

***If you have been involved in a Road Traffic Accident, these are the Steps to take:-***

Claims arising from Road Traffic Accidents are one of the most common types of claim. People who are involved in RTA's are often, quite understandably, shocked and shaken by the experience. As a result, they do not always obtain vital information about the other party involved which prevents them from bringing a claim in the future for injuries that they have suffered. If you have been involved in an RTA, you should take the following steps:-

1. If possible, you should obtain all the third party drivers details including full name and address, registration, make and model of their vehicle, their insurer's details and a policy number. Obviously, it is not possible to do this in all cases particularly if you have been injured and are unable to obtain the information yourself. In such cases, one would expect the Police to attend the scene and for a Police Accident Report to be prepared. In this situation, you should ensure that you obtain all relevant details from the Police as soon as possible after the accident and pass these on to your Solicitor.
2. You should obtain full details of all witnesses to the accident, where possible, including full name, address, registration, make and model of their vehicle (if they were driving a vehicle).
3. It is important that you seek medical attention immediately after or as soon as possible after the accident to ensure that details of your injuries are recorded in your medical notes and records. This is important as you, the Claimant, need to prove that your injuries were caused by the Defendant. Your medical notes and records must link your injuries to the accident in question. This is known in legal terms as Causation i.e. there must be a causal link between the negligence of the Defendant and the injury. If your claim is likely to be successful, you will be examined by a medical expert who will prepare a report on your injuries and he will require complete access to your medical notes and records and must be satisfied that there is evidence in your notes that the accident occurred as alleged etc. The medical notes should include a diagnosis of your injuries and whether you received any treatment and/or medication etc.
4. Ensure that you make your own record about the accident and retain important information such as details of any witnesses to the incident who may be able to provide evidence in support of your claim. You should make a note as to the position of each party's vehicle, whether you were driving, a passenger or a pedestrian and prepare a summary as to the precise position of the parties/vehicles involved and who you consider to be at fault. A diagram often assists with this.
5. If the Police do not attend the scene, you may still wish to report the accident to the Police, particularly if the third party driver is being aggressive or obstructive or if there are no other independent witnesses to the accident.

6. You are under a duty to mitigate your losses if you intend to bring a claim for injuries sustained in an accident. This includes returning to work when you are reasonably fit and well to do so and seeking appropriate treatment to assist you in recovering from your injuries such as Physiotherapy treatment even if it has to be paid for by you. Usually, this expenditure is recoverable.
  
7. If you wish to bring a claim for compensation, it is important that you seek independent legal advice as soon as possible. You should note that you have a period of 3 years in which to either settle your claim or issue proceedings against your opponent, otherwise your claim will become Statute barred under the Limitation Act 1980. This means that a claim may only be brought outside of three years from the date of the accident/injury in exceptional circumstances. Different rules apply in respect of 'minors' i.e. persons under the age of 18 years at the time the accident occurred. The 3 year time limit does not begin to run until the minor attains the age of 18 years i.e. they have a period of 3 years from their 18<sup>th</sup> birthday.