Bus Passenger Accident Guide

Pryers Solicitors LLP
Compensation guide

If you are unlucky enough to be injured in an incident whilst travelling on a bus or other public transport vehicle, it is important that you receive advice on your legal rights. You may well be entitled to make a compensation claim to recover any loss or damage you have sustained.

As a fare paying passenger, you are owed a duty of care by the driver and owner of the vehicle in which you are travelling. The driver for example must control the vehicle with the skill and application one would reasonably expect and must not drive in a way that would endanger passengers or other road users. The owners of the vehicle must ensure that the vehicle is adequately maintained, fit for purpose, that drivers are adequately experienced / trained and that all vehicles are properly insured. These are basic principles but worth reiterating because, certainly in the case of driver behaviour, standards are not always as high as they should be.

The majority of passenger injuries that we encounter here at the Claims Connection relate to overzealous or harsh braking on the part of the bus driver. In the majority of cases, the bus driver may well be braking for good reason (ie: to avoid a collision with other road users / pedestrians etc) but there are other occasions where braking is both unnecessary and entirely a consequence of poor driving. Negligent driving of this nature which results in injury being sustained to the vehicle occupants, quite rightly may result in a compensation clam being brought against the bus driver / owners.

Whilst there are many different ways that a person can be injured on a bus or other public transport vehicle, it is sensible to seek appropriate advice to determine your legal rights and prospects for making a claim for compensation.

How can we help?

Firstly, the information contained within this brief document will help to guide you through the aftermath following your accident and help you to focus on key legal issues.

It is likely that any passenger involved in an incident will suffer some form of injury. If you are injured and did not have the opportunity to acquire the information highlighted below, do not panic – we can help to piece things together.

Call our helpline on 01904 556 600 for immediate legal advice. Or visit us at www.theclaimsconnection.co.uk
Your accident

What basic steps should you take following a bus / public transport related accident?

**Make notes:** Note down key information ie: bus route / bus number, drivers name and badge number, contact tel numbers (owners of the vehicle) and registration number of the vehicle. Important: You must try to report any injury suffered to the driver before you get off the bus or at the very least must report the matter to the bus owners at the earliest possible opportunity.

In many cases an ambulance may be called and an injury may be too severe for any formalities to be taken care of. Fortunately CCTV is present on many buses nowadays and this usually helps with any disputes regarding the genuineness of any claim that may be brought. Also be aware that bus drivers have a duty to report any incidents to their line manager.

**Take photos:** It is a good idea to take a few photos of the scene and aftermath – photographing the vehicles involved (with permission) and their positions on the road can be very useful in the event of a road collision.

**Call a bus accident lawyer:** if you have been injured in the accident or have other legal queries / problems, speak to a lawyer as soon as possible.

**Police involvement:** You may choose the call the police but they are infrequent visitors nowadays to most road accident scenes.

They will attend any accident where people are injured or an ambulance has been requested (which happens following most bus accidents).

They will also attend where vehicles are causing obstruction to other road users. Generally though, for minor incidents the police do not attend and do not need to be called provided that the parties involved cooperate with each other and abide by the basic legal requirements following an accident.
Your rights

If you have been hurt or your property has been damaged as a result of a negligent party’s act, the law allows for you to make a compensation claim to recover your loss.

You may be entitled to bus accident compensation for any of the following heads of claim:

- Personal injury
- Loss of earnings
- Damaged clothing etc
- Medication / treatment costs

Bus accidents can be contentious. In some cases a driver will not be considered negligent if he / she can show that they acted reasonably given the circumstances of any event. To put this into context, a driver slamming on the brakes to avoid a collision with a cyclist who turns across the path of the vehicle, cannot be considered liable if a more serious accident is averted – even where injuries may then be suffered by a fare paying passenger. The legal test is always one of “reasonableness”, in other words – were the actions of the driver reasonable given the peril that faced him / her.

Claiming for personal injury

If you suffer injury in an accident that was caused by another party, then you may well be able to claim compensation for pain and suffering, treatment costs and legal fees.

Personal injury claims following road accidents have been simplified over the years as court action has been positively discouraged by the judiciary. From the end of April 2010 the Ministry of Justice RTA reforms have come into effect, which now make it even simpler for claimants to win much needed compensation without the risk, hassle and stress of going to court.
How much compensation will be paid?

Without medical evidence and a full history, no solicitor can reasonably provide an accurate estimate of a likely award for bus accident injuries. However here at the Claims Connection we can provide a guideline of likely damages based on our own experience of dealing hands on with thousands of personal injury claims.

Here is a summary of what awards can be achieved for certain injury types:

<table>
<thead>
<tr>
<th>Body area</th>
<th>Injury type</th>
<th>Severe</th>
<th>Moderate</th>
<th>Minor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neck</td>
<td>Neck injuries</td>
<td>£8,750-£16,000</td>
<td>£5,000-£8,750</td>
<td>£850-£2,750</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Most cases fall into this bracket</td>
</tr>
<tr>
<td>Back</td>
<td>Back injuries</td>
<td>£24,750-£44,500</td>
<td>£17,750-£24,750</td>
<td>Up to £5,000</td>
</tr>
<tr>
<td>Knee</td>
<td>Ligament injury</td>
<td>£9,000-£17,000</td>
<td>£9,300-£16,880</td>
<td>£3,000-£9,300</td>
</tr>
<tr>
<td>Lower leg</td>
<td>Fractured tibia</td>
<td>£5,000-£9,500</td>
<td>£5,000-£7,500</td>
<td>£3,500-£5,000</td>
</tr>
<tr>
<td></td>
<td>Fractured fibula</td>
<td>£5,000-£9,000</td>
<td>£4,500-£7,500</td>
<td>£3,000-£4,500</td>
</tr>
<tr>
<td>Ankle</td>
<td>Fracture and ligament injury</td>
<td>£8,750-£17,000</td>
<td>£5,000-£8,750</td>
<td>£3,000-£5,000</td>
</tr>
</tbody>
</table>

Who pays your legal bill?

Pryers Solicitors LLP who manage the Claims Connection service offer No win No fee services to claimants injured in road accidents. If you were not responsible for an accident, we will take on your case. If you win your claim then your legal costs will be partly paid by the responsible party's insurers and you will receive *75% of your compensation payment.

* Our solicitors charge a standard 25% success fee which is not recoverable from the other party's insurers.
TOP TIP

It is strongly recommended that you do not go direct to a bus company insurer if you are claiming for personal injury. A solicitor can be hired for you and the end result will be far more satisfactory. A direct claim without a solicitor may be under-settled by as much as 40%.

Speak to a solicitor before you make any decision regarding your claim – you have nothing to lose and nothing to pay up front when hiring a solicitor for a claim of this kind. Remember you are a passenger and the law, in most cases, will protect you fully.

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