Road Traffic Act 1988

1988 CHAPTER 52

PART VI

THIRD-PARTY LIABILITIES

Modifications etc. (not altering text)

C1 Pt. VI: power to modify conferred (E.W.) by National Health Service Act 1977 (c. 49, SIF 113:2), **ss. 23(4)**, 27(5) (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 18(1)(2)**)

C2 Pt. VI modified (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), **art. 27**

Compulsory insurance or security against third-party risks

143 Users of motor vehicles to be insured or secured against third-party risks.

(1) Subject to the provisions of this Part of this Act—

(a) a person must not use a motor vehicle on a road **[**[F1]or other public place**]** unless there is in force in relation to the use of the vehicle by that person 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, and

(b) a person must not cause or permit any other person to use a motor vehicle on a road **[**[F2]or other public place**]** unless there is in force in relation to the use of the vehicle by that other person 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 subsection (1) above he is guilty of an offence.

(3) A person charged with using a motor vehicle in contravention of this section shall not be convicted if he proves—

(a) that the vehicle did not belong to him and was not in his possession under a contract of hiring or of loan,

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(b) that he was using the vehicle in the course of his employment, and

(c) that he neither knew nor had reason to believe that there was not in force in relation to the vehicle such a policy of insurance or security as is mentioned in subsection (1) above.

(4) This Part of this Act does not apply to invalid carriages.

Textual Amendments

F1 Words in s. 143(1)(a) inserted (3.4.2000) by S.I. 2000/726, **art. 2(a)**

F2 Words in s. 143(1)(b) inserted (3.4.2000) by S.I. 2000/726, **art. 2(b)**

Modifications etc. (not altering text)

C3 [F32]S. 143 modified by Energy Act 1976 (c. 76, SIF 44:3), s. 4(2), **Sch. 1 para. 4(1)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 17(b)**)

C4 S. 143 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

144 Exceptions from requirement of third-party insurance or security.

(1) Section 143 of this Act does not apply to a vehicle owned by a person who has deposited and keeps deposited with the Accountant General of the **[**[F3]Senior Courts**]** the sum of **[**[F4]£500,000**]**, at a time when the vehicle is being driven under the owner's control.

[[F5](1A) The Secretary of State may by order made by statutory instrument substitute a greater sum for the sum for the time being specified in subsection (1) above.

(1B) No order shall be made under subsection (1A) above unless a draft of it has been laid before and approved by resolution of each House of Parliament.**]**

(2) Section 143 does not apply—

(a) to a vehicle owned—

(i) by the council of a county or county district in England and Wales **[**[F6]the Broads Authority**]**, the Common Council of the City of London, the council of a London borough **[**[F7] a National Park authority**]**, the Inner London Education Authority, **[**[F8]a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,**][**[F9]**[**[F10]the London Fire and Emergency Planning Authority,**]][**[F9]the London Fire Commissioner,**]**[F11]... **[**[F12], a joint authority [F13]... established by Part 4 of the Local Government Act 1985, an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 or a combined authority established under section 103 of that Act,**]**

(ii) by a **[**[F14]council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in Scotland **[**[F15]or the Scottish Fire and Rescue Service**]**, or**]**

(iii) by a joint board or committee in England or Wales, or joint committee in Scotland, which is so constituted as to include among its members representatives of any such council,

at a time when the vehicle is being driven under the owner's control,

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(b) to a vehicle owned by **[**[F16]a local policing body or**]** a police authority **[**[F17]or the Receiver for the Metropolitan Police district**]**, at a time when it is being driven under the owner's control, or to a vehicle at a time when it is being driven for police purposes by or under the direction of a constable, **[**[F18]by a member of a police and crime commissioner's staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011), by a member of the staff of the Mayor's Office for Policing and Crime (within the meaning of that Part of that Act), by a member of the civilian staff of a police force (within the meaning of that Part of that Act), by a member of the civilian staff of the metropolitan police force (within the meaning of that Part of that Act), by a person employed by the Common Council of the City of London in its capacity as a police authority,**]**[F19]by a police volunteer designated under section 38 of the Police Reform Act 2002,**]** or by a person employed by a police authority, [F17]..., or

[F20](ba) . . . . . .

(c) to a vehicle at a time when it is being driven on a journey to or from any place undertaken for salvage purposes pursuant to Part IX of the **[**[F21]Merchant Shipping Act 1995**]**,

[F22](d) . . . . . .

[[F23](da) to a vehicle owned by a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990 [F24]...**[**[F25]or by a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006**]**, at a time when the vehicle is being driven under the owner's control.

(db) to an ambulance owned by a National Health Service trust established under **[**[F26]section 25 of the National Health Service Act 2006, section 18 of the National Health Service (Wales) Act 2006**]** or the National Health Service (Scotland) Act 1978, at a time when a vehicle is being driven under the owner's control**]**

[[F27](dc) to an ambulance owned by an NHS foundation trust, at a time when the vehicle is being driven under the owner's control, **]**

(e) to a vehicle which is made available by the Secretary of State **[**[F28]or the Welsh Ministers**]** to any person, body or local authority in pursuance of **[**[F29]section 12 or 80 of the National Health Service Act 2006, or section 10 or 38 of the National Health Service (Wales) Act 2006,**]** at a time when it is being used in accordance with the terms on which it is so made available,

(f) to a vehicle which is made available by the Secretary of State to any local authority, education authority or voluntary organisation in Scotland in pursuance of section 15 or 16 of the [M1]National Health Service (Scotland) Act 1978 at a time when it is being used in accordance with the terms on which it is so made available.

[[F30](g) to a vehicle owned by **[**[F31]the Care Quality Commission**]**, at a time when the vehicle is being driven under the owner's control**]**

Textual Amendments

F3 S. 144(1): words wherever they occur in any enactment substituted (1.10.2009) by virtue of Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 1(2)**; S.I. 2009/1604, **art. 2**

F4 Words in s. 144(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 20(2)**; S.I. 1992/1286, art. 2, **Sch.**

F5 S. 144(1A)(1B) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 20(3)**; S.I. 1992/1286, art. 2, **Sch.**

F6 Words inserted (E.W) by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), **Sch. 6 para. 9** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 36**)

F7 Words in s. 144(2)(a)(i) inserted (23.11.1995) by 1995 c. 25, S. 78, **Sch. 10**, para.29 (with ss. 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2**

F8 Words in s. 144(2)(a)(i) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 59**; S.I. 2017/399, reg. 2, Sch. para. 38

F9 Words in s. 144(2)(a)(i) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 183(1)(5)(e), **Sch. 2 para. 84**; S.I. 2018/227, reg. 4(c)

F10 Words in s. 144(2)(a)(i) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 54** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(h)**

F11 Words in s. 144(2)(a)(i) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(23)**; S.I. 2015/994, art. 6(g)

F12 Words in s. 144(2)(a)(i) substituted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148, 149, **Sch. 6 para. 80**; S.I. 2009/3318, **art. 2(c)**

F13 Words in s. 144(2)(a) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 197(2)**; S.I. 2011/3019, art. 3, Sch. 1

F14 Words in s. 144(2)(a)(ii) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 159(8)**; S.I. 1996/323, **art. 4**

F15 Words in s. 144(2)(a)(ii) inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 22(3)**

F16 Words in s. 144(2)(b) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 197(3)(a)**; S.I. 2011/3019, art. 3, Sch. 1

F17 Words in s. 144(2)(b) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 61, **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648,art. 2, Sch.

