STATUTORY INSTRUMENTS

1973 No. 1820

ROAD TRAFFIC

The Motor Vehicles (Compulsory Insurance) Regulations 1973

Made - - - -	31*st October* 1973
Laid before Parliament	9*th November* 1973
Coming into Operation	1*st January* 1974

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

1. These Regulations shall come into operation on 1st January 1974 and may be cited as the Motor Vehicles (Compulsory Insurance) Regulations 1973.

2.—(1) In these Regulations "vehicle" means any motor vehicle intended for travel on land and propelled by mechanical power, but not running on rails, and any trailer, whether or not coupled.

(2) For the purposes of these Regulations the territory in which a vehicle is normally based is—

(*a*) the territory of the state in which the vehicle is registered, or

(*b*) in cases where no registration is required for the type of vehicle, but the vehicle bears an insurance plate or distinguishing sign analogous to a registration plate, the territory of the state in which the insurance plate or the sign is issued, or

(*c*) in cases where neither registration plate nor insurance plate nor distinguishing sign is required for the type of vehicle, the territory of the state in which the keeper of the vehicle is permanently resident.

(3) The Interpretation Act 1889**(c)** shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3. Section 145(3) of the Road Traffic Act 1972**(d)** (requirements in respect of policies of insurance) shall have effect as if:—

(*a*) in paragraph (*a*) after the words "on a road" there were inserted the words "in Great Britain";

(*b*) after paragraph (*a*) there were added the following paragraph:—

"(*aa*) must insure him or them in respect of any liability which may be incurred by him or them in respect of the use of the vehicle and of any trailer, whether or not coupled, in the territory other than Great Britain and Gibraltar of each of the member states of the Communities according to the law on compulsory insurance against

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(a) The European Communities (Designation) Order 1972 (S.I. 1972/1811 (1972 III, p. 5216)).

(b) 1972 c. 68. **(c)** 1889 c. 63. **(d)** 1972 c. 20.

civil liability in respect of the use of vehicles of the state where the liability may be incurred; and".

4. Section 146(3) of the Road Traffic Act 1972 (requirements in respect of securities) shall have effect as if the words "and up to the amount" and paragraphs (*a*) and (*b*) were omitted and there were added at the end of the following proviso:—

"Provided that in the case of liabilities arising out of the use of a motor vehicle on a road in Great Britain the amount secured need not exceed—

(*a*) in the case of an undertaking relating to the use of public service vehicles (within the meaning of Part III of the Road Traffic Act 1960), £25,000;

(*b*) in any other case, £5,000.".

5.—(1) It shall be an offence for a person to use a specified motor vehicle registered in Great Britain, or any trailer kept by a person permanently resident in Great Britain, whether or not coupled, in the territory other than Great Britain and Gibraltar of any of the member states of the Communities, unless a policy of insurance is in force in relation to the person using that vehicle which insures him in respect of any liability which may be incurred by him in respect of the use of the vehicle in such territory according to the law on compulsory insurance against civil liability in respect of the use of vehicles of the state where the liability may be incurred.

(2) In this Regulation "specified motor vehicle" means a motor vehicle which is exempted from the provisions of section 143 of the Road Traffic Act 1972 (users of motor vehicles to be insured or secured against third-party risks) by virtue of section 144 of that Act.

(3) A person guilty of an offence under this Regulation shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(4) Proceedings for an offence under this Regulation may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Great Britain.

(5) Sections 180 (time within which summary proceedings for certain offences must be commenced) and 181 (evidence by certificate) of the Road Traffic Act 1972 shall apply for the purposes of an offence under this Regulation as if such an offence were an offence under that Act to which those sections had been applied by column 7 of Part I of Schedule 4 to that Act.

6.—(1) Any person appointed by the Secretary of State for the purpose (in this Regulation referred to as an "appointed person") may require a person having custody of any vehicle, being a vehicle which is normally based in the territory of a state which is not a member of the Communities or in the non-European territory of a member state or in Gibraltar, when entering Great Britain to produce evidence that any loss or injury which may be caused by such a vehicle is covered throughout the territory in which the treaty establishing the European Economic Community is in force, in accordance with the requirements of the laws of the various member states on compulsory insurance against civil liability in respect of the use of vehicles.

(2) An appointed person may, if no such evidence is produced or if he is not satisfied by such evidence, prohibit the use of the vehicle in Great Britain.

(3) Where an appointed person prohibits the use of a vehicle under this Regulation, he may also direct the driver to remove the vehicle to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle in accordance with the direction.

(4) Any person who—

(*a*) uses a vehicle or causes or permits a vehicle to be used in contravention of a prohibition imposed under paragraph (2) of this Regulation, or

(*b*) refuses, neglects or otherwise fails to comply in a reasonable time with a direction given under paragraph (3) of this Regulation,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

(5) Section 181 of the Road Traffic Act 1972 shall apply for the purposes of an offence under this Regulation as if such an offence were an offence under that Act to which that section had been applied by column 7 of Part I of Schedule 4 to that Act.

(6) A prohibition under paragraph (2) of this Regulation may be removed by an appointed person if he is satisfied that appropriate action has been taken to remove or remedy the circumstances in consequence of which the prohibition was imposed.

7.—(1) A constable in uniform may arrest without warrant any person whom he has reasonable cause to suspect of having committed an offence under the preceding Regulation.

