



Staying legal behind the wheel

Driving at work affects most businesses – so it's essential for employers to remain on the right side of the law. **Mark de-Villamar Roberts** answers some frequently asked questions.

Q. I run a small business. My employees and I all use the company van. What are our legal requirements in the event of an accident

As soon as the vehicle is involved in an accident, the driver needs to take the following steps to ensure they don't break the law. The duties are to stop, to give information, in some cases to produce your insurance certificate and in some cases to report the accident to the police.

If, as a driver, you are involved in a road-traffic accident and one or more of the following occurs:

- a) a person, other than yourself, is injured,
- b) damage is caused to another vehicle or to someone else's property,
- c) an animal has been killed or injured, except in your own vehicle or trailer.

You must:

- a) stop and remain at the scene for a reasonable period
- b) give your vehicle registration number, your name and address, and that of the vehicle owner (if different), to anyone with reasonable grounds for asking for those details
- c) If you do not exchange those details at the scene, you must report the accident at a police station or to a police constable as soon as you can, and in any case within 24 hours.

Q. Are there any extra requirements if somebody is injured?

Where injury is caused to another person, then in addition to the above you must also produce your certificate of insurance, if anyone at the scene has reasonable grounds to see it. If you do not, you must report the accident at a police station or to a constable as soon as you can and in any case within 24 hours. You will need to produce your certificate of insurance. If you don't have your certificate of insurance when reporting the accident to the police, you may take it to the police station you nominate when you report the incident. You must do this within seven days of the accident.

Q. What practical advice would you give to an employer or driver involved in an accident?

1. Provided you comply with the requirements to stop, exchange information and in injury cases to produce your insurance, there is no automatic obligation to report an accident to the police.
2. Accordingly it's wise to keep your insurance certificate in the vehicle.
3. Reporting the accident to the police by telephone is not sufficient and you cannot ask someone else to report for you.
4. You're obliged to do these things not only when you are directly involved in an accident, but also if your vehicle's 'presence' was a factor.
5. If you hit a cat or wild animal, there is no obligation to report it, but you must ensure that the animal is not injured or suffering. If so, it is good practice to contact the RSPCA.
6. If you have any doubts as to whether the preconditions apply, we advise you to complete the above steps as soon as the accident happens, regardless of who was at fault.

7. Call 999 (112 from most mobiles) immediately if
 - any of the people involved are in need of urgent medical attention (ask for an ambulance)
 - the road is blocked or damaged (ask for the police)
 - someone leaves the scene without exchanging details (ask for the police)
 - there's a hazard including risk of fire from leaking petrol
 - any suspicion that the other driver may be intoxicated through drink or drugs
8. Make sure you have the full names and addresses of the other parties involved, their vehicle registration numbers (together with make, model and colour) and the names, addresses and policy numbers of their insurance companies.
9. Make sure you have the full names and addresses of any eye-witnesses involved (including all passengers), and their vehicle registration numbers (together with make, model and colour).
11. Always keep an accident pack in the car. This should consist of a notebook, pen and camera, or your mobile phone if this takes pictures. In the event of an accident, make a sketch at the scene. Remember to note as many details as you can such as street names, vehicle locations and direction of travel, skid marks, collision points and vehicle damage. Use the camera to take photos showing the road layout, position of vehicles and their damage.
12. Record any other details you think may be important eg. use of mobile phone, if you think the driver of the other vehicle has been drinking, weather conditions etc.
13. Make a note of, and tell your insurers about any statement made at the scene by any of the parties or witnesses. Do not discuss whose fault it was. If you do, you could create problems for you and your insurers in the handling of your claim. Do not admit liability under any circumstances.
14. This rule applies not just at the scene of the accident but also if you receive a telephone call from the other driver or his insurer after the accident. In general terms you should avoid speaking with the insurer of the negligent driver after the accident and should seek assistance from your insurance company and/or a solicitor in responding to any correspondence you might receive.
15. It will also be a condition of your insurance policy that you report the accident to your insurance company within a reasonable time, even if you do not want to claim yourself. A failure to do so can give your insurance company the right to refuse to cover you. You should report all accidents to the insurance company, whether reportable or not.

Mark de-Villamar Roberts is head of Langleys Solicitors' Equine Law Group which offers one of the largest and most experienced

commercial legal teams dedicated to advising businesses and individuals in the equine sector. Mark can be contacted at tel 01904 683051 email mark.roberts@langleys.com or visit www.equinelawyers.co.uk

Langleys