

## **Types of Damages in Personal Injury Claims**

If you are hurt in an accident, become ill as a result of your work, or are injured as a result of clinical negligence you may be entitled to claim compensation or 'damages'. There are two types of damages in personal injury claims, 'general damages' and 'special damages.'

### **General Damages**

This is money that is paid to compensate you for your actual injury, such as for pain, suffering and for any loss of future earnings. The amount that you will be entitled to claim depends on the nature and extent of your injury, as well as the length of time it will take for you to make a full recovery, or if not the extent of any ailments or disability that you will suffer from in the future and the impact on your life.

Personal injury cases require the report of one or more medical practitioners to provide evidence as to the nature and extent of your injuries. This report, for which you may need to have a physical examination, assists in determining how much you should be paid by way of general damages and will be compiled with reference to your prior medical history.

If your case goes to trial the court will decide the amount that you should be paid. If your case settles prior to trial, the parties will negotiate an amount of general damages that is acceptable to both sides.

### **Special Damages**

These damages are paid to compensate you for any financial loss that you may have suffered as a result of your injury. This could mean travel to and from hospital, lost earnings for any time you had to take off work, damage to your clothes or other belongings, or the cost of any care you need while recuperating from your injury. If you were involved in a car accident, this could also include the cost of having to hire a replacement car.

### **Provisional Damages**

In limited circumstances, if there is a 'measurable' chance that you may deteriorate in the future, or develop a disease as a result of the injury, the court may award provisional general damages. The court then makes an order that allows it to reconsider its position in relation to the amount of general damages, but only in the event that you suffer a 'serious deterioration' at a later stage.

### **Blame**

The amount of damages that you are awarded may also depend on the apportionment of fault for the accident. If, for example, you were not to blame for the accident but your actions made your injury worse, or if you were partially at fault in the occurrence of the accident, then it may be that you will not be entitled to the full amount of compensation that a person would ordinarily receive.

There are strict protocols and time limits on making claims for damages in personal injury cases. To find out whether you might be entitled to claim compensation after an accident, contact us without delay.

*For more information contact PCB Solicitors on 01743 248148  
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