
STATUTORY INSTRUMENTS

2010 No. 1117

**The Motor Vehicles (Electronic Communication
of Certificates of Insurance) Order 2010**

PART 1

Amendment of the Road Traffic Act 1988

Preliminary

2. The Road Traffic Act 1988(1) is amended as follows.

Delivery and surrender of certificates of insurance

3.—(1) Section 147 (issue and surrender of certificates of insurance and of security) is amended as follows.

(2) After subsection (1), insert—

“(1A) A certificate of insurance is to be treated for the purposes of this Part of this Act as having been delivered under subsection (1) above 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—

(1) 1988 c.52. Section 152(2) was amended by section 48 of, and paragraph 66 of Schedule 4 to, the Road Traffic Act 1991 (c.40). Section 165 was amended by section 7 of, and paragraph 19 of Schedule 3 to, the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), by section 48 of, and paragraph 69 of Schedule 4 to, the Road Traffic Act 1991, by section 83 of, and Schedule 8 to, that Act and by S.I. 2000/726.

- (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)."

(3) In subsection (4), after "delivered under this section" insert " , otherwise than as described in subsection (1A)(a) or (b) above,".

(4) After subsection (4), insert—

"(4A) Where subsection (4) above applies in respect of a certificate of insurance that has not been lost or destroyed, the person to whom the certificate was delivered—

- (a) may, instead of surrendering the certificate under subsection (4)(a) above, transmit to the insurer, by means of an electronic communication to an electronic address specified by the insurer, a statement confirming that the policy to which the certificate relates has ceased to have effect, and
- (b) if he does so, is to be treated as having surrendered the certificate.

(4B) Where subsection (4) above applies in respect of a certificate of insurance that has been lost or destroyed, the person to whom the certificate was delivered—

- (a) may, instead of making a statutory declaration as described in subsection (4)(b) above, transmit to the insurer, by means of an electronic communication to an electronic address specified by the insurer, a statement confirming that the certificate has been lost or (as applicable) destroyed, and
- (b) if he does so, is to be treated as having made a statutory declaration as described in subsection (4)(b) above.

(4C) Subsection (4D) below applies where—

- (a) a certificate of insurance is treated, by virtue of subsection (1A) above, as having been delivered to a person under this section, and
- (b) the policy to which it relates is cancelled by mutual consent or by virtue of any provision in the policy.

(4D) The person must, within seven days from the taking effect of the cancellation, either—

- (a) transmit to the insurer, by means of an electronic communication to an electronic address specified by the insurer, a statement confirming that the policy to which the certificate relates has ceased to have effect, or
- (b) deliver to the insurer a legible printed copy of the certificate endorsed with a statement made and signed by him to that effect.

(4E) A person who transmits a statement or delivers a copy of a certificate as described in paragraph (a) or (b) of subsection (4D) above is to be treated as having surrendered the certificate in question.

(4F) In this section, “electronic communication” has the meaning given in the Electronic Communications Act 2000.”

(5) In subsection (5), after “A person who fails to comply with subsection (4)” insert “or (4D)”.

Duty of insurers to satisfy judgment against persons insured against third-party risks

4. In section 152 (exceptions to section 151)—

- (a) in subsection (1)(c)(i), after “the certificate was surrendered to the insurer, or” insert “(in the case of a certificate delivered otherwise than as described in section 147(1A) above)”; and
- (b) in subsection (1)(c)(ii), after “the certificate was surrendered to the insurer, or” insert “(in the case of a certificate delivered otherwise than as described in section 147(1A) above)”.

Regulations

5. In section 160 (regulations), in subsection (2)—

- (a) in paragraph (b), omit “of documents”; and
- (b) after paragraph (d)—
 - (i) omit “and”, and
 - (ii) insert—

“(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”.

Power of constables and vehicle examiners to require production of evidence of insurance

6. In section 165 (power of constables to obtain names and addresses of drivers and others, and to require production of evidence of insurance or security and test certificates), after subsection (2), insert—

“(2A) Subsections (2B) and (2C) below apply where a certificate of insurance is treated as having been delivered to a person under section 147(1) of this Act by virtue of section 147(1A) of this Act.

(2B) In the case of a certificate transmitted to a person as described in section 147(1A) (a) of this Act, the person is to be treated for the purposes of this section as producing the relevant certificate of insurance if—

- (a) using electronic equipment provided by him or made available to him by the constable or examiner, he provides the constable or examiner with electronic access to a copy of the certificate, or
- (b) he produces a legible printed copy of the certificate.

(2C) In the case of a certificate made available to a person as described in section 147(1A)(b) of this Act, the person is to be treated for the purposes of this section as producing the relevant certificate of insurance if—

- (a) using electronic equipment provided by him or made available to him by the constable or examiner, he provides the constable or examiner with electronic access on the website in question to a copy of the certificate, or
- (b) he produces a legible printed copy of the certificate.

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

(2D) Nothing in subsection (2B) or (2C) above requires a constable or examiner to provide a person with electronic equipment for the purpose of compliance with a requirement imposed on the person by this section.”.