

complaint

Mr T complains that Southern Rock Insurance Company Limited has not settled his claim under his motor insurance policy and about its valuation of his motorbike.

background

Mr T's motorbike was declared a total loss after it caught fire. Mr T has explained that his motorbike was off the road for a number of years so that its mileage would not increase which would maintain its value. Southern Rock has, however, refused to settle the claim on the basis that the motorbike did not have a valid MOT in place and Mr T could not produce a valid SORN certificate. It also had other concerns about his address and asked for evidence that Mr T had regularly maintained the motorbike.

Mr T is unhappy at the way Southern Rock has dealt with matters and says it has unreasonably refused and unnecessarily delayed settling his claim. Southern Rock has also valued the motorbike at £4,825 although Mr T considers it was worth £5,000.

Our adjudicator did not recommend that the claim should be upheld. In summary, he considered that:

- Mr T had a reasonable explanation for why the motorbike was off the road. He had also explained the issue about his address and provided clear evidence that it was being kept in a garage at the risk address. He had explained that he had regularly maintained the motorbike with yearly oil and filter changes but the receipts to prove this had been destroyed in the fire.
- Mr T's policy said "*Your policy does not cover any accident, injury, loss or damage whilst the Motorcycle insured under this policy ..., where such regulations require, does not have a current M.O.T certificate.*" The regulations do not require Mr T to have an MOT where the motorbike is being kept off road but he must have a SORN if it is not being kept on a public road. Therefore, by law, it must have a SORN. Mr T has confirmed that his motorcycle was not taxed at the time of loss.
- But there was no evidence that Mr T had declared the motorbike SORN at the time of the loss and although he said he had supplied Southern Rock with a photocopy of the SORN it had not accepted it as the SORN was made 14 days after the date of the loss. Southern Rock was reasonable in declining to deal with Mr T's claim under the exclusion mentioned above.
- Having consulted both CAPS and Glass's motor trade guides Southern Rock's valuation of it appears reasonable.

Mr T does not agree. He says he has provided the SORN and the DVLA has all the records. It is unfair that Southern Rock is now saying his motorbike is worth nothing. He is considering taking the matter to the small claims court. He has asked for an ombudsman review.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Having done so, I agree with the conclusions reached by our adjudicator for broadly the reasons given.

The simple facts remain that Mr T took his motorbike off the road, stored it in a private garage and should have declared a SORN. But he has not been able to provide any evidence that he had done so at the time of the fire and the motorbike's loss. Consequently, as there was no SORN I consider he should have had the motorbike taxed which would have required it to have had a valid MOT under the provisions of the law and relevant regulations. But it did not.

As such I consider that Southern Rock has acted reasonably in declining Mr T's claim on the basis of its policy exclusion.

Overall, although I recognise Mr T's frustration I see no compelling reason to change the proposed outcome in this case.

My role as an ombudsman is to consider the individual complaint and decide whether something has gone wrong. But a court may take a different view of the situation. Should Mr T not accept my final decision then any rights he may have to take action in the courts against Southern Rock are unaffected and he will be free to pursue his arguments in any court action that may arise, if he so wishes.

my final decision

My final decision is that I do not uphold this complaint.

Stephen Cooper
ombudsman