



Personal Injury Abroad



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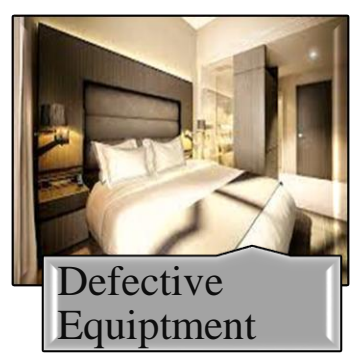
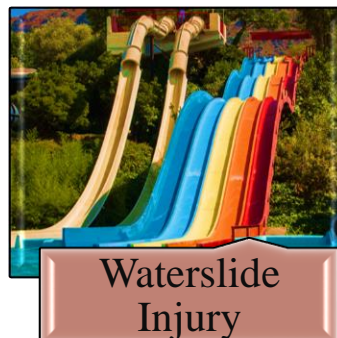
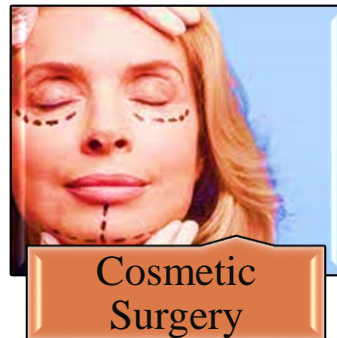
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Due to covid restrictions being lifted, more people are going on holidays abroad. This can be an exciting time for families, couples and even businesses. Despite this excitement, there are times when you may experience injury/ loss or damage abroad.

This can be extremely distressing for you or your family, especially if your injury deteriorates, and there is a language barrier. In the event of experiencing personal injury aboard, you should think about contacting a solicitor to assist you in the claims process.

Types Of Personal Injury Claims Abroad.

Note: The type of injuries that can occur are extensive. Below are some examples of personal injury claims abroad.



Package Holiday:

Package holidays are becoming more favourable in recent years for families, so if you were injured while on a package holiday you are protected under The Package Holidays and Travel Trade Act 1995.

What Does It Mean To Be Protected Under The 1995 Act?

This act allows for people to pursue a claim if they were injured on their package holiday. Generally, the person who organised your package holiday will be liable for breaching their duty of care towards you. This duty of care should have provided that all services were of reasonable standard.

What Needs To Be Proven?

If it can be shown that the company/ tour operator had a duty not to cause you harm by acting unreasonably, the company/tour operator breached that duty which caused your injury/loss/damage, then unless the company/tour operator has a good defence, they will be found guilty of negligence towards you.

What Is Considered A Package Holiday?

A package holiday includes transfers, accommodation, flights, bags, tourist services and car rental.

Important Note On Package Holidays

Personal injury claims regarding a package holiday provided by an Irish travel agency must go through the Personal Injuries Assessment Board for before proceeding to settlement or to court.



Road Traffic Accidents:

Road traffic accidents abroad are extremely dangerous and may occur in the following ways,

1. Tourist attractions for instance, a jeep safari accident or a bike tour accident.
2. Public transport for instance, a bus crash
3. Private transport to and from the airport such as a car accident.



Does It Matter If The Driver Of The Defendant Is Not From Ireland?

No, you will be able to pursue your personal injuries claim against the defendant.

You must be aware that the sum of compensation awarded to you may be compared to the sum of damages you would be awarded if you initiated the claim in the jurisdiction where the incident occurred.

The EU *Fourth Motor Insurance Directive (2000/26/EC)* allows you to commence action against the defendant and the defendant's insurers company where you reside and in your language.

Jurisdiction:

The laws regarding jurisdiction are established under "Regulation (EC) No. 864/2007 of the European Parliament. This is also known as Rome II. The regulation states that the law to be applied in personal injury claims is the law of the country that the injury occurred in.

Exceptions to Article 4:

1. Article 4(2) establishes if both parties live in the same place, the applicable law will be of the country where both parties reside.
2. Article 4 (3) if the wrong committed is closely connected with another country, the law of that country is applicable.



Aviation:

As travelling on a plane can be a worrying time for some people, its important that the airline imposes a high standard of care on every flight. In the event of the standard of care being breached, you may have a potential personal injury claim. Generally, you must be embarking, disembarking, or travelling on the plane to pursue a claim.

✚ **Note:** Damages for psychological injuries cannot be retrieved.

What Are The Different Types Aviation Claims?



Bag Damage



Lost Baggage



Injury From
Turbulence



Spilling Hot
Beverages



Defective
Equiptment



Baggage
Falling From
The Above
Lockers



Slipping Or
Falling

Statute of Limitations:

Aviation

- ✚ 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 personal injury claim.

Personal Injury:

- ✚ According to the Statute of Limitations (Amendment) Act 1991 personal injury actions are not to be brought after 2 years from the date which the cause of action accrued or the date of knowledge (if later) of the person injured



What Do I Do If I'm Involved In An Accident Abroad?

Step 1: Get a medical examination. For instance, call an ambulance and attend the nearest hospital.

Step 2: Give an account of the incident to the hotel/ accommodation 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

Step 3: Gather your witnesses, photographs and videos

Step 4: 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.

Step 5: Once you arrive home, contact a qualified personal injury solicitor.

Personal Injury Claim for Abroad information and evidence:

Personal Information:

1. Name and date of birth ☐
2. Home address ☐
3. PPSN ☐
4. Email Address ☐

Holliday Information:

1. Name and address of holiday location ☐
2. Date of holiday ☐
3. Airline information ☐
4. Do you have travel insurance? ☐
5. Where and how did you book your holiday ☐
6. Did you book transfers to and from the holiday location? ☐
7. Did you book a package holiday? ☐

Injury/ Damage / Loss Information:

1. Where did you report the injury to? ☐
2. Did you inform your travel insurers of the injury? ☐
3. Did you get in contact with the police? ☐
8. Did you need an ambulance? ☐
9. Did you inform the hotel of your injury? ☐
10. What date did your accident happen ☐
11. Where was the location of the injury? ☐
12. What injuries did you get? ☐
13. How did the accident happen? ☐
14. Did you go to the hospital? ☐
15. Treating doctors name ☐
16. Name and address of hospital ☐
17. Did anyone see what happened ☐
18. Did you fill out an accident report? ☐
19. Did you see any doctors after you came home, if so the name and address? ☐
20. Name and address of your GP ☐

Evidence:

1. Accident photos/ videos ☐
2. Location of injury photos/ videos ☐
3. Witness statements ☐
4. Complaint forms ☐
5. Holliday booking information and conformation ☐
6. Medical reports ☐
7. Police reports ☐
8. Insurance details. ☐