F18 Words in s. 144(2)(b) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 197(3)(b)**; S.I. 2011/3019, art. 3, Sch. 1

F19 Words in s. 144(2)(b) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 8**; S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

F20 S. 144(2)(ba) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 54, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13 (subject to art. 4(2)-(7))

F21 Words in s. 144(2)(c) substituted (1.1.1996) by 1995 c. 21, **ss. 314(2)**, 316(2) Sch. 13 para. 85 (with s. 312(1))

F22 S. 144(2)(d) repealed (28.3.2009 for certain purposes otherwise prosp.) by Armed Forces Act 2006 (c. 52), ss. 378(2), 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in {S.I. 2009/1059})

F23 S. 144(2)(da)(db) inserted (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 60, **Sch. 8 Pt. I para. 4**

F24 Words in s. 144(2)(da) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 46**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F25 Words in s. 144(2)(da) substituted (1.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 95, 170, **Sch. 5 para. 61(a)**; S.I. 2009/462, art. 2, **Sch. 1 para. 35(x)**

F26 Words in s. 144(2)(db) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 5, 8(2), **Sch. 1 para. 122(b)** (with Sch. 3 Pt. 1)

F27 S. 144(2)(dc) inserted (E.W.) (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 34, 199, **Sch. 4 para. 74**; S.I. 2004/759, **art. 2**

F28 Words in s. 144(2)(e) inserted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 5, 8(2), **Sch. 1 para. 122(c)(i)** (with Sch. 3 Pt. 1)

F29 Words in s. 144(2)(e) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 5, 8(2), **Sch. 1 para. 122(c)(ii)** (with Sch. 3 Pt. 1)

F30 S. 144(2)(g) added (11.11.2004) by The Health and Social Care (Community Health and Standards) Act 2003 (Commission for Healthcare Audit and Inspection and Commission for Social Care Inspection) (Consequential Provisions) Order 2004 (S.I. 2004/2987), **art. 2(1)(f)(ii)**

F31 Words in s. 144(2)(g) substituted (1.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 95, 170, **Sch. 5 para. 61(b)**; S.I. 2009/462, art. 2, **Sch. 1 para. 35(x)**

Modifications etc. (not altering text)

C5 S. 144 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

C6 S. 144(2)(a) extended by Local Government Act 1985 (c. 51, SIF 81:1) s. 57(7), Sch. 13 para. 20 (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 30**)
S. 144(2)(a) amended (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 6**

Marginal Citations

M1 1978 c. 29.

F32[144A Offence of keeping vehicle which does not meet insurance requirements

(1) If a motor vehicle registered under the Vehicle Excise and Registration Act 1994 does not meet the insurance requirements, the person in whose name the vehicle is registered is guilty of an offence.

(2) For the purposes of this section a vehicle meets the insurance requirements if—
  (a) it is covered by a 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, and
  (b) either of the following conditions is satisfied.

(3) The first condition is that the policy or security, or the certificate of insurance or security which relates to it, identifies the vehicle by its registration mark as a vehicle which is covered by the policy or security.

(4) The second condition is that the vehicle is covered by the policy or security because—
  (a) the policy or security covers any vehicle, or any vehicle of a particular description, the owner of which is a person named in the policy or security or in the certificate of insurance or security which relates to it, and
  (b) the vehicle is owned by that person.

(5) For the purposes of this section a vehicle is covered by a policy of insurance or security if the policy of insurance or security is in force in relation to the use of the vehicle.**]**

Textual Amendments

F32 Ss. 144A-144D inserted (4.2.2011) by Road Safety Act 2006 (c. 49), **ss. 22(1)**, 61(1)(10) (with s. 61(3)); S.I. 2011/19, art. 2(a)

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[F32][144B Exceptions to section 144A offence

(1) A person ("the registered keeper") in whose name a vehicle which does not meet the insurance requirements is registered at any particular time (" the relevant time ") does not commit an offence under section 144A of this Act at that time if any of the following conditions are satisfied.

(2) The first condition is that at the relevant time the vehicle is owned as described—
- (a) in subsection (1) of section 144 of this Act, or
- (b) in paragraph (a), (b), (da), (db), (dc) or (g) of subsection (2) of that section,

(whether or not at the relevant time it is being driven as described in that provision).

(3) The second condition is that at the relevant time the vehicle is owned with the intention that it should be used as described in paragraph (c), (d), (e) or (f) of section 144(2) of this Act.

(4) The third condition is that the registered keeper—
- (a) is not at the relevant time the person keeping the vehicle, and
- (b) if previously he was the person keeping the vehicle, he has by the relevant time complied with any requirements under subsection (7)(a) below that he is required to have complied with by the relevant or any earlier time.

(5) The fourth condition is that—
- (a) the registered keeper is at the relevant time the person keeping the vehicle,
- (b) at the relevant time the vehicle is not used on a road or other public place, and
- (c) the registered keeper has by the relevant time complied with any requirements under subsection (7)(a) below that he is required to have complied with by the relevant or any earlier time.

(6) The fifth condition is that—
- (a) the vehicle has been stolen before the relevant time,
- (b) the vehicle has not been recovered by the relevant time, and
- (c) any requirements under subsection (7)(b) below that, in connection with the theft, are required to have been complied with by the relevant or any earlier time have been complied with by the relevant time.

[F33](6A) **[** The sixth condition is that—
- (a) the registered keeper is at the relevant time the person keeping the vehicle,
- (b) neither a licence nor a nil licence under the Vehicle Excise and Registration Act 1994 was in force for the vehicle on 31st January 1998,
- (c) neither a licence nor a nil licence has been taken out for the vehicle for a period starting after that date, and
- (d) the vehicle has not been used or kept on a public road after that date.**]**

(7) Regulations may make provision—
- (a) for the purposes of subsection (4)(b) and (5)(c) above, requiring a person in whose name a vehicle is registered to furnish such particulars and make such declarations as may be prescribed, and to do so at such times and in such manner as may be prescribed, and
- (b) for the purposes of subsection (6)(c) above, as to the persons to whom, the times at which and the manner in which the theft of a vehicle is to be notified.

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(8) Regulations may make provision amending this section for the purpose of providing for further exceptions to section 144A of this Act (or varying or revoking any such further exceptions).

(9) A person accused of an offence under section 144A of this Act is not entitled to the benefit of an exception conferred by or under this section unless evidence is adduced that is sufficient to raise an issue with respect to that exception; but where evidence is so adduced it is for the prosecution to prove beyond reasonable doubt that the exception does not apply.**]**

Textual Amendments

F32 Ss. 144A-144D inserted (4.2.2011) by Road Safety Act 2006 (c. 49), **ss. 22(1)**, 61(1)(10) (with s. 61(3)); S.I. 2011/19, art. 2(a)

F33 S. 144B(6A) inserted (4.2.2011) by The Motor Vehicles (Insurance Requirements) Regulations 2011 (S.I. 2011/20), regs. 1(1), **5**

F32[144CFixed penalty notices

(1) Where on any occasion the Secretary of State has reason to believe that a person has committed an offence under section 144A of this Act, the Secretary of State may give the person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty to the Secretary of State.

(2) Where a person is given a notice under this section in respect of an offence under section 144A of this Act—
   (a) no proceedings may be instituted for that offence before the end of the period of 21 days following the date of the notice, and
   (b) he may not be convicted of that offence if he pays the fixed penalty before the end of that period.

(3) A notice under this section must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.

(4) A notice under this section must also state—
   (a) the period during which, by virtue of subsection (2) above, proceedings will not be taken for the offence,
   (b) the amount of the fixed penalty, and
   (c) the person to whom and the address at which the fixed penalty may be paid.

(5) Without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the person mentioned in subsection (4)(c) above at the address so mentioned.

