

## **Learner Driver 'Was Worst Ever'**

A driving examiner is suing for damages after claiming he was injured by the worst learner driver he has ever seen.

Andrew Carmichael alleges he suffered a whiplash injury after an exam candidate braked harshly, forcing another car to take evasive action.

Mr Carmichael said he recorded 14 faults with the driving of the woman taking the exam, claiming five were serious and one dangerous.

Candidate Lisa Connolly failed the test in December 2006.

Mr Carmichael, 35, of Mid Calder in West Lothian, has raised an action at the Court of Session in Edinburgh against NIG Insurance, which insured the driving instructor's car used by Miss Connolly for the test.

He is seeking £15,000, basing his claim on the fault of the exam candidate over her driving of the car. The action is being contested.

The court heard Miss Connolly was sitting her test during rush hour traffic in Edinburgh on the morning of 4 December 2006.

Mr Carmichael, a driving examiner for 12 years, said: "As we were driving along Sir Harry Lauder Road the candidate braked severely with her left foot."

He said he had earlier told her not to brake with her left foot, but on the second occasion the car stalled.

After she got going again the novice driver built up her speed to about 25mph before braking severely again with her left foot, with a following vehicle having to take action to avoid a collision, he said.

"I was thrown forward and thrown back into my seat," he recalled. His clipboard landed in the footwell of the car.

He said he had a sore shoulder, chest and pain at the top of his back and felt pins and needles down an arm.

Mr Carmichael said Miss Connolly had performed an emergency stop earlier in the test and there was no problem with it.

But he said the candidate had mounted the pavement during a reverse parking manoeuvre and a request to perform a three-point turn became "a nine-point turn".

Counsel for the insurers, Arabella Tait, asked what was his reaction if Miss Connolly's position was that she was driving at about 10mph and became aware of an ambulance weaving through traffic.

He replied: "There was no ambulance."

Ms Tait asked Mr Carmichael, a former driving instructor, if he was seriously telling the court that this incident, if it occurred as he said, was the worst he had experienced in over 12 years of having learner drivers at the wheel.

He said: "Yes it was."

He said he had further accidents in 2007 and 2008 and actions have been raised in respect of them.

'Emergency stop'

Miss Connolly, who was taking the exam for the first time, said she did not hit the footpath or edge of the kerb during her reverse parking in the test.

She said she then carried out an emergency stop, which went fine. But she added that after it the examiner said he hurt his neck.

She told the court: "I just assumed he had hurt it because I did the emergency stop."

She then was asked to do a three-point turn but it did not go very well as she had been very nervous and cars were queuing waiting to go to work.

"I think I must have taken a lot of turns to get round," she said.

Miss Connolly said that later on Sir Harry Lauder Road an ambulance came from behind when she was travelling at about 10mph.

She said: "I panicked slightly and I used my left foot to brake."

She said that was the only occasion when she used her left foot to brake and added: "I wouldn't have made the mistake again."

The insurers deny liability and also contend that the sum sued for is excessive. The action before Lady Clark continues.

**Source :** BBC News