



Road Traffic Accident Claims



Belfast

028 9038 7060

Adelaide House

Hawthorne Business Centre
Falcon Road, Belfast BT12 6SJ



Newtownards

028 9181 7715

6 Mill Street

Newtownards
BT23 4LU



Boyd Rice Solicitors are experts in handling road traffic accident claims. Our experienced team will confidentially discuss the circumstances behind your accident and will assess how we can assist you in the best possible way .

▲ **Are there any time limits on making a road traffic accident claim?**

The time limit or limitation period is 3 years from the date of accident but we would advise you to bring the claim at the earliest opportunity. Delay can damage your case as there may be extensive liability investigations required and the longer you wait before speaking to us, the harder it may be to prove that someone else was at fault for your accident.

▲ **How do you support clients who are making a road traffic accident claim?**

We obtain and collate all the evidence required for the claim and can deal with your insurer so you don't have to. Bringing a claim can be a complicated and stressful process. We support our clients by dealing with any stress that may arise during the claim by gathering evidence, fighting a liability dispute and recovering any out of pocket expenses. This means our clients can focus on their recovery.

▲ **Are there different processes for different types of road traffic accident claims?**

The claim process depends on whether the Defendant is insured. In the vast majority of cases the third party is insured. A claim is progressed through their insurance company. If Court proceedings are issued the Insurance Company nominates a Solicitor to defend the claim on their behalf.

If the claim is pursued against an uninsured motorist, it is usually dealt with by a Motor Insurers' Bureau (MIB), which settles the matter in absence of an insurance company.

A similar scenario applies when the Defendant who caused the accident cannot be traced eg a hit and run accident. The MIB will deal with the claim under the Untraced Drivers' Agreement. It is important to note that such accident must always be reported to the police within 14 days.

▲ **At the scene, the other driver said the accident was my fault but I disagree, as my Solicitor what will you do to establish who was at fault?**

We will listen to your version of events carefully and speak to any witnesses to the accident. In addition we will gather all evidence such as dashcam footage, CCTV, Police report, assessor's reports etc. In difficult cases we can also arrange for an accident reconstruction report to be prepared by a Consulting Forensic Engineer. If your case progresses to Court we will make sure you are fully prepared.



▶ Can I claim if the accident was partly my fault?

Yes, you are entitled to claim compensation for personal injury and loss if you have been injured as a result of a road accident that was not your fault. However, even if you feel that you were partly to blame for the road traffic accident you should still seek advice from us as you may be entitled to make a claim. If you are found to be partly to blame or your actions have contributed to the accident you can still claim compensation but your final award of compensation will be reduced to reflect the fact that you contributed to the accident. However, depending upon the severity of the injuries sustained the final award can still be significant even in cases where the other driver is partly to blame for the accident.

▶ Will I have to go to Court?

We will instigate Court proceedings on your behalf if the other driver disputes liability or if negotiations with the other driver's insurer prove unsuccessful. If there are no liability issues your case is likely to resolve before the Court Hearing date.

▶ How do I pay my legal costs?

If liability is accepted by the other driver's insurance company the insurer will pay your legal costs in addition to or on top of compensation for your injuries.

▶ Do you have to be the driver of a car to claim from a road traffic accident?

No, any person in the vehicle at the time can make a claim for any injuries that they have sustained. You do not have to be a driver of a car to make a road traffic accident claim. It can also be made by other road users such as pedestrians, passengers, cyclists and bikers as they are all owed a duty of care by other road users.

A claim can also be made on behalf of a Claimant under the age of 18 by their litigation friend. This is normally their parent who takes over conduct of the claim on the minor's behalf.

▶ Can I claim if I was a passenger on a bus or taxi?

Yes, the claim will be progressed against either the bus or taxi driver via their insurance company or against the driver of the third party vehicle that caused the accident.

▶ The other driver is being prosecuted, do you have any involvement in that?

We will support you in whatever way we can through the prosecution and can attend Court to find out the outcome of the criminal proceedings.



PERSONAL INJURY CLAIMS ARISING FROM ROAD TRAFFIC ACCIDENTS

► Explain the standard process for making an injury claim arising from a road traffic accident.

We will take your instructions in relation to the accident, your injuries and any ongoing symptoms. The first thing we will do after gathering the relevant information is notify the at fault driver's insurers of the claim and wait to see if they admit fault.

The next step is to arrange a medical examination with a medical expert (who specialises in the types of injuries that you are suffering from) in order to confirm injuries resulting from the accident. We will then consider your out of pocket expenses such as lost earnings and vehicle repairs. Once this has been done we will attempt to settle the claim on your behalf and will keep you updated every step along the way.

If liability is disputed by the third party insurer it may be necessary to issue court proceedings to further your claim. In those circumstances the Court would timetable your matter culminating in a Hearing where you would be required to give evidence.

► Should I speak to my GP or go to Hospital?

Going to your GP or Hospital is not a prerequisite to making an injury claim but if you are in pain as a result of the accident it makes sense to arrange an examination and/or treatment from a medical professional.

► Can I go to private physiotherapy?

Yes, if you go privately please keep receipts and we will seek recovery of the cost of physiotherapy from the at fault driver's insurer. Alternatively, you can arrange for physiotherapy through the NHS.

