

After the crash...



What should you do when you're knocked off your bike? **Paul Kitson** of Russell Jones and Walker – CTC's solicitors – has some advice

Bang! You're riding to work and the next thing you know you're lying on the tarmac. It's another case of 'Sorry, mate, I didn't see you', only this time the driver has connected. Your bike is bent on the road and you feel shaken and sore. What do you do next?

As a CTC member, you can call the CTC Accident Line, which offers legal support to members who are injured when riding or wheeling a bicycle. The scheme is operated exclusively by CTC solicitors Russell Jones and Walker (RJW). RJW handle more cycle injury claims than any other UK law firm.

The vast majority of cycle accidents are caused by cyclists being struck by motor vehicles. Claims also arise as a consequence of road defects – such as potholes and badly designed cycle facilities – and cyclists being knocked off their bicycles by animals or defective bicycles.

Here are the steps to take order to pursue a claim for compensation.

Gather evidence

The burden of proving fault on the part of a third party rests with you, the claimant. To maximise your prospects of pursuing a successful claim...

1 Identify witnesses. Obtain names and telephone numbers of any witnesses as soon as possible.

2 Identify who caused the crash. It is vitally important that you obtain the registration number of the defendant's vehicle (and if possible the colour, make and model of the car). Get the driver's contact details, including insurance particulars. If the driver gives you false details, the driver's true identity can be verified by checking the registration number of the vehicle on a motor insurers' database – which RJW have access to.

3 Get photographic evidence. If possible, take photos of the scene of the accident. If the accident was caused by a pothole, it is important that good photographic evidence is obtained before the council is notified. The danger is that if the incident is reported to the council before you get a photo of it, then the council could repair the pothole and there could be arguments later about the dimensions of the defect. Photographs of potholes should indicate the length, depth and width of the pothole. There should also be photographs indicating where the

'Always obtain legal advice before accepting an offer in settlement of your personal injury claim'



defect is in relation to landmarks, such as street furniture.

4 Report the incident to the police. If you were knocked off your bicycle by a motor vehicle, you should always report the accident to the police. This should be done as soon as reasonably practicable, and in any event within five days of the incident. If your claim needs to be pursued against the Motor Insurers' Bureau (MIB) under the 'Untraced Drivers Agreement', the MIB will reject the claim if it was not promptly reported to the police. Get evidence that you reported it to the police: record the police reference number for the incident *and* the name of the person you reported it to.

5 CCTV footage. It is possible that the incident might have been caught on CCTV film. If so, it is important that this evidence is viewed

before it is destroyed. Don't delay reporting the incident.

The CTC Accident Line

Phone the CTC Accident Line on **0844 736 8452** as soon as you can to register your claim. The contact centre staff will obtain details of your accident and your injuries, and your claim will be referred to a lawyer at Russell Jones and Walker.

Beware insurers

It is increasingly commonplace for motor insurers to make direct contact with potential claimants soon after any incident to make an early settlement offer. The offers that are made are usually low, and if they are accepted they are accepted on a 'full and final settlement' basis. Always obtain legal advice before accepting an offer in settlement of your personal injury claim. Insurers will often take

(Left) CTC's Chris Peck after being knocked off by a pothole. Don't shrug off any injuries. Seek medical advice. (Above) Keep damaged property until the claim is settled

advantage of a claimant who has not obtained legal advice.

Keep damaged property

Do not dispose of any damaged property, such as your bicycle or equipment. It may be important evidence for one thing. Secondly, there may later be arguments with the defendant's insurance company as to the pre-accident value of the property.

You should obtain a quote for the cost of any damage to your bicycle from a reputable cycle shop. If the bicycle is deemed a 'write off', do obtain confirmation in writing from the cycle shop and confirmation of the cost of a 'like for like' bicycle.

Seek medical attention

You should never shrug off your injuries. Seek medical attention, even for minor injuries. If you attend the local A&E Department or your General Practitioner, this is evidence that you actually sustained injuries in the crash.

Keep your receipts

Maintain a record of your ongoing expenses relating to the incident, so that these are included in your claim.

Your CTC insurance

Your CTC membership provides you with third-party liability insurance. If it is alleged that an incident was caused as a consequence of your negligent cycling, and a claim is made against you, then you should notify the CTC's third-party insurers of a potential claim. You can do this via the CTC Accident line: 0844 736 8452.

What if...

The accident was abroad?

The vast majority of claims under the CTC Accident Line are in relation to incidents in the UK. Some claims arise out of cycle touring holidays in Europe. It is possible, by virtue of the Fourth Motor Directive, to issue proceedings in this country against other EU motor insurers, even though the accident occurred in Europe. Damages would, however, be

calculated in accordance with the law of the country where the incident occurred.

The driver was not insured?

Unfortunately, around 10% of vehicles on the roads of the UK are uninsured. If you have been knocked off your bicycle by an uninsured motorist, then your claim can be pursued against the Motor Insurers' Bureau. In broad terms, damages are calculated in the same way

as they would be against an insured motorist. If the incident was a hit and run and the driver was untraced, then a claim can also be pursued against the Motor Insurers' Bureau but under the 'Untraced Drivers' Agreement'. It is a prerequisite that the incident was notified to the police within five days of the incident (for property-only damage claims) or within 14 days (for injury claims).