
STATUTORY INSTRUMENTS

1981 No. 154

Road Traffic (Northern Ireland) Order 1981

PART VIII

INSURANCE AGAINST THIRD-PARTY LIABILITIES

Exceptions to Article 98

[^{F1}98A.—(1) No sum shall be payable by an insurer under Article 98—

- (a) in respect of any judgment unless, before or within seven days after the commencement of the proceedings in which the judgment was given, the insurer had notice of the bringing of the proceedings;
- (b) in respect of any judgment so long as enforcement of the judgment is stayed pending an appeal; or
- (c) 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 policy or security was cancelled by mutual consent or by virtue of any provision contained in it, and also either before or after the happening of that event but before the expiration of the period of 14 days from the taking effect of the cancellation of the policy or security—
 - (i) the certificate was surrendered to the insurer; or
 - (ii) the insurer has commenced proceedings under this Order in respect of the failure to surrender the certificate.

(2) Subject to paragraph (3), no sum shall be payable by an insurer under Article 98 if, in an action commenced before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration—

- (a) that, apart from any provision contained in the policy or security, he is entitled to avoid it on the ground that it was obtained—
 - (i) by the non-disclosure of a material fact; or
 - (ii) by a representation of fact which was false in some material particular; or
- (b) if he has avoided the policy or security on that ground, that he was entitled so to do apart from any provision contained in it.

(3) An insurer who has obtained such a declaration as is mentioned in paragraph (2) in an action shall not by reason of that become entitled to the benefit of that paragraph as respects any judgment obtained in proceedings commenced before the commencement of that action unless before, or within 7 days after, the commencement of that action he has given notice of it to the person who is the plaintiff in those proceedings specifying the non-disclosure or false representation on which he proposes to rely.

(4) A person to whom notice of such an action is so given shall be entitled, if he thinks fit, to be made a party to it.]

Status: Point in time view as at 12/04/2010. This version of this provision has been superseded.

Changes to legislation: Road Traffic (Northern Ireland) Order 1981, Section 98A is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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