

MIB update: new remedies

Thursday, 15 September 2016

13:00 - 14:00

Most practitioners are aware that the compensatory protection for motor accident victims under the Road Traffic Act 1988 and in both MIB Agreements falls below the minimum standard of protection required by the EU directive on motor insurance. This illegality is currently the subject of an ongoing judicial review.

Under the current schemes, some incidents fall completely outside the scope of MIB liability and third party cover, for example:

- accidents in places that don't require TP cover, such as private lanes and parking areas
- accidents featuring a type of motor vehicle that does not require TP cover: such as a go cart, electric skateboard, or a piece of farm machinery etc.

In numerous other claims the MIB rely on exclusions or restrictions of liability (purportedly conferred in its agreements with the Secretary of State for Transport) where these are not permitted under European law.

Every year, many injured claimants face a stark dilemma: of either being left undercompensated or empty handed or embarking on the hazardous and costly process of pursuing a Francovich action against the state, a route made even more risky due to the UK's exit from the EU.

New ground breaking research reveals that the MIB is directly responsible for compensating anyone injured by an event that ought to be covered by motor insurance (under EU law) but isn't. The claim is pursued as an ordinary personal injury action with the benefit of QOCS.

This webinar explains the relevant law and outlines the process that will be covered in more detail in the forthcoming full day APIL training day on "Mastering MIB claims".

This is new, not to be missed, cutting edge and essential law for anyone handling motor accident claims.

Brexit won't directly alter our law for at least 2 years and the rule against retrospectively means that European law remedies applied to a minimum of a 5 year tranche of claims.

Accreditation

APIL - all levels

1 CPD hour

Technical requirements

You will need access to the internet on your PC, plus audio speakers. If you do not have access to speakers you will be able to receive audio via a phone line. Further information on how to log on to the webinar will be sent via email a week before the event.



Nicholas Bevan is a senior solicitor with over 25 years' experience as a personal injury lawyer acting on behalf of individual claimants and a number of major insurance companies. Nicholas was senior counsel at Bond Pearce (now Bond Dickinson) where he advised both the insurance and personal injury departments and was also responsible for firm-wide training.

Nicholas is a fellow emeritus of APIL. He is a legal consultant, accredited mediator and well known legal commentator. He writes regularly for the New Law Journal and the Journal of Personal Injury Law.

Nicholas is particularly well known for his law reform campaigning on behalf of victims of motor accident victims and occupational disease.