

Third party motor cover transformed!

Tuesday, 3 October 2017
13:00 - 14:00

The ECJ's latest ruling in ***Fidelidade-Companhia de Seguros v Caisse Suisse de Compensation*** (Case C-287/16) has profound implications for claimants and defendant motor insurers alike.

This is equally significant and disruptive as the European Court of Justice's ruling in *Damijan Vnuk* in 2014.

It's most obvious impact is on section 152 Road Traffic Act 1988 which motor insurers have increasingly invoked to escape their contractual and statutory liability to compensate third party victims. It empowers a court to declare motor policies to be void from the outset where there has been misrepresentation or non-disclosure of a material fact.

Fidelidade-Companhia changes all of that!

It affects the ability of defendant insurers to exploit section 152(2) to avoid European regulation and to circumvent their statutory liability to accident victims – forcing victims to resort to the less generous terms of the MIB Uninsured Drivers Agreement.

This webinar will cover:

- A basic overview of sections 151 and 152 Road Traffic Act 1988
- The case facts and ratio of *Fidelidade-Companhia*
- The implications:
 - Are section 152(2) declarations obsolete?
 - Does a policyholder's fraud have any impact on cover?
 - How does this affect an insurer's statutory liability under section 151?
 - Practical insights: how claimants can respond proportionately when insurers claim to be acting as 'Article 75 insurers'; how insurers are likely to react
 - The wider implications: how many leading UK authorities are now bad law?
 - The anticipated effect of Brexit?
- More EU law disrupters in the pipe line

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 His criticism of the new Untraced Drivers Agreement 21017 resulted in it being withdrawn and substituted within 2 days of coming into force.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.