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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which are made under section 2(2) of the European Communities Act 1972, give effect in part to the Directive of the European Parliament and the Council of 16 May 2000 on the approximation of laws of the member States relating to insurance against civil liability in respect of the use of motor vehicles and amending Council Directives [73/239/EEC](#) and [88/357/EEC](#) (Fourth Motor Insurance Directive) (No. [2000/26/EC](#)) (OJ) No. L181, 20/07/2000, p. 65). The Fourth Motor Insurance Directive supplements the arrangements established by Directives [72/166/EEC](#), [84/5/EEC](#) and [90/232/EEC](#).

These Regulations give effect to Articles 5, 6 and 7 of the Fourth Motor Insurance Directive. In order to assist persons to seek compensation in respect of motor vehicle accidents occurring in an EEA State other than their State of residence, regulation 3 establishes the MIIC as the information centre. That body shall establish a means of access to specified information, so as to allow its dissemination to injured parties in certain circumstances. Further provisions provide that in appropriate cases the information centre is obliged to seek similar information from organisations with like functions established in other EEA States.

Regulation 4 describes the specified information. This includes, in the case of motor vehicles normally based in the United Kingdom, the name and address of the insurer and the number of the insurance policy in respect of any identified vehicle.

Regulation 5 requires each motor insurer to retain relevant information about each motor policy that it has underwritten for at least seven years after the date of expiry of the policy. In respect of open cover policies where the identity of the insured vehicles is not stated on the policy, the insured is obliged to notify his insurer of requisite details of the vehicles covered, unless they will be insured for fewer than 15 days under the policy. In that event, under regulation 6 the insured is obliged to retain relevant details.

Regulation 5 also empowers the information centre to require insurers to supply it with requisite information in respect of United Kingdom based vehicles. (Where vehicles are insured for fewer than 15 days under an open cover policy, the insured may be required to supply this information to the information centre under regulation 6).

Regulation 7 obliges persons taking advantage of the derogation in Article 4(a) of the first motor insurance directive to maintain records of their vehicles and to supply details to the information centre if it so requires.

Regulation 9 empowers an injured party resident in an EEA State to require the information centre to supply him with insurance details in respect of vehicles normally based in a Member State or EEA State where:

- (i) the accident occurs in the United Kingdom; or
- (ii) where the vehicle is usually based in the United Kingdom and the accident occurs in the EEA or a state subscribing to the Green Card Scheme; or
- (iii) where the injured party resides in the United Kingdom and the accident occurs in an EEA State or a state subscribing to the Green Card Scheme.

The right of a person resident in the United Kingdom to obtain this information in respect of an accident occurring within the United Kingdom is therefore provided for, although it is not required pursuant to the Fourth Motor Insurance Directive.

Regulation 10 approves the Motor Insurers' Bureau as the compensation body for the United Kingdom.

Regulation 11 provides that in certain circumstances a person resident in the United Kingdom may claim compensation from the compensation body. The right to claim arises in respect of loss

**Changes to legislation:** *There are currently no known outstanding effects for the The Motor Vehicles (Compulsory Insurance) (Information Centre and Compensation Body) Regulations 2003. (See end of Document for details)*

or injury resulting from an accident caused by the use of a motor vehicle in a public place. The accident must have occurred in an EEA State other than the United Kingdom, or in a country subscribing to the Green Card Scheme. The vehicle the use of which caused the damage must normally be based and insured, in an EEA State other than the United Kingdom. The claimant must have sought compensation from the liable insurer or his claims representative. That insurer must have failed to make a reasoned reply within three months. Further rules apply if no claims representative has been appointed. The claimant must not have commenced legal proceedings against the insurer.

Regulation 12 provides that in the circumstances described in regulation 11, and subject to certain provisos, if the injured party proves to the compensation body that the insured person is liable to him, then to the extent that he can prove loss and damage the compensation body must compensate him.

Regulation 13 provides that in certain circumstances a person who resides in the United Kingdom may be able to claim compensation from the compensation body where either the vehicle the use of which caused the damage, or the requisite insurer, cannot be identified. The accident must have occurred in an EEA State other than the United Kingdom, or in a country subscribing to the Green Card Scheme. The vehicle must normally be based in, and insured in, an EEA State other than the United Kingdom.

Regulations 14 and 15 set out circumstances in which the compensation body or the Motor Insurers' Bureau must indemnify a foreign compensation body.

As these Regulations give effect, in part, to the Fourth Motor Insurance Directive a Transposition Note has been prepared setting out how the Government will transpose into UK law the main elements of this Directive. The Transposition Note is available in the libraries of both Houses of Parliament. A hard copy is also available from the following address: Banking and General Insurance Team, HM Treasury, 1 Horse Guards Road, London SW1A 2HQ.

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