

This Statutory Instrument has been made in consequence of defects in S.I. 2011/1120 and is being issued free of charge to all known recipients of that Statutory Instrument.

S T A T U T O R Y I N S T R U M E N T S

2012 No.1234

ROAD TRAFFIC

The Motor Vehicles (Insurance Requirements) (Immobilisation, Removal and Disposal) (Amendment) Regulations 2012

<i>Made</i> - - - -	2012
<i>Laid before Parliament</i>	2012
<i>Coming into force</i> - -	2012

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 144D(1) and 160(1) of, and Schedule 2A to, the Road Traffic Act 1988(a).

Representative organisations have been consulted in accordance with section 195(2)(b) of that Act.

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Insurance Requirements) (Immobilisation, Removal and Disposal) (Amendment) Regulations 2012 and come into force on XX XX 2012.

Amendments to the Motor Vehicles (Insurance Requirements) (Immobilisation, Removal and Disposal) Regulations 2011

2. The Motor Vehicles (Insurance Requirements) (Immobilisation, Removal and Disposal) Regulations 2011(c) are amended as follows—

- (a) in regulation 10 omit paragraph (5);
- (b) in regulation 11 omit paragraph (3);
- (c) in regulation 12 omit paragraph (4); and
- (d) in regulation 13—
 - (i) at the end of paragraph 2(a) omit ‘and’;
 - (ii) at the end of paragraph 2(b) omit ‘.’ and insert ‘; and’;

(a) 1988 c.52. Section 144(D) was inserted by section 22(1) of the Road Safety Act 2006(c.49) and Schedule 2A was inserted by section 22(3) of, and Schedule 5 to, that Act.
(b) Section 195(2) was amended by the Road Safety Act 2006, sections 42 and 59 and Schedule 6, paragraphs 1 and 30 and Schedule 7. At the date of these Regulations being made those amendments are yet to be commenced.
(c) S.I. 2011/ 1120.

(iii) after paragraph 2(b) insert—

“(c) no claim in respect of the vehicle has previously been satisfied.”; and

(iv) omit paragraph (4).

Signed by authority of the Secretary of State for Transport

	<i>Name</i>
	Parliamentary Under Secretary of State
Date	Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the amendments to The Motor Vehicles (Insurance Requirements) (Immobilisation, Removal and Disposal) Regulations 2011 (“the 2011 Regulations”). The amendments have been made in response to the Joint Committee on Statutory Instruments’ (“JCSI”) 25th report of Session 2010-12 which reported the 2011 Regulations for doubtful vires in four connected respects.

Regulation 2(a) removes the ability of a custodian of a vehicle to determine who the owner of a vehicle is (where that appears to be more than one person) by omitting regulation 10(5) from the 2011 Regulations. In relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, the owner will be the person who has given up possession of the vehicle in return for payment under the agreement and in relation to a vehicle which is not the subject of a hiring agreement or hire-purchase agreement, the owner will be the registered keeper of the vehicle.

Regulation 2(b) removes the ability of a custodian of a vehicle to determine who the owner of a vehicle is (where that appears to be more than one person) by omitting regulation 11(3) from the 2011 Regulations. In relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, the owner will be a person who is a party to such an agreement and in relation to a vehicle which is not the subject of a hiring agreement or hire-purchase agreement, the owner will be the registered keeper of the vehicle.

Regulation 2(c) removes the ability of a custodian of a vehicle to determine who the owner of a vehicle is (where that appears to be more than one person) by omitting regulation 12(4) from the 2011 Regulations. In relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, the owner will be a person who is a party to such an agreement and in relation to a vehicle which is not the subject of a hiring agreement or hire-purchase agreement, the owner will be the registered keeper of the vehicle.

Regulation 2(d)(iii) inserts new sub-paragraph (c) into regulation 13(2) of the 2011 Regulations to ensure that a custodian does not have to satisfy more than one claim in respect of the same vehicle. Regulation 2(d)(iv) removes the ability of a custodian of a vehicle to determine who the owner of a vehicle is (where that appears to be more than one person) by omitting regulation 13(4) from the 2011 Regulations. In relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, the owner will be the person who has given up possession of the vehicle in return for payment under the agreement and in relation to a vehicle which is not the subject of a hiring agreement or hire-purchase agreement, the owner will be the registered keeper of the vehicle.

A full regulatory impact assessment of the effect of the 2011 Regulations on the costs of business and the voluntary sector was undertaken and is available at www.legislation.gov.uk. A further regulatory impact assessment has not been undertaken for these Regulations as no impact on the private or voluntary sectors is foreseen. The Explanatory Memorandum is available alongside these Regulations at www.legislation.gov.uk.

As these Regulations have been made in consequence of defects in the 2011 Regulations, they are being issued free of charge to all known recipients of those Regulations.