
STATUTORY INSTRUMENTS

2019 No. 1047

**The Motor Vehicles (Compulsory Insurance)
(Miscellaneous Amendments) Regulations 2019**

PART 1

Introduction

Citation and commencement

1. These regulations may be cited as the Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 and come into force on 1st November 2019.

PART 2

Removal of securities and deposits as alternatives to
motor insurance and transitional and saving provision

Amendments of primary and secondary legislation

2. Schedule 1 amends—
- (a) the Road Traffic Act 1988 (see Part 1);
 - (b) the Road Traffic Offenders Act 1988⁽¹⁾ (see Part 2); and
 - (c) the Serious Organised Crime and Police Act 2005⁽²⁾ (see Part 3).
3. Schedule 2 makes amendments to primary legislation as a result of the Automated and Electric Vehicles Act 2018⁽³⁾.
4. Schedule 3—
- (a) amends the Motor Vehicles (International Motor Insurance Card) Regulations 1971⁽⁴⁾ (see Part 1);
 - (b) amends the Motor Vehicles (Third Party Risks) Regulations 1972⁽⁵⁾ (see Part 2);
 - (c) amends the Motor Vehicles (Compulsory Insurance) (No. 2) Regulations 1973⁽⁶⁾ (see Part 3);
 - (d) revokes the Motor Vehicles (Third-Party Risks Deposits) Regulations 1992⁽⁷⁾ (see Part 4);

(1) 1988 c.53.

(2) 2005 c.15.

(3) 2018 c.18.

(4) S.I. 1971/792, to which there are amendments not relevant to these Regulations.

(5) S.I. 1972/1217; relevant amending instruments are S.I. 1992/1283; S.I. 1997/97; S.I. 2001/2266; S.I. 2010/1115; S.I. 2010/1117; S.I. 2013/2904; S.I. 2015/971.

(6) S.I. 1973/2143, to which there are amendments not relevant to these Regulations.

(7) S.I. 1992/1284.

- (e) amends the Disclosure of Vehicle Insurance Information Regulations 2005(8) (see Part 5); and
- (f) amends the Motor Vehicles (Insurance Requirements) Immobilisation, Removal and Disposal) Regulations 2011(9) (see Part 6).

Transitional and saving provision

- 5.—(1) This regulation applies to—
- (a) a deposit made before 1st November 2019 with the Accountant General of the Senior Courts in accordance with section 144(1) of the Road Traffic Act 1988(10);
 - (b) a security given before 1st November 2019 in accordance with section 146 of the Road Traffic Act 1988(11); and
 - (c) a security which is renewed on or after 1st November 2019 in accordance with section 146 of the Road Traffic Act 1988 having been originally given before that date in accordance with that section.
- (2) Subject to paragraphs (3) and (4), regulations 2, 3 and 4 and Schedules 1, 2 and 3 do not apply until 1st November 2021 in relation to a deposit or security to which this regulation applies.
- (3) Regulations 2 and 4 and Schedules 1 and 3 do not affect any liability in respect of death or bodily injury or damage to property where—
- (a) the event which was the cause of the death or bodily injury or damage to property giving rise to the liability occurred before 1st November 2021; and
 - (b) at the time the event occurred, there was a deposit or security to which this regulation applies that covered the liability.
- (4) Regulation 4(d) and Part 4 of Schedule 3 do not apply to any monies held by the Accountant General of the Senior Courts in relation to a deposit or security to which this regulation applies.

PART 3

Amendments of insurer’s right to void an insurance policy

Amendment of Road Traffic Act 1988

- 6.—(1) Section 152 of the Road Traffic Act 1988 (exceptions to section 151)(12) is amended as follows.
- (2) In subsection (2), for the words before paragraph (a) substitute “No sum is payable by an insurer under section 151 of this Act in connection with any liability if, before the happening of the event which was the cause of the death or bodily injury or damage to property giving rise to the liability, the insurer has obtained a declaration—”.
- (3) Omit subsections (3) and (4).

(8) S.I. 2005/2833.

(9) S.I. 2011/1120, to which there are amendments not relevant to these Regulations.

(10) Section 144 was amended by the Constitutional Reform Act 2005 (c.4), paragraph 4 of Schedule 11 and the Road Traffic Act 1991, section 20. Further amendments made by the Automated and Electric Vehicles Act 2018, paragraph 18 of the Schedule have yet to be brought into force. There are other amendments not relevant to this instrument.

(11) Section 146 was amended by the Constitutional Reform Act 2005, paragraph 4 of Schedule 11 and the Motor Vehicles (Compulsory Insurance) Regulations 2000 (S.I. 2000/726), regulation 4.

(12) Section 152 was amended by the Deregulation Act 2015 (c.20), section 9 and paragraph 5 of Schedule 3, the Insurance Act 2015 (c.4), section 21, the Consumer Insurance (Disclosure and Representations) Act 2012 (c.6), section 11 and the Road Traffic Act 1991 (c. 40), paragraph 66 of Schedule 4.

Amendment of Road Traffic (Northern Ireland) Order 1981

7.—(1) Article 98A of the Road Traffic (Northern Ireland) Order 1981 (exceptions to article 98)(13) is amended as follows.

(2) In paragraph (2), for the words before sub-paragraph (a) substitute “No sum is payable by an insurer under Article 98 of this Order in connection with any liability if, before the happening of the event which was the cause of the death or bodily injury or damage to property giving rise to the liability, the insurer has obtained a declaration—”.

(3) Omit paragraphs (3) and (4).

Saving provision

8.—(1) Paragraph (2) applies if, immediately before 1st November 2019, an insurer was exempted from paying any sum under section 151 of the Road Traffic Act 1988 in connection with a liability as a result of a declaration obtained by the insurer under section 152(2) of that Act before that date.

(2) Despite regulation 6, on and after 1st November 2019 section 152(2) of that Act continues to exempt the insurer from paying any sum in connection with the liability, regardless of whether the declaration was obtained before or after the happening of the event which was the cause of the death or bodily injury or damage to property giving rise to the liability.

(3) Paragraph (4) applies if, immediately before 1st November 2019, an insurer was exempted from paying any sum under Article 98 of the Road Traffic (Northern Ireland) Order 1981 in connection with a liability as a result of a declaration obtained by the insurer under Article 98A(2) of that Order before that date.

(4) Despite regulation 7, on and after 1st November 2019 Article 98A(2) of that Order continues to exempt the insurer from paying any sum in connection with the liability, regardless of whether the declaration was obtained before or after the happening of the event which was the cause of the death or bodily injury or damage to property giving rise to the liability.

PART 4

Amendment of Motor Vehicles (Insurance Requirements) Regulations 2011

9. In regulation 3 of the Motor Vehicles (Insurance Requirements) Regulations 2011(14), for “paragraph 5(3)” substitute “paragraph 2”.

Signed by authority of the Secretary of State for Transport

24th June 2019

Michael Ellis
Minister of State
Department for Transport

(13) *S.I. 1981/154 (N.I. 1)*; Article 98A was inserted by the Motor Vehicles (Compulsory Insurance) Regulations (Northern Ireland) 1989 (*S.R. 1989/84*). Article 98A was amended by the Insurance Act 2015, section 21 and the Consumer Insurance (Disclosure and Representations) Act 2012, section 11. There are other amendments not relevant to this instrument.

(14) *S.I. 2011/20*.