



Personal Injuries Frequently Asked Questions

A guide by PCB Solicitors

NOTE: the information before is given as a general guide only. Individual cases will depend on their individual facts and circumstances, so we recommend that you take advice before deciding to take any particular course of action.

How long have I got to make a claim?

Generally, you have three years to make a claim. If court proceedings in respect of the claim have not begun by then, the right to pursue the claim would be lost. Many claims will be settled “out of court” before three years. But bear in mind that there are a number of steps which need to be taken to prepare the case before court proceedings can be issued, so it is unwise to leave it too close to the three year deadline before doing anything about your case.

The three year period begins when the claim arises. Usually this is straightforward when the claim arises from a specific accident which happened at an identifiable time. Some cases are not so straightforward e.g. a claim arising from exposure to some dangerous material over a period of time, or where you did not know that you were injured or ill until some time later, or what the cause was.

For a child under 18 at the time of the accident, the three year period cannot begin to run until the child’s 18th birthday, when he or she becomes of legal age (although the claim can of course be pursued before then by someone, e.g. a parent on behalf of the child). Similarly, the three year period cannot begin to run in the case of an adult who lacks capacity.

There may be circumstances in which the court has the power to allow a late claim to proceed, but you should never rely on this – it is best to seek legal advice as soon as you think you may have a claim.

Claims to the Criminal Injuries Compensation Authority for injuries sustained as a result of a crime being committed (e.g. assault or abuse) must be started within 2 years.

How much compensation will I get?

This depends on the individual circumstances of the case i.e. the nature and extent of the injury (as evidenced by an independent medical report) and the effect it has had on you. We look at official guidelines as to the appropriate amount, and other cases assessed by the court, to assist in assessing the proper figure in your case.

What items can I claim for?

As well as compensation for injury (“pain suffering and loss of amenity”), other losses which commonly arise from accidents are;

- Loss of earnings
- The cost of medical treatment (including physiotherapy
- travelling expenses e.g. taxis, buses, trains or car mileage
- domestic care and assistance e.g. help with everyday tasks received from family, friends or a professional

This is not an exhaustive list. So long as a loss is reasonably incurred as a direct result of the accident and can be supported with evidence, you should be able to recover it.

How long will my claim take to settle?

This varies considerably from case to case and will depend on the circumstances of your individual accident claim.

An undisputed, relatively straight-forward injury claim may be finalised in a matter of a few months. More complicated injury claims (e.g. where the injury takes a long time to stabilise) may take much longer – sometimes a few years.

There are many factors which can affect the timescale, for example:

Disputes – The question of who is to blame for your accident or whether the amount of your claim is reasonable may be argued by the other party. If this happens, we will always give you the best advice and lead you through any dispute to reach a satisfactory outcome

Opponents or their insurers – These parties can be slow at dealing with claims. We will endeavour to ensure that they deal with your case within the time limits allowed by relevant protocols and/or Court Rules

Medical experts – These parties may be very busy (especially if a fairly rare specialism is needed). From time to time, there may be delays in receiving appointments or written reports

Courts – The court process can sometimes be a slow one. We will support and guide you through this as quickly and efficiently as possible, fully explaining each step of the process

Whilst speed is good, quality is better. A thorough claim may gain higher compensation than a quick claim.

What type of injury can I claim for?

No matter the level of severity, so long as medical evidence supports the injuries you have sustained, and links your injuries to the accident, a claim for compensation can be made against the person who is legally at fault. This includes both physical and mental injury. (But it should also be borne in mind that some cases, where the level of injury is relatively light, may be classed as a ‘small claim’ by the court, such that the costs of pursuing the claim may not be recoverable from the opponent. We would advise you at an early stage if we consider that this may apply to your case).

Will I have to go to Court?

Court proceedings are usually issued if there is a dispute between the parties, or where one of the parties does not respond to the claim put to them. However the vast majority of cases are likely to be settled by agreement and do not need to go to a final court hearing.

If a final hearing is necessary to decide the matter, it is likely that you will have to attend Court to give evidence. You may however be represented by an appropriately skilled barrister or other representative carefully instructed by us.

Whilst court proceedings might sound daunting, you can be assured that we will carefully support and advise you all along the way.

What happens if I am injured by someone who is not insured?

The MIB (Motor Insurers Bureau) pays compensation to road accident victims where the driver is either uninsured, or not traced (i.e. a 'hit and run' driver).

The CICA (Criminal Injuries Compensation Authority) pays compensation to victims of violent crime.

How do I make a claim?

The first step is to arrange an appointment with a lawyer who is experienced in handling such claims. They will be able to advise you whether you have a good claim, and will be able to assist in gathering such evidence as is required in support of your claim. They will negotiate on your behalf to achieve a settlement and, if necessary, will represent you in court proceedings.

How much will it cost?

It can cost a lot to pursue a compensation claim. As well as the fees for your solicitor's time, there will be the cost of employing medical or other experts to provide reports to support your case; it may be necessary to employ a barrister to represent you in court or to advise in relation to any difficult aspects of the case. There may be court fees to pay, or other incidental expenses such as travel costs, or the cost of obtaining copy documents like medical records.

There are various ways such costs could be funded. For example, we are often able to act under a conditional fee agreement ('no win, no fee'), or you may have the benefit of legal expenses insurance (perhaps this is an add-on feature of household, motor or other insurance which you hold). If your claim succeeds, the costs incurred in pursuing it can be claimed from the opponent in addition to the compensation received.

We will discuss this with you in more detail and explore which is the best way for you to pursue your claim.



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