



Road Traffic Act 1988

1988 CHAPTER 52

PART VI

THIRD-PARTY LIABILITIES

^{F1} Compulsory insurance ...

152 Exceptions to section 151.

- (1) No sum is payable by an insurer under section 151 of this Act—
- (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, or
 - (b) in respect of any judgment so long as execution on 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 ^{F1}... was cancelled by mutual consent or by virtue of any provision contained in it ^{F2}...
 - (i) before the happening of that event the certificate was surrendered to the insurer, or [^{F3}(in the case of a certificate delivered otherwise than as described in section 147(1A) above)] the person to whom the certificate was delivered made a statutory declaration stating that the certificate had been lost or destroyed, or
 - (ii) after the happening of that event, but before the expiration of a period of fourteen days from the taking effect of the cancellation of the policy or security, the certificate was surrendered to the insurer, or [^{F4}(in the case of a certificate delivered otherwise than as described in section 147(1A) above)] the person to whom it was delivered made a statutory declaration stating that the certificate had been lost or destroyed, or

Changes to legislation: Road Traffic Act 1988, Section 152 is up to date with all changes known to be in force on or before 23 May 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) View outstanding changes

- (iii) either before or after the happening of that event, but within that period of fourteen days, the insurer has commenced proceedings under this Act in respect of the failure to surrender the certificate.
- (2) ^{F5}No sum is payable by an insurer under section 151 of this Act 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 insurer has obtained a declaration—
- (a) that, apart from any provision contained in the policy ^{F6}... , he is entitled to avoid ^{F7}the policy under either of the relevant insurance enactments ^{F8}...] 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 ^{F9} under either of the relevant insurance enactments ^{F10}...] on that ground, that he was entitled so to do apart from any provision contained in ^{F11}the policy ^{F12}...]
- ^{F13}and, for the purposes of this section, “material” means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk and, if so, at what premium and on what conditions.]

^{F14}(3)

^{F14}(4)

^{F15}(5) In this section, “relevant insurance enactment” means the Consumer Insurance (Disclosure and Representations) Act 2012 or Part 2 of the Insurance Act 2015.]

Textual Amendments

- F1** Words in s. 152(1)(c) omitted (1.11.2019) by virtue of [The Motor Vehicles \(Compulsory Insurance\) \(Miscellaneous Amendments\) Regulations 2019](#) (S.I. 2019/1047), reg. 1, **Sch. 1 para. 15(2)** (with reg. 5)
- F2** Words in s. 152(1)(c) omitted (30.6.2015) by virtue of [Deregulation Act 2015](#) (c. 20), s. 115(7), **Sch. 3 para. 5**; S.I. 2015/994, art. 9(a) (with [Sch. Pt. 3A](#)) (as amended by S.I. 2015/1405, art. 2)
- F3** Words in s. 152(1)(c)(i) inserted (30.4.2010) by [The Motor Vehicles \(Electronic Communication of Certificates of Insurance\) Order 2010](#) (S.I. 2010/1117), **art. 4(a)**
- F4** Words in s. 152(1)(c)(ii) inserted (30.4.2010) by [The Motor Vehicles \(Electronic Communication of Certificates of Insurance\) Order 2010](#) (S.I. 2010/1117), **art. 4(b)**
- F5** Words in s. 152(2) substituted (1.11.2019) by [The Motor Vehicles \(Compulsory Insurance\) \(Miscellaneous Amendments\) Regulations 2019](#) (S.I. 2019/1047), regs. 1, **6(2)** (with reg. 8(1)(2))
- F6** Words in s. 152(2)(a) omitted (1.11.2019) by virtue of [The Motor Vehicles \(Compulsory Insurance\) \(Miscellaneous Amendments\) Regulations 2019](#) (S.I. 2019/1047), reg. 1, **Sch. 1 para. 15(3)(a)(i)** (with reg. 5)
- F7** Words in s. 152(2)(a) substituted (12.8.2016) by [Insurance Act 2015](#) (c. 4), **ss. 21(4)(a)(i)**, 23(2) (with s. 22(1))
- F8** Words in s. 152(2)(a) omitted (1.11.2019) by virtue of [The Motor Vehicles \(Compulsory Insurance\) \(Miscellaneous Amendments\) Regulations 2019](#) (S.I. 2019/1047), reg. 1, **Sch. 1 para. 15(3)(a)(ii)** (with reg. 5)
- F9** Words in s. 152(2)(b) substituted (12.8.2016) by [Insurance Act 2015](#) (c. 4), **ss. 21(4)(a)(ii)**, 23(2) (with s. 22(1))

