

Motor Vehicles (Compulsory Insurance) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Transport with the consent of Mr Peter Bone, the Member in charge of the Bill, are published separately as Bill 83-EN.

Motor Vehicles (Compulsory Insurance) Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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Amend retained EU law relating to compulsory insurance for the use of motor vehicles; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Retained EU law relating to compulsory insurance for motor vehicles

After section 156 of the Road Traffic Act 1988 insert—

“Retained EU law relating to compulsory insurance

156A Retained EU law relating to compulsory insurance

- (1) To the extent that Article 3 of the 2009 Motor Insurance Directive (as it had effect at any time) is relevant to any question as to the interpretation or effect of any provision of this Part, references in that Article to liability in respect of the use of vehicles are to be read as not including liability in respect of the use in Great Britain of vehicles—
 - (a) other than motor vehicles, or
 - (b) otherwise than on a road or other public place.
- (2) Subsection (1) does not apply in relation to any question for the purposes of section 145(3)(aa) or (b) as to the interpretation or effect of the law on compulsory insurance of, or applicable in, a member State or Northern Ireland.
- (3) Relevant section 4 rights cease to be recognised and available so far as they relate to compensation in connection with the use in Great Britain of vehicles—
 - (a) other than motor vehicles, or
 - (b) otherwise than on a road or other public place.
- (4) Accordingly, to the extent that it is inconsistent with subsection (1) or (3), retained case law ceases to have effect.
- (5) In this section—

- “the 2009 Motor Insurance Directive” means Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability; 5
- “relevant section 4 rights” means section 4 rights which—
- (a) are recognised and available in the law of England and Wales or the law of Scotland, and
 - (b) derive from the obligation imposed on the United Kingdom by Article 10 of the 2009 Motor Insurance Directive as it had effect immediately before IP completion day (which relates to compensation in connection with the use of vehicles in cases where drivers are uninsured or untraced); 10
- “retained case law” has the same meaning as in the European Union (Withdrawal) Act 2018 (see section 6(7) of that Act); 15
- “section 4 rights” means rights, powers, liabilities, obligations, restrictions, remedies and procedures which continue to be recognised and available in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 (saving for rights etc under section 2(1) of the ECA), including those rights, powers, liabilities, obligations, restrictions, remedies and procedures— 20
- (a) as modified by domestic law from time to time, and
 - (b) as they apply to the Crown. 25
- (6) Nothing in this section applies in relation to the use of a vehicle before the day on which section 1 of the Motor Vehicles (Compulsory Insurance) Act 2021 comes into force.”

2 Commencement, extent and short title

- (1) This Act comes into force at the end of the period of two months beginning with the day on which it is passed. 30
- (2) This Act extends to England and Wales and Scotland.
- (3) This Act may be cited as the Motor Vehicles (Compulsory Insurance) Act 2021.

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Presented by Mr Peter Bone

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