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### **Possible Rights and Remedies under EU Law**

The health care systems and social security, in all European Member nations, are one of the most vital compensation sources for damages and losses regarding personal injury, like road accidents. Now, the guarantee funds exist in almost all EU countries. They countries provide compensation to a sufferer when the motor car involved in a road accident is uninsured or when the car's driver is uninsured or unidentified. Though, this financial support exists and is supposed to compensate completely and honestly. (Berry, Homewood, & Bogusz, 2013; Fedtke, 2003)

In many EU countries, a mechanism of compulsory third party liability insurance for drivers operates, through which the insurer of the liable party will give damage compensation due to a road accident. In this system, for compensation the sufferer can generally apply directly to the liable party's insurer and the insurer is required to act in response within a given time period. The sufferer can also claim directly from their own insurer in some EU countries under the EU law. (Craig & de Burca, 2011)

The sufferer, in several jurisdictions, will have an option to make as to whether they aspire to apply to the insurer of liable party or look for compensation directly by the procedure of court. According to the EU law, Malcolm and Ricky or their attorneys, can apply to the Personal Injuries Accident Board (PIAB) for evaluation before entering into court proceedings (Jacinto & Aspinwall, 2004). After that, the PIAB evaluates the intensity of injuries and delivers an evaluation's copy to the sufferers and the alleged liable parties. If it is received, the PIAB concerns the liable party with an order to pay. On the situation of rejection by the individual addressed as being accountable, the claim of personal injuries proceeds to the law courts. Moreover, if the PIAB does not deal suitably, permission is provided to proceed to the system of court. In situation of a property damage claim, the court system can directly deal with this claim. (Jacinto & Aspinwall, 2004)

Expenses or costs for medical interventions are generally completely recoverable according to EU law. Some differences are there in the duty level to reduce expenses. Merely public

healthcare in some EU Member will be considered. A situation in which the sufferer prefers private health care, the overall expenses will be refused unless vindicated by need or reimbursed on the basis of costs related to public healthcare. The medical related expenses must be essential; though, most of the EU states make reference to the conditions of necessity as well as requirements is about all over the place interpreted mostly. (Fairhurst, 2012)

Under the EU law, medical expenses in all EU states incurred after the compensation for personal injury. An extensive array of medical care and medication is covered by this and comprises medical expenses for past as well as for future. Medical damages generally awarded in law courts or through insurers may be minimised if these costs are considered as unreasonable. Proof is required by most EU countries that medical costs charged were essential, and will look for recommendations of medical experts to check them. Medical costs are covered to the degree that they cover the sufferer's injuries. (Vereeck & Vrolix, 2007; Fairhurst, 2012)

### **Malcolm's Case**

The accident of Malcolm was on the A5, a major road in England and Wales. The main cause of this accident was black ice on the road that Staffordshire County Council had failed to treat. The council is the top leading local authority in England for the non-metropolitan county of Staffordshire. In this case, the liable party is Staffordshire County Council because it has the authority to manage and operate the A5 major road, mainly in winter seasons.

### **Ricky's Case**

The accident of Ricky was on the M6 Toll Road and some un-cleared snow was the main reason. Midland Expressway Limited owns and operates the M6 Toll Road. It is a private organisation with government concession to manage the traffic of the road. As in Malcolm case, Midland Expressway Limited is liable to this accident.

### **Road Safety Strategies**

The new government has worked on initiating a structure to sustain falling quantity of fatalities on UK roads.

The general design and thought of the framework is imitated on the government's rule of localism. This will spotlight on a further embattled approach to implementation to undertake the

careless few. It has a greater stress upon the role for learning focusing on the improvement of driving principles in the course of education and training.

Department for Transport assessed the security performance of motorbike helmets. Then it published rankings and ratings under the Safety Helmet Assessment and Ratings Program- considering the digits of ratings printed to 150. (Fairhurst, 2012)

### **Recommendations for More Maintenance and Public Safety**

So as to maintain mobility and traffic/public safety across the UK roads during the winter seasons, a package of following most important steps are necessary to consider and endorse as law in the UK Parliament (Communication from the Commission COM, 2003).

- Roadway construction to support the effective provision of activities related to winter service highway clearance;
- The winter equipping of the users' motor cars;
- The efficiency and effectiveness of the activities related to winter service highway clearance;
- The measures of traffic influencing- and restricting on main roads and highways with incidence of heavy traffic;
- Appropriate initiatives for guiding drivers in case of delays and tailbacks due to snow, to mitigate traffic jamming; and
- Innovative and more sophisticated technologies to assist car drivers especially during wintertime.