



Road Traffic Act 1930

1930 CHAPTER 43

PART II

PROVISION AGAINST THIRD-PARTY RISKS ARISING OUT OF THE USE OF MOTOR VEHICLES.

35 Users of motor vehicles to be insured against third party risks.

- (1) Subject to the provisions of this Part of this Act, it shall not be lawful for any person to use, or to cause or permit any other person to use, a motor vehicle on a road unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, such a policy of insurance or such a security in respect of third-party risks as complies with the requirements of this Part of this Act.
- (2) If a person acts in contravention of this section, he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment, and a person convicted of an offence under this section shall (unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification) be disqualified for holding or obtaining a licence under Part I of this Act for a period of twelve months from the date of the conviction.

A person disqualified by virtue of a conviction under this section or of an order made thereunder for holding or obtaining a licence shall, for the purposes of Part I of this Act, be deemed to be disqualified by virtue of a conviction under the provisions of that Part.

- (3) Notwithstanding any enactment prescribing a time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under this section may be brought—
 - (a) within a period of six months from the date of the commission of the alleged offence; or
 - (b) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence,

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whichever period is the longer.

- (4) This section shall not apply to a vehicle owned by a local authority, a police authority, or the receiver for the Metropolitan Police District, or by a person who has deposited and keeps deposited with the Accountant-General of the Supreme Court for and on behalf of the Supreme Court the sum of fifteen thousand pounds, at any time when the vehicle is being driven by the owner or by a servant of the owner in the course of his employment, or is otherwise subject to the control of the owner.
- (5) This Part of this Act shall not extend to "invalid carriages within the meaning of Part I of this Act or to tramcars or trolley vehicles the use of which is authorised or regulated by special Act of Parliament or by an order having the force of an Act, unless the special Act or order so provides.
- (6) In this section the expression "local authority" means the council of any county, county borough or county district, the common council of the City of London and the council of any metropolitan borough, and includes any joint board or joint committee which is so constituted as to include among its members representatives of any such council.

36 Requirements in respect of policies.

- (1) In order to comply with the requirements of this Part of this Act, a policy of insurance must be a policy which—
 - (a) is issued by a person who is an authorised insurer within the meaning of this Part of this Act; and
 - (b) insures such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by or arising out of the use of the vehicle on a road :

Provided that such a policy shall not be required to cover—

- (i) liability in respect of the death arising out of and in the course of his employment of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment; or
 - (ii) except in the case of a vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment, liability in respect of the death of or bodily injury to persons being carried in or upon or entering or getting on to or alighting from the vehicle at the time of the occurrence of the event out of which the claims arise; or
 - (iii) any contractual liability.
- (2) Where any payment is made by an authorised insurer under a policy issued under this Part of this Act or by the owner of a vehicle in relation to the user of which a security under this Part of this Act is in force, or who has made a deposit under this Part of this Act in respect of the death of or bodily injury to any person arising out of the use of a motor vehicle on a road and the person who has so died or been bodily injured has to the knowledge of the authorised insurer or such owner received treatment in a hospital in respect of the fatal or other bodily injury so arising, there shall also be paid by the authorised insurer or such owner to such hospital the expenses reasonably incurred

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by the hospital in affording such treatment to an amount not exceeding twenty-five pounds for each person so treated.

For the purposes of this subsection the expression " hospital " means an institution which provides medical or surgical treatment for in-patients, and the expression " expenses reasonably incurred " means, in relation to a person who receives treatment in a hospital, an amount for each day such person is maintained in such hospital representing the average daily cost per patient of the maintenance of the hospital and the staff thereof and the maintenance and treatment of the patients therein:

Provided that this subsection shall not apply in any case where a charge has been made by the hospital in respect of such treatment.

