

## **Motor Insurers' Bureau: Untraced Drivers' Agreement 2003**

**Reclaiming the property damage excess for accidents with identified vehicles, or;  
Compensation for property damage for accidents with unidentified vehicles provided there is a payment for significant personal injury to any victim of the same accident.**

As a result of the Fifth European Motor Insurance Directive, an excess of up to £300 should no longer apply to claims made to the Motor Insurers' Bureau ("MIB") in respect of compensation for damage to property caused by a driver of an identified vehicle under the Untraced Drivers' Agreement.

In addition, claims for property damage compensation under the Agreement, when the liable vehicle is unidentified, should be dealt with provided MIB has paid compensation for a significant personal injury to any victim of the same accident. 'Significant Personal Injury' is defined as that which results in death or for which 4 days or more of consecutive in-patient treatment was given in hospital, the treatment commencing within 30 days of the accident. However, compensation for these claims is subject to a £300 excess.

According to the Directive, these changes should have applied to accidents occurring on or after 11 June 2007.

An amendment to the Agreement between the Secretary of State for Transport and MIB, removed the right of MIB to apply an excess when settling claims arising from accidents with identified vehicles, and provided for compensation for property damage when a Significant Personal Injury payment is made to any victim of the same accident for which an unidentified vehicle is liable. However, these changes to the Agreement apply only to accidents that occurred on or after 15 April 2011.

For claimants whose claims for property damage relate to accidents occurring between 11 June 2007 and 14 April 2011 inclusive the Department for Transport has entered into a formal arrangement with the MIB in order to provide a quick and simple mechanism for redress.

This arrangement takes effect from 1 March 2012 and applies to accidents occurring between 11 June 2007 and 14 April 2011. It can be used for the benefit of victims whose claims as at 1 March 2012, are:

- 1. Already submitted and ongoing**
- 2. Not yet submitted**
- 3. Submitted and concluded**

What you need to do depends on which of these categories your claim fits into:

## ***1. Claims already submitted and ongoing***

You do not need to take any action if you have already told MIB that you suffered some damage to your property. If you have only made a claim for injuries and now wish to add a property damage claim, see section 2 below.

MIB will review your claim and determine whether:

- In the event that the offending vehicle is identified, it can deal with your property damage element without applying an excess, or
- In the event that the offending vehicle is not identified and it has made a payment in respect of a Significant Personal Injury, it can deal with your property damage claim, subject to a £300 excess

These arrangements only apply where any claim for damage to property that has been made, was submitted to MIB within 9 months of the accident. In addition, all other terms, conditions and limitations of the Untraced Drivers' Agreement will apply.

If an award is made in these cases then the contribution to legal costs under the Agreement will be calculated and paid according to the total award made (including any additional payment made under this arrangement).

## ***2. Claims not yet submitted***

If you have not yet submitted a claim to MIB for damage to property and either of the following criteria applies:

- The offending vehicle is identified and your property damage claim is £300 or less or,
- The offending vehicle is not identified

You must submit your claim to the MIB on or before 30 November 2012.

All other terms, conditions and limitations of the Untraced Drivers' Agreement will apply.

If the MIB decides to make a payment to you for damage to property, it will:

- In the event that the offending vehicle is identified, not apply any excess
- In the event that the offending vehicle is not identified and it has made a payment in respect of a Significant Personal Injury, include compensation for property damage, subject to a £300 excess

- In respect of contributions to legal costs:
  - Where the property damage claim is the first notification to the MIB by the claimant in respect of the particular accident, it will make a contribution to legal costs in accordance with the terms of the Untraced Drivers' Agreement.
  - Where the property damage claim now made is an additional head of loss in respect of a previously submitted claim, the MIB will pay the difference between the contribution that would have been paid had all heads of claim been submitted together and any actual contribution already paid.

### ***3. Claims submitted and already concluded***

If you only made a claim for injuries and now wish to make a property damage claim, see section 2 above.

However, if your claim has been concluded and either:

- The MIB has deducted an excess of up to £300, or
- The MIB have not paid your claim for property damage and the only reason was because the offending vehicle was not identified;

you should contact the MIB and ask it to review your claim. The MIB will then make any further payment due or tell you why it cannot make a further payment.

In cases where an additional award is made in reimbursement of the excess in a previously closed case, the MIB will not make any additional contribution to legal costs. In unidentified vehicle cases where an additional award is made MIB will pay the difference between the contribution that would have been paid had all heads of claim been submitted together and any actual contribution already paid.

If you would like the MIB to review your claim under these arrangements, you must contact them by 30 November 2012.

Anyone who believes they are entitled to benefit from these arrangements should contact the MIB as follows:

Motor Insurers' Bureau  
 Linford Wood House  
 6-12 Capital Drive  
 Linford Wood  
 Milton Keynes  
 MK14 6XT

Telephone Number: 01908 830001