

UK Insurance v Pilling [2017]

Landmark Court of Appeal ruling on scope of TP motor cover

Monday, 26 June 2017

13:00 - 14:00

Why this Court of Appeal ruling is important:

- Section 145 Road Traffic Act 1988 imposes compulsory motor insurance to cover liability 'arising out of, the use of the vehicle on a road or other public place', without defining what is meant by 'use'. This has generated an extensive body of case law and a good deal of confusion.
- UK Insurance v Pilling [2017] EWCA Civ 259 featured a car that burst into flames whilst undergoing repairs at its owner's place of work; destroying the premises in the process. Was such 'use' covered by section 145, notwithstanding the policy terms?
- Motor insurers routinely restrict cover to specific types of use to exploit the additional defences available under the Uninsured Drivers Agreements 1999/2015 including exclusions of credit hire and subrogated claims.

This webinar will focus on:

- The UK Insurance decision and the other UK authorities what is meant by 'use'
- Which authorities are overruled by UK Insurance
- How this case fits in with the landmark ECJ ruling in Damijan Vnuk in 2014

It will also provide a brief update on;

- The government's consultation on Vnuk (closed 31 March 2017)
- The European Commission's latest proposals to limit the scope of Vnuk
- The Vehicle Technology and Aviation Bill 2017
- The likely implications of Brexit in 2019 on the future scope of section 145

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 His criticism of the new Untraced Drivers Agreement 21017 resulted in it being withdrawn and substituted within 2 days of coming into force.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