

## CHAIRMAN'S WORDS

Dear Member,

Not long now to the AGM in May. The year appears to have flown by while the weeks of mixed seasonal blessings seem to have gone on forever. Sometimes I can't help but think about all that I had on my 'to do list', see it ticked off but can't recall when I managed to do these things.

Life is a bit like a car journey with some nice scenery we remember long after we arrived. Some of the more mundane tasks run quietly in the background, apparently fully automated. Other memories result from incidents we may have come across along the way, e.g. accidents or lapses in our own performance, which make us reflect and hopefully consider ways to improve ourselves and keep us safe.

I remember a colleague from Bristol once saying to me: "we look with our eyes but see with our brains!" What true words, particularly as the eyes are an extension of our brains but we tend to separate them most of the time.

Drive safe!

**Frank Dahmen, Chairman**

## NEWS ITEMS

### DASHCAM REQUESTS

If you witness an incident of dangerous driving and your vehicle is fitted with a dashcam then police are requesting Police forces are appealing for motorist's dashcam footage in a bid to catch dangerous drivers.

Dashboard-mounted cameras, which cost around £70 to install, are used by thousands of drivers in the UK. Many use them to protect against false claims or insurance premiums but now forces are planning to make the most of the cameras and are appealing for drivers to send in footage of other motorists breaking the law.

Daily Mail Reporter, 5 Jan 2014 <http://www.dailymail.co.uk/news/article-2534042/Send-dashcam-videos-catch-dangerous-drivers-Police-appeal-public-evidence-motorists-behaving-badly.html#ixzz2t6eJR67H>



### SPEEDERS ESCAPE JAIL



Two men have avoided jail after being caught driving at 144mph on the A19 in North Yorkshire. Both drivers were captured by North Yorkshire Police's mobile safety camera just after 12pm on 30 November 2013, driving at 144mph in close convoy with each other on the A19 southbound carriageway near Crathorne.

Both men pleaded guilty to dangerous driving and were given four-month jail terms suspended for 18 months, and banned from the roads for three years. They were also each ordered to carry out 300 hours of unpaid work and fined £85 and ordered to pay a £60 victim surcharge.

## SINK HOLES

Ever had that sinking feeling when you open the front door in the



morning and wonder where you left the car? Did you leave it on the road, parked in the garage, or has somebody stolen it? The last thing you'd probably think of is



that it might have been swallowed up by the ground. This is what happened to the Volkswagen Lupo, owned by teenager Zoe Smith, which ended up at the bottom of the 30ft sinkhole, which open up on the driveway of her house in Buckinghamshire.

The car was just identifiable through its muddy covering.

Daily Mail Reporter, 2 Feb 2014 <http://www.dailymail.co.uk/news/article-2550523/The-Home-Counties-sink-hole-swallowed-CAR-Family-flee-village-home-VW-disappears-30ft-deep-crater-appeared-overnight.html>

## M2 SINK HOLE

A sinkhole measuring about 17 x 7 ft and approximately 15 ft deep has closed the M2 motorway and as with the incident above, it is being blamed on the wet weather. Dozens of engineers are investigating the hole near Sittingbourne in Kent but the Highways Agency is refusing to state when the motorway could reopen. <http://news.sky.com/story/1210020/sinkhole-keeps-m2-closed-over-safety-fears>



# REPLACEMENT MOTOR VEHICLES

If your vehicle is damaged as a result of a road traffic collision (RTC) then the subject of replacement motor vehicles is likely to be something you might have to sort out. This article sites an extreme case which proved to be a very expensive lesson for the claimant concerned.



In the case of Singh v Yaqubi [2013] the Claimant was a wealthy businessman and partner in a property development business. As part his work within this business he drove a Rolls Royce which was one of a number of prestigious cars to which the partnership had access. The Rolls Royce was involved in a road traffic collision, with a vehicle being driven by the Defendant. The rear door of the Rolls Royce was damaged.

The Claimant sent the vehicle to a specialist dealer for repairs and hired replacement vehicles, first a Bentley, and then a Rolls Royce. The cost of hire for the replacement vehicle was £2,000 per day and this formed part of his claim against the Defendant for the cost of the repairs to the door of his Rolls Royce. He submitted a claim in the sum of **£92,953.90**, representing the cost of hiring a replacement vehicle. The Judge allowed the claim in relation to the damage to the Claimant's car but when he considered the claim for hire charges the judge took a different and interesting line. He raised the question of **'whether the ever-increasing insurance premiums of the ordinary motorist, particularly one struggling to make ends meet and needing a modest car to go to work, should in some part be used so that the rich may continue at no expense to themselves to be filled with good things that they think they need.'**

The Judge further stated that the Defendant had been entitled to be presented with clear factual evidence of need on the part of the Claimant, but that the Claimant had failed to provide clear evidence of a need to hire a replacement vehicle. This was particularly relevant because the partnership had other vehicles at its disposal and no evidence had been made available as to the use of those other vehicles or any evidence of the use of the claimant's vehicle and the replacement. The Judge dismissed the claim for hire charges and the Claimant appealed.

- that there had been a temptation to give a perverted judgment on liability.
- The defendant had not proved that the claimant had no need for a replacement car.

**The Court of Appeal dismissed this appeal** and observed that the fair-minded and informed observer would not have doubted the ability of the Judge to consider the evidence fairly and objectively. Such an observer would have been well aware that Judges were not infrequently placed in a position where the application of legal principles to the evidence required them to reach a conclusion contrary to moral views they themselves might have held or views that they might have held on social values. Something mid-range then if I ever need a replacement for my 10 year-old Jaguar!