► Does it make any difference if you have fully recovered physically?

You can still make a claim if you are fully recovered but will still need to be examined by an independent medical expert.

It is always best to speak to us at the earliest possible opportunity so that we can record how your injuries have impacted your day-to-day routine.



▶ How long will it take to resolve my claim?

In a straightforward case, where liability is accepted by the Defendant and you recover from your injuries quickly, resolving your claim may only take a matter of months. In other cases, delays are caused by the need to fully explore a client's injuries, evidence not being available immediately, witness availability or the ability of the Court to hear the case. Boyd Rice Solicitors have a long-standing reputation for progressing cases quickly and our average case takes 6-9 months to bring to conclusion.

▶ The other driver's insurance company has contacted me following my accident and offered me compensation for my injuries should I take it?

Without representation you would be up against an insurer who has a wealth of experience in defending claims and will in all likelihood offer you a sum which under compensates you. In our experience, you will receive a greater level of compensation by progressing your claim through us.

▶ How much is my case worth?

The amount that you are awarded in respect of your injuries is based on a medical report outlining the extent of the injury caused. Compensation or "damages" will be paid for both physical and mental injury (both must be backed up by medical evidence). Damages are assessed on a case by case basis although with reference to previous awards in similar cases. Time off work, medical treatment and the impact of the injury on work, sport and hobbies will also be considered.

Out of pocket expenses that are reasonably incurred eg. The cost of private physiotherapy, your insurance excess or loss of earnings can all be recovered on your behalf.

▶ Am I entitled to have my child seats replaced following an accident?

Yes, insurance companies will always cover the cost of replacement child seats. Simply either provide receipts for the child seats that were in the vehicle at the time of the accident or provide us with a link to a website where you can buy the same seats online, we will then ask the insurance company to issue a cheque right away.



VEHICLE DAMAGE CLAIMS ONLY

▶ Can you arrange for repairs to be carried out to my vehicle?

Yes, we can arrange for the accident to be kept away from your insurance company thus ensuring that your premium remains unaffected by the accident and you do not incur your insurance excess.

▶ Can you arrange for a replacement vehicle whilst my vehicle is off the road?

Absolutely, we can arrange for a replacement vehicle to be delivered to you. If your vehicle is not roadworthy, you will be entitled to a replacement vehicle right away and you can hold on to that vehicle until you receive the cheque from the at fault driver's insurer for the total loss of your vehicle. If your vehicle is roadworthy you will be entitled to a replacement vehicle whilst repairs are being carried out to your own vehicle.

▶ What is a "write off" or "total loss"?

If the cost of repairing your vehicle is uneconomical then the other driver's insurance company will not pay for repairs. Rather than paying for the vehicle to be repaired, the insurance company will pay the pre-accident value of the vehicle less its scrappage value (also known as salvage). The salvage value of your vehicle forms part of the pre-accident value. The pre-accident value is paid less the salvage and NI Accident Management will pay you the salvage leaving the other driver's insurer to pay the balance of the pre-accident value of your vehicle

▶ What is the standard process for making a vehicle damage claim arising from a road traffic accident?

We will take details in relation to the accident and a motor assessor will be appointed to examine your vehicle. We will then direct a letter of claim to the at fault driver's insurer and wait to see if they admit fault.

The motor assessor's report is sent to the insurance company. The report confirms whether the vehicle can be repaired or not and the cost of repairs. If the vehicle is deemed a total loss the report will confirm the pre-accident value of the vehicle, the salvage value and whether the vehicle needs to be put into storage.

The insurance company will normally come back within 4 weeks. They will confirm their liability position and either authorise the cost of repairs or will send a cheque in respect of the pre-accident value of your vehicle less the salvage. We will send that cheque to you immediately. If liability is disputed by the third party insurer it may be necessary to issue court proceedings to further your claim. In those circumstances the Court would timetable your case culminating in a Hearing where you would be required to give evidence.



▶ **My vehicle was relatively new at the time of the accident and may have depreciated in value, can you process a claim for depreciation on my behalf?**

Yes, we will arrange for an assessor to determine the extent that your vehicle has depreciated in value as a result of your accident. You will be entitled to be compensated for the amount that your vehicle has depreciated as per the assessor's report. It is important to remember that the assessor will provide an indication as to the extent of depreciation but this is only an indication and the depreciation figure can be challenged by the other driver's insurer. As a rule of thumb, if your vehicle is less than 4 years old or is a luxury vehicle it will have depreciated in value.

▶ **Can I still bring a claim if I only have third party fire and theft cover?**

If the accident was not your fault you can still claim for the damage to your vehicle, or for the total loss of your vehicle, from the at fault driver's insurance company. We will guide you through the process but essentially the claim is progressed in exactly the same way as a vehicle damage claim for a comprehensively insured driver.

▶ **How long do I have to claim for damage to my vehicle?**

If your vehicle was damaged in an accident and was not repaired at the time you have six years from the date of the accident to claim for the damage caused to your vehicle.

The above information is intended as a guide only. It should be read in conjunction with legal advice from one of our experienced team of Solicitors.

BoydRice
Solicitors

**To start a claim today email:
claims@boydricesolicitors.com**