

Road accidents impact more than just cars

by David Jeffery



In Guernsey, our low speed limits, filter systems and generally considerate drivers mean our roads are relatively safe, and we can be thankful that we do not experience the number of road traffic accidents (“RTAs”) as on the mainland. Accidents, unfortunately, are inevitable and history tells us that our little Island has seen its fair share of bumps and scrapes over the years, not forgetting the (thankfully rare) serious and fatal incidents.

The cause of RTAs can include dangerous driving, speeding, badly maintained vehicles and drivers who drive whilst under the influence of drink and/or drugs. Victims include drivers of vehicles, passengers in vehicles, cyclists/motorcyclists and pedestrians. While RTAs are distressing and inconvenient to those involved there are a number of important steps you may need to consider at this difficult time.

WHAT TO DO IF YOU HAVE BEEN INVOLVED IN A RTA

The Do's

- Contact the Emergency Services if anyone has been injured, the road is blocked or someone leaves the scene of the accident without exchanging details.
- Request details (name, address, and insurance provider) from those involved in the accident.
- Make a note of vehicle registration number(s), make, model and colour.
- Obtain the names and addresses and vehicle registrations of any witnesses.
- If possible, note details such as street names, time of accident, weather conditions, direction of travel, vehicle locations and damage to vehicles.
- Notify your insurance provider that you have been involved in a RTA, regardless of whose fault it was.
- Keep a record of all items of expenditure that have been incurred as a result of the accident. These might include: hire car charges, payment of policy excess, medical bills and even loss of earnings.

The Don'ts

- Don't admit responsibility or offer any form of compensation at the scene of the accident.
- Don't lose your temper. Stay calm and obtain the information identified above.
- Don't continue to use a vehicle that has been damaged in a RTA. Besides being dangerous, it is potentially illegal and might invalidate your insurance.

Can you bring a claim?

If you have been a victim of a RTA, be it as a driver, passenger, pedestrian or cyclist/motorcyclist, you may be eligible for compensation. In order for a claim to succeed, fault of an individual must be proved.

WHEN AND WHERE TO BRING A CLAIM?

As a general rule of thumb, court proceedings must be started within 3 years of the date of the accident. That is not to say that you must wait for 2 years and 364 days before notifying the potential defendant that a claim is being brought against them.

Time limits for bringing claims vary throughout the world, as do laws relating to legal liability, levels of compensation and rules governing costs and funding. Accidents that occur in Guernsey will normally be heard in the Royal Court of Guernsey. Thankfully, damages awarded by the Royal Court are often higher than in other jurisdictions and the injured party can seek to recover their legal costs from the party at fault.

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