

Family wins £110,000 for skid death

► Fuel spill left on road by untraceable driver

► Landmark ruling will allow others to claim

Frances Gibb Legal Editor

The family of a motorcyclist who died after skidding on a patch of diesel on a country road has been awarded £110,000 in compensation in one of the first claims of its kind in Britain.

Richard Cooper, 58, from Fern-down, Dorset, lost control of his Yamaha Royal Star 1300 after riding through a large fuel spill, and collided head-on with a van on the B6403 in Lincolnshire.

The father of two, a bus driver, had been on his way to a motorcycle rally in Skegness in March last year. He was taken to Grantham and District Hospital, where he died of his injuries later the same day. His family blamed his "needless death" on the careless driver who had allowed diesel to leak on to the road surface.

But with no way of finding out who

was responsible for the deadly spillage, the Coopers' legal options appeared limited. Then they discovered they could make a claim for compensation — if they could prove his death was a "preventable accident".

With the help of their solicitor, Andrew Campbell, they applied to the Motor Insurers' Bureau — an organisation set up to compensate victims of untraced or uninsured drivers — for a payout. Last week they discovered that they had been awarded £110,000 in compensation in what is thought to be the first successful claim for a fatal accident involving a diesel spill.

The ruling now leads the way for the families of other road users who have been injured or killed in similar circumstances to sue.

Mr Cooper's son, also called Richard, 34, said that he hoped that the case would open the way for other victims to follow his family's lead.

"We are extremely pleased that our claim has been successful and hope that it will now open doors for other families who have lost loved ones," he said. "Diesel spills on our roads are responsible for a growing number of injuries and deaths, and the tragedy

is that they could so easily have been prevented."

The victims of negligent uninsured and untraced motorists have three years from the date of their accident to lodge a claim with the MIB, which is financed by motor insurance policies. Motorcyclists are almost twice as likely to be involved in a serious or fatal accident as a result of diesel on the road compared with those on ice.

1,212

motorcyclists were killed or badly injured between January and March

Source: Times database

Mr Campbell, who specialises in motorcyclist injury cases, said: "The coroner in the case made it quite clear the accident was not Mr Cooper's fault and that it was caused when he hit a large diesel spill on the road.

"Either the driver in question overfilled the fuel tank or didn't replace the fuel cap properly and when they went around a corner the diesel

sloshed out. Diesel is as slippery as black ice and is difficult to see, especially when it's dark or wet. When spilt on the roads, it makes driving conditions treacherous. We convinced the MIB that the accident was caused by a negligent driver and there was no way of tracing him.

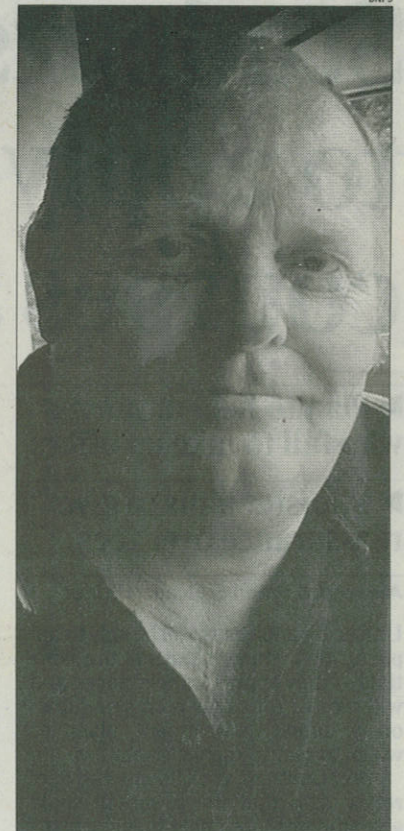
"Motorcyclists and drivers who are involved in accidents and suffer injuries as a result of diesel spills often don't realise they can claim compensation because the person responsible for the spill may be unknown.

"The MIB have checked their records and as far as they know it's the first successful claim of its kind."

● Two motorcyclists died and another is in hospital after accidents on one stretch of road in Wales, police said.

The two dead bikers were travelling in opposite directions when a collision occurred at about 3.30pm at Blaen Cwm on the Bala to Trawsfynydd road, in Gwynedd, North Wales. They were pronounced dead at the scene, a spokeswoman for North Wales police said.

A short time later there was a separate accident on the same road involving one motorcycle.



Richard Cooper: motorbike hit a van

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