

Success for Stephen Worthington QC and Patrick Vincent in the Supreme Court

In *Cameron v Liverpool Victoria* (also known as *Cameron v Hussain*) the court determined that claims cannot be brought against unidentified drivers.

The claim was brought by a woman injured in a road traffic accident caused by the negligence of an unidentified driver. Although the driver made off without stopping or reporting the accident, his registration number had been recorded and the car was linked to a policy issued by Liverpool Victoria.

The Claimant argued that she should be permitted to amend her claim form to include the unidentified driver as a defendant, describing him/her only as the driver of the vehicle involved. The object of doing so was to obtain a judgment against the driver that would then fall to be satisfied by Liverpool Victoria, under section 151 of the Road Traffic Act 1988. In allowing the appeal, the Supreme Court decided that a person could not be sued where, as in this case, the driver was not just anonymous but was completely unidentified. The Supreme Court emphasised that the requirement for service of the claim form on a defendant is fundamental to natural justice, and distinguished this case from those where a defendant whose name is not known could nevertheless be effectively served.

Lord Sumption, in what may be his last judgment as a Supreme Court Justice, also rejected the argument that the EU Motor Insurance Directives demanded a different result.