

SCHEDULE 1

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)(1), omit “or unsecured against third party risks”.
3. In the table in section 12E(3) (effect of motor race order)(2), 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)(3), 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)(4) is amended as follows.
 - (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)(5) 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)(6) is amended as follows.
 - (2) In the heading, omit “and of security”.

(1) 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.

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

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

(4) 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.

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

(6) 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.

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- (3) Omit subsection (2).
- (4) In subsection (3), omit “or (2)”.

11.—(1) Section 148 (avoidance of certain exceptions to policies or securities)(7) 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
 - (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)(8) is amended as follows.

- (2) In the heading—

(7) 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.

(8) 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.

- (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.
- 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”.

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16.—(1) Section 153 (bankruptcy, etc., of insured or secured persons not to affect claims by third parties)(**9**) 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)(**10**).

19.—(1) Section 156 (power to require evidence of insurance or security on application for vehicle excise licence)(**11**) 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”.

21. In section 160(2)(b) (regulations)(**12**), omit “and certificates of security”.

22. In the table in section 162 (index to Part 6)(**13**), omit the entry for “Certificate of security”.

(9) 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.

(10) 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.

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

(12) Section 160(2)(b) was amended by the Motor Vehicles (Electronic Communication of Certificates of Insurance) Order 2010 (S.I. 2010/1117), article 5.

(13) 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.

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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)(**14**) 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)(**15**) 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)(**16**) 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”.

(14) Section 165 has been amended but the amendments are not relevant to this instrument.

(15) Section 170 was amended by the Road Traffic Act 1991, paragraph 72 of Schedule 4; there are other amendments not relevant to this instrument.

(16) Section 173 was amended by the Road Traffic Act 1991, Schedule 8; there are other amendments not relevant to this instrument.