(6) Where a letter is sent in accordance with subsection (5) above payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(7) Regulations may make provision as to any matter incidental to the operation of this section, and in particular—

(a) as to the form of a notice under this section,
(b) as to the information to be provided in such a notice by virtue of this section, and
(c) as to any further information to be provided in a such notice.

(8) The fixed penalty payable under this section is, subject to subsection (9) below, £100.

(9) Regulations may substitute a different amount for the amount for the time being specified in subsection (8) above.

(10) Regulations may make provision for treating a fixed penalty payable under this section as having been paid if a lesser amount is paid before the end of a prescribed period.

(11) In any proceedings a certificate which—
(a) purports to be signed by or on behalf of the Secretary of State, and
(b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.**]**

Textual Amendments

F32 Ss. 144A-144D inserted (4.2.2011) by Road Safety Act 2006 (c. 49), **ss. 22(1)**, 61(1)(10) (with s. 61(3)); S.I. 2011/19, art. 2(a)

F32[144DSection 144A offence: supplementary

(1) Schedule 2A makes provision about the immobilisation of vehicles as regards which it appears that an offence under section 144A of this Act is being committed and about their removal and disposal.

(2) A person authorised by the Secretary of State for the purposes of this subsection may on behalf of the Secretary of State conduct and appear in any proceedings by or against the Secretary of State in connection with the enforcement of an offence under section 144A of this Act or under regulations made under section 160 of this Act by virtue of Schedule 2A to this Act—
(a) in England and Wales, in a magistrates' court, and
(b) in Scotland, in any court other than the High Court of Justiciary or the Court of Session.**]**

Textual Amendments

F32 Ss. 144A-144D inserted (4.2.2011) by Road Safety Act 2006 (c. 49), **ss. 22(1)**, 61(1)(10) (with s. 61(3)); S.I. 2011/19, art. 2(a)

145 Requirements in respect of policies of insurance.

(1) In order to comply with the requirements of this Part of this Act, a policy of insurance must satisfy the following conditions.

(2) The policy must be issued by an authorised insurer.

(3) Subject to subsection (4) below, the policy—

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(a) must insure 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 or damage to property caused by, or arising out of, the use of the vehicle on a road **[**[F34]or other public place**]** in Great Britain, and

[[F35](aa) must, in the case of a vehicle normally based in the territory of another member State, insure him or them in respect of any civil liability which may be incurred by him or them as a result of an event related to the use of the vehicle in Great Britain if,—

(i) according to the law of that territory, he or they would be required to be insured in respect of a civil liability which would arise under that law as a result of that event if the place where the vehicle was used when the event occurred were in that territory, and

(ii) the cover required by that law would be higher than that required by paragraph (a) above, and**]**

(b) must **[**[F36] in the case of a vehicle normally based in Great Britain**]** insure him or them in respect of any liability which may be incurred by him or them in respect of the use of the vehicle and of any trailer, whether or not coupled, in the territory other than Great Britain and Gibraltar of each of the member States of the **[**[F37]European Union**]** according to

[[F38](i) the law on compulsory insurance against civil liability in respect of the use of vehicles of the State in whose territory the event giving rise to the liability occurred; or

(ii) if it would give higher cover, the law which would be applicable under this Part of this Act if the place where the vehicle was used when that event occurred were in Great Britain; and**]**

(c) must also insure him or them in respect of any liability which may be incurred by him or them under the provisions of this Part of this Act relating to payment for emergency treatment.

(4) The policy shall not, by virtue of subsection (3)(a) above, be required—

(a) to cover 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

(b) to provide insurance of more than **[**[F39]£1,200,000**]** in respect of all such liabilities as may be incurred in respect of damage to property caused by, or arising out of, any one accident involving the vehicle, or

(c) to cover liability in respect of damage to the vehicle, or

(d) to cover liability in respect of damage to goods carried for hire or reward in or on the vehicle or in or on any trailer (whether or not coupled) drawn by the vehicle, or

(e) to cover any liability of a person in respect of damage to property in his custody or under his control, or

(f) to cover any contractual liability.

[[F40](4A) In the case of a person—

(a) carried in or upon a vehicle, or

(b) entering or getting on to, or alighting from, a vehicle,

the provisions of paragraph (a) of subsection (4) above do not apply unless cover in respect of the liability referred to in that paragraph is in fact provided pursuant to a requirement of the [M2] Employers' Liability (Compulsory Insurance) Act 1969. **]**

[[F41](5) "Authorised insurer" has the same meaning as in section 95.**]**

(6) If any person or body of persons ceases to be a member of the Motor Insurers' Bureau, that person or body shall not by virtue of that cease to be treated as an authorised insurer for the purposes of this Part of this Act [F42]. . . —

(a) in relation to any policy issued by the insurer before ceasing to be such a member, or

(b) in relation to any obligation (whether arising before or after the insurer ceased to be such a member) which the insurer may be called upon to meet under or in consequence of any such policy or under section 157 of this Act [F42]. . . by virtue of making a payment in pursuance of such an obligation.

Textual Amendments

F34 Words in s. 145(3)(a) inserted (3.4.2000) by S.I. 2000/726, **art. 2(3)**

F35 S. 145(3)(aa) inserted (31.12.1992) by S.I. 1992/3036, **reg. 2(1)**.

F36 Words in s. 145(3)(b) inserted (31.12.1992) by S.I. 1992/3036, **reg. 2(2)**

F37 Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3**, 4 (with arts. 3(2)(3), 4(2), 6(4)(5))

F38 Words in s. 145(3)(b) substituted (31.12.1992) by S.I. 1992/3036, **reg. 2(2)**.

F39 Word in s. 145(4)(b) substituted (31.12.2016) by The Motor Vehicles (Compulsory Insurance) Regulations 2016 (S.I. 2016/1193), regs. 1, **2(2)**

F40 S. 145(4A) inserted (31.12.1992) by S.I. 1992/3036, **reg. 2(3)**.

F41 S. 145(5) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 313

F42 Words in s. 145(6) repealed (29.1.2007) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 196, 199, **Sch. 14 Pt. 3**; S.I. 2006/3397, **art. 3** (subject to art. 4); S.S.I. 2007/10, **art. 2(2)(g)** (with art. 3(2)(a))

Modifications etc. (not altering text)

C7 S. 145 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

C8 S. 145(2) excluded by virtue of S.I. 1973/2143, **reg. 8** (as amended by S.I. 1974/791, **reg. 6**); 1988 c. 54, **s. 2**

Marginal Citations

M2 1969 c. 57

146 Requirements in respect of securities.

(1) In order to comply with the requirements of this Part of this Act, a security must satisfy the following conditions.

(2) The security must 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 has deposited and keeps deposited with the Accountant General of the **[**[F43]Senior Courts**]** the sum of £15,000 in respect of that business.

(3) Subject to subsection (4) below, the security must consist of an undertaking by the giver of the security to make good, subject to any conditions specified in it, any failure

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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 liability which may be incurred by him or them, being a liability required under section 145 of this Act to be covered by a policy of insurance.

(4) In the case of liabilities arising out of the use of a motor vehicle on a road **[**[F44]or other public place**]** in Great Britain the amount secured need not exceed—

(a) in the case of an undertaking relating to the use of public service vehicles (within the meaning of the [M3]Public Passenger Vehicles Act 1981), £25,000,

(b) in any other case, £5,000.

Textual Amendments

F43 S. 146(2): words substituted (1.10.2009) by virtue of Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 4(1)**; S.I. 2009/1604, **art. 2**

F44 Words in s. 146(4) inserted (3.4.2000) by S.I. 2000/726, **art. 2(4)**

Modifications etc. (not altering text)

C9 S. 146 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Marginal Citations

M3 1981 c. 14.

