



FRANK ELSON

Frank has been involved with Land Rovers for more years than he cares to remember. These days he drives a P38 Range Rover.

Third party time

When one has been writing for a few years on a subject such as motoring, then it's perhaps not surprising how often the same situation pops up. I've lost count of how many times I have written, in magazines and for a few years now on the internet, about insurance but, as the subject cropped up earlier this year involving a friend who I know reads my columns, I guess it has to be time to try to get the message over yet again.

My mate called round, driving his missus' car and told us that his beloved Ninety V8 was being "written off" after a twonk came out of a side road and hit him on the front nearside corner, spinning his Ninety into a wall.

I had just two questions: Was the twonk insured? Answer, "yes"; and was it 100 per cent his fault? Answer, "he came through a stop sign, out of a side road, so definitely yes again." Then I said, "So your motor is not going to be written off then. It wasn't your fault."

"I know, I've explained all this to my insurance company but they still said it will cost too much to rebuild the Ninety, so they're going to write it off. I might be able to buy it back off them though and rebuild it myself."

At this point in the story, whether it be in the pub, or on the internet, I start to get agitated and stressed out as I try to remember how many times I have written, or said, the same thing.

Okay, deep breath, relax Frankie, and here goes...

You buy your car insurance and, even if you have fully comprehensive, it includes third-party coverage.

This third-party coverage means that your insurance company will sort out, financially, anyone that you do damage to with your motor vehicle.

If you hit a pedestrian, they claim from your insurance; if you go through a plate glass window, the window owner claims from your insurance; if you hit another car that car owner claims from your insurance.

There is no need for those third parties to claim through their own insurance, although, in the case of motor cars, their insurance company will need to be informed.

So, turn it around. If another, insured, motorist causes damage with his car to your car then you claim through his

insurance, while informing your insurance that you are doing so. You are NOT claiming from your own insurance.

Now, here's the difference. If, when you have to claim from your own insurance company, your insurance company can invoke the small print and talk about writing the car off because it is uneconomic to repair.

However, when it comes to a third party claim, the other insurance company does not have that luxury with you. The damage to your car doesn't matter. It can be a small scratch or a complete wreck. That insurance company hasn't got a get out clause.

But that doesn't stop them trying. They have whole departments of young men who are paid to find any way they can not to pay out on claims. And, perhaps more crucially, your own insurance company has a similar department. They don't want to rock the boat and they don't want to spend any more money than they have to. So, because you are not claiming through them, you are going to have to fight the other insurance company by yourself.

So you stick to your guns. First off they will tell you that the vehicle is uneconomical to repair. You write back telling them that is not the issue. The issue is that their client caused damage to your vehicle and they are contracted to pay to put that damage right, the actual damage being immaterial.

Oh, and by the way, you will need to hire another vehicle while yours is off the road – the cost of

that hire to be borne by them as well, as you are an "aggrieved third party".

To be honest, you will probably need to hire another vehicle anyway, because it will not end there; they'll keep you hanging as long as they can. Six months, a year, is not uncommon.

After a couple of months, as well as the hire car, threaten to go to the Financial Ombudsman (all costs incurred by you to be added to their bill) and even to a solicitor to sue them – again with all legal costs to be added to their bill.

The way they work is by bullying and time-wasting. Once they realise that you will not be bullied, and their time-wasting is going to cost them even more money, they will cave in.

They have to, because YOU are the third party.

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