

Careful Driver Not Responsible for Death

An unavoidable collision is the secret nightmare of many drivers, especially one in which death or serious injury results.

A recent case will reassure drivers who are careful and obey speed limits that the risk of repercussions as a result of an accident which they can do nothing to prevent may be less than they suppose.

The accident involved a man who had consumed between five and seven pints of beer. He was sitting at a bus stop talking with a friend when suddenly, in the middle of a conversation, he got up from the bench and walked into the road. He was hit by a motorist who was driving within the speed limit and with reasonable care. The man is now in a persistent vegetative state.

The injured man's family sued the driver. In court, the judge considered the circumstances at length. He said that it would be 'wholly unreasonable' to conclude that immediately prior to the accident the driver had suddenly stopped being careful. He had no time to react and the only way he could have avoided the accident would have been for him to have anticipated the man's sudden step into the road. The judge warned that the court must be careful not to overestimate what was possible when determining the standard expected of a reasonable driver.

The claim was dismissed.

For drivers, this case will provide assurance that if they are careful and law-abiding, they can expect to be protected by the courts from being held responsible for injuries sustained in accidents which they could, in practice, have done little or nothing to avoid unless, by sheer luck, they were paying attention to the relevant factor at precisely the right time. It is not necessary to be a perfect driver, just a competent, careful and law-abiding one.

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