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FREQUENTLY ASKED QUESTIONS

[Can I claim compensation if i have slipped or tripped on a pavement or road?](#)

Your local authority is usually responsible for maintaining the pavements and roads. However, this does not mean that they will automatically be liable for any injury caused by any defect. You would normally need to prove that they failed to take reasonable steps to keep the pavement or road in a reasonable condition.

If they failed to carry out a regular inspection and maintenance program or if they were aware of a significant fault but did nothing about it within a reasonable time. If this is so, you may be entitled to claim compensation.

[If you have been injured in a road accident - who can you claim compensation from?](#)

If another driver was at fault, you can claim compensation from that driver. Your solicitor will negotiate compensation through the other driver's insurers. You must report your accident to the police and your insurance company if you are injured in an accident.

The same applies if you are injured as a passenger: you can claim compensation from the driver responsible. By law, drivers must at least have third party insurance, which includes cover for passengers.

If the driver responsible was not insured, or cannot be identified (e.g. because they drove off), you may be able to claim compensation from the Motor Insurers' Bureau. (MIB)

[Can I sue for an operation that went wrong or if my medical treatment was negligent?](#)

You may be able to claim compensation if you were the victim of clinical negligence: in other words, if the care you received was below the standard that should be expected, and you suffered physical or psychological injury as a result.

The same applies to treatment by any healthcare professional: for example, a nurse or a dentist.

Initially, you should ask the doctor or hospital for an explanation. If you are not happy with the explanation you receive, you can make a formal complaint under the doctor's or hospital's complaints procedure. You also have a legal right to get a copy of your medical records, though you may be required to pay a fee of up to £50.

I was injured by a faulty product - who can I sue?

If the injury was caused by a defective, faulty product, you may take action. You normally take action against the manufacturer (or whoever imported the product into the European Union). If whoever sold you the product cannot identify who this is, you can take action against the retailer instead.

If I sue my employer for an injury at work, how can I protect myself against retaliation such as being sacked?

Employers are required by law to have Employer Liability Insurance and the insurance company will deal with your claim for compensation for injury and losses, including loss of earnings. Even if your accident hasn't caused you to take time off work, you can still claim compensation for the physical pain and suffering of your injury.

Can I sue even if I am partially to blame for an accident?

If you have grounds for legal action, you can still sue even if you are partially to blame. However, any compensation you receive is likely to be reduced to reflect your contribution to causing the accident and/or making the injury more severe than it would otherwise have been.

I suffered a personal injury several years ago - can I still sue?

You have 3 years from the date of your accident within which to claim compensation. However, this time limit is extended if you were not immediately aware of the injury - for example, if you got a disease that did not immediately show itself.

If you are making a claim from the Criminal Injuries Compensation Authority, the time limit is only two years from the incident. However, the deadline for starting a legal action yourself is six years.

For injuries to children, the time limits start from the child's eighteenth birthday. A similar approach is taken for those who are mentally incapable.

Different time limits apply in special situations, such as a plane crash. Your solicitor can advise you on what the time limits are for your particular circumstances.

How much does it cost to make a claim for personal injury?

If you are successful in negotiating compensation, you will be awarded compensation and usually your legal costs will also be paid by the other side.

If you do not already have legal expenses insurance, you can take out insurance to cover your potential legal costs even after you have been injured. This can protect you against unexpectedly high costs or having to pay the other side's legal costs.

Can I claim legal aid for my expenses?

Legal aid is not normally available for personal injury claims.

However, if you suffer an injury as a result of a deliberate assault or a medical accident, and are receiving benefits, you may be entitled to legal aid to cover the costs of some legal advice.

Can I claim for payments I had to make as a result of the injury, such as medical care?

Yes, you can claim for financial losses you suffered as a result of the injury, such as the costs of medical care. You should keep evidence of all the costs you have incurred.

You can claim for the costs of reasonable medical care. This would normally cover private medical costs provided the treatment is necessary and the cost is not excessive.

you are expected to do what you can to mitigate these losses. For example, if you cannot work because of an injury, you would be expected to seek appropriate medical care so that you can get back to work, rather than treating it as an extended holiday.

What costs do I pay if I win my claim for compensation?

In most cases we offer a completely cost-free No Win No Fee service. We will not charge you a penny and will not deduct anything for our services from your compensation. We will also never ask you to take out a loan to finance your personal injury claim.