



ROAD TRAFFIC ACCIDENT FACT SHEET

This Fact Sheet gives you information and requirements for a Road Traffic Accident claim and how it can be dealt.



Road Traffic Accident

If you were injured in a **road traffic accident** and it was not your fault, or even if you were partly to blame, you may be entitled to compensation. You can make a claim for compensation at no cost to you. If your claim is successful, you will keep 100% of the compensation awarded.

You can make a claim if you were a driver, passenger, motorcyclist, cyclist or pedestrian, or even the victim of a 'hit and run' incident. The accident may have been caused by another driver or it could have been as a result of the road being in a dangerous condition.

It is compulsory for drivers of vehicles to have insurance, but a claim can still be made even if the driver at fault was not insured. In these circumstances a claim can be submitted to the Motor Insurers Bureau (MIB). There are many ways in which road traffic accidents may happen - our Claims Team will provide advice in plain English. **Remember, you may still have a claim even if the accident was partly your fault.**

If you were the driver:

If you were the driver involved in an accident that was **caused by another vehicle**, you can claim for loss and injuries.

You can also claim if the accident was caused by the **road being in a dangerous condition**. The Highway Authority is obliged to maintain the roads.

If the accident was caused, or partly caused, by a pedestrian or a cyclist you could still make a claim. But it is worth noting that pedestrians and cyclists are not required to have insurance cover and may therefore be unable to pay any damages.

If the accident was partly your fault and partly the fault of another driver, you may still be eligible for **compensation** for your injuries.

If the accident was entirely your own fault you cannot make a claim for compensation. However, the value of your car or costs of repairs may be covered by your own insurance policy.

If you were a passenger:

In almost all cases, a car or motorcycle passenger injured in an accident can make a successful claim for damages. The passenger is usually a completely innocent victim of road accidents.

If the driver who caused your injuries is your partner, a member of your family or a friend, you may have misgivings about claiming. But don't worry. These types of claims are made every day and you are still fully **entitled to compensation**. Also, remember that it will be the insurance company that pays out and not the driver. This is why car insurance is compulsory.

Car passengers may have their damages reduced by up to 25% for not wearing a seat belt. Their claim may also be reduced if they knew, or ought to have known, that the driver was unfit to drive through drink or for any other reason. One of our claims advisers will explain this fully to you.

If you were a cyclist

If you are hurt after being hit or knocked from your bicycle by a vehicle **you may have a claim against the driver who caused the accident**. The driver should have insurance against your claim.

You can also claim if your accident was caused by the road being in a dangerous condition. The Highways Authorities have a duty to maintain the roads.

You may also be awarded **compensation** for any damage to your bicycle, ruined clothing and lost earnings.

If the accident was entirely your own fault you will not have a claim.

If you were a pedestrian

If you were a pedestrian knocked down by a motor vehicle in an accident that was not your fault, you should be able to claim damages.

If the accident was partly your fault and partly the fault of the driver, you may still be eligible for **compensation** for your injuries.

If the accident was partly your fault and partly the fault of the driver, you may still be eligible for **compensation** for your injuries.

If the accident was the fault of a cyclist, you can still make a claim, but it's worth noting that cyclists are not legally required to have insurance and therefore may be unable to pay any damages.

Hit and Run Accidents

If you are injured by a driver who fails to stop or cannot be traced after the accident, you may still be able to **make a claim** for compensation from the **Motor Insurers Bureau (MIB)**. You must report the accident to the Police and the MIB as soon as possible and see if the driver or the insurers can be traced. Our solicitors can advise you about this.

Whiplash Injuries

Whiplash is one of the most common forms of injury experienced by victims of car crashes. It is caused by a sudden and unexpected jolt – for example your car being hit from behind – which forces your head and neck to be violently thrown backwards. The result can cause prolonged periods of suffering. Common symptoms are neck pain, stiff neck, headaches, shoulder pain and lower back pain. If you have suffered whiplash as a result of an injury that was not your fault, you are eligible to **make a claim** against the driver responsible. Most whiplash injuries are worth between £1000 and £7000, but very serious cases can attract much higher awards.