

## **The complaint**

Ms A complains that Admiral Insurance (Gibraltar) Limited has unfairly handled her motor insurance claim when it considered her at fault for an accident.

## **What happened**

Ms A has a motor insurance policy for her car which is insured through Admiral.

When making a manoeuvre to park, Ms A says that another car hit her. She reported the accident to Admiral and, after inspecting her vehicle it was decided it was beyond economical repair.

Admiral made a claim against the third party's insurer, but they disputed liability. They said that Ms A had been driving in the opposite direction and turned into the lane of their policyholder. So they said Ms A was at fault. Admiral accepted liability for the claim.

Ms A was unhappy and complained to Admiral. She said that the road had been clear before she crossed into the other lane and the third party was speeding which caused the accident. So she didn't agree that it was her fault. She wanted Admiral to reinstate her no claims bonus and pay compensation. Admiral explained that the damage to the vehicles supported the explanation of the incident provided by the third party. Admiral said that the onus was on Ms A to ensure the road was clear. It also said that it couldn't prove that the third party was speeding and couldn't consider that unless there was a prosecution.

As she remained unhappy with this outcome, Ms A brought her complaint to this service. Our investigator looked into the matter but didn't uphold the complaint. She didn't think that Admiral's decision to say Ms A was at fault was unreasonable.

Ms A disagreed with our investigator. As no agreement could be reached, the matter has been passed to me to decide.

## **What I've decided – and why**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

It is important to point out that we are an informal dispute resolution service, set up as a free alternative to the courts for consumers. In deciding this complaint I've focused on what I consider to be the heart of this complaint rather than commenting on every issue or point made in turn. This isn't intended as a discourtesy to Ms A. Rather it reflects the informal nature of our service, its remit and my role in it.

Ms A is unhappy that Admiral has held her responsible for the accident that happened. I should start by saying that it isn't for me to decide who caused the collision Ms A and the third party were involved in, or to decide on whether someone was speeding or driving without care – that's a matter for the courts. My role is to look at whether Admiral acted in a

fair and reasonable manner, and within the terms and conditions of the policy in the handling of the claim.

As set out in the policy terms and conditions, Admiral has the right to investigate, defend and settle the claim on Ms A's behalf. This is a common term in motor insurance policies. This allows Admiral to decide liability for the claim. But we would expect an insurer to reasonably investigate a claim and consider the evidence available before making a decision on liability.

The accident occurred when Ms A wanted to park on the opposite side of the road. She crossed the path of the traffic coming towards her to do so. The third party said that Ms A attempted a U turn in front of them and it was at this point they collided. I've seen photographs of the vehicles, and I can see that Ms A's car was damaged down the passenger side and the third-party vehicle had sustained damage to the front bumper and grills. These images would appear to support the explanation that Ms A's vehicle was across the lane and in the path of the third party when the accident occurred. I can understand how these images and the statement provided by the third party could cause Admiral to consider Ms A to be at fault.

Ms A disputes that she is responsible and says the road was clear when she turned and that the third party was speeding. She said they had assumed she was trying to complete a U turn and didn't slow down. She also commented that CCTV footage wasn't obtained which would prove that the third party was speeding.

I fully appreciate Ms A's strength of feeling on this matter and why she feels Admiral should have done more to defend her case. And I understand the financial implications of having this recorded as a fault claim. I've therefore thought about these points very carefully.

Admiral has explained that the onus was on Ms A to exercise caution as she was the one pulling into the path of the other driver, who had right of way. And it has said that there isn't any evidence to confirm that the third-party was speeding. Without a prosecution, Admiral says it would be difficult to deny liability on this basis. In relation to the CCTV, Admiral said it wasn't made aware of this being available at the time, nor was information provided such as the location of the CCTV camera site or any details about what the footage would have covered that would prove Ms A wasn't at fault.

While I know this will be disappointing for Ms A, I'm not persuaded that Admiral has acted unfairly. I have considered Ms A's views about the speed the third party was travelling at. However, an assessment of the speed at which a vehicle is travelling, in the absence of equipment to provide an accurate measurement, such as a speed camera, will always be subjective. I therefore don't think Admiral's decision to not take account of Miss A's views about the third party's speed of travel, on this occasion, is unfair. Considering the damage to the vehicles, along with the information about the responsibility of road users making the type of manoeuvre Ms A was attempting, I'm satisfied that it was reasonable for Admiral to decide liability the way that it did. So, I don't require Admiral to do anything more.

### **My final decision**

As detailed above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms A to accept or reject my decision before 21 October 2025.

Jenny Giles  
**Ombudsman**

