

ROAD TRAFFIC ACCIDENT CLAIMS

A step-by-step guide

How the Road Traffic
Accident Claim Process
Works in England and
Wales



NJS Law

Road traffic accidents happen suddenly. One moment you are driving to work, collecting your children, cycling home, or crossing the road — the next, your life may feel disrupted by injury, vehicle damage, insurance complications, and uncertainty.

For many people, the **physical injury** is only part of the impact. Road traffic accidents often lead to:

- **Ongoing pain** and reduced **mobility**
- Anxiety about **driving** or **travelling**
- **Financial pressure** due to time off work
- Disruption to family **responsibilities**
- Frustration dealing with insurers

It is common to feel unsure about what to do next. Some people **minimise** their injuries at first. Others are reluctant to “make a claim” because they do not want conflict. Some assume that unless the injury is **catastrophic**, it is not worth pursuing. In reality, road traffic accident claims are not about **confrontation**. They are about **accountability, rehabilitation**, and ensuring that people injured through **avoidable negligence** are not left to absorb the consequences alone.

This guide explains in detail how road traffic accident claims work in England and Wales — from the **immediate aftermath** of a collision through to **settlement** and **compensation**. It is designed to provide **clarity**, reduce uncertainty, and help you understand your options.

Related Services:

[Personal Injury Claims](#) | [Serious Injury Claims](#) |

[Motorcycle Accident Claims](#) | [Cycling Accident Claims](#)

WHY PERSONAL ALL INJURY CLAIMS ARE DIFFERENT

Although road traffic accidents fall under the wider category of personal injury law, they involve specific **legal frameworks** and **procedural rules**.

Key features of RTA claims include:

- Compulsory motor insurance
- Claims handled primarily between insurers
- Structured pre-action protocols
- Whiplash tariff regulations (in certain cases)
- The possibility of Motor Insurers' Bureau claims
- Frequent liability disputes

Unlike some workplace or public liability cases, road traffic accidents often involve **two drivers** who both believe they were in the right. Insurers will analyse **road positioning, damage patterns, braking distance, speed**, and **Highway Code compliance**.

Additionally, symptoms following a collision — particularly **neck** and **soft tissue injuries** — may not be immediately apparent. It is extremely common for individuals to feel “**shaken but fine**” at the scene, only to experience significant **pain** or **stiffness** days later.

At NJS Law, we act for:

- Drivers injured in collisions
- Passengers injured in vehicles
- Motorcyclists
- Cyclists
- Pedestrians
- Individuals injured by uninsured or untraced drivers

Each category involves distinct evidential and legal considerations.



Immediate Priorities After a Road Traffic Accident

Your safety and wellbeing
always come first. Legal
considerations can wait.



ENSURING SAFETY

If you are involved in a collision:

- Move to a safe location if possible
- Turn off engines
- Activate hazard lights
- Call emergency services if anyone is injured

Safety must always take priority over evidence gathering.

EXCHANGING DETAILS

You are legally required to exchange:

- Name and address
- Vehicle registration
- Insurance details (if requested)

If the other driver refuses or leaves the scene, report the matter to the police as soon as possible.

EXCHANGING DETAILS

Police attendance is important in certain situations, as it creates an independent record of the accident.

You should contact the police if there are **serious injuries**, if a driver appears **intoxicated**, if someone leaves the scene, if there is **aggressive behaviour**, or if the road is **obstructed** or **unsafe**.

When officers attend, they will usually provide a reference number, which can serve as **important evidence** when bringing a claim.



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Prioritising Medical Treatment

Your health is the priority. However, prompt medical assessment also creates essential documentation.

WHEN TO ATTEND A&E, URGENT CARE, OR YOUR GP

When you might want to seek urgent medical care:

For less urgent but ongoing symptoms, a GP appointment is appropriate. Where GP access is delayed, urgent treatment centres and walk-in clinics can still provide assessment and, crucially, written medical records.

