



Road Traffic Act 1972

1972 CHAPTER 20

PART VI

THIRD-PARTY LIABILITIES

Compulsory insurance or security against third-party risks

148 Avoidance of certain exceptions to policies or securities and of certain agreements, etc., as to risks required to be covered thereby

- (1) Where a certificate of insurance or certificate of security has been delivered under section 147 of this Act to the person by whom a policy has been effected or to whom a security has been given, so much of the policy or security as purports to restrict, as the case may be, the insurance of the persons insured by the policy or the operation of the security by reference to any of the following matters, that is to say,—
- (a) the age or physical or mental condition of persons driving the vehicle, or
 - (b) the condition of the vehicle, or
 - (c) the number of persons that the vehicle carries, or
 - (d) the weight or physical characteristics of the goods that the vehicle carries, or
 - (e) the times at which or the areas within which the vehicle is used, or
 - (f) the horsepower or cylinder capacity or value of the vehicle, or
 - (g) the carrying on the vehicle of any particular apparatus, or
 - (h) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under the Vehicles (Excise) Act 1971,

shall, as respect such liabilities as are required to be covered by a policy under section 145 of this Act, be of no effect:

Provided that nothing in this subsection shall require an insurer or the giver of a security to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an insurer or the giver of a security in or towards the discharge of any liability of any person which is covered

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by the policy or security by virtue only of this subsection shall be recoverable by the insurer or giver of the security from that person.

- (2) A condition in a policy or security issued or given for the purposes of this Part of this Act providing that no liability shall arise under the policy or security, or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security, shall be of no effect in connection with such liabilities as are required to be covered by a policy under section 145 of this Act:

Provided that nothing in this subsection shall be taken to render void any provision in a policy or security requiring the person insured or secured to pay to the insurer or the giver of the security any sums which the latter may have become liable to pay under the policy or security and which have been applied to the satisfaction of the claims of third parties.

- (3) Where a person uses a motor vehicle in circumstances such that under section 143 of this Act there is required to be in force in relation to his use of it such a policy of insurance or security as is mentioned in subsection (1) of that section, then, if any other person is carried in or upon the vehicle while the user is so using it, any antecedent agreement or understanding between them (whether intended to be legally binding or not) shall be of no effect so far as it purports or might be held—
- (a) to negative or restrict any such liability of the user in respect of persons carried in or upon the vehicle as is required by section 145 of this Act to be covered by a policy of insurance; or
 - (b) to impose any conditions with respect to the enforcement of any such liability of the user;

and the fact that a person so carried has willingly accepted as his the risk of negligence on the part of the user shall not be treated as negating any such liability of the user.

For the purposes of this subsection references to a person being carried in or upon a vehicle include references to a person entering or getting on to, or alighting from, the vehicle, and the reference to an antecedent agreement is to one made at any time before the liability arose.

- (4) Notwithstanding anything in any enactment, a person issuing a policy of insurance under section 145 of this Act shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.