

# Hamers

SOLICITORS

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## Personal Injury Claims

**Hamers**  
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## About us

As one of Yorkshire's leading specialist law firms we pride ourselves in providing a comprehensive, professional and personal service to our clients. We have been successfully dealing with Personal Injury Compensation Claims for over 25 years and have the understanding and experience to get you the maximum compensation.

Our team includes members of the Personal Injury Law Society Panel and the Association of Personal Injury Lawyers.

We have specialist solicitors and claims handlers to deal with:

- Asbestos Diseases
- Road Accidents
- Work Place Injuries
- Serious Spinal and Head Injuries

You can make a free, no obligation appointment to discuss whether or not you have a claim and the possible value of it.

Don't wait forever for your  
**COMPENSATION CHEQUE!**



## No Win, No Fee, No Deductions

### Our policy is simple:

- If we do not win we do not charge anything
- If we settle the claim there is no deduction from the compensation

### How we can help with your claim

We will assess your claim free of charge. This can be on the telephone in the more straight-forward cases or by arranging an appointment to meet you at a time which is convenient. We will happily meet you at home or at the hospital if this is easier than you coming to our office.

If we agree to take on your case we will start your claim by:

- Writing the protocol letter of claim to the responsible party
- Interviewing witnesses
- Visiting the site of the accident if necessary

We will then work towards a settlement of your claim by:

- Making sure the Insurers stick to the protocol timetable
- Getting the right medical evidence for you
- Putting together your claim for expenses and losses

If we can't settle the claim then we will issue proceedings and fund that through to the end.

To keep things moving and to update you faster we will if you prefer EMAIL YOU.

## Personal Injury Protocols

These are statutory guides intended to provide claimants with a timetable and structure to enable claims to be investigated and settled quickly. It is intended that the Protocols will also reduce the need to issue proceedings. We will advise as to each step to be taken under the Protocols and work with you in complying with them.

### Claims often result from.....

#### Road Accidents

If you are the victim of a road accident you may be entitled to compensation in respect of your financial losses, as well as your injuries. This applies whether you are the driver or passenger of a vehicle, a motor cyclist or pillion passenger, or even if you are a pedestrian.

#### Accidents at work

European Directives have changed the basis of our health and safety at work law. The Directives have created the concept of risk assessment, the purpose being to eliminate or reduce the risk of accidents at work. Despite the Directives, industrial accidents do happen and injured employees can claim compensation.

#### Industrial Diseases

Probably the most common dangerous material is asbestos. Many of those exposed to it in the past are now beginning to suffer symptoms due to breathing in asbestos dust. Compensation is available for these people. We have set up a specialist department to deal with asbestos claims.

Ask for our asbestos brochure or visit our website at [www.asbestoscompensation.com](http://www.asbestoscompensation.com)



Other examples include asthma, work related upper limb disorders, deafness, VWF and cancer related diseases. In addition to the medical research which now enables these claims to be brought, the Courts often make allowances for the fact that there may be some delay in bringing a claim.

## Other Accidents

Other types of accidents occur which can give rise to a claim for compensation. For instance you may have been out shopping and slipped on a dangerous floor, tripped over an uneven pavement, suffered food poisoning from a bad meal or had an unsatisfactory holiday. In all such cases you may be entitled to compensation.

## Proving a Claim

In England compensation is only payable where fault or blame can be established and loss proved. In any claim, be it a road accident, an accident at work, industrial disease or a tripping case, it is not enough to simply claim that there has been an accident or injury.

## Witness Evidence

In some cases it will not be possible to prove fault or blame without the help of witnesses. Some claims will therefore involve the need to trace and interview witnesses and appropriate experts. We have the resources to carry out these investigations but we will need your help in identifying and tracing witnesses.

In some rare cases it is unfortunately the case that after witnesses have been traced and interviewed it is no longer possible to proceed with the claim. Although these instances are rare they may occur from time to time.

## Calculating Compensation

With the exception of criminal injuries, there is no fixed basis for calculating compensation. At the end of the day the amount of compensation you get could quite easily depend upon the skill of the Claims Handler. All our Claims Handlers are trained to deal with Insurance Companies and have access to computerised legal research, keeping them up to date with the latest compensation levels.

## Pain, Suffering and Loss of Amenity

Compensation is paid for the pain and suffering caused by the injury itself and the consequent reduction in quality of life caused by the injury. Such compensation is based on the medical evidence and is usually described as 'General Damages'.

