

Know Your Rights



WITH LEGAL EXPERT JONATHAN WHITE

Each year thousands of people suffer accidents that should and could have been avoided.

Too often, these victims suffer serious consequences from their injuries such as health complications and financial problems from being out of work. They do so without receiving any support which could help them get back on their feet.

Why? Because too many people do not understand their legal rights and are intimidated by a system designed to help them. Jonathan White is an expert specialising in personal injury. Each month, he'll answer readers' queries about their legal rights.

Q One of the lifts in my local shopping centre stopped about four inches lower than the level of the shop floor. I tripped and really hurt my knees and sprained one of my wrists. The mangers of the centre were really helpful but it turns out this isn't the first time this has happened to somebody. I'm not sure what the law says about this type of accident and whether I have a right to claim. More than anything I think the problem should be fixed before somebody has a really serious accident.

Miss T Finch

A There's a law that was passed over 50 years ago (the Occupiers Liability Act 1957) which states that the owners of the shopping centre must take reasonable care to ensure that visitors are reasonably safe in using the premises. Every case is always reviewed individually but if it was determined that in this instance the shopping centre's owners had not taken reasonable care, then you are entitled to compensation for your pain and suffering along with any other financial losses such as medical bills and loss of earnings. In these particular circumstances I believe the shopping centre's owners have failed to take reasonable care as the lift was clearly defective and they were already aware of the problem but had failed to deal with it.

Q When I was travelling to work on the bus, a car suddenly pulled out of a junction and crashed into the bus, throwing me and other passengers out of our seats and down the walkway of the bus. I was knocked unconscious and suffered a severely damaged finger – the top had been taken off so I had to have an operation to sew it back on. The other passengers suffered injuries too, including whiplash, a broken hand, bruising and head injuries. I know that in a traffic accident you can claim through your insurance but as this was public transport, would it be different?

Mrs J Adams

A Claims made by bus passengers are dealt with in the same way as claims brought by car drivers or passengers. All claims for personal injury must be pursued against the person who was at fault for the accident. In this particular case I would expect your claim to be dealt with by the insurers of the car which crashed into the bus. As the bus driver is also an innocent party the claim is not against the bus driver or the bus company. If you know the registration number of the car that ran into the bus a solicitor should be able to trace the relevant insurance company very quickly. That insurance company should admit fault and negotiate settlement of your claim.

■ If you have suffered a personal injury and are confused about your rights, email Jonathan at knowmyrights@nahl.co.uk or visit www.national-accident-helpline.co.uk/knowyourrights for more information.



