



Legal support

FOR BIKERS



WHAT TO DO AFTER A MOTORBIKE ACCIDENT

There's no doubt that being involved in a motorbike accident can be an emotional and often stressful experience and, depending on how seriously you've been injured, it can be traumatic for your family too.

Immediately after a motorbike accident, you may feel upset, angry, or confused, but it's really important to stay as calm as possible and approach the situation logically, regardless of whether the accident was or wasn't your fault. It's important to take the time to make sense of what has happened as your actions immediately following an accident could affect future legal disputes or the success of your motorbike accident claim.

If you've been involved in a motorbike accident and are not seriously injured, follow the steps below to ensure you handle the aftermath of your motorbike accident in the best possible way.

1. Move to a safe location and check for injuries
2. Call 999 to inform the police
3. Don't discuss or admit liability with any other party involved at the scene
4. Take photos of the damage to your motorbike, third party vehicle, the positions of the vehicles and surroundings. This will be helpful to your motorbike accident claim
5. Check for video evidence from dash cams or CCTV overlooking the scene
6. Seek medical assistance, no matter how minor your injuries might seem at the time
7. Obtain details, including:
 - a. Contact details of the other driver/rider
 - b. Insurance details of the other driver/rider
 - c. Contact details of any witnesses
 - d. Information of the vehicles involved, including make, model, and license plate number
 - e. The police incident number if they are at the scene
 - f. Write down the details of exactly what happened while they're fresh in your mind
 - g. Give a full report to emergency services
 - h. Retain and take note of any damaged property
 - i. Inform your insurance company
 - j. If you're injured, seek personal injury claim advice

PURSUING LEGAL SUPPORT

Being involved in a biking accident can be devastating and the prospect of pursuing a legal claim can be daunting when all you really want is to focus on your recovery. You do want to be sure though that your legal expert will give you good advice, look after you, and get you the best possible result.

For Minster Law, looking after our bikers is much more than a legal process; we work hard to take the effort away from you and look for ways to help with all aspects of your life whilst you go through the claims

process. We'll take the time to understand your individual needs, both now and in the future, and due to the complexity and sensitive nature of serious injuries every case is tailored. Our expert team is on hand to answer your questions, get you the best care, and secure interim payments, when possible, to help ease any money worries you have because of your injury.



“Good, intensive rehabilitation can help to ensure being seriously injured in an accident does not need to be life defining.”

Jonathan Bamforth,
Associate Solicitor and catastrophic injury specialist

Our experts can provide support for a range of biking injuries, including...

- ▶ Head and brain injuries
- ▶ Spinal injuries
- ▶ Groin injuries
- ▶ Injuries resulting in amputation
- ▶ Degloving - a severe injury that happens when the top layers of your skin and tissue are ripped from the underlying muscle, connective tissue, or bone
- ▶ Carpal Tunnel Syndrome
- ▶ Brachial plexus - nerve damage resulting from shoulder injuries
- ▶ Serious orthopaedic injuries

WHY SHOULD I PURSUE LEGAL SUPPORT?

Rehabilitation and long-term care

Living with the lifelong impacts of your injury may be challenging, but good, intensive rehabilitation can help to ensure being seriously injured in an accident does not need to be life-defining. Minster Law will provide access to the best rehabilitation providers to support your recovery and get your life back on track.

Returning home after your biking accident is a priority for most people, but in some cases your home may need to be adapted or you may need to find a new home to suit your injury. We will help to make this possible.

Recovering the cost of your bike and riding kit

We understand biking is a way of life, which is why our legal experts will work hard to recover the cost of your bike and riding kit following an accident.

Financial support

Pursuing a legal claim can be financially daunting, especially when a serious injury has put you out of work. With Minster Law, you don't need to worry about financial burdens, and we'll fund the effective and specific treatment you need. Our legal experts work to secure interim payments, if needed, to cover the cost of your medical

treatments and lost earnings from the outset. You'll also get access to financial investment advisors to help you manage your compensation and the benefits you're entitled to, to ensure it is invested to provide for your long-term health and financial needs.

Seeking justice

In addition to supporting your recovery and rehabilitation, we understand how important it is that the cause of the accident is identified and those responsible are held accountable. We will act promptly

to ensure the circumstances surrounding the accident are investigated thoroughly, ensuring your case is pursued in the most appropriate way.

Employment and additional legal services

Following a serious injury, you may find you are being treated unfairly by your employer. At Minster Law, we can assist you with employment disputes and have a proven track record of helping clients achieve a successful resolution.

We can also support you with a range of legal advice outside of our own expertise via our independent panellists. This can include advice on benefits, financial, criminal, and immigration matters.

WHAT NEXT? OUR SUPPORT STARTS WITH A CONVERSATION

Minster Law is home to one of the largest serious injury and bike teams in the UK; with specialist legal professionals in head and brain injuries, spinal injuries, orthopaedic injuries, and injuries resulting in amputation and limb damage. The team has over 135 serious injury and bike specialists helping bikers all over the country.

Our scale and experience have enabled us to secure access to leading services to support our bikers. We have established

relationships with top expert witnesses and rehabilitation providers, who use cutting-edge technology, and have a strong network of contacts to ensure every client receives the absolute best service.

We know choosing where to seek legal advice is a massive, and confusing, decision. If you or your loved one have suffered from a catastrophic injury and have questions relating to your injury or future support needs, please get in touch, without any commitment.

FAQS

I wasn't wearing my leathers/helmet/boots at the time of the accident. Can I still claim?

Yes. If the accident was someone else's fault, you're entitled to claim compensation. However, if the court finds that your injuries would have been less severe if were wearing the correct protective clothing, the amount you receive may be reduced.

