

Personal Injury

Road traffic accidents

Immediate action

When an accident occurs, there are a few simple steps you should take to comply with the law and make it easier to deal with any claim.

- If anyone (other than you) is injured, property is damaged or an animal is injured (other than an animal in your own vehicle), you must stop.
- You should do what you can to ensure that anyone who has been injured gets medical treatment, and that the accident site is made safe (eg warning other motorists). If necessary, dial 999.
- You must stay long enough to provide your name and address, the name and address of the vehicle's owner (if different) and the registration number.
- If anyone has been injured, you must produce your insurance certificate. If you cannot do so at the time, you must notify the police (in person rather than by phone, and within 24 hours) and take the certificate to the police station (within seven days).
- Even if no one has been injured, you may need to provide your insurance details to anyone who wants to make a claim against you for damage to property.
- You must report the accident to the police if you cannot exchange details with the other party involved. You should also report the accident if you believe an offence has been committed.
- Ask any other drivers involved for their details, and note the make, model and colour of their vehicles as well as the registration numbers.
- Ask any witnesses, including passengers in your own vehicle, for their contact details and ask them to make a written record of what they saw happen.
- Make your own notes of what happened; if possible, include sketches or photos. Also note down any subsequent medical treatment or expenses you incur as a result of the accident.
- Inform your insurance company as soon as possible.

Who is at fault

Responsibility for an accident depends on the particular circumstances.

- Even if you are at fault, you should not admit liability for the accident or make any offer to pay. Doing so will weaken your position in any subsequent dispute and is likely to be prohibited by the terms of your insurance policy.
- In general, you can make a claim against anyone who causes an accident - including learner drivers, cyclists and emergency services vehicles.
- If someone drives into the back of your vehicle, they are usually at fault, even if you braked sharply.
- Whoever is responsible for a stationary object (eg road works or a parked car) may be responsible if it was not sufficiently visible, or unsafely or illegally positioned.
- If an accident is caused by an unsafe road surface, whoever is responsible for the road surface (eg the local council, or someone who spilt oil and failed to deal with it) may be responsible for the accident.
- Where an accident is caused by a stationary object or road surface, a claim is more likely to succeed if there have been other problems or accidents there as well.
- Blame may be shared by several different parties (including yourself), with each liable for a percentage of any claim.

Making a claim

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Depending on the circumstances, you may want to make a claim through your insurance company or using your own solicitor.

- Broadly speaking, a claim for personal injury or damage to property aims to put you in the same position as if the accident had not happened. A claim may include:
 - the cost of repairs (or the vehicle's value if it is written off)
 - any other damage to property
 - your policy excess (if you have the vehicle repaired under your own insurance)
 - other related costs, such as hiring a car while yours is repaired medical expenses, including the cost of continuing care and any adaptations needed to take account of a continuing disability
 - loss of earnings or business profits
- If you have fully comprehensive insurance, it may be easiest to allow your insurance company to handle any claim for damage to property. However, you may lose your no-claims bonus if the insurance company cannot recover its costs from the other party's insurer.
- You can pursue a claim through the courts. You have to meet your own legal costs for claims in the small claims court, but may be able to recover some costs in larger disputes using the fast track or multi-track.
- If the other driver is uninsured or refuses to provide insurance details, you (or your solicitor) can make a claim through the Motor Insurance Bureau. You can trace the registered owner through the DVLA, and must report the incident to the police (as the other driver is committing an offence).
- Claims for personal injury can be complex and involve significant sums. Take independent legal advice.