**Alan Scott-Davies LLB (Hons)**

**Legal Lifeboat Services** [www.legal-lifeboat.co.uk](http://www.legal-lifeboat.co.uk) Email: [alan211157@gmail.com](mailto:alan211157@gmail.com)

## HEADWAY PRESENTATION - 30<sup>TH</sup> JANUARY 2014

Wendy Pengalli and her colleague Georgina from Headway Hurstwood Park were our guest speakers at the January meeting and they expertly and passionately talked us through their Charity's aims and objectives, as well as its challenges. Headway Hurstwood Park is a local Charity, affiliated to Headway UK, which operates in the area of Acquired Brain Injuries (ABI). ABIs are defined as any injury or trauma sustained after birth and contributing factors vary greatly but may involve road traffic incidents. Due to the complexity of the brain the effects of an ABI are very individual to those involved and vary from little noticeable impacts to very severe and life changing outcomes, requiring extensive and expensive rehabilitation and ongoing care.

Unlike Alzheimer's and other forms of dementia, which progress over time and allow individuals and their families some opportunity to "adapt and adjust", the effects of ABI are fairly instant and without warning, providing substantial socio-economic challenges, especially to those of a younger or working age.

Headway Hurstwood Park aims to provide advice and services to anyone with an ABI and their families in the locality, which covers from Bexhill, to Burgess Hill and Crawley. The charity is totally self reliant and, current local government spending on social care in this area is very much limited to clients with substantial and critical care needs. As a result those falling into the moderate category are in limbo, they are not necessarily fit to return to work and may still have life changing care needs. The work done by this charity through their: Monthly Support Groups, Counselling Service, Day Services and Outreach Support is far better explained on their web site at [www.headway-hp.org.uk](http://www.headway-hp.org.uk) through the short video that is available there.

I would urge you all to visit this web site and see for yourselves how they support ABI victims and perhaps examine ways in which you could help this organisation by way of fundraising or just a few hours of your time. A very thought provoking presentation! Should you wish to know more, Headway's details are as follows: Headway Hurstwood Park, Headway House, Jackies Lane, Newick, BN8 4QX. Tel: 01825 724323. Email: [info@headway-hp.co.uk](mailto:info@headway-hp.co.uk)

**Written by Frank Dahmen and Malcolm Taylor** Visit by (<http://www.headway-hp.org.uk>)

## DRIVING POLL

Of almost 1,500 drivers polled, only 60% of drivers were said to concentrate when behind the wheel. The survey by Vision Critical did, however, also have some good news. The positive side to this is that older drivers are much less likely to lose concentration while driving. 73% of over 65 year-olds say they concentrate on the road all of the time that they are driving. 26% said that they concentrate most of the time.

That said, 50% of younger drivers aged 18-24 admitted to not concentrating on driving 100% of the time. Not far behind, 47% of 24-34 year olds admit to not concentrating and the reason given for a wandering mind? Nearly a quarter of drivers said that daydreaming was the most common reason for not concentrating. Among 18-24 year-

olds the figure was 30%. Other reasons given for not concentrating included stress, thinking about what you will be doing when you arrive at your destination and thinking about family, friends and personal relationships.

Commenting on the survey's findings, IAM chief executive Simon Best said: "Signs of not concentrating such as missed turnings or uncancelled indicator lights are commonplace. Simply not concentrating is a key cause of crashes yet it is not borne out in statistics because drivers rarely admit to it in police reports or on insurance forms.

"These results reconfirm stereotypes surrounding younger drivers and the ease with which they can be distracted away from staying safe. The key is to build up as wide a range of experiences as possible as you learn and to look upon your driving as a skill that needs continuous improvement."

Compiled by **Peter Hodd, Training Officer** Email [rospa.trainer@mail.com](mailto:rospa.trainer@mail.com)

## GOODWOOD SKID PAN TRAINING - 27 APRIL

Following the success of the course held last November, a further half day Skid Pan Training course has been booked for April 2014. I am still working my way through the waiting list but I am happy to add to this list for future courses later in 2014.



Email [hilary@hilton-it.co.uk](mailto:hilary@hilton-it.co.uk) if you are interested

## UPCOMING MEETINGS & EVENTS

DATE	DETAILS
27 <sup>th</sup> March 2014	Accidents – Rare, Random Events with Multiple Causes
29 <sup>th</sup> May 2014	AGM + Representative from South East Driveability Services
31 <sup>st</sup> July 2014	TBC

As always the committee of Sussex RoSPA ADA try and ensure that we have an array of interesting and varied speakers to address us at our bi-monthly meetings. We always welcome ideas from our members and would ask that you never hesitate to email me: [hilary@hilton-it.co.uk](mailto:hilary@hilton-it.co.uk)

I would like to extend a warm welcome to all our new members and of course our existing ones – please do come along and feel free to bring a guest with you.

**Advanced Notice:** Our next meeting on Thursday, 27<sup>th</sup> March will commence at 7.15pm with refreshments, ready for a 7.30pm start. We will be congregating at our usual venue: Sussex Police HQ, Malling, Lewes, BN7 2DZ – all members and their guests welcome.

**Please Note:** Due to staffing cut backs Sussex Police no longer have someone on duty at the entrance and this position is therefore manned by a member of Sussex RoSPA. Can you please arrive in good time to ensure that the person on duty at the gate is able to get back inside the building in time to listen to the speaker?

Email [hilary@hilton-it.co.uk](mailto:hilary@hilton-it.co.uk) for your views to be included in the next issue.