



## RALLY DRIVER LOSES £2 MILLION DAMAGES CLAIM

In the Court of Session Action by Raymond Munro v William Sturrock 2010 CSOH 116, Lord Uist has issued his Decision absolving Mr Sturrock from any liability.

Mr Munro, the Pursuer, raised a Damages Action against Mr Sturrock trading as Scotmaps. The claim arose out of an accident when Mr Munro, a Rally Driver, was competing in the Speyside Stages 2004 Rally. As a result of the crash he claimed that he had suffered psychiatric injury and wasn't able to concentrate on his business interests.

Mr Sturrock, the Defender, specialized in providing route notes and produced such notes and a DVD for competitors at the event.

The Pursuer claimed that the route notes were accurately passed to him by his co-driver and that, on the basis of the assessment of a bend, as contained in the notes, he approached the bend at an appropriate speed. He said that a tyre went over a wall foundation which threw the car offline, he was unable to steer it through the bend and he crashed. It was alleged that any competent assessment of the route would have noted the foundations of the wall and that the assessment should have shown the angle of the bend at substantially more than it actually did. In particular, the bend was assessed in the notes as being approximately 40 degrees when it was claimed, it should have been assessed as 70 degrees. Had it been assessed at 70 degrees, he would have approached it differently.

The Defender denied the allegations and said that the route notes accurately assessed the bend although they were not and weren't intended to be scientifically or mathematically accurate.

The Court heard evidence from various witnesses for both parties, many of them having extensive rallying experience. The Defender's evidence included that of a Surveyor. He had measured the angle of the bend at 30 degrees in what was described as "a mathematically accurate topographical survey."

Not surprisingly, Lord Uist took the view that the angle of the bend was the crucial issue and he found that the description of the bend in the route notes did not need to be mathematically accurate and was within the range of acceptability. Although the survey had been carried out in 2009, some five years after the accident, Lord Uist said it was clear from all the evidence that there hadn't been any material change in the road layout between these two dates. He accepted the Surveyor's evidence and rejected any evidence which contradicted the angle of the bend as 30 degrees. Although the route notes had described it as a 40 degree bend, Lord Uist pointed out that it wasn't suggested that it was wrong or negligent to describe a 30 degree bend as a 40 degree bend.

There had been a subsidiary argument over whether or not the standard of negligence to be applied to Mr Sturrock in preparation of the route map was the ordinary standard or the professional negligence standard. However, as Lord Uist was satisfied there was no error by the Defender in the description of the bend, it was unnecessary for him to decide which standard of negligence applied.