

2019 No. 1047

ROAD TRAFFIC

**The Motor Vehicles (Compulsory Insurance) (Miscellaneous
Amendments) Regulations 2019**

Made - - - - - *24th June 2019*

Laid before Parliament *1st July 2019*

Coming into force - - *1st November 2019*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and section 144B(7)(a) of the Road Traffic Act 1988(b).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to compulsory insurance in respect of, and other means of providing for, civil liability in relation to motor vehicles and trailers(c).

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

PART 1

Introduction

Citation and commencement

1. These regulations may be cited as the Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 and come into force on 1st November 2019.

(a) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
(b) 1988 c.52; section 144B was inserted by the Road Safety Act 2006 (c.49), section 22(1).
(c) S.I. 1972/1811.

PART 2

Removal of securities and deposits as alternatives to motor insurance and transitional and saving provision

Amendments of primary and secondary legislation

2. Schedule 1 amends—

- (a) the Road Traffic Act 1988 (see Part 1);
- (b) the Road Traffic Offenders Act 1988(a) (see Part 2); and
- (c) the Serious Organised Crime and Police Act 2005(b) (see Part 3).

3. Schedule 2 makes amendments to primary legislation as a result of the Automated and Electric Vehicles Act 2018(c).

4. Schedule 3—

- (a) amends the Motor Vehicles (International Motor Insurance Card) Regulations 1971(d) (see Part 1);
- (b) amends the Motor Vehicles (Third Party Risks) Regulations 1972(e) (see Part 2);
- (c) amends the Motor Vehicles (Compulsory Insurance) (No. 2) Regulations 1973(f) (see Part 3);
- (d) revokes the Motor Vehicles (Third-Party Risks Deposits) Regulations 1992(g) (see Part 4);
- (e) amends the Disclosure of Vehicle Insurance Information Regulations 2005(h) (see Part 5); and
- (f) amends the Motor Vehicles (Insurance Requirements) Immobilisation, Removal and Disposal Regulations 2011(i) (see Part 6).

Transitional and saving provision

5.—(1) This regulation applies to—

- (a) a deposit made before 1st November 2019 with the Accountant General of the Senior Courts in accordance with section 144(1) of the Road Traffic Act 1988(j);
- (b) a security given before 1st November 2019 in accordance with section 146 of the Road Traffic Act 1988(k); and
- (c) a security which is renewed on or after 1st November 2019 in accordance with section 146 of the Road Traffic Act 1988 having been originally given before that date in accordance with that section.

(2) Subject to paragraphs (3) and (4), regulations 2, 3 and 4 and Schedules 1, 2 and 3 do not apply until 1st November 2021 in relation to a deposit or security to which this regulation applies.

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- (a) 1988 c.53.
 - (b) 2005 c.15.
 - (c) 2018 c.18.
 - (d) S.I. 1971/ 792, to which there are amendments not relevant to these Regulations.
 - (e) S.I. 1972/1217; relevant amending instruments are S.I. 1992/1283; S.I. 1997/97; S.I. 2001/2266; S.I. 2010/1115; S.I. 2010/1117; S.I. 2013/2904; S.I. 2015/971.
 - (f) S.I. 1973/2143, to which there are amendments not relevant to these Regulations.
 - (g) S.I. 1992/1284.
 - (h) S.I. 2005/2833.
 - (i) S.I. 2011/1120, to which there are amendments not relevant to these Regulations.
 - (j) Section 144 was amended by the Constitutional Reform Act 2005 (c.4), paragraph 4 of Schedule 11 and the Road Traffic Act 1991, section 20. Further amendments made by the Automated and Electric Vehicles Act 2018, paragraph 18 of the Schedule have yet to be brought into force. There are other amendments not relevant to this instrument.
 - (k) Section 146 was amended by the Constitutional Reform Act 2005, paragraph 4 of Schedule 11 and the Motor Vehicles (Compulsory Insurance) Regulations 2000 (S.I. 2000/726), regulation 4.

