

Frequently Asked Questions

Road Victims Trust

The information provided here is general and only a brief outline. It is not specific legal advice.

Any individual's particular circumstances may have aspects that are exceptions to the 'rules'.

Link to criminal proceedings

Question:

If the police are unable to secure a conviction can a claim still be made?

- Often yes.
- Police have to prove that a crime has been committed.
- Civil law requires proof that negligence has occurred. Often they are not the same thing.
- Even if you are unsure always worth double checking. It is free to get an initial opinion.

Question:

If the police say that both parties involved were partly at fault can a claim be made?

- Usually yes.
- A claim can be made in the usual way but final damages may be reduced.

Timings

Question:

What are the time limits for starting a claim?

- Generally speaking a claim should be started within 3 years from the date of collision.
- However there are a number of exceptions to this so it is always worth double checking.
- Anyone under 18 has until their 21st birthday to bring a claim.
- If the person involved had lost the capacity to manage their affairs. There is no time limits.
- It is always best to seek legal advice as soon as possible.

Question:

Does the criminal process have to be concluded before getting legal advice?

- No
- Seek advice as early as possible.
- Many insurers will assist families and loved ones before the criminal case is concluded.
- Can obtain extra support with the criminal process

Insurance

Question:

If a driver at fault in a collision had no insurance, can a claim still be made?

- Yes
- The MIB (Motor Insurers Bureau) step in.
- Claim is usually made in the same way.

Question:

If the collision was caused by a driver who cannot be found can a claim be made?

- Yes
- It is a different branch of the MIB (MIB Untraced)
- Slightly different process.
- Seek legal advice as soon as possible.

Legal Representation

Question:

If an insurance company assign you a lawyer, do you have to use them?

- No
- Check they have appropriate experience.
- Choice is yours.

Question:

Will it cost a lot in legal fees to make a claim?

- No
- Many good firms will ensure no deduction is made from any damages. It is important to check.
- The insurance company responsible will pay most of the legal costs.