

Strict liability

the civilised compensation system



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Presentation overview

- 1. Who RoadPeace is**
- 2. What SL is and what it is not**
- 3. Why we want it (and who else)**
- 4. Who has it and how it works**
- 5. What next**

RoadPeace

National charity with local groups

Key aims

- Provide emotional and practical support to road crash victims
- Campaign for justice for road crash victims and road danger reduction



What strict liability is

Reversal of burden of proof in collisions with VRUs...

the **default** assumption is that the motorist is liable for compensation.

What it is not

It does not

- Affect criminal prosecution. *“Innocent until proven guilty”* applies to criminal justice
- Mean VRUs who cause crashes will be compensated.
- Imply drivers will be ‘victimised’—they are also VRUs and/or the parents of VRUs.

Why....because it is fairer

- VRU victims unable to give evidence.
- Witnesses are rare and often unreliable
- Injury collision investigation is limited.
- Children not held accountable until age 12.
- MV owners can choose
 - a. safety rating of their vehicle
 - b. ABS which do not leave skid marks.
- Worst case scenario better.

Why...because it is safer

Or at least it is **consistent** with

- Defensive driving
- Highway Code
- Sentencing guidelines

And may be **safer**... DfT research study found countries with strict liability have better child pedestrian safety records

Why..because it is healthier

Expedites rehabilitation

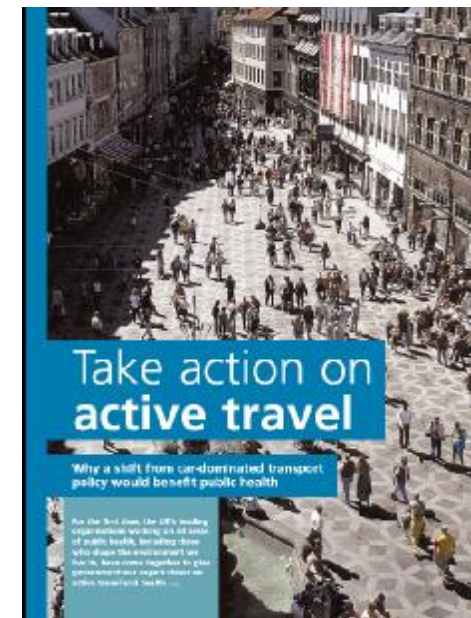
- No time lag with liability dispute
- Victim focus on recovery instead of disability

Promotes active travel

- Active road users to get highest priority on street.

NICE 2008

- *Take Action Active Travel*



And also greener

We need to replace short car trips

- 25% car trips under 2 miles.
- Transport emissions 25% total & increasing
- Climate change plans call for MV travel reduction

But this will not happen without reducing people's fear of traffic.



Who else wants it?

- **Environmental Law Foundation**
Options for Civilising Road Traffic (1998)
- **Safer Streets Coalition**
proposed Road Safety Bill amendment (2005)
- **Mark Lynas** (New Statesman, April 23 2007)
- **Cyclenation & Warrington Cycle Campaign**
- **Play England** latest to call for it



Who has it—who doesn't

Yes

Belgium

Denmark

France

Germany

Netherlands

No

Cyprus

Ireland

Malta

Romania

UK

Who already has it

Country	Year	If victim contributed to collision...
Denmark	1986	No effect with injury compensation but property damage compensation will be reduced
France	1985	No effect if victim under age 16 or over 70 or 20% disabled
Germany	1909*	No effect if victim under 10
Netherlands	early 1990s	No effect if victim under age 14 and others cannot be > 50% liable.

What next?

New EU legislation Rome II (Jan 09)

Primary UK legislation required

Next steps

- APIL/PEOPIL working group to be established
- Key interviews on RoadPeace website

For more information, see

Strict Liability—

a civilised compensation system

discussion paper on RoadPeace website



Do YOU slow
down for
children?



RoadPeace
national charity for
road traffic victims

helpline: 0845 4500 355 www.roadpeace.org