(3) Regulations 2 and 4 and Schedules 1 and 3 do not affect any liability in respect of death or bodily injury or damage to property where—

- (a) the event which was the cause of the death or bodily injury or damage to property giving rise to the liability occurred before 1st November 2021; and
- (b) at the time the event occurred, there was a deposit or security to which this regulation applies that covered the liability.

(4) Regulation 4(d) and Part 4 of Schedule 3 do not apply to any monies held by the Accountant General of the Senior Courts in relation to a deposit or security to which this regulation applies.

PART 3

Amendments of insurer's right to void an insurance policy

Amendment of Road Traffic Act 1988

6.—(1) Section 152 of the Road Traffic Act 1988 (exceptions to section 151)(a) is amended as follows.

(2) In subsection (2), for the words before paragraph (a) substitute “No sum is payable by an insurer under section 151 of this Act 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 insurer has obtained a declaration—”.

(3) Omit subsections (3) and (4).

Amendment of Road Traffic (Northern Ireland) Order 1981

7.—(1) Article 98A of the Road Traffic (Northern Ireland) Order 1981 (exceptions to article 98)(b) is amended as follows.

(2) In paragraph (2), for the words before sub-paragraph (a) substitute “No sum is payable by an insurer under Article 98 of this Order 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 insurer has obtained a declaration—”.

(3) Omit paragraphs (3) and (4).

Saving provision

8.—(1) Paragraph (2) applies if, immediately before 1st November 2019, an insurer was exempted from paying any sum under section 151 of the Road Traffic Act 1988 in connection with a liability as a result of a declaration obtained by the insurer under section 152(2) of that Act before that date.

(2) Despite regulation 6, on and after 1st November 2019 section 152(2) of that Act continues to exempt the insurer from paying any sum in connection with the liability, regardless of whether the declaration was obtained before or after the happening of the event which was the cause of the death or bodily injury or damage to property giving rise to the liability.

(3) Paragraph (4) applies if, immediately before 1st November 2019, an insurer was exempted from paying any sum under Article 98 of the Road Traffic (Northern Ireland) Order 1981 in

(a) Section 152 was amended by the Deregulation Act 2015 (c.20), section 9 and paragraph 5 of Schedule 3, the Insurance Act 2015 (c.4), section 21, the Consumer Insurance (Disclosure and Representations) Act 2012 (c.6), section 11 and the Road Traffic Act 1991 (c. 40), paragraph 66 of Schedule 4.

(b) S.I. 1981/154 (N.I. 1); Article 98A was inserted by the Motor Vehicles (Compulsory Insurance) Regulations (Northern Ireland) 1989 (S.R. 1989/84). Article 98A was amended by the Insurance Act 2015, section 21 and the Consumer Insurance (Disclosure and Representations) Act 2012, section 11. There are other amendments not relevant to this instrument.

connection with a liability as a result of a declaration obtained by the insurer under Article 98A(2) of that Order before that date.

(4) Despite regulation 7, on and after 1st November 2019 Article 98A(2) of that Order continues to exempt the insurer from paying any sum in connection with the liability, regardless of whether the declaration was obtained before or after the happening of the event which was the cause of the death or bodily injury or damage to property giving rise to the liability.

PART 4

Amendment of Motor Vehicles (Insurance Requirements) Regulations 2011

9. In regulation 3 of the Motor Vehicles (Insurance Requirements) Regulations 2011(**a**), for “paragraph 5(3)” substitute “paragraph 2”.