Changes to legislation: Road Traffic Act 1988, Section 152 is up to date with all changes known to be in force on or before 23 May 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) View outstanding changes

- F10** Words in s. 152(2)(b) omitted (1.11.2019) by virtue of The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, **Sch. 1 para. 15(3)(b)(i)** (with reg. 5)
- F11** Words in s. 152(2)(b) inserted (6.4.2013) by Consumer Insurance (Disclosure and Representations) Act 2012 (c. 6), **ss. 11(3)(b), 12(2)** (with s. 12(4)(5)); S.I. 2013/450, art. 2
- F12** Words in s. 152(2)(b) omitted (1.11.2019) by virtue of The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, **Sch. 1 para. 15(3)(b)(ii)** (with reg. 5)
- F13** Words in s. 152(2) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 66; S.I. 1992/1286, art. 2**, Sch.
- F14** S. 152(3)(4) omitted (1.11.2019) by virtue of The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), regs. 1, **6(3)** (with reg. 8(1)(2))
- F15** S. 152(5) added (12.8.2016) by Insurance Act 2015 (c. 4), **ss. 21(4)(c), 23(2)** (with s. 22(1))

Modifications etc. (not altering text)

- C1** S. 152 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Changes to legislation:

Road Traffic Act 1988, Section 152 is up to date with all changes known to be in force on or before 23 May 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A inserted by [2000 c. 37 Sch. 7 para. 6](#) (This amendment not applied to legislation.gov.uk. The amending provision has been repealed)
- s. 41(2)(m) inserted by [2006 c. 49 s. 18\(1\)\(a\)](#)
- s. 41(2)(ba) inserted by [2006 c. 49 s. 56\(3\)](#)
- s. 49(3A) inserted by [2006 c. 49 s. 48\(1\)](#)
- s. 66(7A) inserted by [2006 c. 49 s. 56\(5\)](#)
- s. 85(1) words omitted (temp.) by [S.I. 2019/648 reg. 2\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 2(5)(a) substituted (1.9.2020) by S.I. 2020/818, regs. 1(b), Sch. 6 para. 39(2)(c)(i))
- s. 85(1) words omitted (temp.) by [S.I. 2019/648 reg. 2\(5\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Reg. 2(5)(a) substituted (1.9.2020) by S.I. 2020/818, regs. 1(b), Sch. 6 para. 39(2)(c)(ii))
- s. 85(2) added by [1988 c. 54 Sch. 2 para. 17\(c\)](#)
- s. 97(1)(c)(ia) words repealed by [2006 c. 49 Sch. 3 para. 6\(2\)\(b\)Sch. 7\(4\)](#)
- s. 97(1)(d)(ii) words omitted by [S.I. 2018/1251 reg. 2\(4\)](#)
- s. 97(1ZA) inserted by [2006 c. 49 s. 38\(2\)](#)
- s. 108(1BA) inserted by [S.I. 2018/1251 reg. 2\(5\)\(c\)](#)
- s. 123123A substituted for s. 123 by [2006 c. 49 Sch. 6 para. 2](#)
- s. 123A(3) words inserted by [2009 c. 17 s. 1\(3\)](#)
- s. 124(3)-(5) inserted by [2009 c. 17 s. 3](#)
- s. 124(6) inserted by [2015 c. 20 Sch. 2 para. 2\(b\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125(3A)-(3D) inserted by [2015 c. 20 Sch. 2 para. 3\(2\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125(5A) inserted by [2015 c. 20 Sch. 2 para. 3\(3\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125A(5)-(7E) substituted for s. 125A(5)-(7) by [2006 c. 49 Sch. 6 para. 6\(3\)](#)
- s. 125ZA inserted by [2006 c. 49 Sch. 6 para. 5](#)
- s. 125ZA(2)(b) word omitted by [2015 c. 20 Sch. 2 para. 4\(2\)\(a\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(2)(d) and word inserted by [2015 c. 20 Sch. 2 para. 4\(2\)\(b\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(c) word omitted by [2015 c. 20 Sch. 2 para. 4\(3\)\(c\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(c) words substituted by [2015 c. 20 Sch. 2 para. 4\(3\)\(b\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125ZA(4)(ba)(bb) inserted by [2015 c. 20 Sch. 2 para. 4\(3\)\(a\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)

