

## PACKAGE HOLIDAY CLAIMS, AIR AND SEA ACCIDENTS

### A GUIDE FOR THOSE WHO HAVE SUFFERED ILLNESS OR BEEN INJURED WHILST ABROAD

The significant growth of international travel both for work and pleasure in recent years has unfortunately increased the chances of UK residents suffering injuries in accidents or through illness whilst abroad. If you have been unfortunate enough to have been involved in an accident or suffered an illness whilst abroad which was not your fault, we may be able to assist you to recover damages for pain and suffering and for other financial losses.

#### Illness Abroad and Hotel Accidents

If you have booked a holiday through a travel agent or at an inclusive price which would include Transport and Accommodation then your holiday may come within helpful regulations called the Package Travel, Package Holidays and Package Tours Regulations 1992.

These regulations provide statutory legal rights for you against tour operators and enable holidaymakers to pursue claims for compensation in the English/Welsh Courts. If you have an accident in a hotel or suffer illness whilst abroad caused by the negligence of the hotel or its staff you will be able to pursue a claim against the tour operator through the English courts.

#### Air Accidents

The Montreal Convention governs the rules relating to air disasters and compensation for the victims of air accidents. Under the Montreal Convention, airlines are strictly liable for damages. This means that the claimants will not be required to prove fault against the airline. The convention also covers claims during the process of embarkation or disembarkation. Recently our firm was successful in claiming damages against an airline on behalf of it's passengers who were being transported in a bus from the plane to the airport terminal. The bus had applied emergency braking at speed causing the passengers to sustain injuries.

#### Sea Accidents

Similarly, the Athens Convention governs accidents on ships. The ship's owners are liable for injury and loss due to the fault or neglect of the carrier or their employees. So if you have an accident whilst on a ferry or a cruise liner we may be able to help you.

#### Time limits for Air and Sea Accident Claims

Both accidents at sea under the Athens Convention and accidents in the air under the Montreal Convention are subject to a time limit of two years. So it is important to seek advice as soon as possible after an accident or illness.

#### HOW WILL I PAY FOR THE COSTS OF A CLAIM?

We will discuss your funding options with you. It may well be that you have a policy of legal expense insurance which you can rely upon. We will help you to identify if this is the case. We can also offer, in appropriate circumstances, to deal with your claim with a Conditional Fee Agreement (commonly known as a No Win No Fee agreement).

#### Contact us

If you have suffered from any kind of injury or illness abroad please do not delay seeking advice and assistance as this could be prejudicial to your claim. We have specialist solicitors who will be able to give you the best expert legal advice and to confirm whether you have a claim. Contact us on 0800 389 1978