147 Issue [F45]... of certificates of insurance and of security.

(1) **[**[F46]An insurer issuing a policy of insurance for the purposes of this Part of this Act must deliver**]** 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.

[[F47](1A) A certificate of insurance is to be treated for the purposes of **[**[F48]subsection (1) as having been delivered **]** to the person by whom the policy is effected if—

(a) it is transmitted electronically by the insurer to the person in accordance with subsection (1B) below, or

(b) it is made available by the insurer to the person on a website in accordance with subsection (1C) below.

(1B) A certificate is transmitted electronically by an insurer to a person in accordance with this subsection if—

(a) on effecting the policy to which the certificate relates, the person agreed to its electronic transmission for the purposes of subsection (1) above, and

(b) the certificate is transmitted by the insurer to an electronic address specified by the person for this purpose.

(1C) A certificate is made available by an insurer to a person on a website in accordance with this subsection if—

(a) on effecting the policy to which the certificate relates, the person agreed to its being made available on a website for the purposes of subsection (1) above,

(b) the insurer makes the certificate available to the person by placing an electronic copy of it on a website, and

(c) the person is notified by the insurer, in a manner agreed by the person, of—

(i) the certificate's presence on the website,
(ii) the address of the website,
(iii) the place on the website where he may access the certificate, and
(iv) how he may access the certificate.

(1D) Where a certificate made available on a website is treated by virtue of subsection (1A)(b) above as having been delivered by an insurer to a person, the insurer must ensure that the certificate remains continuously accessible to the person on the website until the expiry of the last day on which the policy to which it relates has effect.

(1E) For the purposes of subsection (1D) above, a certificate is to be treated as remaining continuously accessible to a person on a website, despite its being temporarily inaccessible to him on the website, if the insurer has taken all reasonable steps to make it continuously accessible to him on the website (including steps to remedy any temporary inaccessibility).**]**

(2) **[**[F49]A person giving a security for the purposes of this Part of this Act must deliver**]** 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.

(3) Different forms and different particulars may be prescribed for the purposes of subsection (1) or (2) above in relation to different cases or circumstances.

[F50](4) . . . . . .

[F50](4A) . . . . . .

[F50](4B) . . . . . .

[F50](4C) . . . . . .

[F50](4D) . . . . . .

[F50](4E) . . . . . .

[F50](4F) . . . . . .

[F50](5) . . . . . .

Textual Amendments

F45 Words in s. 147 heading omitted (30.6.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 3 para. 2(b)**; S.I. 2015/994, art. 9(a) (with Sch. Pt. 3A) (as amended by S.I. 2015/1405, art. 2)

F46 Words in s. 147(1) substituted (30.6.2015) by Deregulation Act 2015 (c. 20), **ss. 9(2)**, 115(7); S.I. 2015/994, art. 9(a) (with Sch. Pt. 3A) (as amended by S.I. 2015/1405, art. 2)

F47 S. 147(1A)-(1E) inserted (30.4.2010) by The Motor Vehicles (Electronic Communication of Certificates of Insurance) Order 2010 (S.I. 2010/1117), **art. 3(2)**

F48 Words in s. 147(1A) substituted (30.6.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 3 para. 2(a)**; S.I. 2015/994, art. 9(a) (with Sch. Pt. 3A) (as amended by S.I. 2015/1405, art. 2)

F49 Words in s. 147(2) substituted (30.6.2015) by Deregulation Act 2015 (c. 20), **ss. 9(3)**, 115(7); S.I. 2015/994, art. 9(a) (with Sch. Pt. 3A) (as amended by S.I. 2015/1405, art. 2)

F50 S. 147(4)-(5) omitted (30.6.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 9(4)**, 115(7); S.I. 2015/994, art. 9(a) (with Sch. Pt. 3A) (as amended by S.I. 2015/1405, art. 2)

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Modifications etc. (not altering text)
C10 S. 147 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

148 Avoidance of certain exceptions to policies or securities.

(1) **[**[F51]Where a policy or security is issued or given for the purposes of this Part of this Act,**]** so much of the policy or security as purports to restrict—

(a) the insurance of the persons insured by the policy, or

(b) the operation of the security,

(as the case may be) by reference to any of the matters mentioned in subsection (2) below shall, as respects such liabilities as are required to be covered by a policy under section 145 of this Act, be of no effect.

(2) Those matters are—

(a) the age or physical or mental condition of persons driving the vehicle,

(b) the condition of the vehicle,

(c) the number of persons that the vehicle carries,

(d) the weight or physical characteristics of the goods that the vehicle carries,

(e) the time at which or the areas within which the vehicle is used,

(f) the horsepower or cylinder capacity or value of the vehicle,

(g) the carrying on the vehicle of any particular apparatus, or

(h) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under **[**[F52]the Vehicle Excise and Registration Act 1994**]**.

(3) Nothing in subsection (1) above requires an insurer or the giver of a security to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability.

(4) Any sum paid by an insurer or the giver of a security in or towards the discharge of any liability of any person which is covered by the policy or security by virtue only of subsection (1) above is recoverable by the insurer or giver of the security from that person.

(5) A condition in a policy or security issued or given for the purposes of this Part of this Act providing—

(a) that no liability shall arise under the policy or security, or

(b) 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 liabilities as are required to be covered by a policy under section 145 of this Act.

(6) Nothing in subsection (5) above shall be taken to render void any provision in a policy or security requiring the person insured or secured to pay 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.

(7) Notwithstanding anything in any enactment, a person issuing a policy of insurance under section 145 of this Act shall be liable to indemnify the persons or classes of

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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.

Textual Amendments

F51 Words in s. 148(1) substituted (30.6.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 3 para. 3**; S.I. 2015/994, art. 9(a) (with Sch. Pt. 3A) (as amended by S.I. 2015/1405, art. 2)

F52 Words in 148(2)(h) substituted (1.9.1994) by 1994 C. 22, ss. 63, 66, Sch. 3 para. 24(1) (with s. 57(4))

Modifications etc. (not altering text)

C11 S. 148 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

149 Avoidance of certain agreements as to liability towards passengers.

(1) This section applies where a person uses a motor vehicle in circumstances such that under section 143 of this Act there is required to be in force in relation to his use of it 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 any other person is carried in or upon the vehicle while the user is so using it, any antecedent agreement or understanding between them (whether intended to be legally binding or not) shall be of no effect so far as it purports or might be held—

(a) to negative or restrict any such liability of the user in respect of persons carried in or upon the vehicle as is required by section 145 of this Act to be covered by a policy of insurance, or

(b) to impose any conditions with respect to the enforcement of any such liability of the user.

(3) The fact that a person so carried has willingly accepted as his the risk of negligence on the part of the user shall not be treated as negativing any such liability of the user.

(4) For the purposes of this section—

(a) references to a person being carried in or upon a vehicle include references to a person entering or getting on to, or alighting from, the vehicle, and

(b) the reference to an antecedent agreement is to one made at any time before the liability arose.

Modifications etc. (not altering text)

C12 S. 149 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

150 Insurance or security in respect of private use of vehicle to cover use under car-sharing arrangements.

(1) To the extent that a policy or security issued or given for the purposes of this Part of this Act—

(a) restricts the insurance of the persons insured by the policy or the operation of the security (as the case may be) to use of the vehicle for specified purposes (for example, social, domestic and pleasure purposes) of a non-commercial character, or

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(b) excludes from that insurance or the operation of the security (as the case may be)—

(i) use of the vehicle for hire or reward, or

(ii) business or commercial use of the vehicle, or

(iii) use of the vehicle for specified purposes of a business or commercial character,

then, for the purposes of that policy or security so far as it relates to such liabilities as are required to be covered by a policy under section 145 of this Act, the use of a vehicle on a journey in the course of which one or more passengers are carried at separate fares shall, if the conditions specified in subsection (2) below are satisfied, be treated as falling within that restriction or as not falling within that exclusion (as the case may be).

