
STATUTORY INSTRUMENTS

1992 No. 1284

ROAD TRAFFIC

**The Motor Vehicles (Third-Party
Risks Deposits) Regulations 1992**

<i>Made</i>	- - - -	<i>3rd June 1992</i>
<i>Laid before Parliament</i>		<i>9th June 1992</i>
<i>Coming into force</i>	- -	<i>1st July 1992</i>

The Secretary of State for Transport, in exercise of the powers conferred upon him by sections 155 and 160 of the Road Traffic Act 1988(1), section 20(1) of the Insurance Companies Act 1958(2), and section 40 of the Administration of Justice Act 1982(3), and of all other enabling powers, and after consultation with the Lord Chancellor and, in accordance with the provisions of section 195(2) of the Road Traffic Act 1988, with representative organisations, hereby makes the following Regulations:

Commencement and citation

1. These Regulations may be cited as the Motor Vehicles (Third-Party Risks Deposits) Regulations 1992, and shall come into force on 1st July 1992.

Revocation

2. The Motor Vehicles (Third-Party Risks Deposits) Regulations 1967(4) are hereby revoked.

Interpretation

3. In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

“the Act” means the Road Traffic Act 1988;

“the Accountant General” means the Accountant General of the Supreme Court;

“basic account” means a deposit account bearing interest;

(1) 1988 c. 52; Part VI was amended by sections 20 and 48 of, and paragraph 66 of Schedule 4 to, the Road Traffic Act 1991 (c. 40), which were brought into force on 1st July 1992 by the Road Traffic Act 1991 (Commencement No. 4 and Transitional Provisions) Order 1992 (S.I.1992/1286 (c. 42)).

(2) 1958 c. 72; section 20(1) was amended by section 17 of, and Schedule 1 to, the Administration of Justice Act 1965 (c. 2).

(3) 1982 c. 53.

(4) S.I. 1967/1326.

“the court” means the High Court;

“the depositor” has the meaning assigned thereto in regulation 4 of these Regulations;

“permitted securities” means the securities specified in Part I, paragraphs 1 to 10A and 12 of Part II, and paragraphs 2 and 3 of Part III, of Schedule 1 to the Trustee Investments Act 1961(5), as supplemented by Part IV of that Schedule;

“the prescribed sum” means the sum for the time being specified in section 144(1) of the Act; and

“the Secretary of State” means the Secretary of State for Transport.

Deposits

4. Any person wishing to deposit with the Accountant General the prescribed sum, or to increase the deposit already made to the prescribed sum, or any person wishing to deposit with the Accountant General the sum of £15,000 in pursuance of section 146(2) of the Act, may apply to the Secretary of State for a warrant which shall be a sufficient authority for the Accountant General to issue a direction for lodgment into court by the person named in the warrant (hereinafter referred to as “the depositor”) of the said prescribed sum, or of sufficient sum to increase the deposit already made to the prescribed sum, or the said sum of £15,000, which shall be credited in the books of the Accountant General to an account entitled *ex parte* the depositor, in respect of the Act:

Provided that in lieu, wholly or in part, of the deposit of money the depositor may deposit an equivalent amount of securities in which cash under the control of or subject to the order of the court may for the time being be invested (the value thereof being taken at a price as near as may be to, but not exceeding, the current market price) and in that case the Secretary of State shall vary his warrant accordingly.

Investment

5.—(1) Any money deposited shall be—

- (a) invested by the Accountant General in such permitted securities as the depositor may in writing request, or
- (b) in the absence of such request, placed to a basic account.

(2) Any interest, dividend or income accruing due on money or securities deposited with the court under the last preceding regulation shall, subject to any order of the court, be paid to the depositor at his request.

