

Personal injury

If you have suffered any type of physical or mental affects as a result of your accident you may be able to claim for personal injury. If you have somebody pursuing a claim for you please let us know as soon as possible. If you feel you may need to make a claim please let us know so we can arrange this for you. Please be aware that if we issue legal proceedings without including a claim for personal injury it will be very difficult to include it at a later stage therefore it is very important that you inform us immediately.

Your financial losses

Financial losses and expenses are known as "Special damages". It is important that you keep any receipts or documentation, which will help prove the amount you have lost. You must also keep your losses to a minimum, as you may not recover any losses that you could have avoided or limited. Detailed below are notes to help you claim some of the losses you may have suffered.

Expenses while your vehicle was off the road

If you are without the use of your vehicle while it is being repaired or because it is not driveable you can claim any losses you have suffered. The costs claimed must be reasonable. You should therefore limit your loss by having your vehicle repaired or replaced at the earliest opportunity.

Travel expenses

Keep a note of journeys made and the fares involved, and retain the tickets as proof. If you receive a lift from a friend or work colleague and make payment for this, e.g. a contribution to petrol, you should keep a note of the journeys paid for, the mileage involved and the payments made.

Hire car charges

If you hire a vehicle you should only do so if you can show you need to do so, and if the type of vehicle is reasonable (of a similar type to your own). You may not be able to recover some of your hire costs if you could have reasonably ended the hire period sooner.

Loss of use of your vehicle

In addition to the actual expenses incurred, you can claim compensation for the inconvenience of being without your vehicle. We will need details of the amount of inconvenience so that we can assess the correct level of compensation to claim.

Loss of earnings

If you have been off work for any period as a result of the accident you should tell us. We may be able to claim the lost earnings for these periods. In order to do this we will require proof; e.g. wage slips or accountants reports.

Personal property/ Clothing

The third party insurers will expect to see either original receipts or quotes confirming the replacement cost of any damaged personal property or clothing. Please try and remember the date you purchased the item and the cost at the time. Please note that you will only be able to claim the pre accident value of each item and not the replacement cost.

Other losses and expenses

The above list is not intended to be an exhaustive list of possible items of claim. If there are other losses or expenses you think are related to the accident, please supply details

Notes for Guidance

and forward any documentary evidence as proof.

Frequently asked questions

Why has this claim been passed to a solicitor?

Because you were not at fault for the accident, we have been asking the person we think was responsible for the accident (more usually referred to as the Third Party) to reimburse the costs that your insurers have incurred on your behalf. Unfortunately, as the Third Party has failed to make any payment in settlement of these charges, our only option is to issue proceedings against them to secure payment of this debt.

Why are the proceedings in my name?

In cases of this nature, the court rules do not permit proceedings to be brought in the name of anyone other than the person involved in the accident or whose vehicle was involved in the accident. We will prepare all the paperwork for you and will guide you through the various stages of the litigation process.

What will it cost me?

In most instances, provided that you co-operate fully with us, your insurers will meet the costs of pursuing the Third Party. However, please refer to the Letter of Engagement for information specific to your claim.

What happens now?

We have sent you some documents that will require your signature and confirmation of certain facts. These documents will allow proceedings to be issued against the Third Party on your behalf. You will need to check them very carefully and ensure that all the losses you

have suffered as a result of the accident are included. Once proceedings have been issued it will be very difficult to ask the Court to consider any other losses that were not included in the Claim Form. If you suffered an injury as a result of the accident you must tell us immediately. If you already have someone representing you we will need to know his or her name and address and reference number.

What if I don't sign the papers?

Your insurer is able to sign the papers on your behalf to issue Court proceedings and progress the claim. Where possible we will endeavour to achieve the best outcome, however in certain instances where liability or the value of the claim is disputed, we may not be able to resolve the claim without your assistance. Where this is the case your insurers will be unable to make a recovery and the accident may remain a fault accident against your policy. This may have an effect on your no claims bonus.

The legal process

Once we have issued proceedings, the Third Party will have 28 days in which to decide whether they are going to pay the claim. If they think that they should not have to settle the claim, they will need to tell the Court why they think they are not responsible. This is known as defending the claim. If this happens, the Court will set a timetable of events that will allow each side to ensure that their case is properly prepared. The Court will then set a date on which the claim will be heard in front of a Judge (known as a Trial or Hearing), who will decide whether the Third Party should settle the claim. This is referred to as Judgement. If Judgement is in your favour the Third Party will have between 14 –28 days to pay it. Occasionally, the Third Party will take no action at all during the initial 28-day period. If they decide to do nothing, we will be able to ask the Court to award Judgement in your favour without the matter being heard in front of a Judge.

Who will deal with my claim?

Your case will be dealt with by a Case Handler at Lyons Davidson. This individual will have been legally trained but will not be a solicitor. A qualified Solicitor carries out the overall supervision of this individual. Although your case will have been handled on a day to day basis by a Case Handler, at court your case would be presented either by another representative from the firm (known as an Advocate) or a barrister.

Will I need to attend Court?

A Trial/Hearing is a surprisingly rare event as most cases settle before that stage is reached. Occasionally Trials do happen and as the person making the claim against the Third Party, you will have to attend Court if your claim is listed for Trial/Hearing.

What happens if I lose at the hearing?

If the Third Party has also made a claim and the Judge makes an award in their favour, provided you have co-operated fully with us and your insurers, your insurers will settle the Third Party claim in accordance with the terms of your insurance policy with them. Your No Claims Bonus may be affected if, as a result of losing

the hearing, your insurers are unable to recover their outlay or if they have had to make a payment to a third party.