

## **PERSONAL INJURY CLAIMS:**

You must prove that the defendant had a duty not to cause you harm by acting unreasonably, the defendant breached the duty which caused you injury, then unless the defendant has a good defence, he will be found liable in negligence.

### **1. Serious Injury Claims:**

Serious injury claims arise when you suffer, head, neck, spinal injuries etc. Due to the severity of the injury, you may need long term medical treatment, physio, and the possibility of not working for a long time. Serious injuries may result in critical pain, loss of movement, loss of senses, memory loss and mental illnesses. When looking at the number of damages to be awarded, your pain, suffering, financial, future, and personal loss is examined. A serious injury may happen anywhere, however there are common places where they occur such as workplaces, road traffic accidents, shopping centres, construction areas healthcare facilities and holiday resorts.

### **2. Fatal Injury Claims:**

If a loved one passed away due to the negligent actions of another, the deceased's dependants may be able to claim compensation. The following can be claimed: Mental suffering, future and current expenses, loss of services, medical, homecare, funeral expenses, and actual losses. You have 2 years to proceed with a claim from when the death happened.

### **3. Spinal Cord Claims:**

As spinal injuries are severely complex, devastating and life-changing, victims of spinal injuries can experience long-term care and pain. Examples of spinal injuries are loss of movement of arms, legs, loss of movement of the whole body and long-term physio. Thus, serious effects on your mental and physical health can take place.

### **4. Head Injury Claims:**

The types of head injury are categorised into acquired, traumatic, severe, moderate, and mild brain injuries. Your head injury may be caused by falling, blunt force trauma, physical abuse, road traffic accidents etc. You may experience, headaches, nausea, bleeding on the brain, speech impairment, death, brain damage and many more. When deciding on a sum of damages, the extent of your injuries, medical expenses, personal impact, future expenses, expenses lost are examined. Section 3 of the Judicial Council's personal injury guidelines outlines the sum of compensation to be awarded depending on the severity of head injuries.

### **5. Defective Product Liability Claims:**

Under Irish law a producer can be liable if they do not warn consumers of dangers which they knew or ought to have known would cause injury. A product is defective if it does not provide the safety, which a person is entitled to expect. By focusing on the expectations of the consumer, the producer may be liable where he has falsely raised the hopes of the consumer and the product then fails to meet with those standards. Section 7(1) of the Liability for Defective Products Act 1991 states an injured party cannot bring a claim if it is brought after three years from the date on which the claim accrued or the date on which the plaintiff became aware of the defect. Section 7(2) states a right of action will be terminated after ten years from when the goods were put into circulation. Strict liability requires that the injured party must prove the product was defective, the plaintiff was injured and there was a relationship between the defect and damage.

## **6. Holliday and Aviation Claims:**

An instance of personal injury occurring on holidays would be, falling by the pool, food poisoning, defective products in your room/ hotel, injury on tourists activities and more. Section 20 of the Package Holidays and Travel Trade Act 1995 states if you have experienced negligence on a foreign holiday that was arranged by an Irish travel agents, you could gain compensation. Firstly, give an account of the incident to the hotel and your travel agents. They may require you to complete an accident report. You should ask for a copy of this for evidence. If you cannot report to the hotel, give your account of the accident to the police. Secondly, get photographs and obtain witness information. Thirdly, get a medical report from a treating practitioner and keep all medical receipts and receipts for travelling home early. These receipts will be used when awarding compensation. As per the Montreal Convention, you have 2 years from when the accident occurred to proceed with an aviation claim. You must be embarking, disembarking, or travelling on the plane to pursue a claim. Instances where an injury occurs on an airline would be damage to your bags, loss of bags, injury from turbulence, falling on the plane, baggage falling on you from the above lockers, spillage of hot beverages and death. Damages for psychological injuries cannot be retrieved.

### **ROAD TRAFFIC CLAIMS:**

Road traffic accidents happen due to careless drivers, speeding, drivers being under the influence of drugs and alcohol, and unqualified drivers who take risks. If you experienced injury such as whiplash due to a car accident, motorcycle accident, bike accident, you could proceed with a cause of action against the party who caused your injury. You can pursue claim against a cyclist, driver, Gardai, local authorities, pedestrians, motor cyclist, manufactures of faulty cars, and ambulances (limited circumstances) etc.

You may suffer, spinal, head, neck injuries such as whiplash, brain damage or being paralysed. Also, broken bones, loss of movement, fatal accidents, brain injuries and many more. When deciding on a sum of compensation, the extent of your pain, suffering, financial loss, future loss, and medical expenses are examined.

#### **1. Car Accident Claims:**

If you were injured in a car accident with a Hit and Run driver or an Uninsured driver, you can claim for compensation with the Motor Insurers' Bureau of Ireland. It is important to remember that you may be held to be contributory negligent if you contributed to your injury in some way or form, for example not wearing your seatbelt or being under the influence of alcohol while driving. Also, you should obtain the defendants insurance and contact information with consent.

#### **2. Cycling Injury Claims:**

As cyclists are vulnerable on the road, you may experience an injury due to animals on the road, negligent drivers, poor lightening, and poor constructed roads. The drivers insurance company will deal with all claims.

#### **3. Motorbike Injury Claims:**

In contrast to other road traffic claims, you must examine causation and the type of injuries developed from the accident. The type of injuries sustained could be whiplash, soft tissue

injuries, amputations, bone fractures, spinal injury, and head injuries. An accident could happen due to speeding, negligent drivers, faulty motorcycle, oil spills, whether conditions resulting in falling trees. Importantly, you have 2 years to proceed with a claim. Despite this, if you got a head injury that limited your capacity to file, the 2-year period may be extended.