



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART VI

#### THIRD-PARTY LIABILITIES

##### *Compulsory insurance*<sup>F1</sup>...

#### **149 Avoidance of certain agreements as to liability towards passengers.**

- (1) This section applies where a person uses a motor vehicle in circumstances such that under section 143 of this Act there is required to be in force in relation to his use of it such a policy of insurance<sup>F1</sup>... as complies with the requirements of this Part of this Act.
- (2) If any other person is carried in or upon the vehicle while the user is so using it, any antecedent agreement or understanding between them (whether intended to be legally binding or not) shall be of no effect so far as it purports or might be held—
  - (a) to negative or restrict any such liability of the user in respect of persons carried in or upon the vehicle as is required by section 145 of this Act to be covered by a policy of insurance, or
  - (b) to impose any conditions with respect to the enforcement of any such liability of the user.
- (3) The fact that a person so carried has willingly accepted as his the risk of negligence on the part of the user shall not be treated as negating any such liability of the user.
- (4) For the purposes of this section—
  - (a) references to a person being carried in or upon a vehicle include references to a person entering or getting on to, or alighting from, the vehicle, and
  - (b) the reference to an antecedent agreement is to one made at any time before the liability arose.

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*Status: Point in time view as at 01/11/2019.*

*Changes to legislation: Road Traffic Act 1988, Section 149 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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**Textual Amendments**

**F1** Words in s. 149(1) omitted (1.11.2019) by virtue of [The Motor Vehicles \(Compulsory Insurance\) \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1047\)](#), reg. 1, **Sch. 1 para. 12** (with reg. 5)

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**Modifications etc. (not altering text)**

**C1** S. 149 excluded (23.6.1999) by [S.I. 1999/1736](#), **art. 8(1)(b)(2)(b)**

**Status:**

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