

Fact Sheet on Personal Injury

When a person is injured as a result of negligence of another person or organisation (known as the third party), they are entitled to claim compensation for their injuries.

1. Who can you make a claim against?

You can potentially bring a claim against almost anyone as long as you can prove that they have been negligent. For example:-

A driver or passenger of a vehicle who has sustained injuries in a road traffic accident, which was not their fault or a pedestrian or cyclist, who has been knocked down by a motorist may be able to make a claim against the driver, who was responsible for causing the accident.

An employee, who has been injured at work or during the course of his employment, may be able to make a claim against his employer for failing to provide him with a safe system of work, safe place of work, suitable work equipment, adequate training and protective equipment or clothing.

A pedestrian, who slips or trips on a defect on a publicly maintained pavement and sustains injury, may be able to make a claim against the highway authority for omitting to regularly inspect, maintain and repair the highway.

A visitor, who has been injured on someone else's premises or land, may be able to make a claim against the owner or occupier for failing to ensure that that person was safe.

2. What is involved in making a claim?

The first stage is to notify the third party or their insurers of your intention to make a claim by sending them a detailed letter of claim indicating why it is believed that they are at fault. The third party or their insurers will then have 21 days to acknowledge safe receipt of the letter and from that moment onwards they will

have three months to carry out their investigation into liability. Within the three months, they must either admit or deny liability for your accident.

3. What happens if the third party or their insurers admit liability?

In the event that the third party or their insurers accept that they have been negligent, the only matter that will have to be resolved is how much your claim is worth. We can then move forward and obtain medical evidence to assist in assessing the value of your claim.

4. What are the consequences if the third party or their insurers deny liability?

If the third party or their insurers do not accept liability then you will have to prove negligence. Consideration will be given as to whether your claim should be placed before the Court for them to determine this issue. If proceedings are issued at Court and you are successful in establishing liability then the Court will go onto assess the value of your claim.

5. Will I have to attend a medical examination?

Yes, after we have identified an appropriate medical expert(s), a medical appointment(s) will be arranged, which you will have to attend and a medical report(s) will be prepared outlining your injuries.

6. What can I claim?

You can claim an award for damages for your pain, suffering and loss of amenity known as General Damages. This award is based upon the contents of the medical evidence. You can also claim for Special Damages, these are out of pocket expenses, which you have sustained directly as a result of your injuries. These may include:-

Loss of earnings
Travel expenses
Medical expenses
Care needs
Damage to personal items and clothing

Please note that this list is not exhaustive.

If you are claiming for out of pocket expenses, it is essential that you retain relevant wage slips and receipts as you will be required to produce these in order to prove your losses.

7. What is the procedure for negotiating a settlement?

Upon receipt of a final medical report, which may not necessarily be the first report, we will recommend that you obtain a Barrister's advice to consider the level of damages you are likely to receive for your injuries. This will form the basis upon which we will negotiate a settlement on your behalf.

8. What if a settlement cannot be agreed?

We will consider issuing proceedings to allow the Court to decide the value of your claim.

9. Can I apply for an interim payment?

An interim payment is a part payment towards the final settlement. If you are likely to receive a substantial amount of damages, you can apply for an interim payment to help you financially throughout your claim. If the third party or their insurers are not prepared to release an interim payment to you then you can make an application to the Court.

10. How do I fund a claim?

In most cases, we offer a "No Win No Fee" arrangement, which can be supported by a policy of insurance.

You may already have the benefit of a legal expenses insurance policy, which may be attached to your motor or household insurance. The insurance may fund your solicitor's fees and expenses in pursuing the claim.

If you are a member of a trade union then you may be eligible for trade union funding.

You can pay us privately, which means funding your own legal fees in expectation that you may win your case.

In most personal injury claims, the entitlement of Legal Aid funding has been withdrawn. Although, there are still some areas of work, which may entitle you to the benefit of Legal Aid.

We will explore all options of how to fund your claim before any action is taken.

11. Who is responsible for payment of my legal costs?

Once you have received your damages then you will be entitled to recover from the third party or their insurers fixed costs or our reasonable legal costs and disbursements, which include items such as Court fees, medical records fees, x-rays fees, medical report fees, Barrister's fees as well as any insurance premium.

12. Are there time limits to when I can make a claim?

There is a standard time limit of three years from the date of the accident within which a personal injury claim must be made in England and Wales. If legal proceedings are not commenced in a County Court within the three years then the case may become statutory barred. This means that you could lose your right to claim compensation for your injuries. Please note for children the time limit is extended and the three year period does not begin until the date of their eighteenth birthday.

13. How do I know if I have a claim?

We offer a **free ½ hour interview** in which we will discuss your accident, your injuries and assess whether there is any benefit in pursuing your case. We shall also discuss with you the options available to fund your claim.

If you would like to arrange an appointment to see us then please contact Nasrin Begum at our office on 01952 641291