



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART VI

#### THIRD-PARTY LIABILITIES

##### *Compulsory insurance or security against third-party risks*

#### **148 Avoidance of certain exceptions to policies or securities**

- (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—
- (a) the insurance of the persons insured by the policy, or
  - (b) the operation of the security,
- (as the case may be) by reference to any of the matters mentioned in subsection (2) below shall, as respects such liabilities as are required to be covered by a policy under section 145 of this Act, be of no effect.
- (2) Those matters are—
- (a) the age or physical or mental condition of persons driving the vehicle,
  - (b) the condition of the vehicle,
  - (c) the number of persons that the vehicle carries,
  - (d) the weight or physical characteristics of the goods that the vehicle carries,
  - (e) the time at which or the areas within which the vehicle is used,
  - (f) the horsepower or cylinder capacity or value of the vehicle,
  - (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.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Nothing in subsection (1) above requires 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.
- (4) 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 by the policy or security by virtue only of subsection (1) above is recoverable by the insurer or giver of the security from that person.
- (5) A condition in a policy or security issued or given for the purposes of this Part of this Act providing—
- (a) that no liability shall arise under the policy or security, or
  - (b) 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.
- (6) Nothing in subsection (5) above 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.
- (7) 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.