- (3) For the purposes of this Part of this Act, the expression " authorised insurer " means an assurance company or an underwriter in whose case the requirements of the Assurance Companies Act, 1909, as amended by this Act, with respect to deposits by assurance companies and deposits and guarantees by underwriters are complied with.
- (4) Notwithstanding anything in any enactment, a person issuing a policy of insurance under this section shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.
- (5) A policy shall be of no effect for the purposes of this Part of this Act unless and until there is delivered by the insurer to the person by whom the policy is effected a certificate (in this Part of this Act referred to as a " certificate of insurance ") in the prescribed form and containing such particulars of any conditions' subject to which the policy is issued and of any other matters as may be prescribed, and different forms and different particulars may be prescribed in relation to different cases or circumstances.
- (6) In this Part of this Act the expression " policy of insurance " includes a covering note.

37 Requirements in respect of securities.

- (1) In order to comply with the requirements of this Part of this Act a security must—
 - (a) be given either by an authorised insurer or by some body of persons which carries on in the United Kingdom the business of giving securities of a like kind and which has deposited and keeps deposited with the Accountant-General of the Supreme Court for and on behalf of the Supreme Court the sum of fifteen thousand pounds in respect of that business; and
 - (b) consist of an undertaking by the giver of the security to make good, subject to any conditions specified therein, and up to the amount, in the case of an undertaking relating to the use of public service vehicles, of not less than twenty-five thousand pounds, and, in any other case, of not less than five thousand pounds, any failure by the owner of the vehicle or such other persons or classes of persons as may be specified in the security duly to discharge any such liability as is required to be covered by a policy of insurance under the last preceding section which may be incurred by him or them.
- (2) A security shall be of no effect for the purposes of this Part of this Act unless and until there is issued by the person giving the security to the person to whom it is given a certificate (in this Part of this Act referred to as a " certificate of security") in the prescribed form and containing such particulars of any conditions subject to which the security is issued and of any other matters as may be prescribed, and different

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forms and different particulars may be prescribed in relation to different cases or circumstances.

38 Certain conditions to policies or securities to be of no effect.

Any condition in a policy or security issued or given for the purposes of this Part of this Act, providing that no liability shall arise under the policy or security or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security, shall be of no effect in connection with such claims as are mentioned in paragraph (b) of subsection (1) of section thirty-six:

Provided that nothing in this section shall be taken to render void any provision in a policy or security requiring the person insured or secured to repay to the insurer or the giver of the security any sums which the latter may have become liable to pay under the policy or security and which have been applied to the satisfaction of the claims of third parties.

39 Production of certificate of insurance or certificate of security on application for motor vehicle licence.

Provision may be made by regulations under section twelve of the Roads Act, 1920, for requiring a person applying for a licence in respect of a motor vehicle under section thirteen of the Finance Act, 1920, as amended by any subsequent enactment, to produce such evidence as may be prescribed that either—

- (a) on the date when the licence comes into operation there will be in force the necessary policy of insurance or the necessary security in relation to the user of the vehicle by the applicant or by other persons on his order or with his permission; or
- (b) the vehicle is a vehicle to which the first section contained in this Part of this Act does not apply at any time when it is being driven by the owner thereof, or by a servant of his in the course of his employment, or is otherwise subject to the control of the owner.

40 Requirements as to production of certificate of insurance or of security.

- (1) Any person driving a motor vehicle on a road shall, on being so required by a police constable, give his name and address and the name and address of the owner of the vehicle and produce his certificate, and if he fails so to do he shall be guilty of an offence:

Provided that, if the driver of a motor vehicle within five days after the date on which the production of his certificate was so required produces the certificate in person at such police station as may have been specified by him at the time its production was required, he shall not be convicted of an offence under this subsection by reason only of failure to produce his certificate to the constable.

- (2) If in any case where, owing to the presence of a motor vehicle on a road, an accident occurs involving personal injury to another person, the driver of the vehicle does not at the time produce his certificate to a police constable or to some person who, having reasonable grounds for so doing, has required its production, the driver shall, as soon as possible, and in any case within twenty-four hours of the occurrence of the accident,

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report the accident at a police station or to a police constable and thereupon produce his certificate, and if he fails so to do, he shall be guilty of an offence:

Provided that a person shall not be convicted of an offence under this subsection by reason only of failure to produce his certificate if, within five days after the occurrence of the accident, he produces the certificate in person at such police station as may be specified by him at the time the accident was reported.