Signed by authority of the Secretary of State for Transport

24th June 2019

Michael Ellis
Minister of State
Department for Transport

SCHEDULE 1

Regulation 2

Amendments of primary legislation to remove securities and deposits as alternatives to motor insurance

PART 1

Amendments of the Road Traffic Act 1988

- 1.** The Road Traffic Act 1988 is amended as follows.
- 2.** In section 3ZB(c) (causing death by driving: unlicensed or uninsured drivers)(**b**), omit “or unsecured against third party risks”.
- 3.** In the table in section 12E(3) (effect of motor race order)(**c**), in the entry for section 143(1) and (2) of the Road Traffic Act 1988, omit “or secured against third party risks”.
- 4.** In section 12H(5)(c) (races and trials of speed in Scotland: further provision)(**d**), omit “or security”.
- 5.** In the italic heading before section 143, omit “or security against third party risks”.
- 6.**—(1) Section 143 (users of motor vehicles to be insured or secured against third-party risks)(**e**) is amended as follows.

(a) S.I. 2011/20.

(b) Section 3ZB was inserted by the Road Safety Act 2006, section 21 as amended by the Criminal Justice and Courts Act 2015 (c.2), Schedule 6.

(c) Section 12E was inserted by the Deregulation Act 2015, section 73.

(d) Section 12H was inserted by the Deregulation Act 2015, section 73.

(e) Section 143 was amended by the Motor Vehicles (Compulsory Insurance) Regulations 2000 (S.I. 2000/726), regulation 2. Further amendments made by the Automated and Electric Vehicles Act 2018, paragraph 17 of the Schedule have yet to be brought into force.

(2) In the heading, omit “or secured against third-party risks”.

(3) In subsection (1), in paragraphs (a) and (b), omit “or such a security in respect of third party risks”.

(4) In subsection (3)(c), omit “or security”.

7.—(1) Section 144 (exceptions from requirement of third-party insurance or security) is amended as follows.

(2) In the heading, omit “or security”.

(3) Omit subsections (1), (1A) and (1B).

8.—(1) Section 144A (offence of keeping a vehicle which does not meet insurance requirements)(a) is amended as follows.

(2) In subsection (2)(a), omit “or such a security in respect of third party risks”.

(3) In subsections (3), (4) and (5), omit “or security” in each place.

9. Omit section 146 (requirements in respect of securities).

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

(2) In the heading, omit “and of security”.

(3) Omit subsection (2).

(4) In subsection (3), omit “or (2)”.

11.—(1) Section 148 (avoidance of certain exceptions to policies or securities)(c) is amended as follows.

(2) In the heading, omit “or securities”.

(3) In subsection (1)—

(a) in the words before paragraph (a)—

(i) for “or security is issued or given” substitute “is issued”; and

(ii) omit “or security”;

(b) omit paragraph (b) and the “or” preceding that paragraph; and

(c) in the words after paragraph (b), omit “(as the case may be)”.

(4) In subsection (3), omit “or the giver of a security”.

(5) In subsection (4)—

(a) omit “or the giver of a security”;

(b) omit “or security”; and

(c) omit “or giver of the security”.

(6) In subsection (5)—

(a) in the words before paragraph (a), for “or security issued or given” substitute “issued”;

(b) in paragraph (a), omit “or security”; and

(c) in the words following paragraph (b), omit “or security”.

(7) In subsection (6)—

(a) omit “or security” in both places;

(b) omit “or secured”; and

(a) Section 144A was inserted by the Road Safety Act 2006, section 22.

(b) Section 147 was amended by the Deregulation Act 2015, section 9 and paragraph 2 of Schedule 3; there are other amendments not relevant to this instrument.

(c) Section 148 was amended by the Deregulation Act 2015, section 9 and paragraph 3 of Schedule 3; there are other amendments not relevant to this instrument.

(c) omit “or the giver of the security”.

12. In section 149(1) (avoidance of certain agreements as to liability towards passengers), omit “or such a security in respect of third party risks”.

13.—(1) Section 150 (insurance or security in respect of private use of vehicle to cover use under car-sharing arrangements) is amended as follows.

(2) In the heading, omit “or security”.

(3) In subsection (1)—

- (a) in the words before paragraph (a), for “or security issued or given” substitute “issued”;
- (b) in paragraphs (a) and (b), omit “or the operation of the security (as the case may be)”;
- (c) in the words after paragraph (b), omit “or security”.