(2) The conditions referred to in subsection (1) above are—

(a) the vehicle is not adapted to carry more than eight passengers and is not a motor cycle,

(b) the fare or aggregate of the fares paid in respect of the journey does not exceed the amount of the running costs of the vehicle for the journey (which for the purposes of this paragraph shall be taken to include an appropriate amount in respect of depreciation and general wear), and

(c) the arrangements for the payment of fares by the passenger or passengers carried at separate fares were made before the journey began.

(3) Subsections (1) and (2) above apply however the restrictions or exclusions described in subsection (1) are framed or worded.

(4) In subsections (1) and (2) above "fare" and "separate fares" have the same meaning as in section 1(4) of the [M4]Public Passenger Vehicles Act 1981.

Modifications etc. (not altering text)

C13 S. 150 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Marginal Citations

M4 1981 c. 14.

151 Duty of insurers or persons giving security to satisfy judgment against persons insured or secured against third-party risks.

(1) This section applies where, after **[**[F53]a policy or security is issued or given for the purposes of this Part of this Act,**]** a judgment to which this subsection applies is obtained.

(2) Subsection (1) above applies to judgments relating to a liability with respect to any matter where liability with respect to that matter is required to be covered by a policy of insurance under section 145 of this Act and either—

(a) it is a liability covered by the terms of the policy or security [F54]..., and the judgment is obtained against any person who is insured by the policy or whose liability is covered by the security, as the case may be, or

(b) it is a liability, other than an excluded liability, which would be so covered if the policy insured all persons or, as the case may be, the security covered the

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liability of all persons, and the judgment is obtained against any person other than one who is insured by the policy or, as the case may be, whose liability is covered by the security.

(3) In deciding for the purposes of subsection (2) above whether a liability is or would be covered by the terms of a policy or security, so much of the policy or security as purports to restrict, as the case may be, the insurance of the persons insured by the policy or the operation of the security by reference to the holding by the driver of the vehicle of a licence authorising him to drive it shall be treated as of no effect.

(4) In subsection (2)(b) above "excluded liability" means a liability in respect of the death of, or bodily injury to, or damage to the property of any person who, at the time of the use which gave rise to the liability, was allowing himself to be carried in or upon the vehicle and knew or had reason to believe that the vehicle had been stolen or unlawfully taken, not being a person who—

(a) did not know and had no reason to believe that the vehicle had been stolen or unlawfully taken until after the commencement of his journey, and

(b) could not reasonably have been expected to have alighted from the vehicle.

In this subsection the reference to a person being carried in or upon a vehicle includes a reference to a person entering or getting on to, or alighting from, the vehicle.

(5) Notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy or security, he must, subject to the provisions of this section, pay to the persons entitled to the benefit of the judgment—

(a) as regards liability in respect of death or bodily injury, any sum payable under the judgment in respect of the liability, together with any sum which, by virtue of any enactment relating to interest on judgments, is payable in respect of interest on that sum,

(b) as regards liability in respect of damage to property, any sum required to be paid under subsection (6) below, and

(c) any amount payable in respect of costs.

(6) This subsection requires—

(a) where the total of any amounts paid, payable or likely to be payable under the policy or security in respect of damage to property caused by, or arising out of, the accident in question does not exceed **[**[F55]£1,200,000**]**, the payment of any sum payable under the judgment in respect of the liability, together with any sum which, by virtue of any enactment relating to interest on judgments, is payable in respect of interest on that sum,

(b) where that total exceeds **[**[F55]£1,200,000**]**, the payment of either—

(i) such proportion of any sum payable under the judgment in respect of the liability as **[**[F55]£1,200,000**]** bears to that total, together with the same proportion of any sum which, by virtue of any enactment relating to interest on judgments, is payable in respect of interest on that sum, or

(ii) the difference between the total of any amounts already paid under the policy or security in respect of such damage and **[**[F55]£1,200,000**]**, together with such proportion of any sum which, by virtue of any enactment relating to interest on judgments, is payable in respect of interest on any sum payable under the judgment in respect of the liability as the difference bears to that sum,

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whichever is the less, unless not less than **[**[F55]£1,200,000**]** has already been paid under the policy or security in respect of such damage (in which case nothing is payable).

(7) Where an insurer becomes liable under this section to pay an amount in respect of a liability of a person who is insured by a policy or whose liability is covered by a security, he is entitled to recover from that person—

(a) that amount, in a case where he became liable to pay it by virtue only of subsection (3) above, or

(b) in a case where that amount exceeds the amount for which he would, apart from the provisions of this section, be liable under the policy or security in respect of that liability, the excess.

(8) Where an insurer becomes liable under this section to pay an amount in respect of a liability of a person who is not insured by a policy or whose liability is not covered by a security, he is entitled to recover the amount from that person or from any person who—

(a) is insured by the policy, or whose liability is covered by the security, by the terms of which the liability would be covered if the policy insured all persons or, as the case may be, the security covered the liability of all persons, and

(b) caused or permitted the use of the vehicle which gave rise to the liability.

(9) In this section—

(a) "insurer" includes a person giving a security,

[F56](b) . . . . . .

(c) "liability covered by the terms of the policy or security" means a liability which is covered by the policy or security or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy or security.

(10) In the application of this section to Scotland, the words "by virtue of any enactment relating to interest on judgments" in subsections (5) and (6) (in each place where they appear) shall be omitted.

Textual Amendments

F53 Words in s. 151(1) substituted (30.6.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 3 para. 4(2)**; S.I. 2015/994, art. 9(a) (with Sch. Pt. 3A) (as amended by S.I. 2015/1405, art. 2)

F54 Words in s. 151(2)(a) omitted (30.6.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 3 para. 4(3)**; S.I. 2015/994, art. 9(a) (with Sch. Pt. 3A) (as amended by S.I. 2015/1405, art. 2)

F55 Word in s. 151(6) substituted (31.12.2016) by The Motor Vehicles (Compulsory Insurance) Regulations 2016 (S.I. 2016/1193), **regs. 1**, 2(3)

F56 S. 151(9)(b) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C14 S. 151 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

152 Exceptions to section 151.

(1) No sum is payable by an insurer under section 151 of this Act—

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(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, or

(b) in respect of any judgment so long as execution on 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[F57]...

(i) before the happening of that event the certificate was surrendered to the insurer, or **[**[F58](in the case of a certificate delivered otherwise than as described in section 147(1A) above)**]** the person to whom the certificate was delivered made a statutory declaration stating that the certificate had been lost or destroyed, or

(ii) after the happening of that event, but before the expiration of a period of fourteen days from the taking effect of the cancellation of the policy or security, the certificate was surrendered to the insurer, or **[**[F59](in the case of a certificate delivered otherwise than as described in section 147(1A) above)**]** the person to whom it was delivered made a statutory declaration stating that the certificate had been lost or destroyed, or

(iii) either before or after the happening of that event, but within that period of fourteen days, the insurer has commenced proceedings under this Act in respect of the failure to surrender the certificate.

(2) Subject to subsection (3) below, no sum is payable by an insurer under section 151 of this Act if, in an action commenced before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration—

(a) that, apart from any provision contained in the policy or security, he is entitled to avoid **[**[F60]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 **[**[F61] 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 **[**[F62]the policy or security**]**

[[F63]and, for the purposes of this section, "material" means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk and, if so, at what premium and on what conditions.**]**.

