

RULING MEANS UNCERTAINTY FOR MOTORISTS THIS WINTER

Motorists could be forced to take to the roads in treacherous conditions this winter after a legal ruling means local authorities are under no obligation to grit icy roads.

And those who are involved in accidents as a result may suffer financial hardship because, by the same token, the local authorities will also have no responsibility for compensating them for their injuries, according to the Association of Personal Injury Lawyers (APIL).

“One of APIL’s main aims is to prevent accidents from happening in the first place, and our members are very worried that, because a House of Lords ruling earlier this year found that local authorities are not actually liable for failing to grit roads, major roads could be left untreated, leaving motorists and their passengers extremely vulnerable this winter,” said Frances McCarthy, president of APIL.

“We have been in touch with the Government to stress the urgent need for clarification of the law in this matter,” said Frances McCarthy, president of the Association of Personal Injury Lawyers (APIL).

“Although the Government is aware of the problem, the law can only be clarified through legislation - and this could take several years, which means motorists could face more of the same difficulties in the future.

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“Until this is sorted out, all the Department of Environment, Transport and the Regions (DETR) can do is advise people to refer to the Highway Code rules for bad weather, which advise drivers, among other things, not to drive in icy conditions unless the journey is essential,” she went on.

In the ruling (*Goodes v East Sussex County Council*) the House of Lords decided that although highway authorities have a duty to keep the fabric of the highway in a good state of repair, this does not include a duty to prevent or remove the formation or accumulation of ice and snow on the road.

“It is inconceivable that in this day and age no-one has a legal responsibility for ensuring major roads are kept ice-free,” said Frances McCarthy. “Insurers for local authorities are delighted that they now effectively have a loophole which means they won’t have to compensate people who are involved in accidents through no fault of their own as a result of this ruling.

“The only losers in this will be the seriously injured motorists who will no longer have recourse to the law to help them get back on their feet.”

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