

# Services to Union Members

## Personal Injury

### Damages Information Sheet

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If you are applying for compensation arising from an accident, your claim comprises of two elements:

#### 1. General Damages

General Damages is a term used to describe compensation paid for the injury itself and the affect it has had on your life. This can include compensation for any arising disability, reduced enjoyment of life or the fact that you may be unable to enjoy certain hobbies or pastimes after the accident. These damages are assessed by the Court according to precedents. You should be aware that they are notoriously low in this country.

#### 2. Special Damages

Special Damages is a term used to describe compensation paid for loss of wages and expenses.

#### How is this calculated?

Usually, details of the wages you have received for the three months prior to your accident is obtained from your employer. This figure is used to calculate an average weekly wage. This weekly wage is then multiplied by the number of weeks you have been off work. Any payments you have already received whilst off work are then deducted.

We should also explain at this stage that the Government has introduced a system run by the **Compensation Recovery Unit**. If you have received any payments from the DSS as a consequence of any accident you have suffered, this must be repaid by the Defendant when the case is settled. We will explain this to you in more detail at a later stage, but the purpose of the Regulations is to ensure that you do not receive a double payment, i.e. compensation and an additional payment from the DSS.

However, the good news is that payments received from the DSS cannot be deducted from general damages compensation, and will only be deducted from special damages if they are closely related to an element of your claim.

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## Special Damages - claiming expenses

As well as loss of wages you can also claim for any other financial losses incurred as a result of the accident. It can be difficult to remember these later on in the proceedings, so we would strongly recommend that you start a notebook and keep a list of all expenses as you go along. The following list gives some examples of the type of expenses you should note down:

- 2.1 Costs of prescriptions and/or other medication.
- 2.2 Costs of travelling on essential journeys which would not have been incurred but for the accident including:-
  - 2.2.1 Travelling to and from doctors or hospitals;
  - 2.2.2 Additional costs of travelling by taxi or public transport because you were unable to drive;
  - 2.2.3 Costs of lifts given to you by friends or relatives because you were unable to drive.

In the case of travelling costs, as with all other special damages, you must claim precise figures - the Court cannot 'guess'. To explain, you must itemise the exact costs of travelling by bus or taxi and if claiming mileage, then the number of journeys and the distance travelled in each case.

- 2.3 Damaged clothing.
- 2.4 Costs of private medical treatment.

2.5 Costs of employing others to do jobs which you would have done yourself had you not been incapacitated, such as DIY and gardening. Please note that net figures (after tax) are required and obviously we can only claim the cost of labour not the materials, as you would have incurred the cost of materials in any event.

2.6 You are entitled to claim for time spent by friends and relatives, either caring for you or doing jobs which you would have done before the accident. This might include:-

- 2.6.1 Time spent driving you around for essential trips including shopping;
- 2.6.2 Time spent caring for you;
- 2.6.3 Time spent doing domestic chores which you would have done prior to the accident;
- 2.6.4 Time spent doing DIY or gardening or other jobs which you would have done prior to the accident.

In each case, you will need to name the friend or relative involved and the exact number of hours spent per day or per week or per occasion. Often this will entail you or your partner making a note on a weekly basis in the notebook, because it is likely that the time your friends and relatives spend looking after you or doing jobs will decrease as you begin your recovery.

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