(3) An insurer who has obtained such a declaration as is mentioned in subsection (2) above in an action does not by reason of that become entitled to the benefit of that subsection as respects any judgment obtained in proceedings commenced before the commencement of that action unless before, or within seven days after, the commencement of that action he has given notice of it to the person who is the plaintiff (or in Scotland pursuer) in those proceedings specifying **[**[F64]the relevant insurance enactment or, in the case of a security,**]** the non-disclosure or false representation on which he proposes to rely.

(4) A person to whom notice of such an action is so given is entitled, if he thinks fit, to be made a party to it.

[[F65](5) In this section, "relevant insurance enactment" means the Consumer Insurance (Disclosure and Representations) Act 2012 or Part 2 of the Insurance Act 2015.**]**

Textual Amendments

F57 Words in s. 152(1)(c) omitted (30.6.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 3 para. 5**; S.I. 2015/994, art. 9(a) (with Sch. Pt. 3A) (as amended by S.I. 2015/1405, art. 2)

F58 Words in s. 152(1)(c)(i) inserted (30.4.2010) by The Motor Vehicles (Electronic Communication of Certificates of Insurance) Order 2010 (S.I. 2010/1117), **art. 4(a)**

F59 Words in s. 152(1)(c)(ii) inserted (30.4.2010) by The Motor Vehicles (Electronic Communication of Certificates of Insurance) Order 2010 (S.I. 2010/1117), **art. 4(b)**

F60 Words in s. 152(2)(a) substituted (12.8.2016) by Insurance Act 2015 (c. 4), **ss. 21(4)(a)(i)**, 23(2) (with s. 22(1))

F61 Words in s. 152(2)(b) substituted (12.8.2016) by Insurance Act 2015 (c. 4), **ss. 21(4)(a)(ii)**, 23(2) (with s. 22(1))

F62 Words in s. 152(2)(b) inserted (6.4.2013) by Consumer Insurance (Disclosure and Representations) Act 2012 (c. 6), **ss. 11(3)(b)**, 12(2) (with s. 12(4)(5)); S.I. 2013/450, art. 2

F63 Words in s. 152(2) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 66**; S.I. 1992/1286, **art. 2**,Sch.

F64 Words in s. 152(3) inserted (12.8.2016) by Insurance Act 2015 (c. 4), **ss. 21(4)(b)**, 23(2) (with s. 22(1))

F65 S. 152(5) added (12.8.2016) by Insurance Act 2015 (c. 4), **ss. 21(4)(c)**, 23(2) (with s. 22(1))

Modifications etc. (not altering text)

C15 S. 152 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

153 Bankruptcy, etc., of insured or secured persons not to affect claims by third parties.

(1) Where, after **[**[F66]a person has effected a policy of insurance or been given a security for the purposes of this Part of this Act,**]**[F67]an event which results in that person being a relevant person for the purposes of the Third Parties (Rights against Insurers) Act 2010**]** happens, the happening of that event shall, notwithstanding anything in the **[**[F68]that Act**]** , not affect any such liability of that person as is required to be covered by a policy of insurance under section 145 of this Act.

[F69](2) . . . . . .

(3) Nothing in subsection (1) above affects any rights conferred by the **[**[F70]Third Parties (Rights against Insurers) Act 2010**]** on the person to whom the liability was incurred, being rights so conferred against the person by whom the policy was issued or the security was given.

Textual Amendments

F66 Words in s. 153(1) substituted (30.6.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 3 para. 6**; S.I. 2015/994, art. 9(a) (with Sch. Pt. 3A) (as amended by S.I. 2015/1405, art. 2)

F67 Words in s. 153(1) substituted (1.8.2016) by Third Parties (Rights against Insurers) Act 2010 (c. 10), s. 21(2), **Sch. 2 para. 2(a)**; S.I. 2016/550, art. 2

F68 Words in s. 153(1) substituted (1.8.2016) by Third Parties (Rights against Insurers) Act 2010 (c. 10), s. 21(2), **Sch. 2 para. 2(b)**; S.I. 2016/550, art. 2

F69 S. 153(2) repealed (1.8.2016) by Third Parties (Rights against Insurers) Act 2010 (c. 10), s. 21(2), Sch. 2 para. 2(c), **Sch. 4**; S.I. 2016/550, art. 2

F70 Words in s. 153(3) substituted (1.8.2016) by Third Parties (Rights against Insurers) Act 2010 (c. 10), s. 21(2), **Sch. 2 para. 2(d)**; S.I. 2016/550, art. 2

Modifications etc. (not altering text)

C16 S. 153 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

154 Duty to give information as to insurance or security where claim made.

(1) A person against whom a claim is made in respect of any such liability as is required to be covered by a policy of insurance under section 145 of this Act must, on demand by or on behalf of the person making the claim—

(a) state whether or not, in respect of that liability—

(i) he was insured by a policy having effect for the purposes of this Part of this Act or had in force a security having effect for those purposes, or

(ii) he would have been so insured or would have had in force such a security if the insurer or, as the case may be, the giver of the security had not avoided or cancelled the policy or security, and

(b) if he was or would have been so insured, or had or would have had in force such a security—

(i) give such particulars with respect to that policy or security as were specified in any certificate of insurance or security delivered in respect of that policy or security, as the case may be, under section 147 of this Act, or

(ii) where no such certificate was delivered under that section, give the following particulars, that is to say, the registration mark or other identifying particulars of the vehicle concerned, the number or other identifying particulars of the insurance policy issued in respect of the vehicle, the name of the insurer and the period of the insurance cover.

(2) If without reasonable excuse, a person fails to comply with the provisions of subsection (1) above, or wilfully makes a false statement in reply to any such demand as is referred to in that subsection, he is guilty of an offence.

Modifications etc. (not altering text)

C17 S. 154 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

155 Deposits.

(1) Where a person has deposited a sum with the Accountant General of the **[**[F71]Senior Courts**]** under section 144 or 146 of this Act, then, so long as any liabilities incurred by him, being such liabilities as are required to be covered by a policy of insurance under section 145 of this Act, have not been discharged or otherwise provided for, no part of that sum shall be applicable in discharge of any other liabilities incurred by him.

(2) Any regulations made, or having effect as if made, by **[**[F72]the Treasury**]** under section 20 of the [M5]Insurance Companies Act 1958 which apply to deposits made

by insurers carrying on motor vehicle insurance business shall, with such necessary modifications and adaptations as, after consultation with the Lord Chancellor, may be prescribed, apply to deposits made with the Accountant General under section 144 or 146 of this Act.

(3) Such provision as might be made by **[**[F72]the Treasury**]** under section 20 of the Insurance Companies Act 1958 with respect to deposits under that Act may, after consultation with the Lord Chancellor, be made by regulations with respect to deposits made with the Accountant General under section 144 or 146 of this Act.

Textual Amendments

F71 S. 155(1): words wherever they occur in any enactment substituted (1.10.2009) by virtue of Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 4(1)**; S.I. 2009/1604, **art. 2**

F72 Words in s. 155(2)(3) substituted (5.1.1998) by S.I. 1997/2781, art. 8(1), **Sch. Pt. II para. 115**

Modifications etc. (not altering text)

C18 S. 155 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Marginal Citations

M5 1958 c. 72.

156 Power to require evidence of insurance or security on application for vehicle excise licence.

Provision may be made by regulations under **[**[F73]section 57 of the Vehicle Excise and RegistrationAct 1994**]** for requiring a person applying for a licence under that Act in respect of a motor vehicle 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 use 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 section 143 of this Act does not apply at a time when it is being driven under the owner's control.