- s. 125ZA(4)(ca) inserted by [2015 c. 20 Sch. 2 para. 4\(3\)\(d\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 126(5) omitted by [2015 c. 20 Sch. 2 para. 6](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 126A inserted by [2016 c. 16 s. 1\(3\)](#)
- s. 126A omitted (cond.) by 2006 c. 49 Sch. 6 para. 8A (as inserted) by [2016 c. 16 s. 3\(3\)](#)
- s. 126A heading words inserted by [S.I. 2016/1089 reg. 3\(2\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 126A(1) words inserted by [S.I. 2016/1089 reg. 3\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 126A(1) words inserted by [S.I. 2016/1089 reg. 3\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128A inserted by [2006 c. 49 Sch. 6 para. 11](#)
- s. 128A(4) inserted by 2006 c. 49 Sch. 6 para. 11 (as inserted) by [2016 c. 16 s. 4\(4\)](#)
- s. 128B inserted by [2015 c. 20 Sch. 2 para. 9](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 128ZA inserted by [2009 c. 17 s. 1\(1\)](#)
- s. 128ZB inserted by [2009 c. 17 s. 2](#)
- s. 128AZA128AZB inserted by [2016 c. 16 s. 2\(2\)](#)
- s. 128AZA128AZB inserted (cond.) by 2006 c. 49 Sch. 6 para. 10A (as inserted) by [2016 c. 16 s. 4\(2\)](#)
- s. 128AZA128AZB substituted (cond.) by 2006 c. 49 Sch. 6 para. 10A (as inserted) by [2016 c. 16 s. 4\(2\)](#)
- s. 128AZA heading words inserted by [S.I. 2016/1089 reg. 4\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZA(1) words inserted by [S.I. 2016/1089 reg. 4\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZA(4) words inserted by [S.I. 2016/1089 reg. 4\(2\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB heading words inserted by [S.I. 2016/1089 reg. 4\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB(1) words inserted by [S.I. 2016/1089 reg. 4\(3\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 128AZB(1) words inserted by [S.I. 2016/1089 reg. 4\(3\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Regs. 3, 4 omitted (1.12.2023) without ever being in force by virtue of S.I. 2023/1286, regs. 1, 7(3))
- s. 131(A1)-(C1) inserted by 2006 c. 49, Sch. 6 para. 13(1A) (as inserted) by [S.I. 2023/1286 Sch. 3 para. 92\(2\)\(a\)\(i\)](#)
- s. 131(3)(b)(c) substituted for s. 131(3)(b) and word by [2006 c. 49 Sch. 6 para. 13\(4\)](#)
- s. 131(6) inserted by [2016 c. 16 s. 2\(4\)](#)
- s. 131(6) inserted by 2006 c. 49 Sch. 6 para. 13(9) (as inserted) by [2016 c. 16 s. 4\(5\)](#)
- s. 131(6) substituted by 2006 c. 49 Sch. 6 para. 13(9) (as inserted) by [2016 c. 16 s. 4\(5\)](#)
- s. 132-133ZA and cross-heading substituted for ss. 132, 133 and cross-heading by [2006 c. 49 Sch. 6 para. 14](#)

- s. 133(2)(a) words omitted by [2015 c. 20 Sch. 2 para. 10\(a\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 133(2)(b) words omitted by [2015 c. 20 Sch. 2 para. 10\(b\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 133D(1A) inserted by [2015 c. 20 Sch. 2 para. 14\(2\)](#) (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 140(1)(2) inserted by [2006 c. 49 Sch. 6 para. 23\(2\)](#)
- s. 140(1A) inserted in earlier affecting provision 2006 c. 49, Sch. 6 para. 23(2) by [S.I. 2023/1286 Sch. 3 para. 92\(2\)\(b\)](#)
- s. 140(3) s. 140 renumbered as s. 140(3) by [2006 c. 49 Sch. 6 para. 23\(1\)](#)
- s. 141A(5) words repealed by [2006 c. 49 Sch. 3 para. 24](#)[Sch. 7\(4\)](#)
- s. 143(1A) repealed (cond.) by [S.I. 2019/1047 Sch. 2 para. 2](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 143(1A) by 2018 c. 18, Sch. para. 17 was repealed (1.11.2019) by The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, Sch. 2 para. 1 (with reg. 5) without ever being brought into force.)
- s. 173(2)(g)-(gb) substituted for s. 173(2)(g) by [2006 c. 49 Sch. 6 para. 27](#)
- s. 173(2)(n) and word inserted by [2006 c. 49 s. 37\(8\)](#)
- s. 174(1)(da) inserted by [2006 c. 49 Sch. 6 para. 28](#)
- s. 183(6A) inserted by [2006 c. 49 Sch. 6 para. 29](#)