

## The MIB's new liability - Farrell v Whitty

Friday, 17 November 2017  
13:00 - 14:00

The European Court of Justice has delivered a truly landmark ruling that every personal injury practitioner needs to know about.

The webinar will explain why the MIB is liable to compensate victims of road and other motor accidents that fall through the gaps in cover provided by the Road Traffic Act 1988. This includes liability for:

- Accidents caused vehicles on private land – car parks, pull-in's, driveways etc
- Accidents caused on public or private land by motor vehicles that are not subject to compulsory insurance - from segways to quarry dumpsters
- Accidents caused by mechanical and software defects not attributable to the user's personal liability

The ECJ ruling in *Farrell v Whitty 2* opens up a completely new raft of profitable claims based on the wording of the Motor Insurance Directive, as opposed to the Road Traffic Act 1988 or the MIB Agreements.

The webinar will cover:

- The case facts in Farrell
- The ruling and relevant EU law in a nutshell
- What UK case law is obsolete
- How to plead these directly effective rights under this doctrine in your local court
- The effect of Brexit

### 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 an APIL member (a fellow emeritus) with decades of experience in personal injury litigation. He has successfully campaigned for law reform in this area and is advising in a number of public law actions that will result in major changes to the Road Traffic Act 1988, The EC Rights Against Insurers Regulations 2002 and both MIB schemes. His criticism of the new Untraced Drivers Agreement 21017 resulted in it being withdrawn and substituted within 2 days of coming into force.

His legal activism resulted in the illegal terrorism exclusion being excised from both schemes, enabling the Westminster Bridge victims to recover their full compensatory entitlement from the MIB.

His research has revealed that the MIB is liable to compensate accident victims for gaps in protection within the Road Traffic Act 1988 and has engendered a European wide review of the sufficiency of motor insurance by the European Commission. Nicholas was awarded a doctorate in law from the University of Exeter for this work in 2017.