Textual Amendments

F73 Words in s. 156 substituted (1.9.1994) by S.I. 1994 c. 22, ss. 63, 66(2), **Sch. 3 para. 24(5)** (with s. 57(4))

Modifications etc. (not altering text)

C19 S. 156 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Payments for treatment of traffic casualties

157 Payment for hospital treatment of traffic casualties. E+W

(1) Subject to subsection (2) below, where—

(a) a payment, other than a payment under section 158 of this Act, is made (whether or not with an admission of liability) in respect of the death of, or

bodily injury to, any person arising out of the use of a motor vehicle on a road or in a place to which the public have a right of access, and

(b) the payment is made—

(i) by an authorised insurer, the payment being made under or in consequence of a policy issued under section 145 of this Act, or

(ii) by the owner of a vehicle in relation to the use of which a security under this Part of this Act is in force, or

(iii) by the owner of a vehicle who has made a deposit under this Part of this Act, and

(c) the person who has so died or been bodily injured has to the knowledge of the insurer or owner, as the case may be, received treatment at a hospital, whether as an in-patient or as an out-patient, in respect of the injury so arising,

the insurer or owner must pay the expenses reasonably incurred by the hospital in affording the treatment, after deducting from the expenses any moneys actually received in payment of a specific charge for the treatment, not being moneys received under any contributory scheme.

(2) The amount to be paid shall not exceed **[**[F74]£2,949.00**]** for each person treated as an in-patient or **[**[F75]£295.00**]** for each person treated as an out-patient.

(3) For the purposes of this section "expenses reasonably incurred" means—

(a) in relation to a person who receives treatment at a hospital as an in-patient, an amount for each day he is maintained in the hospital representing the average daily cost, for each in-patient, of the maintenance of the hospital and the staff of the hospital and the maintenance and treatment of the in-patients in the hospital, and

(b) in relation to a person who receives treatment at a hospital as an out-patient, reasonable expenses actually incurred.

Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F74 Sum in s. 157(2) substituted (17.4.1995) by S.I. 1995/889, **art. 2**

F75 Sum in s. 157(2) substituted (17.4.1995) by S.I. 1995/889, **art. 2**

Modifications etc. (not altering text)

C20 S. 157 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

157 Payment for hospital treatment of traffic casualties. S

(1) Subject to subsection (2) below, where—

(a) a payment, other than a payment under section 158 of this Act, is made (whether or not with an admission of liability) in respect of the death of, or bodily injury to, any person arising out of the use of a motor vehicle on a road or **[**[F89]in some other public place**]**, and

(b) the payment is made—

(i) by an authorised insurer, the payment being made under or in consequence of a policy issued under section 145 of this Act, or

(ii) by the owner of a vehicle in relation to the use of which a security under this Part of this Act is in force, or

(iii) by the owner of a vehicle who has made a deposit under this Part of this Act, and

(c) the person who has so died or been bodily injured has to the knowledge of the insurer or owner, as the case may be, received treatment at a hospital, whether as an in-patient or as an out-patient, in respect of the injury so arising,

the insurer or owner must pay the expenses reasonably incurred by the hospital in affording the treatment, after deducting from the expenses any moneys actually received in payment of a specific charge for the treatment, not being moneys received under any contributory scheme.

(2) The amount to be paid shall not exceed **[**[F90]£2,949.00**]** for each person treated as an in-patient or **[**[F91]£295.00**]** for each person treated as an out-patient.

(3) For the purposes of this section "expenses reasonably incurred" means—

(a) in relation to a person who receives treatment at a hospital as an in-patient, an amount for each day he is maintained in the hospital representing the average daily cost, for each in-patient, of the maintenance of the hospital and the staff of the hospital and the maintenance and treatment of the in-patients in the hospital, and

(b) in relation to a person who receives treatment at a hospital as an out-patient, reasonable expenses actually incurred.

Extent Information

E3 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

F89 Words in s. 157(1)(a) substituted (S.) (13.5.2002) by 2002 asp 5, **s. 20(1)**; S.S.I. 2002/170, **art. 2(2)**

F90 Sum in s. 157(2) substituted (17.4.1995) by S.I. 1995/889, **art. 2**

F91 Sum in s. 157(2) substituted (17.4.1995) by S.I. 1995/889, **art. 2**

Modifications etc. (not altering text)

C26 S. 157 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

158 Payment for emergency treatment of traffic casualties. E+W

(1) Subsection (2) below applies where—

(a) medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to a person caused by, or arising out of, the use of a motor vehicle on a road, and

(b) the treatment or examination so required (in this Part of this Act referred to as "emergency treatment") is effected by a legally qualified medical practitioner.

(2) The person who was using the vehicle at the time of the event out of which the bodily injury arose must, on a claim being made in accordance with the provisions of section 159 of this Act, pay to the practitioner (or, where emergency treatment is

effected by more than one practitioner, to the practitioner by whom it is first effected) —

(a) a fee of **[**[F76]£21.30**]** in respect of each person in whose case the emergency treatment is effected by him, and

(b) a sum, in respect of any distance in excess of two miles which he must cover in order—

(i) to proceed from the place from which he is summoned to the place where the emergency treatment is carried out by him, and

(ii) to return to the first mentioned place,

equal to **[**[F77]41 pence**]** for every complete mile and additional part of a mile of that distance.

(3) Where emergency treatment is first effected in a hospital, the provisions of subsections (1) and (2) above with respect to payment of a fee shall, so far as applicable, but subject (as regards the recipient of a payment) to the provisions of section 159 of this Act, have effect with the substitution of references to the hospital for references to a legally qualified medical practitioner.

(4) Liability incurred under this section by the person using a vehicle shall, where the event out of which it arose was caused by the wrongful act of another person, be treated for the purposes of any claim to recover damage by reason of that wrongful act as damage sustained by the person using the vehicle.

Extent Information

E2 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F76 Words in s. 158(2)(a) substituted (17.4.1995) by S.I. 1995/889, **art. 3**

F77 Words in s. 158(2)(b) substituted (17.4.1995) by S.I. 1995/889, **art. 3**

Modifications etc. (not altering text)

C21 S. 158 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

158 Payment for emergency treatment of traffic casualties. S

(1) Subsection (2) below applies where—

(a) medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to a person caused by, or arising out of, the use of a motor vehicle on a road **[**[F92]or in some other public place**]**, and

(b) the treatment or examination so required (in this Part of this Act referred to as "emergency treatment") is effected by a legally qualified medical practitioner.

(2) The person who was using the vehicle at the time of the event out of which the bodily injury arose must, on a claim being made in accordance with the provisions of section 159 of this Act, pay to the practitioner (or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected) —

Status: *Point in time view as at 03/04/2017.*
Changes to legislation: *Road Traffic Act 1988, Part VI is up to date with all changes known to be in force on or before 23 May 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)*

(a) a fee of **[**[F93]£21.30**]** in respect of each person in whose case the emergency treatment is effected by him, and

(b) a sum, in respect of any distance in excess of two miles which he must cover in order—

(i) to proceed from the place from which he is summoned to the place where the emergency treatment is carried out by him, and

(ii) to return to the first mentioned place,

equal to **[**[F94]41 pence**]** for every complete mile and additional part of a mile of that distance.

(3) Where emergency treatment is first effected in a hospital, the provisions of subsections (1) and (2) above with respect to payment of a fee shall, so far as applicable, but subject (as regards the recipient of a payment) to the provisions of section 159 of this Act, have effect with the substitution of references to the hospital for references to a legally qualified medical practitioner.

(4) Liability incurred under this section by the person using a vehicle shall, where the event out of which it arose was caused by the wrongful act of another person, be treated for the purposes of any claim to recover damage by reason of that wrongful act as damage sustained by the person using the vehicle.