- (3) It shall be the duty of the owner of a motor vehicle to give such information as he may be required by or on behalf of a chief officer of police to give for the purpose of determining whether the vehicle was or was not being driven in contravention of section thirty-five of this Act on any occasion when the driver was required under this section to produce his certificate, and if the owner fails to do so he shall be guilty of an offence.
- (4) In this section the expression "produce his certificate" means produce for examination the relevant certificate of insurance or certificate of security or such other evidence that the vehicle is not or was not being driven in contravention of section thirty-five of this Act as may be prescribed.

41 Regulations for purposes of Part II.

The Minister may make regulations for prescribing anything which may be prescribed under this Part of this Act and generally for the purpose of carrying this Part of this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations—

- (a) as to the forms to be used for the purposes of this Part of this Act;
- (b) as to applications for and the issue of certificates of insurance and certificates of security and any other documents which may be prescribed and as to the keeping of records of documents and the furnishing of particulars thereof or the giving of information with respect thereto to the Minister or a chief officer of police;
- (c) as to the issue of copies of any such certificates or other documents which are lost or destroyed;
- (d) as to the custody, production, cancellation and surrender of any such certificates or other documents;
- (e) for providing that any provisions of this Part of this Act shall, in relation to vehicles brought into Great Britain by persons making only a temporary stay therein, have effect subject to such modifications and adaptations as may be prescribed.

42 Amendment of Assurance Companies Act, 1909.

- (1) Section one of the Assurance Companies Act, 1909, shall have effect as if after paragraph (e) thereof there were added the following paragraph:—
 - “(f) motor vehicle insurance business, that is to say, the business of effecting contracts of insurance against loss of, or damage to or arising out of or in connection with the use of, motor vehicles, including third party risks.”
- (2) Where an assurance company within the meaning of the Assurance Companies Act, 1909, carries on motor vehicle insurance business, that Act shall apply with respect

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to that business in the same way as it applies to accident insurance business subject to the following modifications:—

- (a) If the company does not also carry on assurance business of some other class, the reference in subsection (1) of section two of that Act to the sum of twenty thousand pounds shall be construed as a reference to the sum of fifteen thousand pounds;
- (b) If the company also carries on assurance business of some other class, the reference in subsection (4) of the said section two to a sum of twenty thousand pounds shall, as respects the motor vehicle insurance business, be construed as a reference to a sum of fifteen thousand pounds, and, notwithstanding anything in the said Act relieving a company from making a deposit in respect of any class of insurance business where it has made a deposit in respect of any other class of assurance business, the total sum to be deposited under the said subsection (4) shall in no case be less than thirty-five thousand pounds;
- (c) Sections five and six and paragraphs (a), (b) and (c) of section thirty-two of that Act shall not apply.

43 Deposits under Part II.

- (1) No part of any sum deposited by any person with the Accountant-General of the Supreme Court under section thirty-five or section thirty-seven of this Act shall, so long as any liabilities, being such liabilities as are required to be covered by a policy of insurance under this Part of this Act, which have been incurred by him have not been discharged or otherwise provided for, be applicable in discharge of any other liabilities incurred by him.
- (2) Any rules made by the Board of Trade under section two of the Assurance Companies Act, 1909, which apply to deposits made by insurers carrying on motor vehicle insurance business shall, with such necessary modifications and adaptations as the Minister, after consultation with the Lord Chancellor, may prescribe, apply to deposits made with the said Accountant-General under the sections aforesaid.

44 Application to Scotland.

This Part of this Act shall apply to Scotland subject to the following modification:—

In section thirty-five the expression " local authority " means any county, town, or district council or any joint committee which is so constituted as to include among its members representatives of any such council.