

Issue Date: 19<sup>th</sup> June 2009

## Helphire wins landmark legal case

In a landmark judgment handed down on 17<sup>th</sup> June 2009 in the cases of Copley-v-Lawn and Maden-v-Haller, Helphire's appeal against earlier judgments was upheld in full.

The appeal considered the common situation where, following a road accident, the at-fault insurer intervenes to offer a 'free' car to the not-at-fault party.

In Copley v Lawn and Maden v Haller, the not-at-fault parties had hired cars from Helphire and the at-fault insurers had offered to provide alternative vehicles 'free of charge' refusing to pay Helphire's charges.

The at-fault insurers argued that the not-at-fault parties behaved unreasonably by not taking up their offer and should not be entitled to any recompense. Helphire argued that, as an absolute minimum, the not-at-fault parties were entitled to recover the amount it would have cost the at-fault insurer to provide the replacement vehicle.

The judgment established that:

- It is not unreasonable for a Claimant to reject or ignore an offer from an insurer which does not make clear the costs of providing the hire vehicle;
- If a Claimant does ignore an insurer's offer, the Claimant is still entitled to recover at least the cost which the insurer would reasonably have incurred.

Martin Ward, Group Managing Director said of the appeal led by Peter Holding, Group Legal Director:

"This clear judgment vindicates the position that Helphire takes in the provision of replacement vehicles to the innocent parties of non-fault accidents. In particular the judges were critical of the methods used by the third party insurers in approaching not-at-fault parties. In light of recent publicity, the judgment clarifies the legal landscape and raises strategic implications for the future of intervention activity within the credit hire industry."

Permission to appeal was denied however the insurers concerned could appeal direct to the House of Lords.

- Ends -



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**About Helphire**

Helphire Group plc is the market leader in the provision of accident management assistance to drivers involved in road accidents that were not their fault. Working with the UK's top insurance companies, its services include provision of like for like replacement vehicles, financing of vehicle repairs, legal expenses and the management of personal accident claims.

Helphire was founded in 1992 and floated on the London Stock Exchange in 1997. With a staff of over 2,600 and a fleet of over 17,000 vehicles to meet its customer requirements, the award winning Group is headquartered in Bath. Operating under three divisions, UK Accident Management, Legal Services and Helphire International, the Company has six call centre sites and a national network of 30 branches.