

# Guarantee Fund Compendium

## GB – United Kingdom

Review date: 08/01/2021

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### General information

Please provide the official full name of your Guarantee Fund.

Please visit the CoB website or extranet

What is the legal status (form) of your Guarantee Fund (non-profit organisation, association of legal entities, limited liability company, etc.)?

The MIB is a company limited by guarantee

How is the ownership/membership of your Guarantee Fund structured (e.g. owned/controlled by all members equally, part of state government, etc.)?

### Owned/controlled by members.1 - Unidentified or uninsured vehicles

**1.1. What is the full identity (exact name, address, etc.) of the organisation established or authorised with a view to transposing the 2nd MID? Please specify.**

Please visit the CoB [website](#) or [extranet](#).

**1.2. What is the legal nature of the organisation?**

The MIB is a company limited by Guarantee.

**1.3. On what legal basis is it authorised to carry out compensation?**

Protocol/agreements with the government.

**1.4. Is compensation by this body subsidiary?**

Partially.

**1.5. If the compensation is subsidiary, which entities are excluded?**

MIB does not reimburse insurance undertakings such as motor insurers, private health insurers and property damage insurers.

Social Security benefits are deducted from the claims. We are obliged to reimburse Social Security Bodies, subject to certain rules, under legislation.

**1.6. Is your organisation a VAT liable entity?**

Yes.

**1.7. If yes, please indicate the VAT number:**

991 2548 92

**1.8. If your organisation is a VAT liable entity, is the service of claim handling VAT exempted?**

Yes.

**1.9. Are there any specific provisions governing the recourse between this body and those responsible for the accident and other insurers or social security bodies obliged to compensate the victim for the same accident?**

There are specific provisions regarding recovery from the responsible party's MTPL insurer, as contained within MIB's Articles of Association. There are no specific provisions in relation to the other bodies listed.

**1.10. If yes to question 1.9, what do these specific provisions consist of? Please specify briefly.**

See response to Question 1.5.

**1.11. Are people who voluntarily entered the vehicle which caused the damage when they knew that the vehicle was uninsured, excluded from the intervention of the body?**

Yes.

**1.12. In the event of an accident caused by an unidentified vehicle, is the intervention of the body subject to specific provisions as regards the compensation of damage to property?**

Yes.

**1.13. If yes to question 1.12, what are the specific provisions? Please specify briefly.**

Accidents before 15 April 2011 (11 July 2011 for Accidents in Northern Ireland) - property damage claims under the Untraced Drivers Agreement can only be considered if the vehicle has been identified.

Accidents on or after 15 April 2011 (11 July 2011 for Accidents in Northern Ireland) – property damage claims can be considered if MIB pays compensation for significant personal injury to any victim of the same accident.

**1.14. If yes to question 1.12, what are the conditions provided for by your legislation so that the damage to property may be considered as significant? Please specify briefly.**

We are only obliged to pay for property damage when there is “significant personal injury” which is bodily injury resulting in death or for which 4 days or more of consecutive in-patient treatment was given in hospital, the treatment commencing within 30 days of the accident.

Where we pay for property damage in these circumstances, we are not obliged to pay the first £300 of the claim.

**1.15. If the injured party is not a resident of an EEA Member State, can it benefit from the intervention of the body?**

Yes.

**1.16. What periods of limitation are the demands for compensation addressed to the body subjected to? Please specify briefly.**

Uninsured Drivers' Agreement:

Personal Injury - 3 years (the limitation period only runs from the date the claimant has knowledge of the cause of action. Persons under the age of 18, and those with limited mental capacity are deemed not to have knowledge)

Property Damage - 6 years (5 years in Scotland)

Untraced Drivers' Agreement:

Personal Injury UK - Accidents on or after 01 February 2009 – as per the limitation period on Uninsured Drivers' Agreement

Personal Injury UK – Accidents before 01 February 2009 – 3 years

Property Damage England, Scotland and Wales –

For accidents before 01 May 2013 – 9 months

For accidents after 01 May 2013 – 6 years (5 years in Scotland)

Property Damage Northern Ireland – 9 months

NB The above information applies to the agreements applying to the UK only. Please contact us or visit our website for queries relating to the agreements applying in the Isle of Man, Channel Islands and Gibraltar.

**1.17. According to Directive 90/232/EEC, Article 4 “In the event of a dispute between the body referred to in Article 1 (4) of Directive 84/5/EEC and the civil liability insurer as to which must compensate the victim, the Member States shall take the appropriate measures so that one of these parties is designated to be responsible in the first instance for paying compensation to the victim without delay”. Which of these parties has been designated in your country to be responsible in the first instance for paying compensation to the victim in the event of a dispute between the body and the insurer responsible for civil liability as to which must compensate the victim? Please specify.**

Motor Insurers' Bureau.

**1.18. Are there certain vehicles or certain types of vehicle having a special plate exempted from the obligation of compulsory insurance in your country? (Article 5.2 of the MID)**

Answer to this question is available in the Green Card Bureau Compendium, question 14.3.

**1.19. If yes, please list those vehicles:**

Answer to this question is available in the Green Card Bureau Compendium, question 14.4.

## **2 - Stolen vehicles or vehicles obtained by violence**

**2.1. Has your Member State made use of this possibility?**

No.

**2.2. If yes to question 2.1, what are the conditions provided in the event of compensation for damage to property? Please specify briefly.**

N/A.

**2.3. If yes to question 2.1, are people who voluntarily entered the vehicle which caused the damage when they knew that the vehicle was stolen, excluded from the intervention of the body?**

N/A.

## **3 - Other cases of intervention by the body**

**3.1. Do the legislation of your Member State provide for other situations where the injured party can claim compensation from the body after a road traffic accident?**

No.

**3.2. If yes to question 3.1, what are these situations?**

N/A.