

FREQUENTLY ASKED QUESTIONS ABOUT ACCIDENT CLAIMS

How long do I have in which to bring a claim?

The basic rule is three years from the date of injury. If the injury is latent the three year period may not start until it becomes evident.

What are the requirements before an action can be brought?

You have to show that someone else has been negligent or has breached a statutory duty. Then you have to prove that you have suffered a foreseeable injury as a result of that negligence or breach of statutory duty. You are then entitled to compensation for pain and suffering and reimbursement of all foreseeable financial losses, such as income, resulting from the injury

What is needed to start a claim?

A detailed letter to the defendant or his insurers, a wait of at least three months and then a claim form, particulars of claim, a medical report and a schedule of your out-of-pocket losses

What can I do to maximise my chances of winning?

Keep detailed records of your expenses incurred as a result of the injury and a diary of your day to day feelings and effect on your enjoyment of life. If necessary get photographs as early as possible. Prepare a statement about the events leading up to, during the time you were injured and afterwards. Get early legal advice.

Should a solicitor act in all cases?

If the compensation for pain and suffering is likely to be less than £1,000 you should bring the claim yourself, because at that level, win or lose, you will have to pay your own legal costs.

If I win will I get all my costs back?

The answer depends on how the claim is funded. This is an increasingly complex area. In very broad terms you will recover most of your costs – at least 80%.

What is a Conditional Fee Agreement?

So called 'no win, no fee' agreements are entered into with solicitors. If you lose the case your solicitor gets paid nothing and there is insurance to cover the other side's costs. If you win, your solicitor is entitled to a success fee from the losing party.

How else can a claim be funded?

Legal expenses insurance (included with most buildings or contents policies)

If I lose, will it cost me anything?

If you have legal expense insurance or have signed a “no win no fee” agreement with us, it will cost you nothing at the end of the day.

What is a Part 36 offer?

If made by a defendant it is an offer to settle for a certain sum. The basic rule is that if you are awarded less than the offer at the end of the day you will have to pay both sides’ costs since the offer was made, which could easily leave you empty handed. If made by you it tells the defendant how much you will settle for, and if you obtain more than that you will be entitled to a high rate of interest on your compensation and all your costs.

How long will it take to complete the claim?

Once it goes to court about six months. Until then anything up to a year or so, or if the injuries are serious, much longer. No claim should be started until (a) attempts have been made to settle, (b) all the evidence in the form of statements are ready and all documents have been produced, and (c) your prognosis is clear. If the three year limitation period is about to expire you will have to start your claim immediately.

Further information

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