

## Accidents and Personal Injury

It is an astonishing fact that 75% of all accident victims never make a claim - yet 90% of all the claims that are made, are successful!

### What sort of accidents qualify for compensation?

At home, you might suffer injury from some faulty goods you have bought. Out shopping you might trip over a loose paving stone. You might be involved in a traffic accident, when your vehicle is in collision with another, or be injured at work while operating your employers equipment.

If someone else is even partially to blame, you may be able to recover compensation for your injuries and possible loss of earnings. Remember that most organisations and businesses will be insured against claims.

We find that surprisingly few of our clients are in fact aware of their legal rights in this area.

You can claim two types of compensation:

#### General damages

General damages are payable for pain and suffering, in other words for physical aspects of the injury itself, together with compensation for any ways in which it can be shown that your domestic or social life has become limited in some way.

#### Special damages

Special damages are payable for the financial losses suffered as a result of the injury, such as loss of earnings, travel expenses, cost of medication etc.

In order to obtain compensation for personal injury, someone else has to be at least partially to blame for the accident.

#### Who is to blame?

In order to make a claim, you need to know which person or persons are responsible for your injuries. Even if you do not know their exact identity (perhaps it is the local authority to blame), it may still be possible to proceed. Equally it may not matter that you yourself are partly to blame, provided that you as claimant can prove that the other party

had some blame for the accident.

#### How much will I get?

This depends on the extent of your injuries and whether you have made a full recovery or not. We will advise you of the type of compensation you might get. In addition to compensation for your injuries, you may also be able to recover compensation for your lost wages. If as a result of the accident you are unable to work in the future, then you may be awarded a figure in respect of your future loss of earnings.

#### How long will it take?

This largely depends on the severity of your injuries and how long it takes you to make a recovery. Even if you make a full recovery from your injury within six months of the accident, it may well be a further six - 18 months before you obtain compensation. This is often due to the delay in obtaining medical reports. In cases of serious injury where there is permanent disability, it may take even longer to settle the claim. However, in such cases it is possible to apply to the court for an interim payment on account of the final amount.

#### Things to remember ..

- If possible, make a note of the time and place of the accident, the other parties involved, and the names and addresses of any witnesses.
- Do not admit liability even though you may think you were partly to blame. Do not, yourself, offer to accept or pay any damages.
- There is a time limit for bringing claims which is usually three years.
- You must prove someone is at fault unless you are injured by a defective product. It is important to interview all witnesses and obtain documentary evidence as soon as possible.
- You need a careful record of all your losses and expenses. Your future

losses have to be predicted. You may be entitled to more money than you think.

#### How can Warners Help You?

We believe our advice is essential when you are making, or being forced to defend, a personal injury claim following an accident. It is important to contact a solicitor as soon as possible and certainly before you contact any insurance company.

Our experience in such cases enables us to advise on the likely level of compensation, or what is reasonable to pay if you are the defendant.

Perhaps you are unsure whether your case would qualify for compensation or whether anyone else is really to blame, we can advise you on these issues.

Equally should you unfortunately find that you have to defend a claim against yourself, we can also advise how best to deal with this.

We can help our clients, who will often be suffering stress following an accident, to think clearly, and as solicitors it is our duty to obtain the best possible settlement for you.

You can find out from us in a FREE interview, whether your case is worth pursuing.

We will give you an idea of the likely cost, together with our basis of charging fees, to help you decide whether it is worth pursuing a claim for compensation. We may also be prepared to deal with your claim on a no win, no fee basis. To sum up, it costs nothing to find out, and you will find us friendly and approachable.

Contact one of our specialist lawyers at our Tonbridge or Sevenoaks office for more information.