

Personal Injury

Compensation for Personal Injury



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The Law

It is a basic rule of English Law that compensation (called “damages” by Judges and lawyers) is only payable if a party is at fault. In other words, if somebody is injured in an accident to be able to claim damages somebody must be to blame. Compensation (or damages) can then be recovered from that person, or company, or their insurers.

Funding

This has always been a difficult area because of the rule that if an injured person brings an unsuccessful Court case he is liable for the costs of the Defendant. In injury cases the Defendant will often in reality be an insurer or other organisation with deep pockets. Nowadays however many people have the benefit either of legal expenses insurance or they can bring their case with the help of a Conditional Fee (“no win, no fee”) Agreement which can significantly reduce if not remove the risks of losing.

Types of case

Personal injury can arise in many situations. Most people will be familiar with injury resulting from accidents on the road, at work, or in public places. Personal injury can also result from exposure to dangerous substances at home as well as in the work place. Over recent years the courts have become increasingly concerned with non physical cases of psychiatric injury. People can also be injured by defective products which they have purchased. Claims can arise in all these circumstances.

Other benefits

Traditionally, the main purpose of bringing a personal injury claim is to obtain financial compensation for the injuries and the related financial losses which have been suffered. However, at a time when someone is injured direct assistance can be provided with: -

- (i) Replacement vehicles;
- (ii) Private medical treatment;
- (iii) Rehabilitation including physiotherapy, psychological therapy and “back to work” programmes;
- (iv) Interim payments i.e. compensation in advance of final settlement.

Compensation

(As per clinical negligence personal injury information sheet)

Contact us

If you would like to speak directly to a solicitor for specialist advice please contact us.

This note is for general guidance only. Please contact us for detailed advice.