

Winning the 'unwinnable' motor claim

Wednesday 19 June 2019

13:00 - 14:00

On 5 June 2019 the Court of Appeal delivered a truly ground-breaking ruling in *Motor Insurance Bureau v Lewis* [2019] EWCA Civ 909.

The MIB faces a new contingent liability to compensate victims injured by motor vehicles in scenarios that fall outside the scope of the UK's compulsory third-party motor insurance scheme.

This ruling transforms the concept of the 'RTA' compensatory guarantee, that is such a critical factor in every motor claim; 'RTA practice' is now a misnomer.

This webinar will provide a practical grounding in the new categories of motor accident claim this ruling has created, and explain:

- Exactly what has changed and why?
- Why there are now 5 compensatory guarantee mechanisms each with different rules
- What new accident scenarios fall within the legal principles invoked
- Which scenarios will survive a Brexit, as 'Retained EU law'
- Are these public law actions or personal injury actions?
- How to invoke the MIB's 'emanation of the state' status to challenge the MIB Agreements
- Tactics and practical considerations when presenting these claims
- When can we expect a new brace of MIB Agreements?

The webinar will be presented by Nicholas Bevan, an award-winning solicitor and senior APIL fellow, whose research and training over the past decade prepared the ground for the MIB's new direct liability based on European law principles.

The webinar will, for the first time, also highlight grave deficiencies in the Supreme Court's rulings in *Cameron v Liverpool Victoria Assurance* [2109] and *Pilling v UK Insurance* [2019] but a more detailed consideration may be covered in a later webinar, currently in preparation.

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.



Presented by Nicholas Bevan, solicitor and a senior fellow of APIL. He is a consultant who specialises in RTA claims and motor insurers' liability, including the complex issues resulting from automated vehicles. In 2017 Nicholas was awarded a doctorate in law under the Lloyds Insurance Professor of Commercial Law, Professor Merkin QC, for his ground-breaking research in this field. Nicholas has accurately predicted several landmark rulings by the Court of Justice and the Court of Appeal on RTA liability and motor insurance.

Nicholas was behind the RoadPeace judicial review where Ouseley J declared that the Road Traffic Act 1988 failed to conform with the minimum standard of compensatory protection required under EU law. His law reform campaigns led to both of the Motor Insurers Bureau's compensation schemes being extensively reformed. The first instance decision in *Lewis v Tindale & MIB* in 2018 was based on his research.