

DEPARTMENT for TRANSPORT

TRANSPOSITION TABLE

DIRECTIVE 2005/14/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of the 11 May 2005 amending Council Directives 72/166 EEC, 84/5 EEC, 88/357/EEC and 90/232/EEC and Directive 2000/26/EC of the European Parliament and of the Council relating to insurance against civil liability in respect of the use of motor vehicles.

These regulations do what is necessary to implement the Directive, including making consequential changes to domestic legislation to ensure coherence in the area to which they apply.

Articles	Objectives	Implementation	Responsibility
Article 1	Amends Articles 1, 2 and 4 of Directive 72/ 166/ EEC.		
Article 1.1	Clarifies the definition of the territory in which the vehicle is normally based, and provides for cases in which a vehicle involved in an accident bears no registration plate or a fraudulent registration plate.	No need for further implementation. This is covered by the terms of the Untraced Drivers Agreement (this is an agreement between the Secretary of State for Transport and the MIB dated 7 th February 2003) and the Uninsured Drivers Agreement (this is an agreement between the Secretary of State for the Environment, Transport and the Regions and the Motor Insurers' Bureau (MIB) dated 13 th August 1999).	Motor Insurers' Bureau (MIB)
Article 1.2	Clarifies the rules on checking foreign vehicles to help ensure that they are correctly insured.	No further implementation needed. The police have a general power to stop vehicles (section 163 of the Road Traffic Act 1988). How this power is exercised is an operational matter for each individual police force. However, the general practice is that vehicles are not stopped by the police or other enforcement authorities unless there is specific reason to do so.	Home Secretary
Article 1.3	Extends the obligations of Member States in respect of vehicles operated by persons derogating from the provisions of Article 3 of Directive 72/166/EEC which sets out a general need for motor insurance cover in their own territory. It requires obligations in respect of such vehicles to be placed on the guarantee fund provided in the Member State where the vehicle is normally based.	No further implementation needed because there are no such derogations in Great Britain.	Secretary of State for Transport
Article 1.4	Deletes reference from Articles 6 and 7(1) to the non-European	No further implementation needed as this provision removes an earlier requirement	Secretary of State for Transport

	territory of a Member State.	which was not relevant to Great Britain.	
Article 2	Replaces Article 1 of Directive 84/5/EEC to update the minimum amount of insurance cover which must be required by Member States for the use of a motor vehicle.		
Article 2 [2(a)]	Amends the minimum level of insurance cover that users of motor vehicles must have in the case of personal injury to EUR 1,000,000 per victim or EUR 5,000,000 per claim, whatever the number of victims.	No further implementation needed because section 145 (3)(a) of the Road Traffic Act 1988 requires unlimited insurance cover in respect of death or bodily injury to any person.	Secretary of State for Transport
Article 2[2(b)]	Amends the minimum level of insurance cover that users of motor vehicles must have in the case of damage to property to EUR 1,000,000 per claim whatever the number of victims.	Section 145(4)(b) of the Road Traffic Act 1988 qualifies section (3)(a) in respect of damage to property, where it sets a required amount of up to £250,000 cover. This amount needs to be amended to reflect the new level required by the Directive. Regulation 2 amends section 145(4)(b) of the Road Traffic Act 1988 by increasing the minimum level of insurance cover that users of motor vehicles must have to cover their liability to third parties for damage to property from £250,000 to £1,000,000. Regulation 2 also makes consequential amendments to section 151(6) of the Road Traffic Act 1988.	Secretary of State for Transport
Article 2 [(3)]	Provides for five-yearly review of the amounts referred to in Article 2 [2].	The Department will monitor these reviews and adjust, by way of amendment regulations, future levels of cover to take account of these reviews and any other representations received.	Secretary of State for Transport
Article 2[(4-7)]	Provides for the existence of a compensation body and sets out ground rules according to which that body must operate. These provisions largely replicate existing provisions in Directive 84/5/EEC with changes to the amounts required to be covered and certain other minor changes.	A compensation body already exists in Great Britain and Northern Ireland. This is known as the Motor Insurers' Bureau (the "MIB"). The ground rules according to which the MIB operates are set out in the MIBs Untraced and Uninsured Drivers agreements with the Secretary of State. These will be amended to take account of the revisions required under Directive 2005/14/EC.	Secretary of State for Transport and Motor Insurers' Bureau

Article 3 amends Directive 88/357/EEC			
Article 3	Deletes a provision in Directive 88/357/EEC (which in turn was inserted by Article 6 of Directive (90/618/EEC) (OJ No L330, 29.11.90, p44)	No further implementation needed because this deletes a provision which previously prevented Member States from allowing claims representatives to take up the business of direct insurance. This is permissive and does not in itself impose an obligation.	Chancellor of the Exchequer; Financial Services Authority (FSA)
Article 4 amends Directive 90/232/EEC			
Article 4(1)	Prohibits insurance policies from excluding from cover passengers who knew (or should have known) that the driver was under the influence of drink or drugs.	No further implementation is needed as no such exclusions are provided for under section 143 (use of motor vehicles to be insured or secured against third-party risks) and section 145 (requirements in respect of policies of insurance) of the Road Traffic Act 1988 and consequently would not be lawful.	Secretary of State for Transport
Article 4(2)	Requires that personal injury and damage to property suffered by pedestrians, cyclists and other non-motorised users of the roads in motor accidents should be covered and that they should be entitled to compensation for such damage.	No further implementation needed as provision regarding personal injury or damage suffered by such persons is covered by section 145(3)(a) and 4(b) of the Road Traffic Act 1988.	Secretary of State for Transport and Lord Chancellor (in respect of the GB civil liability regime).
Article 4(3)	Provides explicitly for insurance cover in all Member States of the Community throughout the duration of the insurance contract, and without the payment of any additional premium.	No need for further implementation because this accords with current practice in Great Britain, as set out in section 145 (3)(b) of the Road Traffic Act 1988.	Secretary of State for Transport
Article 4(4) [new 4a(1)]	Provides that with respect to a vehicle dispatched from one Member State to another, the risk	The Financial Services and Markets Act 2000 (Motor Insurance) Regulations 2007 amend Schedule 12 to the Financial	Chancellor of the Exchequer

