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STATUTORY INSTRUMENTS

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**1981 No. 154**

**Road Traffic (Northern Ireland) Order 1981**

**PART VIII**

**INSURANCE AGAINST THIRD-PARTY LIABILITIES**

**[<sup>F1</sup>Exceptions to Article 98**

**98A.**—(1) No sum shall be payable by an insurer under Article 98—

- (a) in respect of any judgment unless, before or within seven days after the commencement of the proceedings in which the judgment was given, the insurer had notice of the bringing of the proceedings;
- (b) in respect of any judgment so long as enforcement of the judgment is stayed pending an appeal; or
- (c) 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 policy or security was cancelled by mutual consent or by virtue of any provision contained in it, and also either before or after the happening of that event but before the expiration of the period of 14 days from the taking effect of the cancellation of the policy or security—
  - (i) the certificate was surrendered to the insurer [<sup>F2</sup>(in the case of a certificate delivered otherwise than as described in Article 92(4A))]; or
  - (ii) the insurer has commenced proceedings under this Order in respect of the failure to surrender the certificate.

(2) [<sup>F3</sup>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—]

- (a) that, apart from any provision contained in the policy or security, he is entitled to avoid [<sup>F4</sup>the policy under either of the relevant insurance enactments, or the security] on the ground that it was obtained—
  - (i) by the non-disclosure of a material fact; or
  - (ii) by a representation of fact which was false in some material particular; or
- (b) if he has avoided the policy [<sup>F5</sup>under either of the relevant insurance enactments, or the security] on that ground, that he was entitled so to do apart from any provision contained in [<sup>F6</sup>the policy or security].

<sup>F7</sup>(3) .....

<sup>F7</sup>(4) .....

[  
<sup>F8</sup>(5) In this Article, “relevant insurance enactment” means the Consumer Insurance (Disclosure and Representations) Act 2012 or Part 2 of the Insurance Act 2015.]]

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**Changes to legislation:** Road Traffic (Northern Ireland) Order 1981, Section 98A is up to date with all changes known to be in force on or before 09 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- F1** SR 1989/84
- F2** Words in art. 98A(1)(c)(i) inserted (21.3.2011) by [Motor Vehicles \(Electronic Communication of Certificates of Insurance\) Order \(Northern Ireland\) 2011 \(S.R. 2011/23\)](#), **art. 2(4)**
- F3** Words in art. 98A(2) substituted (1.11.2019) by [The Motor Vehicles \(Compulsory Insurance\) \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1047\)](#), regs. 1, **7(2)** (with reg. 8(3)(4))
- F4** Words in art. 98A(2)(a) substituted (12.8.2016) by [Insurance Act 2015 \(c. 4\)](#), **ss. 21(5)(a)(i)**, 23(2) (with s. 22(1))
- F5** Words in art. 98A(2)(b) substituted (12.8.2016) by [Insurance Act 2015 \(c. 4\)](#), **ss. 21(5)(a)(ii)**, 23(2) (with s. 22(1))
- F6** Words in art. 98A(2)(b) substituted (6.4.2013) by [Consumer Insurance \(Disclosure and Representations\) Act 2012 \(c. 6\)](#), ss. 11(4)(b), 12(2) (with s. 12(4)(5)); S.I. 2013/450, art. 2
- F7** [Art. 98A\(3\)\(4\)](#) omitted (1.11.2019) by virtue of [The Motor Vehicles \(Compulsory Insurance\) \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1047\)](#), regs. 1, **7(3)** (with reg. 8(3)(4))
- F8** [Art. 98A\(5\)](#) added (12.8.2016) by [Insurance Act 2015 \(c. 4\)](#), **ss. 21(5)(c)**, 23(2) (with s. 22(1))

**Changes to legislation:**

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[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Instrument amended by [1994 c. 22 s. 63 Sch.3 para 17](#)
- Instrument rev. in Pt. by [1994 c. 22 s. 65 Sch.5 Pt II](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Order Blanket amendment by [2009 c. 1 \(N.I.\) Sch. 6 para. 1\(1\)\(b\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 Pt. 1 words inserted by [2016 c. 11 \(N.I.\) s. 18\(2\)](#)
- Sch. 7 para. 6 repealed by [2010 c. 2 \(N.I.\) Sch. 4](#) (The amendment could not be applied as the relevant affected text is not available on [legislation.gov.](#))
- Sch. 7 para. 7 repealed by [2010 c. 2 \(N.I.\) Sch. 4](#) (The amendment could not be applied as the relevant affected text is not available on [legislation.gov.](#))
- art. 5(2ZA)-(2ZD) inserted by [2016 c. 11 \(N.I.\) s. 16\(2\)\(a\)](#)
- art. 5(4A) inserted by [2016 c. 11 \(N.I.\) s. 16\(2\)\(b\)](#)
- art. 5A inserted by [2016 c. 11 \(N.I.\) s. 17\(2\)](#)
- art. 13(1)(c)(ia) words repealed by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 4\(a\)\(ii\) Sch. 8 Pt. 5](#)
- art. 13B-13C inserted by [2016 c. 11 \(N.I.\) s. 17\(3\)](#)
- art. 15ZA inserted by [2016 c. 11 \(N.I.\) s. 18\(1\)\(c\)](#)
- art. 19D(1ZA)(1ZB) inserted by [2016 c. 11 \(N.I.\) s. 17\(4\)\(b\)](#)
- art. 19AB19AC substituted for art. 19A 19B by [2016 c. 11 \(N.I.\) s. 19\(3\)](#)
- art. 31A(2A)-(2D) inserted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 5 omitted immediately before IP completion day by virtue of [S.I. 2020/1393](#), regs. 1(2), 2(4))
- art. 31A(2C) words inserted in earlier amending provision [S.I. 2019/648](#), reg. 5(2)(a) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2019/648](#), reg 5, which inserts art. 31A(2C) omitted (31.12.2020 immediately before IP completion day) by virtue of [S.I. 2020/1393](#), regs. 1(2), 2(4))
- art. 31A(3A)(3B) inserted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 5 omitted immediately before IP completion day by virtue of [S.I. 2020/1393](#), regs. 1(2), 2(4))
- art. 31A(3B) words inserted in earlier amending provision [S.I. 2019/648](#), reg. 5(2)(b) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(b\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2019/648](#), reg 5, which inserts art. 31A(3B) omitted (31.12.2020 immediately before IP completion day) by virtue of [S.I. 2020/1393](#), regs. 1(2), 2(4))
- art. 31A(3B) words inserted in earlier amending provision [S.I. 2019/648](#), reg. 5(2)(b) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(b\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2019/648](#), reg 5, which inserts art. 31A(3B) omitted (31.12.2020 immediately before IP completion day) by virtue of [S.I. 2020/1393](#), regs. 1(2), 2(4))
- art. 174(2A)(da) inserted by [2016 c. 11 \(N.I.\) s. 17\(5\)\(a\)\(i\)](#)
- art. 174(2AB) inserted by [2016 c. 11 \(N.I.\) s. 17\(5\)\(b\)](#)
- art. 177(1)(ba) inserted by [2016 c. 11 \(N.I.\) s. 19\(4\)\(b\)](#)
- art. 177(1A) inserted by [2016 c. 11 \(N.I.\) s. 19\(4\)\(c\)](#)

- art. 177(3)(4) inserted by 2016 c. 11 (N.I.) s. 19(4)(b)
- art.198 am. (prosp.) by 1997 c. 16 s.18Sch.3 paras.8(2)9
- art.198 am. (prosp.) by 1997 c. 16 s.18 Sch.3 paras.8(2)9