14.—(1) Section 151 (duty of insurers or persons giving security to satisfy judgment against persons insured or secured against third-party risks)(a) is amended as follows.

(2) In the heading—

- (a) omit “or persons giving security”; and
- (b) omit “or secured against third party risks”.

(3) In subsection (1), for “or security is issued or given” substitute “is issued”.

(4) In subsection (2)—

- (a) in paragraph (a)—
 - (i) omit “or security”; and
 - (ii) omit “or whose liability is covered by the security, as the case may be”; and
- (b) in paragraph (b)—
 - (i) omit “or, as the case may be, the security covered the liability of all persons,”; and
 - (ii) omit “or, as the case may be, whose liability is covered by the security”.

(5) In subsection (3)—

- (a) omit “or security” in both places;
- (b) omit “, as the case may be,”; and
- (c) omit “or the operation of the security”.

(6) In subsection (5), in the words before paragraph (a), omit “or security”.

(7) In subsection (6), omit “or security” in each place.

(8) In subsection (7)—

- (a) in the words before paragraph (a), omit “or whose liability is covered by a security”; and
- (b) in paragraph (b), omit “or security”.

(9) In subsection (8)—

- (a) in the words before paragraph (a), omit “or whose liability is not covered by a security”; and
- (b) in paragraph (a)—
 - (i) omit “, or whose liability is covered by the security,”; and
 - (ii) omit “or, as the case may be, the security covered the liability of all persons”.

(10) In subsection (9)—

- (a) omit paragraph (a); and
- (b) in paragraph (c), omit “or security” in each place.

(a) Section 151 was amended by the Deregulation Act 2015, section 9 and paragraph 4 of Schedule 3; the Road Traffic Act 1991, Schedule 8 and the Motor Vehicles (Compulsory Insurance) Regulations 2016 (S.I. 2016/1193), regulation 2.

15.—(1) Section 152 (exceptions to section 151) is amended as follows.

(2) In subsection (1)(c), omit “or security”.

(3) In subsection (2)—

(a) in paragraph (a), in the words before sub-paragraph (i)—

(i) omit “or security”; and

(ii) omit “, or the security”; and

(b) in paragraph (b)—

(i) omit “, or the security”; and

(ii) omit “or security”.

16.—(1) Section 153 (bankruptcy, etc., of insured or secured persons not to affect claims by third parties)(a) is amended as follows.

(2) In the heading, omit “or secured”.

(3) In subsection (1), omit “or been given a security”.

(4) In subsection (3), omit “or the security was given”.

17.—(1) Section 154 (duty to give information as to insurance or security where claim made) is amended as follows.

(2) In the heading, omit “or security”.

(3) In subsection (1)—

(a) in paragraph (a)—

(i) in sub-paragraph (i), omit “or had in force a security having effect for those purposes”; and

(ii) for sub-paragraph (ii) and the “and” at the end of that sub-paragraph, substitute—

“(ii) he would have been so insured if the insurer had not avoided or cancelled the policy, and”; and

(b) in paragraph (b)—

(i) in the words before sub-paragraph (i), omit “, or had or would have had in force such a security”; and

(ii) in sub-paragraph (i)—

(aa) omit “or security” in the first and second places those words occur; and

(bb) omit “or security, as the case may be,”.

18. Omit section 155 (deposits)(b).

19.—(1) Section 156 (power to require evidence of insurance or security on application for vehicle excise licence)(c) is amended as follows.

(2) In the heading, omit “or security”.

(3) In paragraph (a), omit “or the necessary security”.

20. In section 157(1) (payment for hospital treatment of traffic casualties), for paragraph (b) and the “and” at the end of that paragraph substitute—

“(b) the payment is made by an authorised insurer, the payment being made under or in consequence of a policy issued under section 145 of this Act, and”.

(a) Section 153 was amended by the Deregulation Act 2015, section 9 and paragraph 6 of Schedule 3 and the Third Parties (Rights against Insurers) Act 2010 (c.10), paragraph 2 of Schedule 2 and Schedule 4.

