

12KBW barristers appear in victory for motor insurers against challenge to RTA section 152(2)

Colley v Shuker, UKI & MIB [2019] EWHC 781 (QB)

Patrick Vincent appeared for UKI, and Richard Viney appeared for the MIB, in this case where the High Court considered for the first time whether section 152 of the Road Traffic Act 1988 could be construed consistently with the EC Motor Insurance Directives and the CJEU decision in Fidelidade.

Mrs Justice O'Farrell acceded to UKI's submission that the claim against it should be struck out, leaving the claimant to seek compensation from the MIB or the secretary of State for Transport.

The decision confirms that, despite its apparent incompatibility with the Motor Insurance Directives, section 152 of the RTA still provides motor insurers with a route to avoid RTA section 151 liability.

[Click here to read the full judgement.](#)