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STATUTORY INSTRUMENTS

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**1992 No. 3036**

**ROAD TRAFFIC**

**The Motor Vehicles (Compulsory Insurance) Regulations 1992**

*Made* - - - - *2nd December 1992*  
*Laid before Parliament* *9th December 1992*  
*Coming into force* - - *31st December 1992*

The Secretary of State for Transport, being a Minister designated<sup>(1)</sup> for the purpose of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to compulsory motor insurance in respect of, and other means of providing for, civil liability in relation to motor vehicles and trailers, in exercise of the powers conferred by that section, hereby makes the following Regulations:—

1. These Regulations may be cited as the Motor Vehicles (Compulsory Insurance) Regulations 1992 and shall come into force on 31st December 1992.

2.—(1) In section 145 of the Road Traffic Act 1988<sup>(3)</sup> (requirements in respect of policies of insurance) in subsection (3) after paragraph (a) there shall be inserted the following paragraph—

“(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”.

(2) In paragraph (b) of subsection (3) of that section (which requires a policy to provide insurance in respect of certain liabilities in accordance with the law on compulsory motor insurance of the State where the liability may be incurred) after the word “must” there shall be inserted “, in the case of a vehicle normally based in Great Britain,” and for the words from “the law” to the end of the paragraph there shall be substituted—

“(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

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(1) S.I.1972/1811.  
(2) 1972 c. 68.  
(3) 1988 c. 52.

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*Status: This is the original version (as it was originally made).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

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- (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”.
- (3) After subsection (4) of that section there shall be inserted the following subsection—
- “(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 Employers' Liability (Compulsory Insurance) Act 1969(4).”

Signed by authority of the Secretary of State for Transport

2nd December 1992

*Kenneth Carlisle*  
Parliamentary Under Secretary of State,  
Department of Transport

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(4) 1969 c. 57.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement the Third Council Directive [90/232/EEC](#) of 14th May 1990 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles (OJNo. L12, 19.5.90, p.33) (“the Council Directive”). They amend section 145 (requirements in respect of policies of insurance) of the Road Traffic Act 1988 so that—

- (i) in accordance with Article 1 of the Council Directive the insurance required covers all persons carried in or upon a vehicle, or entering or getting on to, or alighting from a vehicle except where they are covered by insurance required by the Employers' Liability (Compulsory Insurance) Act 1969 (paragraph (3) of regulation 2); and
- (ii) in accordance with Article 2 of the Council Directive, the insurance required includes the cover required by the law applicable where the vehicle is used or the cover required by the law applicable where the vehicle is normally based (as defined in Article 1(4) of Council Directive [72/1661 EEC](#) of 24th April 1972 (OJ No. L103, 2.5.72, p.1 as amended by Article 4 of Council Directive [84/5/EEC](#) of 30th December 1983 (OJ No. L8, 11.1.84, p.17)) when that cover is higher (paragraphs (1) and (2) of regulation 2).