(b) Section 155 was amended by the Constitutional Reform Act 2005, paragraph 4 of Schedule 11 and the Transfer of Functions (Insurance) Order 1997 (S.I. 1997/2781), paragraph 115 of the Schedule.

(c) Section 156 was amended by the Vehicle Excise and Registration Act 1994 (c.22), paragraph 24 of Schedule 3.

21. In section 160(2)(b) (regulations)(a), omit “and certificates of security”.

22. In the table in section 162 (index to Part 6)(b), omit the entry for “Certificate of security”.

23.—(1) 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)(c) is amended as follows.

(2) In the heading, omit “or security”.

(3) In subsection (2)(a), omit “or certificate of security”.

24.—(1) Section 170 (duty of driver to stop, report accident and give information or documents)(d) is amended as follows.

(2) In subsection (5), in the words before paragraph (a), omit “or security,”.

(3) In subsection (6), in the words before paragraph (b), omit “or security,”.

25.—(1) Section 171 (duty of owner of motor vehicle to give information for verifying compliance with the requirement of compulsory insurance or security) is amended as follows.

(2) In the heading, omit “or security”.

(3) In subsection (1), omit “or security,”.

26.—(1) Section 173(2) (forgery of documents, etc)(e) is amended as follows.

(2) In paragraph (h), omit “or certificate of security”.

(3) In paragraph (k), omit “or a certificate of security”.

27.—(1) Section 174(5) (false statements and withholding material information) is amended as follows.

(2) In paragraph (a), omit “or certificate of security”.

(3) In paragraph (b), omit “or a certificate of security”.

PART 2

Amendments of the Road Traffic Offenders Act 1988

28. The Road Traffic Offenders Act 1988 is amended as follows.

29.—(1) The table in Schedule 1 (offences to which sections 1, 6, 11 and 12(1) apply) is amended as follows.

(2) In the entry for RTA section 143, in the second column (general nature of offence), omit “or unsecured against third party risks”.

(3) In the entry for RTA section 171, in the second column (general nature of offence), omit “or security”.

30.—(1) The table in Part 1 of Schedule 2 (offences under the Traffic Acts) is amended as follows.

-
- (a) Section 160(2)(b) was amended by the Motor Vehicles (Electronic Communication of Certificates of Insurance) Order 2010 (S.I. 2010/1117), article 5.
- (b) Section 162 was amended by the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), article 314. Further amendments made by the Automated and Electric Vehicles Act 2018, paragraph 21 of the Schedule have yet to be brought into force.
- (c) Section 165 has been amended but the amendments are not relevant to this instrument.
- (d) Section 170 was amended by the Road Traffic Act 1991, paragraph 72 of Schedule 4; there are other amendments not relevant to this instrument.
- (e) Section 173 was amended by the Road Traffic Act 1991, Schedule 8; there are other amendments not relevant to this instrument.

(2) In the entry for RTA section 143, in the second column (general nature of offence), omit “or unsecured against third party risks”.

(3) In the entry for RTA section 147, in the second column (general nature of offence), omit “or security”.

(4) In the entry for RTA section 154, in the second column (general nature of offence), omit “or security”.

(5) In the entry for RTA section 170(7), in the second column (general nature of offence), omit “or security”.

(6) In the entry for RTA section 171, in the second column (general nature of offence), omit “or security”.

31. In the table in Schedule 3 (fixed penalty offences), in the entry for RTA section 143, in the second column (general nature of offence), omit “or unsecured against third party risks”.

PART 3

Amendments of the Serious Organised Crime and Police Act 2005

32. The Serious Organised Crime and Police Act 2005 is amended as follows.

33. In section 153(2) (disclosure of information about insurance status of vehicles), omit “, or security in respect of third party risks,”.

