STATUTORY INSTRUMENTS

2011 No. 20

ROAD TRAFFIC

The Motor Vehicles (Insurance Requirements) Regulations 2011

Made - - - -	*10th January 2011*
Laid before Parliament	*11th January 2011*
Coming into force - -	*4th February 2011*

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 144B(7) and (8), 144C(7) and (10), 159A and 160(1) of the Road Traffic Act 1988(**1**).

The Secretary of State for Transport has consulted with representative organisations in accordance with section 195(2) of the 1988 Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Insurance Requirements) Regulations 2011 and shall come into force on 4th February 2011.

(2) In these Regulations—

"the 1988 Act" means the Road Traffic Act 1988;

"the 2002 Regulations" means the Road Vehicles (Registration and Licensing) Regulations 2002(**2**); and

"certificate of destruction" has the same meaning as that expression has in the End-of-Life Vehicles Regulations 2003(**3**).

Exceptions to the offence under section 144A

2. For the purposes of section 144B(4)(b) of the 1988 Act (the third condition)—

(a) where the vehicle has been sold or transferred by the registered keeper (other than for the purpose of being destroyed or sent permanently out of Great Britain) the registered keeper of the vehicle must, by the relevant time and in relation to that vehicle, have furnished the information and documents and made the declarations in accordance with regulation 22(2)(b), 23(2) or 24(5) (as the case may be) of the 2002 Regulations;

(**1**) 1988 c.52; sections 144A to 144D and 159A were inserted by the Road Safety Act 2006 (c. 49) section 22.
(**2**) S.I. 2002/2742; relevant amending instruments are 2003/2154, 2635 and 3073 and 2004/3298.
(**3**) S.I. 2003/2635, to which there are amendments not relevant to these Regulations.

(b) where the vehicle has been sold or transferred by the registered keeper for the purpose of its destruction, the registered keeper must, by the relevant time and in relation to that vehicle, have—

(i) furnished the information and documents, and made the declarations in accordance with regulation 23(2) or 24(5) (as the case may be) of the 2002 Regulations; or

(ii) been given a certificate of destruction; and

(c) where the vehicle has been sent permanently out of Great Britain, the registered keeper of the vehicle must, by the relevant time and in relation to that vehicle, have notified the Secretary of State in accordance with regulation 17 of the 2002 Regulations.

3. For the purposes of section 144B(5)(c) of the 1988 Act (the fourth condition), the registered keeper of the vehicle must, by the relevant time and in relation to that vehicle, have delivered the required particulars, and made the required declaration, in accordance with paragraph 5(3) of Schedule 4 to the 2002 Regulations.

4. For the purposes of section 144B(6)(c) of the 1988 Act (the fifth condition), the registered keeper of the vehicle must, by the relevant time and in relation to that vehicle, have given notification in accordance with regulation 26A(3) of the 2002 Regulations.

Further exception to the offence under section 144A

5. In section 144B of the 1988 Act (exceptions to the section 144A offence), after subsection (6), insert—

"(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(**4**) 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.".

Lesser amount of fixed penalty

6.—(1) A fixed penalty payable under section 144C of the 1988 Act shall be treated as having been paid if the amount of £50 is paid before the end of the period of 21 days following the date of the notice given under that section.

(2) A fixed penalty notice under section 144C of the 1988 Act shall state that the fixed penalty payable under that section shall be treated as having been paid if the amount of £50 is paid before the end of the period of 21 days following the date of that notice.

Disclosure of information

7. MIIC shall make available to the Secretary of State, for the purpose of the Secretary of State's functions in connection with the enforcement of an offence under Part 6 of the 1988 Act, the information referred to in regulation 4(a), (b) and (c) of the Motor Vehicles (Compulsory Insurance) (Information Centre and Compensation Body) Regulations 2003(**5**) or so much of that information as is required by the Secretary of State for that purpose.

(**4**) 1994 c.22.
(**5**) S.I. 2003/37, to which there is an amendment not relevant to these Regulations.

Signed by authority of the Secretary of State

Mike Penning
Parliamentary Under Secretary of State
Department for Transport

10th January 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the coming into force of sections 144A, 144B, 144C and 159A of the Road Traffic Act 1988 which introduce the offence of being the registered keeper of a vehicle which does not have insurance cover ("the section 144A offence"), provide for exceptions to that offence, provide that liability to conviction for the offence may be discharged by paying a fixed penalty of £100 and provide for the disclosure of information in connection with enforcement.

These Regulations—

(a) prescribe the requirements to be met in order to be excepted from the section 144A offence by reason of the vehicle having been sold or transferred, whether for destruction, permanent export or otherwise, having been stolen or being kept off-road (*regulations 2 to 4*);

(b) amend section 144B of the Road Traffic Act 1988 to provide a further exception to the section 144A offence for a vehicle which has been kept off-road since before the coming into force on 1st February 1998 of the requirement, where a vehicle is kept off-road, to declare that it is so kept (*regulation 5*);

(c) provide that the fixed penalty of £100 is reduced to £50 if that amount is paid within 21 days of notice being given that a section 144A offence has been committed and require a fixed penalty notice to so state (*regulation 6*); and

(d) provide for the Motor Insurers' Information Centre to make available to the Secretary of State, for the purpose of enforcing the section 144A offence, information relating to vehicle insurance policies in the United Kingdom and to vehicles which are permitted to be used on the road without insurance (*regulation 7*).

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Freight, Insurance and Licensing Division at the Department for Transport, Great Minster House, 76 Marsham Street, London, SW1P 4DR and is annexed to the Explanatory Memorandum which is available alongside this instrument at www.legislation.gov.uk.

A copy of the assessment has been placed in the library of each House of Parliament.