

## Can I make a Claim?

In order to make a personal injury claim you must have sustained injury due to the actions or negligence of another person which was not your fault.

Essentially a PI claim normally requires a physical or psychological injury that lasts for over 14 weeks which has caused pain and suffering to the Claimant. A personal injury claim must be commenced within 3 years of the injury being sustained otherwise it will become statute barred and in all but exceptional circumstances would fail.

There is no automatic right to compensation for an injury sustained. Therefore, someone else must be responsible for the injury to make a claim. In order to establish liability the Claimant will need to show they were owed a duty of care and that the Defendant breached that duty which caused the injury.

All road traffic users owe each other a duty of care; if an accident is sustained on the road as a result of the actions of another driver causing injury the Claimant will have a claim against the driver of the other vehicle. It is compulsory to have motor insurance when driving on the roads meaning ultimately the claim will be made against the Defendant's insurance policy.

Drivers, cyclists, pedestrians and passengers can bring claims for injury sustained as a result of a road traffic accident. Details of the Defendant's insurers and registration number should be noted at the accident scene. Attendance at a GP or hospital in order to document the pain and suffering sustained is advisable both to establish liability and to help quantify the level of compensation appropriate.

An employer must safeguard the welfare of its employees and take out the appropriate employer's liability insurance. Therefore, any injury sustained at work due to the employer's negligence can lead to a claim for personal injury. Details of the incident should be recorded in the employer's accident book and any witnesses should be noted. Common injuries include back injury or hernia.

The most common type of personal injury claim is for a slip, trip or fall. These can occur anywhere and entitlement to compensation will depend on whether the fall was caused by a defective in the floor or was merely an accident for which no one can be blamed. It is not always clear who the Defendant is; if a fall takes place on a pavement it may be the local council, but the land may be owned by a private individual.

It is advisable to take photographs of the area the trip or slip occurred to show why the owner of the land should be responsible for the injury. Tripping over broken paving stones owned by the council will only lead to a claim if the council should have known about the defect and the defect in the pavement is sufficiently severe.

It is only worth pursuing Defendant's who have the financial means to pay compensation. Consequently, if an injury is sustained on private land but the individual who owns the land is not in a position to pay compensation, it may not be worth bringing a claim.