34. In section 155(3) (payments by Secretary of State to local policing body in relation to the prevention, detection and enforcement of certain traffic offences), in the entry for section 143 of the Road Traffic Act 1988 (users of motor vehicles to be insured or secured against third-party risks), omit “or secured against third-party risks”.

35. In section 156(3) (payments by Scottish Ministers to Scottish Police Authority in relation to the prevention, detection and enforcement of certain traffic offences), in the entry for section 143 of the Road Traffic Act 1988 (users of motor vehicles to be insured or secured against third-party risks), omit “or secured against third-party risks”.

SCHEDULE 2

Regulation 3

Amendments of primary legislation as a result of the Automated and Electric Vehicles Act 2018

1. If paragraph 17 of the Schedule (minor and consequential amendments) to the Automated and Electric Vehicles Act 2018 has not come into force before the coming into force of these Regulations, paragraph 17 is repealed.

2. If paragraph 17 of the Schedule (minor and consequential amendments) to the Automated and Electric Vehicles Act 2018 has come into force before the coming into force of these Regulations, subsection (1A) of section 143 of the Road Traffic Act 1988 is repealed.

3. If paragraph 18 of the Schedule (minor and consequential amendments) to the Automated and Electric Vehicles Act 2018 has not come into force before the coming into force of these Regulations, paragraph 18 is repealed.

SCHEDULE 3

Regulation 4

Amendments of secondary legislation to remove securities and deposits as alternatives to motor insurance

PART 1

Amendments of the Motor Vehicles (International Motor Insurance Card) Regulations 1971

1.—(1) Regulation 10 of the Motor Vehicles (International Motor Insurance Card) Regulations 1971 is amended as follows.

- (2) Omit “or a security” in each place.
- (3) Omit “or certificate of security” in each place.
- (4) Omit “or security”.

PART 2

Amendments of the Motor Vehicles (Third Party Risks Regulations) 1972

2. The Motor Vehicles (Third Party Risks) Regulations 1972 are amended as follows.

3.—(1) Regulation 4 is amended as follows.

- (2) In the definition of “company”, omit “or a body of persons by whom a security may be given in pursuance of the said Part VI”.
- (3) Omit the definition of “security”.

4. In the italic heading before Regulation 5, omit “or security”.

5.—(1) Regulation 5 is amended as follows.

- (2) In paragraph (1)—
 - (a) in the words before sub-paragraph (a), omit “of a security or”;
 - (b) in sub-paragraph (a)—
 - (i) omit “or security”; and
 - (ii) omit “or a certificate of security in Form D”;
 - (c) in sub-paragraph (b)—
 - (i) omit “or security”; and
 - (ii) omit “or Form D”; and
 - (d) omit the words after sub-paragraph (b).
- (3) In paragraph (2)—
 - (a) in the first place it occurs, omit “or security”;
 - (b) omit “or Form D, as the case may be”;
 - (c) omit “in either case”; and
 - (d) in the second place it occurs, omit “or security”.

6.—(1) Regulation 6 is amended as follows.

- (2) Omit “or certificate of security”.
- (3) Omit “or security”.

7.—(1) Regulation 7 is amended as follows.

(2) In the words before paragraph (1), omit “or a certificate of security”.

(3) Omit paragraphs (1) and (2).

8. In regulation 8, omit “(2) or”.

9.—(1) Regulation 10 is amended as follows.

(2) In paragraph (1)—

(a) in each place, omit “or security”; and

(b) omit sub-paragraph (h).

(3) In paragraph (2), omit “or a security”.

(4) Omit paragraph (3).

(5) In paragraph (4), omit “or security”.

(6) In paragraph (6)(a), omit “or security”.

10. In regulation 12, in each place, omit “or security”.

11. In regulation 13, omit “or a certificate of security”.

12.—(1) Schedule 1 is amended as follows.

(2) In Part 1, omit Form D and Form E.