## Expenses

All expenses due to the accident such as car hire, vehicle repairs, accident excess, taxi fares to and from the hospital, extra telephone calls, prescription charges, clothing, extra laundry, and expenses incurred by you and your family in hospital visits can all be included in your claim.

It is recommended in all cases that receipts or a record is kept of all these types of expenses. From time to time as your case progresses you may be asked for details of all expenses to be claimed.

## Loss of Earnings or Profit

If you are in employment or self employed you will be entitled to your loss of earnings or profits.

## Loss of Future Earnings

In some cases you may find that as a result of your injury you cannot return to work or if you can that it is on a limited basis. If that is the case you will be able to claim in respect of your future loss of earnings and any associated Pension losses.



## Handicap on the Labour Market

Unfortunately in many cases there can be some permanent partial disability and although this may have no immediate effect on your earning power it may be that at some time in the future it will. In such cases compensation is claimed in respect of this disadvantage or handicap on the labour market.

Similarly as a result of an absence from work due to the accident you may have lost the opportunity of a better job or promotion. Again compensation for this loss is claimed.

## Child Cases

Generally speaking the same principles apply to children under eighteen years of age who have been injured. In the majority of cases however, Court approval of the settlement of any claim is required. This means that, with the exception of any necessary expenses incurred, the compensation figure will be approved by the Court and will be invested by the Court on the child's behalf until the child has reached the age of eighteen.

## Medical Evidence

No claim will be settled without a medical report. If the claim is likely to settle for less than £15,000 then under the Protocol one medical expert will be appointed. The benefit of this is that it stops insurers getting their own reports thereby avoiding further delay. In all other cases the Protocols allow greater flexibility over the choice and number of medical experts.

Our resources are such that we have a national database of medical advisors ensuring that in those cases a thorough and skilful investigation is carried out - so that maximum compensation is paid.

## Expert Evidence

In some cases it may be necessary to get expert advice from, for example an engineer, to assist in reconstructing an accident. We keep a register of Court approved experts.

## Claims can be delayed

This is often intentional and necessary. Claims should not normally be settled until there has been a full recovery, which can take some time, or alternatively until such time as the condition has stabilised and a firm medical opinion can be given.

## Interim Payments

In the majority of cases settlement can be reached fairly quickly and full payment made. In the more serious and complicated cases an inevitable delay occurs. In such cases we can obtain an early interim payment from part of the compensation you will receive.

## Provisional Awards

In some cases where injuries may worsen or where complications may develop, a provisional award of damages will be made by the Court. This means the Court will award damages based on current disability and symptoms but allow a further application to the Court for additional damages should the condition or symptoms worsen.



## Court Proceedings

If a claim is unsuccessful after proceedings are issued there will be no charge, and provided you have the benefit of after the event legal expense insurance you will not have to pay the defendants legal costs. If the claim is successful after proceedings are issued you may have to pay something towards the cost of after the event legal expense insurance.

## Legal Costs

If for some reason we are instructed on a fee paying basis there could be costs to pay. Most claims are settled on the basis that the Defendants and or their insurers (the other side), make a contribution towards your legal costs.

However it is most unlikely that upon settlement the 'other side' will pay all your legal costs. In other words the Court very rarely orders the 'other side' to pay the whole of your bill, although normally most of your costs are paid. The difference between your bill and what the 'other side' pay is payable by you.

## Legal Expense Insurance

Even if you have the benefit of Legal Expense Insurance we can still act for you because under the Insurance Companies (Legal Expense Insurance) Regulations 1996 you can choose your own Solicitors.

## Limitations of Actions

Although there are exceptions, the general rule is that any action for personal injury and fatal claims must be brought within 3 years of the date of the accident. However, we advise you to claim immediately while the incident is fresh in your mind and that of any witnesses.

## Disability Discrimination Act 1995

If the effect of an injury lasts or is expected to last for more than 12 months and give rise to a "disability" as defined in the Act your employer is now under a legal duty:-

- i) to make reasonable adjustments at work to avoid placing a "disabled" person at a disadvantage, and
- ii) not to discriminate against a "disabled" person in respect of employment.

If an employer therefore either discriminates or dismisses a "disabled" person on the grounds of the disability the employee may have a separate claim against the employer for damages under the Act.

For further information and advice contact our Employment Law Department on 01482 627866.

It should be noted however that the time limit under the Act in which to bring a claim in the Employment tribunal is 3 months from the date of dismissal.

