



2b & 2c Union Street · Andover · Hampshire SP10 1PA  
Telephone 0800 376 5055 · Facsimile 01264 356549 · Email info@bsandi.co.uk · www.bsandi.co.uk · DX 90303 ANDOVEF

## **ROAD TRAFFIC ACCIDENTS**

Road accidents are very common. Drivers of motor vehicles are under a legal duty to drive with reasonable skill and care and to make sure that their vehicle is in a safe condition. Unfortunately, some of the most serious injury cases we deal with arise as a result of road accidents, particularly those involving pedestrians, cyclists and motor cyclists who are most vulnerable in a collision.

### **Is it easy to prove who is at fault?**

This can often be very straightforward but there are occasions when it can be more difficult, particularly when there are no independent witnesses to the accident.

### **Will it help me if the other driver admitted blame for the accident?**

Yes, it will but sometimes a driver's insurers may still try and avoid liability. It is most important if you are involved in an accident that you believe is another driver's fault to obtain his name and address and his insurance details and make a note of anything that is said to you, particularly any admission.

### **What evidence do I need to prove my claim?**

Photographs of the accident scene and the vehicles and measurements are very helpful and independent witnesses who should make statements are invaluable. Sometimes we need to obtain a copy of the police accident report and in very difficult cases we may need to instruct a vehicle examiner or an accident reconstruction specialist.

### **The Police have asked me whether I want to prosecute the other driver involved? What should I say?**

In some cases, usually the more serious ones where there has been injury, if the evidence is clear the Police may prosecute a guilty driver for driving without due care and attention. If you are asked whether you wish the other driver to be prosecuted you ought to say yes as this could significantly help you in establishing liability in your claim for compensation. However it is not essential that the other driver is prosecuted successfully for you to recover compensation because the legal burden of proof in compensation cases is lower than that in a Magistrates Court where a case of driving without due care and attention would be dealt with.

### **What if I was not wearing a seatbelt?**

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If the other driver was a fault, his insurers may say that you contributed to your injuries by not wearing a seatbelt. This could reduce your compensation by a percentage. Every case is

different, however, and a lot depends on your injuries and the significance of not wearing a seatbelt. We have dealt with numerous cases where our clients were not at fault but were not wearing a seatbelt but they have nevertheless recovered substantial compensation.

**Immediately after the accident I didn't think I was hurt but the next day I was hurting a lot. Can I still claim compensation?**

Yes. Many more minor road traffic accidents involve whiplash injuries which often don't cause symptoms until the following day or sometimes several days after an accident. This is particularly so with injuries to the neck and back. It doesn't matter if you said at the time you didn't think you were injured but you later find out that you are. It is obviously sensible to obtain medical advice as soon as possible, by going to your GP if appropriate. That would also help you with your compensation claim later, as well as giving you peace of mind and making sure you get proper treatment if necessary.

**The other driver didn't stop. Can I still make a claim if he doesn't have insurance?**

Yes. If the other driver didn't stop and he can't be found you may still be able to claim compensation from the Motor Insurers Bureau, an organisation set up to protect the rights of victims of accidents who have suffered injuries involving untraced or uninsured motorists. The procedure here is not straightforward and we would certainly recommend that you seek legal advice. If the other driver didn't stop it is important that you report the matter to the police immediately.

**What compensation can I claim?**

You can claim damages for your personal injuries, pain and suffering and any permanent disabilities. You can claim for loss of earnings, travel costs, prescription fees and any out of pocket expenses arising as a direct result of the accident. In more serious claims you may require some home help or care and there may be a claim for loss of pension. You can claim for both past and anticipated future losses.

Over the years we have dealt with many claims involving road traffic accidents. Compensation recovered has ranged from £1,000 to several million pounds and in nearly every case we have been able to recover most if not all of our client's legal costs in pursuing the claim.

Please talk to us as soon as possible if you wish to make a claim for compensation.

For advice or information on the above, please contact Richard Gregory or Rachel Barr on FREEPHONE: 0800 652 2204