(3) In Part 2—

(a) in paragraph 4, for “B, or D”, substitute “or B”;

(b) in paragraph 5—

(i) omit “or the operation of the relevant security”; and

(ii) omit “or security”;

(c) in paragraph 6—

(i) in sub-paragraph (1)—

(aa) omit “, certificate of security”; and

(bb) for “, C and D” substitute “and C”; and

(ii) in sub-paragraph (2)—

(aa) omit “or a certificate of security”; and

(bb) omit “or security”; and

(d) in paragraph 7, omit “or certificate of security”.

PART 3

Amendment of the Motor Vehicles (Compulsory Insurance) (No. 2) Regulations 1973

13. In regulation 5(2) of the Motor Vehicles (Compulsory Insurance) (No. 2) Regulations 1973, omit “or secured”.

PART 4

Revocation of the Motor Vehicles (Third-Party Risks Deposits) Regulations 1992

14. The Motor Vehicles (Third-Party Risks Deposits) Regulations 1992 are revoked.

PART 5

Amendment of the Disclosure of Vehicle Insurance Information Regulations 2005

15.—(1) Regulation 2 of the Disclosure of Vehicle Insurance Information Regulations 2005 (interpretation) is amended as follows.

(2) In paragraph (2)—

- (a) in the words before sub-paragraph (a), omit “or a security”;
- (b) in sub-paragraph (a), omit “in the case of a policy of insurance,” and “; or”; and
- (c) omit sub-paragraph (b).

(3) In paragraph (3), for “144(1) or (2)” substitute “144(2)”.

PART 6

Amendment of the Motor Vehicles (Insurance Requirements) (Immobilisation, Removal and Disposal) Regulations 2011

16.—(1) Regulation 2(1) of the Motor Vehicles (Insurance Requirements) (Immobilisation, Removal and Disposal) Regulations 2011 (interpretation) is amended as follows.

(2) In the definition of “prescribed evidence”—

- (a) omit “(b) a security in respect of third party risks”; and
- (b) omit “(d) a certificate of security in respect of third party risks”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 2 to 8 are made in exercise of the powers in section 2(2) of the European Communities Act 1972 (c. 68) in order to address failures of national law to operate in accordance with EU law. Regulation 9 is made in exercise of the powers in section 144B(7)(a) of the Road Traffic Act 1988 (c. 52).

These Regulations make amendments to legislation in the field of compulsory motor insurance. Regulations 2, 3 and 4 remove the ability to deposit a prescribed sum or take out a security with a security giver as alternatives to conventional motor insurance. The relevant amendments to remove these options are set out in Schedules 1 and 2 (in the case of amendments to primary legislation) and Schedule 3 (in the case of amendments to secondary legislation). Regulations 2, 3 and 4 will come into force on 1st November 2019. Regulation 5 provides for a transitional period of up to two years (until 1st November 2021) for existing securities and deposits. After this time (or earlier if the security or deposit holder so chooses) compulsory motor insurance will be required. Regulation 5(3) provides that the security or deposit will continue to apply to any liability that occurs before compulsory motor insurance was purchased and regulation 5(4) addresses the repayment of securities and deposits.

Regulation 6 amends section 152 of the Road Traffic Act 1988 (c. 52) to limit the rights of an insurer to rely on having voided an insurance policy after an accident has taken place. Regulation 7 makes an equivalent change for Northern Ireland and amends section 98A of the Road Traffic (Northern Ireland) Order 1981. Regulation 8 is a saving provision for any court declarations obtained prior to 1st November 2021.

Regulation 9 amends the Motor Insurance (Insurance Requirements) Regulations 2011 to substitute the correct cross reference to provisions of the Road Vehicles (Registration and Licensing) Regulations 2002 concerning the procedure for making a Statutory Off Road Notification.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum has been prepared and is available alongside this instrument at www.legislation.gov.uk.

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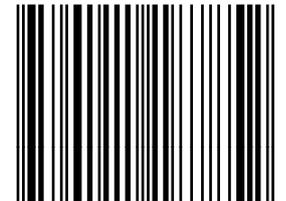
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