

Churchill Insurance v Wilkinson: a 'must know' / landmark ruling that is an RTA game-changer!

Tuesday, October 9, 2012

13:00 – 14:00

On 28 August this year the Court of Appeal considered this case for the second time and delivered its preliminary ruling in the conjoined appeal in Churchill Insurance v Wilkinson and Evans v Equity Claims [2012] EWCA Civ 1166. It is one of the most important RTA decisions since the House of Lords ruling in Cutter v Eagle Star in 1998.

The Court of Appeal has effectively amended section 151 of the Road Traffic Act 1988.

In doing so the Court of Appeal has brought our national law provision into line with the more generous and wider scoped European law and introduced an entirely new provision that qualifies an insurer's right of recovery from its insured.

The principles that underlie the Court of Appeal's decision impact on other key provisions within the Road Traffic Act 1988. They also change the way practitioners should treat claims against insured and underinsured drivers under the Act as well as claims pursued under the Uninsured Drivers Agreement 1999 and the Untraced Drivers Agreement 2003.

A motor insurer's statutory duty to satisfy a judgments, even where its policyholder is in breach of contract or where an unauthorised driver is involved, must now be considered in the light of the superior European law provision in this area.

APIL brings you this timely cutting edge lunchtime webinar that will help you and your staff increase the prospects of making a successful and full compensatory recovery on behalf of your clients.

Key topics considered in this webinar are -

- the case facts in Churchill and Evans. The issues they shared in common
- explaining why at first instance the trial judges reached opposite conclusions on essentially the same facts and how their approach to European law accounted for these inconsistent outcomes
- explaining the relevance of European law and the referral process whereby issues of interpretation are passed to the European Court of Justice (ECJ) for a determination
- examining the amendment to section 151 Road Traffic Act 1988
- considering how the courts might apply the new provision
- alerting you to some key ECJ decisions that affect your day to day practice
- explaining why the Churchill and Evans decision amount to a sea change in the way we should interpret and apply our national law provision guaranteeing compensatory cover to victims
- identifying what other provisions the Road Traffic Act 1988 conflicts with EU law, why this matters and what practical steps you should take to avoid being caught out
- alerting you to recent inconsistent and per incuriam court decisions in this area that are no longer safe to follow

This is a 'must attend' webinar for all road traffic accident claims handlers, whatever their seniority or expertise.