

CYCLING ACCIDENTS

A GUIDE FOR PEOPLE WHO HAVE BEEN INVOLVED IN A CYCLING ACCIDENT

I'VE HAD A CYCLING ACCIDENT. WHAT SHOULD I DO FIRST?

1. **THINK SAFETY** – If you are injured on a road the first thing to think about is your own safety. Your priority has to be to get off the road and onto a pathway or kerb side. If you can't move, make yourself as visible as you can.
2. **POLICE AND MEDICAL ASSISTANCE** – Call 999 in the case of an emergency. Police reports can contain key evidence should a personal injury claim be made so make a note of the attending officer and the police reference number if you can. After the event, always get some medical advice no matter how minor the injuries seem as its better to get checked over by a professional.
3. **EXCHANGE DETAILS** – If the accident involved another vehicle you will need the driver's details. It is a legal requirement to exchange details after such an accident. Names, addresses and vehicle descriptions (make, model, registration number and colour) are helpful but the Registration Number of the other vehicle is the most important detail for us as it is possible to trace the insurers of the other vehicle using this information.
4. **SPEAK TO ANY WITNESSES** – Get their details for future contact as independent witness evidence is very useful should there be any dispute about the accident circumstances.
5. **EVIDENCE GATHERING** – Whatever type of accident, proof/evidence is key. If you have a camera or mobile phone with a camera take photos of the accident scene, positions of vehicles, damage to vehicles, the defect in the road and anything else that may be relevant. There may be CCTV footage available - make a note if there is a camera nearby. In addition, as soon as you can, write down exactly what happened. Memories and details fade over time so record the information before you forget vital facts.
6. **DAMAGED PROPERTY** – Bicycles aren't cheap and you may be able to claim back the cost of the damage to your bicycle and other items. Keep the damaged bicycle and other items even if they aren't repairable as these will form part of your evidence. If you have to pay for repairs or anything else resulting from the accident keep receipts. We would always recommend that you get your bike checked over after an accident. Check your clothing for damage. If you were wearing a helmet, get advice from a bike shop about replacing it if it took an impact.
7. **COMPENSATION** – Not all personal injury solicitors are experts in making claims for cyclists. Forster Dean can help. We have represented cyclists for many years and we have won hundreds of claims. You could be our next success story!

Download our free accident log - it will prompt you to record all the relevant information in the event of an accident.

HOW LONG WILL A CLAIM TAKE? WHAT HAPPENS?

- Straightforward claims can be resolved in a matter of weeks or months. More difficult cases or those involving more serious injuries can take a few years.
- Once you have contacted us, we will allocate a specialised cycling injury lawyer to assess your case. You will always know exactly who you are dealing with.
- We think it's best to meet with our clients right from the start and we will arrange this. Our clients tell us they prefer this to dealing with someone by telephone in an office nowhere near where they live!
- We will contact the person or organisation responsible for your accident and set out what you are claiming for.
- We will arrange a medical appointment for you and obtain a medical report which will help us to value your claim. We will tell you when the appointment is likely to be. The appointment will be local to you and at a convenient time for you.
- We will try to negotiate settlement of your claim quickly and efficiently and get you the best possible compensation award for the injuries and other losses you have had. We will discuss all offers with you before accepting them.
- If we can't agree the value of your claim with the opponent or if liability is denied, we will consider the reason given, discuss it with you and advise you whether we still think you are more likely to win than lose. If we believe you will win, we will advise you to start Court proceedings. We will deal with this for you.
- The majority of cases are settled without the need for you to go to court. If there is a trial in your case we will carry out all the preparation and instruct a barrister to represent you on the day.

WHAT COMPENSATION WILL I GET?

INJURIES: The amount of compensation will be assessed once a medical report has been obtained. Think about keeping a diary to record how you feel as the days pass.

The more serious the injury, the higher the compensation award.

OTHER LOSSES AND EXPENSES: Any past or future financial loss which arises from the accident can be claimed as part of the claim. Examples include loss of earnings, travel expenses and care and assistance provided by family or friends. Keep receipts for any costs as evidence. Keep a note of help you received because of the accident.

WHAT ABOUT LEGAL COSTS?

If we consider your claim has a good prospect of succeeding we will offer to deal with your claim under a "no win no fee agreement" (a conditional fee agreement)

Many solicitors and accident management companies require you to pay for an up front insurance policy and/or a loan. We do not require you to pay anything to us at any stage of the claim.

TIME LIMITS FOR MAKING A CLAIM FOLLOWING A CYCLING ACCIDENT

Our best advice regarding time limits is to obtain legal advice as soon as you can. Court proceedings must be started within three years of the date of the accident, if it occurred in England and Wales.

Different time limits may apply if the accident happened abroad. In the case of someone under the age of 18, the three year period does not start to run until their 18th birthday. However, by that time evidence and records may be lost and the claim can become much harder to pursue. That's why we recommend early action.

If you or a member of your family has been involved in a cycling accident or any other type of accident which has resulted in you sustaining injury and would like a free and confidential discussion with one of our specialised lawyers, please do not hesitate to contact us on 0800

389 1978 or visit our website at www.forsterdean.co.uk. You can also follow us on Twitter (@ForsterDeanLtd) and find Forster Dean Solicitors on Facebook