

FATAL ACCIDENTS

A GUIDE FOR PEOPLE AFFECTED BY A FATAL ACCIDENT

IMMEDIATELY

After a fatal accident, the family and friends who are affected will find themselves in a difficult position. They will be upset, have lots to worry about and have issues they know they need to deal with. It is unlikely that claiming compensation as a result of the accident will be a priority. At Forster Dean, we can help you to prioritise what needs to be done and help with the administrative burden which will inevitably fall on those most closely affected by the death. We can help to refer you to charitable support and direct you to benefits/financial help.

When you are ready, we can provide advice to you about whether there is a claim for compensation which you can make.

IN WHAT CIRCUMSTANCES CAN I CLAIM FOLLOWING A FATAL ACCIDENT?

A claim can be made for compensation as a result of a death when someone else is to blame for the accident either fully or in part.

WHY AM I ABLE TO CLAIM?

If you were dependent upon the person who has died for money or for other help and support then you may be able to make a claim for compensation so that your loss can be replaced. Any help or support that you had is valued in money terms and is claimed back for you.

The deceased's estate can claim for anything the deceased would have been able to claim for if he/she had survived.

WHO IS A DEPENDENT?

There is a legal definition for a dependent which includes spouse, civil partners, co-habitees (subject to having lived together for at least two years), parent and child. There are other possible dependants who may be able to make a claim and we would be happy to discuss this with you.

WHO IS THE ESTATE?

If the deceased left a Will then executors named in the Will can bring a claim on behalf of the estate. Where no Will was left, personal representatives are appointed to bring the claim on behalf of the estate. Forster Dean can help you to identify who would be the most appropriate person to bring any compensation claim on behalf of the estate.

WHAT CAN I CLAIM?

A financial dependent can claim to replace income, help and support which would otherwise have been provided by the deceased.

A spouse, civil partner or the parents of a child under the age of 18 can claim for a bereavement award which is a fixed sum of money of £11,800.00.

The estate can claim for funeral and associated costs, property damage (eg car, motorbike, bicycle) and damage to personal effects, pain and suffering of the deceased, any loss of earnings and the cost of any care provided to the deceased between the date of the accident and the date of death.

HOW LONG WILL A CLAIM TAKE?

There are two main considerations in trying to estimate the length of time a case will take. The first relates to establishing fault on the part of the person you believe to be responsible for the accident. If that issue can be resolved fairly quickly then the overall length of the claim will be reduced.

The second consideration is the length of time it takes to prove the extent of your claim. We need to get together all the necessary documents and that can be time consuming. We can help you identify which documents will be needed and we can help you put those documents together.

As a general rule, the most straightforward fatal accident claim could be resolved within six months of the death. In more complicated circumstances, a claim may take two to three years.

WILL I NEED TO OBTAIN PROBATE/LETTERS OF ADMINISTRATION?

It is necessary to establish your entitlement to bring a claim for compensation on behalf of the estate and we can help you obtain the relevant legal document for this which is called Probate/Letters of Administration. This evidences your entitlement to bring a claim. The cost of obtaining this will be claimed back from your opponent.

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).

If you have been affected by the loss of a loved one in a fatal accident then please contact Forster Dean on 0800 389 1978 and one of our specialist Lawyers will be happy to assist and guide you through the process.