

Driving Without Insurance

Third party insurance is compulsory and a failure to have this basic cover is considered one of the most serious offences. A substantial fine and disqualification are amongst the recommended penalties. Our expert lawyers will provide the best possible defence and representation giving you the best chance of retaining your licence.

Motor Lawyers can explain quickly and accurately whether the cover you hold is adequate, particularly in relation to driving other vehicles, or for unusual risks. Given the severity of the offence and the implications of the punishment, seek our advice promptly.

Don't forget, that just one conviction will have very serious implications. Even if you are not disqualified, when you come to insure your vehicle, your premium will rise drastically because of any insurance related offence.

Many motorists also fail to appreciate that they can be convicted of an insurance offence, even if they are not driving. For example, one of the most common offences is permitting another person to use your own vehicle whilst uninsured.

The offence of using or allowing a vehicle to be used whilst uninsured is becoming much more common. This is not only because Police methods of detection have improved drastically, but additionally, because insurance companies, in a bid to maintain low premiums, are imposing much greater restrictions when considering the terms and conditions of policies, often removing benefits that were regarded as standard in previous years.

What is the Maximum Penalty for Driving without Insurance?

6–8 penalty points plus a fine, although in certain circumstances, an instant ban will be imposed. The fine, which is means tested, can be up to £5,000.

I have been told that driving uninsured is an absolute offence. What does this mean?

An absolute offence is one where there is no discretionary defence available, ie, the vehicle is either insured or it is not. If, for any reason it is not insured, the offence is committed.

My car is simply parked on the road and I don't use it. Does it have to be insured?

Yes. Pursuant to Section 143 of the 1988 Road Traffic Act, any person who uses, causes or permits a person to use a vehicle on the road, must have an insurance policy in place. Parking a vehicle on the road falls within the category of "uses".



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I have held an insurance policy with the same company for years. They just renew it via direct debit. I have now found out that they have not taken the direct debit and cancelled the Policy without my knowledge. What are my rights?

Although the Court will be sympathetic, you have still committed the offence of using the vehicle without insurance. Whilst you can complain to the insurance company, responsibility for arranging the insurance lies with you and you alone as far as the Court is concerned. You will be convicted of the offence so you should concentrate on mitigation.

My friend borrowed my car and said he was insured to use it under his own Policy. I have now found out that his Policy did not cover him for other vehicles. Can I be prosecuted?

Yes. If you lend your vehicle to anybody, you should only do so on the basis that you have checked the insurance position. Many people think that because they have fully comprehensive insurance they are insured on other vehicles. This is rarely correct. You can be prosecuted for permitting another person to use your vehicle without insurance and face 6–8 penalty points and a fine up to £5,000.

I use a company vehicle. My employer forgot to renew the insurance and now I am being prosecuted. Surely it is my employer who should be in Court, not me?

Although the offence was committed without your knowledge, as driver of the vehicle, it is your obligation to be 100% certain that insurance cover is in place. Whilst your employer has a duty to you, and indeed to other road users, their failure to provide insurance does not provide you with a defence and in the circumstances, both you and your employer face conviction.

My car does not work so I sat it in whilst my friend towed me to the garage. I had no tax or insurance, have I committed an offence?

Yes. If you have to steer the vehicle, when it is being towed, it is being "used", regardless of the fact that it does not actually work. If it is used, it has to be insured. This problem is avoided if it is taken on a trailer or via a towing method that does not require a person to sit in the vehicle and steer it.

