

Driving Without Insurance

It is compulsory to insure against third party risks, the use of any motorised vehicle on a road (which can include areas to which the public have unrestricted access). Use of a vehicle includes “uses, causes or permits another person to use”.

I have been stopped by the Police for driving without insurance. Do I face a driving ban?

Driving without insurance is a serious offence which can result in an immediate disqualification from driving. A driving ban can often be in the region of 28 days but can also be substantially longer for repeat offences.

For first offences, the Court would normally impose between 6 and 8 penalty points.

There will also be a fine which will vary depending on the circumstances and whether the Defendant was using or permitting to use the vehicle.

Can I receive a Fixed Penalty for driving with no insurance?

Yes. Many Police forces give a Fixed Penalty Notice of 6 points and £200 fine.

My insurance policy expired and my insurance company failed to notify me, is this a defence to driving uninsured?

No. Driving uninsured is an “absolute” offence, meaning that if there is no insurance in place, and the vehicle is in use, the offence has been committed. There is no obligation upon insurers to do anything apart from honour cover when it is in place. The onus is upon the user of the vehicle to comply with the Road Traffic Act by making sure that their insurance is in order before they use a vehicle. The exact circumstances may amount to mitigation but the driver would still be convicted of the offence.

I was driving a friend’s car and I thought my Policy covered me for driving other cars, now I realise it does not, have I committed an offence?

Yes. As above, the driver should satisfy themselves that insurance cover is adequate before using the vehicle, but additionally, the owner of the car is also guilty of an offence if they have allowed the vehicle to be used by an uninsured driver.



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I allowed a friend to drive my car believing they were insured when they were not, where do I stand?

You are guilty of the offence of permitting the vehicle to be used by an uninsured driver and face a licence endorsement of 6-8 points and a fine.

There is a potential defence, if your friend showed you an insurance certificate which appeared to be valid but this may amount to reasons as to why your licence should not be endorsed as opposed to reasons justifying acquittal.

I was stopped for having no insurance. The Police have now impounded my car, are they entitled to do this?

Yes. The Police now have facilities to check insurance cover at the road side. If for any reason you are unable to prove the vehicle is insured, the Police are entitled to remove it from the road and charge you for the cost of transporting and storing the vehicle.

I was stopped for no insurance but have been summonsed for driving uninsured and failing to produce an insurance certificate. Why have I been summonsed for the same offence twice?

They are separate offences. A driver must not only be insured but be able to prove that he is insured. If you cannot produce the certificate immediately, the Police would normally allow 7 days for an insurance certificate to be taken to the Police Station. If the document is not produced within this period of time, a further offence has been committed. Accordingly, it makes sense to either carry an insurance certificate (or at least a copy of it) at all times or to produce it promptly.

I have been summonsed for driving uninsured, but I can prove I had insurance at the time of the offence. Will I still be convicted?

You should send a copy of the certificate to the prosecution in advance of your hearing. In all probability, the offence of driving without insurance will be abandoned, although the CPS would still be entitled to proceed with a Summons for failing to produce on the basis that the document was not disclosed within 7 days of the offence.