(5) 1961 c. 62. The Schedule was amended by the following relevant measures.
 Part I was amended by S.I. 1962/2611, 1964/703, 1968/470, 1982/1086, 1983/1525, 1985/1780, 1988/2254, sections 94 and 114 of, and Part III of Schedule 6 to, the Post Office Act 1969 (c. 48) and section 36(2) of, and Schedule 6 to, the Trustee Savings Banks Act 1976 (c. 4).
 Part II was amended by S.I. 1962/658, 1964/1404, 1966/401, 1972/1818, 1973/1332, 1977/831, 1977/1878, 1983/772, 1986/601, 1991/999, section 150 of the Finance Act 1982 (c. 39), section 120(1) of, and paragraph 4(2) of Part I of Schedule 18 to, the Building Societies Act 1986 (c. 53), section 844 of, and paragraph 32 of Schedule 29 to, the Income and Corporation Taxes Act 1988(c. 1), section 237(2) of, and Part I of Schedule 13 to, the Education Reform Act 1988 (c. 40), section 190(1) of, and paragraphs 29(2) and (3) of Schedule 25 to, the Water Act 1989 (c. 15) and (prospectively) by section 1(1) and (5) of, and Part IV of the Schedule to, the Agriculture and Forestry (Financial Provisions) Act 1991 (c. 33).
 Part III was amended by section 120(1) of, and paragraph 4(3) of Part I of Schedule 18 to, the Building Societies Act 1986 and by section 212(2) of, and paragraph 2(b) of Schedule 16 to, the Financial Services Act 1986 (c. 60).
 Part IV was amended by sections 83(1) and 93(1) of, paragraph 25 of Schedule 17 to, and Part II of Schedule 18 to, the London Government Act 1963 (c. 33), section 24(2) of, and Part I of Schedule 6 to, the National Loans Act 1968 (c. 13), section 272(1) of, and Schedule 30 to, the Local Government Act 1972 (c. 70), section 36(2) of, and Schedule 6 to, the Trustee Savings Banks Act 1976, Part V of Schedule 1 to the Statute Law (Repeals) Act 1981 (c. 19), section 4 of, and paragraph 5(3) of Schedule 2 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 120(2) of, and Part I of Schedule 19 to, the Building Societies Act 1986 and by section 212(2) of, and paragraph 2(c) of Schedule 16 to, the Financial Services Act 1986.

(3) This regulation shall apply to any deposit made, or having effect as if made, in pursuance of sections 144(1) or 146(2) of the Act, whether under these Regulations or any preceding Rules or Regulations.

Withdrawal of deposits

6. In any case where it may be just and equitable so to do, and in particular in any of the following cases, that is to say—

- (a) where a person who has made a deposit in pursuance of section 144(1) of the Act, or having effect as if made in pursuance of that section, complies, or satisfies the Accountant General that he intends to comply, in some other manner, whether by way of insurance or otherwise, with the provisions of Part VI of the Act,
- (b) where—
 - (i) a person who has made such a deposit as aforesaid ceases to own, or to control the use of, a motor vehicle, or
 - (ii) a person who has made a deposit in pursuance of section 146(2) of the Act, or having effect as if made in pursuance of that section, has ceased altogether to carry on in the United Kingdom the business of giving securities under Part VI of the Act, and in either case all liabilities in respect of which money or securities were deposited in court have been satisfied or otherwise provided for,

the Secretary of State may, on the application of any such person, authorise the Accountant General to pay or transfer any money or securities deposited with him to such person as aforesaid or otherwise as the Accountant General may direct.

Warrants

7. The issue of any warrant under regulation 4 of these Regulations or any error in any such warrant, or in relation thereto, shall not render the Secretary of State or the person signing the warrant on his behalf, in any manner liable for or in respect of any money or security deposited in court, or any securities for the time being representing the same, or the interest, dividends or income accruing due thereon.

Application of Court Funds Rules

8. Subject to the foregoing Regulations, the relevant provisions of the Court Funds Rules 1987(6) shall apply to deposits made, or having effect as if made, in pursuance of section 144(1) or section 146(2) of the Act, whether under these Regulations or any preceding Rules or Regulations.

Signed by authority of the Secretary of State for Transport

3rd June 1992

Kenneth Carlisle
Parliamentary Under Secretary of State
Department of Transport

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations apply to the making of deposits with the Accountant General of the Supreme Court under sections 144(1) and 146(2) of the Road Traffic Act 1988 (“the Act”) in connection with provision against third-party risks arising out of the use of motor vehicles on roads, the investment of money or securities placed on deposit, and the withdrawal of such deposits. The Regulations revoke and replace the Motor Vehicles (Third-Party Risks Deposits) Regulations 1967 and make the following main changes—

- (a) the deposit sum under section 144(1) of the Act, which is increased to £500,000 following the bringing into operation on 1st July 1992 of section 20 of the Road Traffic Act 1991, will be lodged into court (regulation 4);
- (b) any money deposited may be invested in permitted securities at the written request of the depositor or, in the absence of such request, placed to a deposit account bearing interest (regulation 5(1));
- (c) the Secretary of State may, on the application of the depositor, authorise the Accountant General to pay or transfer any money or securities to the depositor (regulation 6);
- (d) the relevant provisions of the Court Funds Rules 1987 are applied to deposits (regulation 8).