



DEFECTIVE PRODUCTS

If you purchase a product or use a product perhaps belonging to someone else, which then injures you through no fault of your own, you may be able to make a claim against the manufacturer or the retailer, depending on the product.



What is a personal injury?

A personal injury occurs when a person, company or some other organisation is to blame (or at least partly to blame) for the injuries you have sustained. If a personal injury has been sustained whether it be at home, at work, on the road on the pavement or in a shop or for example, if you have bought a product which turns out to be defective and you have sustained an injury as a result then you may be able to make a claim against the other party in negligence and receive compensation.

If someone has been negligent they may have to pay you compensation for your injuries. You may well have suffered a psychological injury as well as a physical injury and you may be able to get compensation for the upset or distress the accident has caused as well as for the physical injury.

The first steps to be taken after an accident

Seek medical treatment

Initially after the accident you may need to seek immediate medical attention, this can either be at your local Accident and Emergency department or at your Doctors. It is important to register your injuries at your Doctor's even if you think your injuries are very minor. It is difficult to tell when you first have an injury how the injury is going to progress. You may get better immediately or it may take many months or even years.



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Collecting evidence

It is important as early on as possible when your mind is still fresh to the accident circumstances to collect as much evidence as possible. You may be able to take photographs of the road if you had a road traffic accident or a trip. You could keep an instant camera in your car or perhaps you have a mobile phone which is capable of taking images. If so, take photographs of your injuries and of the accident location. Take down the exact road name or junction and any landmark you can see to help you identify the accident location at a later date. It is important to remember the date and time of the accident, make a note of these.

Witness Evidence

You should try to take down names and addresses and contact telephone numbers of anybody who was involved in the accident or any witnesses to the accident.

3 year time limit

It is very important to remember that with personal injuries that occur in the United Kingdom you have 3 years in which to bring a claim to issue proceedings. If you are instructing a solicitor then you will need to contact them well in advance of the 3 year limitation period as they will need to carry out medical examinations and prepare court documents which can take sometime before the 3 year period runs out. After this time you will be prevented from bringing a claim except in exceptional circumstances.

What type of accidents can I claim for?

There is no exhaustive list of all the types of accidents which can occur that you could claim for. Accidents come in many various circumstances and can result in very many different types of injuries. The best advice would be to contact an independent solicitor initially who can go over the accident circumstances with you briefly, this should not take too much time and they will be able to give you a good indication as to whether you have a potential claim for compensation.

What will be the cost of instructing a solicitor?

Funding claims can be expensive. Public funding or legal aid as it is commonly known is no longer available for most personal injury cases. However if you can not afford to pay your legal fees there are various other ways in which you can get help to pay for the costs.

Legal expense insurance

Many people now in Britain have a home or motor policy and attached to that policy they will have what is known as a Legal Expense Insurance. This is a completely independent policy that runs alongside either the house or motor insurance scheme and costs approximately £15.00 per year. You should contact your motor insurance company or house insurance company depending on the type of accident you have been involved in to check if you have the benefit of Legal Expense Insurance.



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If you have Legal Expense Insurance then you will be entitled to free legal advice and assistance which means the cost of instructing a solicitor is free of charge, subject to certain guidelines. You can in many cases insist that the insurers pay the costs for you to instruct a solicitor of your choice.

No win No fee agreements

These agreements, officially called Conditional Fee Agreements mean that you do not have to pay your solicitors fees if you lose your case. You will probably need to take out some insurance to protect you against the risk of losing the case your solicitor will be able to give you some advice regarding insurance policies and the cost of these policies. Cost of these policies are usually claimed back from the Defendant at the conclusion of the case. Some solicitors may deduct a shortfall in their costs from your compensation. We here at Watson Esam do not do this and so you will take home 100% of your compensation should your claim be successful. (Please refer to the Conditional Fee Agreement for full details).

What can I claim compensation for?

There are 2 types of compensation you can claim for.

- a) General Damages for the pain and suffering and loss of amenity you have sustained and have had to cope with as a direct result of the injury. This amount will be determined by the Court or negotiated by the solicitors themselves and insurers.

- b) Special Damages are for quantifiable amounts of money that you have lost due to the accident and they can include:-
 - 1) lost earnings, due to injury if you are unable to work as a result of the accident
 - 2) Costs of private medical treatment, including operations, physiotherapy
 - 3) Travel cost to hospital and visiting the medical expert
 - 4) Counselling
 - 5) Car hire
 - 6) Damage to property, clothing or belongings choice.



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It is important to keep receipts from day 1 of any losses you wish to include within your special damages claim. You may not be entitled to make a claim for all your financial losses, your solicitors will advise you accordingly.

It is important to remember when you are involved in an accident that your work and home life can be severely disrupted even for the shortest period of time. For anybody who has had a road traffic accident they will understand how much effort and time has to be employed in order to get your vehicle back on the road etc. You may feel it is important to have a solicitor who lives within your locality you can speak to and visit on a regular basis as and when required. It should be remembered that sometimes your insurance company will put you in touch with a panel solicitor who acts for them on a regular basis but that they may be at the other end of the country.

For advice on Personal Injury Matters or any other area of Watson Esam's expertise, telephone 0114 275 3350

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