

Change to the Law in respect of claims involving Untraced Drivers

The law has changed as of 15 April 2011 in respect of applications to the Motor Insurers' Bureau (MIB) under its 2003 Untraced Driver Agreement scheme. The changes are good news for accident victims who will be entitled to more compensation.

Victims of hit and run accidents and diesel spill accidents will benefit. Previously the MIB, which was arguably in breach of European Law for not changing its Untraced Drivers' Agreement sooner, refused to pay for property damage in hit and run, diesel spill or other cases involving deposits on the road, leaving those insured TPFT seriously out of pocket for the bike values and out of pocket for kit and personal possessions.

For accidents after 15 April 2011 property damage can be claimed subject to conditions as follows:

1. Where a vehicle is identified the £300 excess no longer applies
 2. Where vehicle unidentified (diesel spills, shedloads etc) – you can now claim property damage (and property related damage) subject to £300 excess – for example TPFT insured bike, kit, laptops, vehicle hire etc where there has been a "significant" * injury
 3. Maximum paid for property damage £1million
- Significant means requiring 4 days or more consecutive in patient treatment commencing within 30 days of accident.

MIB cases can be complex with the MIB not being the easiest of opponents and as such I highly recommend seeking expert legal advice. By way of example we recently took over a case that a client was handling himself following an accident on a 20m diesel slick. The MIB told him that diesel spill cases are notoriously difficult and that it was likely to have been as a result of gradual accumulations and as such they were not prepared to pay! Taking advantage of clients acting for themselves by misleading them is not behaviour fitting of a Government body which we, the motorists, fund by virtue of 330 out of each policy we take out each year! This behaviour is scandalous and this client's case will be the subject of a formal complaint to ensure it does not happen again.

Amendment document below.

<http://files.apil.org.uk/members/pdf/SearchableDocuments/2148.pdf>

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