Claims Database shall pay to the Commission such annual fee as specified in the Schedule.
- (2) The fees charged under paragraph (1) shall become due and payable to the Commission within 15 days from the

date on which the amount due is communicated to the insurer.

- (3) Any annual fee paid within –
 - (a) one month after the due date, shall be subject to an additional charge of 25% of the corresponding annual fee;
 - (b) two months or more after the due date, shall, in addition to the charge specified in paragraph (a), be subject to an additional charge of 1% of the corresponding annual fee for each additional month.
- (4) The Commission shall not be bound to accept late payment of annual fee where such payment is effected after the time specified in paragraph (3) above.

14. Commencement

These Rules shall come into operation on 22 September 2025.

Made by the Financial Services Commission on 29 August 2025.

SCHEDULE
Rule 13(1)

Description	Fixed annual fee payable (MUR)
Annual fee	26,400