

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 Last year my wife and I visited Torremolinos in Spain. On the second day my wife slipped on a spillage in the hotel restaurant, breaking her shoulder and knee. The rest of our holiday was spent in and out of hospital. I would like to claim compensation as the spillage wasn't signposted, but I'm not sure how to go about it as it happened outside the UK.

Mr R Metters

A The Package Tour Regulations allow your wife to bring a claim against the tour operator in England if the hotel was arranged as part of a package holiday. The tour operator is liable for the actions of those who supply services which form part of the package such as hotels, coaches, or restaurants. These regulations avoid the need for you to bring a claim in a foreign country, usually meaning that there is no need for foreign lawyers to be involved. However many claims involving accidents abroad are complicated, involve different legal systems, shorter time limits and are often assessed on the standards in the foreign country rather than the UK. It is important that you get advice from a personal injury specialist with experience of overseas accidents to guide you through the process.

Q I am a bus driver and a while ago the power steering failed. I was going round a corner at the time and it wrenched my left shoulder, badly damaging the muscle so that I had to have surgery. I was off work for six weeks, but the company insisted that it was my fault and that I had lost control of the vehicle. A friend told me that I have a right to claim for the money I've lost, but I have since left the company and I'm unsure how to approach the situation?

Mr M Winston

A You have a right to claim compensation for your pain and suffering, loss of earnings and medical expenses. Similarly your former employers have a right to dispute the claim if they believe that the accident was your fault. If you don't already have solicitors, a personal injury advisor will put you in touch with a specialist solicitor in your area who will gather evidence from witnesses, former colleagues, medical experts, CCTV footage, accident report book entries and vehicle maintenance records to support your case. Likewise, your former employer's insurance company will also gather evidence. If the claim cannot be settled by negotiation, there is a chance that a judge could be asked to determine the cause of the accident. However if the evidence points to the vehicle being defective, the likelihood is that their insurers will settle your claim, avoiding the need for court.

■ 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.