Extent Information

E4 This version of this provision extends to Scotland only; a separate version extends to England and Wales only

Textual Amendments

F92 Words in s. 158(1)(a) inserted (13.5.2002) by 2002 asp 5, **s. 20(2)**; S.S.I. 2002/170, **art. 2(2)**

F93 Words in s. 158(2)(a) substituted (17.4.1995) by S.I. 1995/889, **art. 3**

F94 Words in s. 158(2)(b) substituted (17.4.1995) by S.I. 1995/889, **art. 3**

Modifications etc. (not altering text)

C27 S. 158 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

159 Supplementary provisions as to payments for treatment.

(1) A payment falling to be made under section 157 or 158 of this Act in respect of treatment in a hospital must be made **[**[F78]to the hospital**]**

(2) A claim for a payment under section 158 of this Act may be made at the time when the emergency treatment is effected, by oral request to the person who was using the vehicle, and if not so made must be made by request in writing served on him within seven days from the day on which the emergency treatment was effected.

(3) Any such request in writing—

(a) must be signed by the claimant or, in the case of a hospital, by an executive officer of **[**[F79]the hospital claiming the payment**]**.

(b) must state the name and address of the claimant, the circumstances in which the emergency treatment was effected, and that it was first effected by the claimant or, in the case of a hospital, in the hospital, and

(c) may be served by delivering it to the person who was using the vehicle or by sending it in a prepaid registered letter, or the recorded delivery service, addressed to him at his usual or last known address.

(4) A payment made under section 158 of this Act shall operate as a discharge, to the extent of the amount paid, of any liability of the person who was using the vehicle, or of any other person, to pay any sum in respect of the expenses or remuneration of the practitioner or hospital concerned of or for effecting the emergency treatment.

(5) A chief officer of police must, if so requested by a person who alleges that he is entitled to claim a payment under section 158 of this Act, provide that person with any information at the disposal of the chief officer—

(a) as to the identification marks of any motor vehicle which that person alleges to be a vehicle out of the use of which the bodily injury arose, and

(b) as to the identity and address of the person who was using the vehicle at the time of the event out of which it arose.

Textual Amendments

F78 Words in s. 159(1) substituted (5.4.1999) for s. 159(1)(a)-(c) by 1999 c. 3, **s. 18(2)(a)**; S.I. 1999/1075, **art. 2**

F79 It is provided that words in s. 159(3)(a) substituted (5.4.1999) by 1999 c. 3, **s. 18(2)(b)**; S.I. 1999/1075, **art. 2**

Modifications etc. (not altering text)

C22 S. 159: transfer of functions (1.7.1999) by S.I. 1999/672, arts. 1, 2, **Sch. 1**
S. 159 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

General

F80[159A Disclosure of information

(1) Regulations may make provision for and in connection with requiring MIIC to make information available to any prescribed person for the purposes of the exercise of any of that person's functions in connection with the enforcement of an offence under this Part of this Act or under regulations made under section 160 of this Act.

(2) In this section—

" MIIC " means the Motor Insurers' Information Centre (a company limited by guarantee and incorporated under the Companies Act 1985 on 8th December 1998), and

" information " means information held in any form.]

Textual Amendments

F80 S. 159A inserted (4.2.2011) by Road Safety Act 2006 (c. 49), **ss. 22(2)**, 61(1)(10); S.I. 2011/19, art. 2(a)

Status: *Point in time view as at 03/04/2017.*
Changes to legislation: *Road Traffic Act 1988, Part VI is up to date with all changes known to be in force on or before 23 May 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)*

160 Regulations.

(1) The Secretary of State may make regulations for any purpose for which regulations may be made under this Part of this Act and 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.

In this Part of this Act "regulations" means regulations under this section and "prescribed" means prescribed by regulations.

(2) In particular, but without prejudice to the generality of subsection (1) above, the regulations may make provision—

(a) as to 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 [F81]. . . and the providing of particulars of them or the giving of information with respect to them to the Secretary of State 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, [F82]. . .

[[F83](da) for or in connection with the transmission or making available of certificates of insurance as described in section 147(1A)(a) or (b) of this Act, and**]**

(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 in Great Britain, have effect subject to such modifications and adaptations as may be prescribed.

Textual Amendments

F81 Words in s. 160(2)(b) omitted (30.4.2010) by virtue of The Motor Vehicles (Electronic Communication of Certificates of Insurance) Order 2010 (S.I. 2010/1117), **art. 5(a)**

F82 Word after s. 160(2)(d) omitted (30.4.2010) by virtue of The Motor Vehicles (Electronic Communication of Certificates of Insurance) Order 2010 (S.I. 2010/1117), **art. 5(b)(i)**

F83 S. 160(2)(da) inserted (30.4.2010) by The Motor Vehicles (Electronic Communication of Certificates of Insurance) Order 2010 (S.I. 2010/1117), **art. 5(b)(ii)**

Modifications etc. (not altering text)

C23 S. 160 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

161 Interpretation.

(1) In this Part of this Act—

[F84]**[** " hospital " means any institution which provides medical or surgical treatment for in-patients, other than—

(a) a health service hospital within the meaning of **[**[F85]the National Health Service Act 2006 or the National Health Service (Wales) Act 2006**]** or the [M6]National Health Service (Scotland) Act 1978,

(b) [F86]. . . . . .

(c) any institution carried on for profit,**]**

"policy of insurance" includes a covering note,

"salvage" means the preservation of a vessel which is wrecked, stranded or in distress, or the lives of persons belonging to, or the cargo or apparel of, such a vessel, and

"under the owner's control" means, in relation to a vehicle, that it 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.

[F87](2) . . . . . .

(3) In this Part of this Act, any reference to an accident includes a reference to two or more causally related accidents.

Textual Amendments

F84 Definition of "hospital" in s. 161(1) substituted (5.4.1999) by 1999 c. 3, **s. 18(3)**; S.I. 1999/1075, **art. 2**

F85 S. 161(1): in definition of "hospital" words in para. (a) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 5, 8(2), **Sch. 1 para. 123** (with Sch. 3 Pt. 1)

F86 S. 161(1): in the definition of "hospital" para. (b) repealed (29.1.2007) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 169(2), 196, 199, **Sch. 14 Pt. 3** (with s. 166); S.I. 2006/3397, **art. 3** (subject to art. 4); S.S.I. 2007/10, **art. 2(2)(d)(e)(g)**

F87 S. 161(2) omitted (30.6.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 3 para. 7**; S.I. 2015/994, art. 9(a) (with Sch. Pt. 3A) (as amended by S.I. 2015/1405, art. 2)

Modifications etc. (not altering text)

C24 S. 161 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Marginal Citations

M6 1978 c. 29.

162 Index to Part VI.

The expressions listed in the left-hand column below are respectively defined or (as the case may be) fall to be construed in accordance with the provisions of this Part of this Act listed in the right-hand column in relation to those expressions.

Expression	*Relevant provision*
Accident	Section 161(3)
[[F88]Authorised insurer	Section 145(5)**]**
Certificate of insurance	Sections 147(1) and 161(2)
Certificate of security	Sections 147(2) and 161(2)
Hospital	Section 161(1)
Policy of insurance	Section 161(1)
Prescribed	Section 160(1)
Regulations	Section 160(1)
Salvage	Section 161(1)

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Under the owner's control Section 161(1)

Textual Amendments

F88 Entry in s. 162 substituted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 314

Modifications etc. (not altering text)

C25 S. 162 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Status:
Point in time view as at 03/04/2017.

Changes to legislation:
Road Traffic Act 1988, Part VI is up to date with all changes known to be in force on or before 23 May 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.