(2) Where a constable in uniform has reasonable cause to suspect the driver of a vehicle of having committed an offence under the preceding Regulation, the constable may detain the vehicle, and for that purpose may give a direction, specifying an appropriate person and directing the vehicle to be removed by that person to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle in accordance with that direction.

(3) Where under paragraph (2) of this Regulation a constable—

(*a*) detains a motor vehicle drawing a trailer, or

(*b*) detains a trailer drawn by a motor vehicle,

then, for the purpose of securing the removal of the trailer, he may also (in a case falling within sub-paragraph (*a*) above) detain the trailer or (in a case falling within sub-paragraph (*b*) above) detain the motor vehicle; and a direction under paragraph (2) of this Regulation may require both the motor vehicle and the trailer to be removed to the place specified in the direction.

(4) A vehicle which, in accordance with a direction given under paragraph (2) of this Regulation, is removed to a place specified in the direction shall be detained in that place, or in any other place to which it is removed in accordance with a further direction given under that paragraph, until a constable (or, if that place is in the occupation of the Secretary of State, the Secretary of State) authorises the vehicle to be released on being satisfied—

(*a*) that the prohibition (if any) imposed in respect of the vehicle under the preceding Regulation has been removed, or that no such prohibition was imposed, or

(*b*) that appropriate arrangements have been made for removing or

remedying the circumstances in consequence of which any such prohibition was imposed, or

(*c*) that the vehicle will be taken forthwith to a place from which it will be taken out of Great Britain to a place not in the European territory other than Gibraltar of a member state of the Communities.

(5) Any person who—

(*a*) drives a vehicle in accordance with a direction given under this Regulation, or

(*b*) is in charge of a place at which a vehicle is detained under this Regulation,

shall not be liable for any damage to, or loss in respect of, the vehicle or its load unless it is shown that he did not take reasonable care of the vehicle while driving it or, as the case may be, did not, while the vehicle was detained in that place, take reasonable care of the vehicle or (if the vehicle was detained there with its load) did not take reasonable care of its load.

(6) In this Regulation "appropriate person"—

(*a*) in relation to a direction to remove a motor vehicle, other than a motor vehicle drawing a trailer, means a person licensed to drive vehicles of the class to which the vehicle belongs, and

(*b*) in relation to a direction to remove a trailer, or to remove a motor vehicle drawing a trailer, means a person licensed to drive vehicles of a class which, when the direction is complied with, will include the motor vehicle drawing the trailer in accordance with that direction.

8. Nothing in section 145(2) (policies to be issued by authorised insurers) and section 147(1) (policies to be of no effect unless certificates issued) of the Road Traffic Act 1972 shall apply in the case of an insurance policy which is issued elsewhere than in the United Kingdom in respect of a vehicle normally based in the territory of a member State of the Communities other than the United Kingdom and Gibraltar.

9.—(1) Section 151(1) of the Road Traffic Act 1972 (duty to give information as to insurance or security where claim made) shall have effect as if in paragraph (*b*) for the words "the certificate" to the end there were substituted the words "any certificate of insurance or security delivered in respect of that policy or security, as the case may be, under section 147 of this Act, or where no such certificate was delivered under the said section the following particulars, that is to say, the registration mark or other identifying particulars of the vehicle concerned, the number or other identifying particulars of the insurance policy issued in respect of the vehicle, the name of the insurer and the period of the insurance cover.

(2) Section 169(2) of the Road Traffic Act 1972 (forgery of certain documents) shall have effect as if after paragraph (*g*) there were inserted the following paragraph:—

"(*gg*) any document produced as evidence of insurance in pursuance of Regulation 6 of the Motor Vehicles (Compulsory Insurance) Regulations 1973:".

Signed by authority of the Secretary of State.
31st October 1973.

John Peyton,
Minister for Transport Industries,
Department of the Environment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations implement certain of the obligations arising out of the European Communities Council Directive of 24th April 1972 (Official Journal No. L 103/1, 2nd May 1972) relating to insurance against civil liability in respect of the use of motor vehicles and trailers.

Regulation 3 amends section 145 of the Road Traffic Act 1972, with the result that the compulsory motor vehicle insurance cover required under Part VI of that Act is extended to include liabilities arising out of the use of a motor vehicle or trailer which are compulsorily insurable in the territories of the member states of the Communities. Regulation 4 makes a consequential amendment to the provision relating to securities. Regulation 5 makes it an offence to use vehicles exempted from the compulsory insurance requirements in Great Britain in the territory (other than Great Britain and Gibraltar) of a member state of the Communities without insurance cover valid for those states. Regulations 6 and 7 provide for the checking of the insurance cover of vehicles coming from non-member states, from the non-European territory of member states or from Gibraltar and enable the use of such vehicles, if uninsured, to be prohibited in Great Britain. Regulation 8 removes, in respect of insurance policies issued elsewhere than in the United Kingdom for vehicles kept in member states other than the United Kingdom and Gibraltar, the requirements that they should be issued by an insurer carrying on motor insurance business in Great Britain and that there should be issued a certificate in a prescribed form. Regulation 9 extends the duty in section 151(1) of the Road Traffic Act 1972 to give information as to insurance or security where a claim is made to include the case where, although there is cover for the purposes of Part VI of that Act, no certificate has been delivered; and applies the offence in section 169 of the Road Traffic Act 1972 (forgery of documents etc.) to documents produced as evidence of insurance under Regulation 6.

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