Where wearing a helmet would have prevented the injury completely the

deduction from your settlement is at the discretion of the court. By not wearing protective clothing you have increased the risk of sustaining further injuries e.g. gravel rash. In these circumstances, we would consider the evidence and advise on a case by case basis.

The third-party hasn't accepted liability, does that affect my case?

It can be frustrating when the third-party don't accept liability, but there could be several legitimate reasons for this. We are experienced in dealing with cases of this nature and we will thoroughly investigate the circumstances and gather evidence to support your case. The third party may advise pending further investigation or deny full liability and we will need to collate as much evidence as possible to support

your claim. It is important you provide us with as much information as possible at the outset of your claim, such as potential witnesses, CCTV, or police reports.

I was riding pillion at the time. Can I still claim?

Yes. As a passenger on a motorbike, you are able to claim for personal injuries whether the accident was the fault of the rider of the bike or another party.

However, in some situations Minster Law cannot act for both rider and pillion at the

same time as this could be a conflict of interest e.g. in a liability dispute case. In these circumstances, we would discuss next options with you.

How do you value my claim?

We value the injury element of your claim based on the medical report(s). The medical report(s) identify the extent of your injuries and how long they are expected to last for. The amount of compensation you're entitled to depends on many things, including the severity of your injury, how

much it has negatively affected your life and the extent of any financial loss you experienced as a result of the accident. We will value any consequential losses according to the amount of that loss, and both elements will form the value band of your claim.

Do I have to attend a medical assessment?

Yes. All personal injury claims require you to see an independent medical professional. The expert creates a medical report which supports the valuation of your claim, provides you with an expected recovery time and, if necessary, will provide recommendations for further treatment.

Should I take pictures of my injuries?

Yes. Where possible, it is important to take photographs of any injuries in the immediate aftermath, and as the healing process takes place. These may not be used in your claim but nevertheless, they are important to us in assessing your claim, and it is more likely than not that your medical expert will want to see these.

What are some examples of losses I can claim for?

Losses can include costs relating to your vehicle being damaged, hire charges, medication and treatment, loss of earnings, damaged property or belongings, travel, care and assistance and loss of enjoyment.

Bike claimants who may have leathers and helmets damaged should photograph their items and keep them in a safe place. Frequent losses we see include prescriptions, gym memberships, vehicle excess and loss of earnings.

How much will I receive for my bike/injuries?

If we are pursuing your claim for bike damage, we may instruct an independent engineer to inspect and value for repairs, or pre-accident market value if not repairable. However, this often will be dealt with by your insurance company completely separate from your personal injury claim with Minster Law. You should still tell us about any out-of-pocket expenses you have related to your vehicle e.g. excess.

With regards to your injuries, we will arrange for you to be medically examined by an appropriate medical specialist and then we will seek to value your claim dependent upon the findings of the expert.

I have full capacity (the ability to make my own decisions) and am over 18, can someone else still deal with my case for me?

Your partner/friend/family member can be an authorised person on your file which means they can talk on your behalf. An authorised person can ask questions and provide information but they cannot give instructions, any decisions on the claim must be made by yourself.

Will my 'no claims discount' (NCD) be affected?

Generally, NCD is reduced following any incident unless you have a protected NCD, but we would always request enquiries be made via your insurers. If you are later found to be not at fault your insurers would usually reinstate your NCD. Again, this enquiry should be referred to your insurers at the time of the accident.

How long will my claim take?

This will depend on the severity of injuries and the position on liability. Often, we will wait until the end of your prognosis to ensure full recovery.

As an example, if you decided to settle before your prognosis has concluded then your claim may be limited to that point.

If your injury became more severe after you had decided to settle we would not be able to claim any further. This is why you may wish to wait for full recovery or for more serious injuries a definitive long-term prognosis.

There were no witnesses to the accident can I still claim?

Yes, resolving liability will be more complex without independent witness evidence, but this does not stop you from making a claim. There are other means of investigating fault i.e. damage, area of impact, location, road markings and case law.

Can I claim if the other person was not insured?

Yes, if the other party is not insured, we will refer your case to the Motor Insurers Bureau. The MIB are set up to compensate the victims of uninsured and untraced drivers.

My CBT (compulsory basic training) had expired can I still claim?

Whilst this may impact upon cover with your own insurance company, this would not stop you from pursuing a claim against the party you believe to be at fault.

What is a litigation friend?

A litigation friend is someone who acts as the claimant because the injured party is under 18, or is someone who lacks mental capacity. In both circumstances, a litigation friend is appointed to run the claim. This is usually a family member such as a parent.

A police investigation found the third-party not guilty or not to blame for the accident – does this mean I can't claim?

Not necessarily. The police investigation will determine whether any criminal proceedings should take place. Whilst any decision by the police or the CPS can have a bearing on your civil claim, it is not definitive.

We have a highly experienced team who will carry out thorough liability investigations to gather evidence which will determine who blame should rest with.

How long do I have to decide if I want to claim?

In personal injury claims, the general rule is that the limitation period expires 3 years from the date of accident therefore, if you want to proceed with your claim you will need to do so within that time. Failure to do so may mean you are unable to claim.

For children, and vulnerable clients lacking mental capacity, the 3-year limitation period runs from a child's 18th birthday, or from the point that mental capacity is regained.

How much will I pay in legal fees if I win my case?

How much you'll pay in fees depends on many things and your appointed solicitor is best placed to advise you on this. It all depends on the specifics of your individual case.

Do you have a translator?

Yes. We work with experienced and certified translators to facilitate discussions with our clients whose first language may not be English.



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▶ GET IN TOUCH ON 01904 663 229
OR EMAIL OUR TEAM AT MAPP@MINSTERLAW.CO.UK
VISIT MINSTERLAW.CO.UK TO FIND OUT MORE