

Ralli Ltd

Ralli Ltd is a leading personal injury firm based in Manchester. For a free consultation, call our no win no fee personal injury solicitors on 0800 652 9515.

<https://rallisolicitors.co.uk>

Automatism: A Flawed Defence?

It is an unfortunate statistic that many of us will be involved in a road traffic accident at some point in our lives, with the party at fault compensating the blameless victim.

There are however, cases where a blameless victim in an accident, sometimes left with catastrophic and life-changing injuries, are left with no form of compensation following a successful defence of Automatism.

Automatism is where a party may experience today loss of control through no fault of their own. These can include but are not limited to sudden heart attacks, hypoglycaemic attacks or sudden illness.

For a successful defence of Automatism to apply, the onus is on the Defendant's to prove that on the 'balance of probabilities' that there was a total loss of control and that there was an absence of fault in the lead up to the point where control was lost.

Automatism when successfully applied is a complete defence when proven, leaving claimants with little options to deal with the aftereffects of an accident through no fault of their own. Unfortunately, it remains fact that each matter dealing with allegations of automatism are case specific and relies solely on the ruling of a presiding Judge.

Despite schemes such as the Motor Insurance Bureau existing to compensate victims of uninsured and untraced drivers, there remains to be a scheme within the UK to provide compensation and assistance for those who have suffered an accident successfully defended with automatism.

Although a relatively rare defence in both civil and criminal cases, it remains to be seen whether developments in the law will accommodate a flight and unclear defence.