	will be borne in the Member State of destination.	Services and Markets Act 2000 and the Financial Services and Markets Act 2000 (Law Applicable to Contracts of Insurance) Regulations 2001 to change the meaning of “EEA State in which a risk is situated” in certain circumstances.	
Article 4(4) [new 4a(2)]	Provides that the Member State of destination will be liable for compensation in respect of uninsured vehicles.	The Council of Bureaux is currently considering this requirement. Once that consideration is completed this requirement will be implemented in Great Britain by the MIB.	Motor Insurance Bureau
Article 4 (4) – [new article 4b]	Provides for a right of policyholders to request at any time a statement relating to their third party liability claims.	No need for further implementation because the use of the “no claims discount statement” in Great Britain conforms to this requirement.	Financial Services Authority
Article 4 (4) – [new article 4c]	Forbids insurance companies from relying upon excesses against an injured party (that is, from not paying the first £x of any claim).	No further implementation is needed because use of excesses against the injured party is not provided for in Part VI of the Road Traffic Act 1988.	Secretary of State for Transport
Article 4 (4) – [new article 4d]	Provides for a direct right of action by the injured party against the insurance undertaking, without having to operate through an intermediary.	No need for further implementation because this requirement has been implemented by the European Communities (Rights against Insurers) Regulations 2002 (SI 2002/3061) (regulation 3).	Secretary of State for Transport and the Lord Chancellor
Article 4 (4) – [new article 4e]	Extends to any kind of motor vehicle accident the “reasoned offer” procedure established by Directive 2000/ 26/ EC – the fourth Motor Insurance Directive.	The first paragraph of this article relates to the provisions in article 4(6) of the fourth Motor Insurance Directive (Directive 2000/26/EC). These provisions were fully implemented in 2002 by the Financial Services Authority (FSA) and HM Treasury. Specifically: The FSA through rules and guidance made under sections 138, 156 and 157(1) of the Financial Services and Markets Act 2000 (the “FSA”) and the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706) (regulation 2). And HM Treasury through the exercise of their powers under sections 150(3) and 417(1) of the FSMA and regulation 3 of the Financial Services and Markets Act	Secretary of State for Transport and the Motor Insurers’ Bureau

		<p>2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706) (regulation 3) to ensure that non-private persons may sue for contravention of the FSA rule requiring the payment of interest.</p> <p>The second paragraph of this article applies the provisions of article 4(6) of the fourth Motor Insurance Directive to the National Insurer's Bureau. The National Insurers' Bureau in the UK is the Green Card Bureau operated by the Motor Insurer's Bureau (MIB).</p> <p>The applicable requirements are contained in the Agreement between Compensation bodies and Guarantee funds made by the Comité Européen Des Assurances to which the MIB in the UK is a signatory.</p>	
Article 4 (5)	Extends information provisions obligations to any traffic accident.	No further implementation required because this requirement has already been implemented by the Motor Vehicles (Compulsory Insurance) (Information Centre and Compensation Body) Regulations 2003 (SI 2003/37) (regulations 3 and 4).	Secretary of State for Transport
Article 5(1)	Introduces a new recital expressing the intention that injured parties may sue the civil liability insurer in their country of domicile.	No further implementation needed because this is merely a clarification of existing practice.	Secretary of State for Transport /Lord Chancellor
Article 5(2)	Clarifies the status of a claims representative and the applicability of other EU law to such representatives.	No further implementation needed because this requirement has been implemented by Chapter 7, section 6.7(g) of the Financial Services Authority (FSA) Insurance Conduct of Business Sourcebook, which is legally binding upon all firms regulated by the FSA.	Financial Services Authority
Article 5(3)	Deletes reference to Green Card information.	No further implementation is needed because this requirement merely conforms to existing practice. Green Cards are not needed within the European Union.	Secretary of State for Transport/ Motor Insurers' Bureau

<p>Article 5(4)</p>	<p>Requires action to be taken by Member States to make available “in due time” to victims, insurers and their legal representatives the basic data needed to settle claims. Provides for a central repository in each Member State and for electronic media.</p>	<p>Separate information about relevant insurers is available through the Motor Insurers’ Information Centre which is the information centre established in accordance with article 5.1 of Directive 2000/26/EC (OJ L181, 20.7.00, p65) (the fourth Motor Insurance Directive). This requirement was implemented by the Motor Vehicles (Compulsory Insurance) (Information Centre and Compensation Body) Regulations 2003 (SI 2003/37) (regulations 3 and 4).</p> <p>With regard to accident information, all police forces record such data manually and make the data available on request to any party involved in an accident. A project is currently being developed to enable police nationwide to record and access road traffic collision data via software applications.</p>	<p>Secretary of State for Transport, Home Office, and Motor Insurers’ Bureau</p>
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