Head injury, loss of consciousness, or confusion

Confusion or memory gaps

Severe neck or spinal pain

Suspected fractures

Neurological symptoms such as dizziness or weakness

Chest or abdominal pain

COMMON DELAYED SYMPTOMS

Many RTA injuries develop gradually, including:

- Whiplash
- Lumbar strain
- Shoulder injuries
- Knee injuries from dashboard impact
- Psychological trauma

If symptoms develop in the days following the accident:

- Book a **GP appointment**
- Clearly state that symptoms began **after the collision**
- Ensure the accident is **recorded** in your notes

Medical records often become the central evidence in a claim.

COMMON DELAYED SYMPTOMS

Road traffic accidents frequently lead to psychological symptoms such as:

Travel anxiety

Nightmares

Flashbacks

Panic attacks

Avoidance of driving

PTSD





Preserving Evidence Without Stress

You are not expected to build your own legal case. However, certain evidence can significantly strengthen your claim.

PHOTOGRAPHS

Photographs can capture:

- **Vehicle damage** – Including close-up and wider shots showing the extent and location of impact to all vehicles involved.
- **Road layout** – Junctions, bends, lane markings, road signs, and positioning of vehicles after the collision.
- **Skid marks or tyre marks** – These can indicate braking distance, speed, or evasive action.
- **Traffic light positioning or signage** – Particularly where right of way or signal compliance is in dispute.
- **Weather and visibility conditions** – Rain, fog, ice, standing water, glare, or poor lighting.
- **Debris on the road** – Broken glass, vehicle parts, fluid spills, or obstructions that may show the point of impact.

Photographs taken shortly after the collision are often more persuasive than later reconstructions.



DASHCAM AND CCTV

Increasingly, liability disputes are resolved through:

- Dashcam footage
- Nearby CCTV
- Bus cameras
- Commercial vehicle cameras

If you believe footage exists, it should be preserved quickly.

WITNESSES

Independent witnesses are often decisive in:

- Junction collisions
- Lane change disputes
- Pedestrian crossings

Obtain contact details where possible.

VEHICLE DAMAGE REPORTS

Repair assessments can reveal:

- Speed at impact
- Angle of collision
- Consistency with account given

All drivers owe a duty to drive with reasonable care and skill.



Understanding Fault and Liability

You are not expected to determine who was legally at fault or to argue liability with the other driver. That is your solicitor's role.

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- Nearby CCTV
- Bus cameras
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COMMON EXAMPLES OF NEGLIGENCE

- **Rear-end collisions** – Often caused by driving too close to the vehicle in front, failing to anticipate traffic slowing, or being distracted.
- **Failing to give way at roundabouts** – Entering a roundabout when it is unsafe to do so
- **Pulling out from side roads** – Drivers must ensure the road is clear before emerging.
- **Running red lights** – Disregarding traffic lights, pedestrian crossings, or stop signs is a clear breach of road safety rules
- **Speeding** – Driving above the legal speed limit or too fast for the road and weather conditions reduces reaction time and increases the severity of injuries if a collision occurs.
- **Using mobile phones** – Distraction significantly impairs concentration, awareness, and reaction time.
- **Driving under the influence** – Impaired drivers present a serious danger to others.
- **Unsafe overtaking** – Attempting to overtake where visibility is poor, on bends, near junctions, or without sufficient space can create head-on collisions



In some cases, responsibility is shared. For example:

- One driver was overtaking
- The other driver pulled out carelessly

Compensation may be reduced proportionately (e.g., 75/25 or 50/50).

If the at-fault driver:

- Has no insurance
- Cannot be traced

A claim may be brought via the Motor Insurers' Bureau (MIB). These claims follow different procedural rules but remain viable.



Time Limits and Legal Deadlines

You are not expected to calculate legal deadlines or interpret complex limitation rules yourself. However, understanding that strict time limits apply can be crucial to protecting your position.

TIME LIMITS

Time limits in road traffic accident claims are governed by the **Limitation Act 1980**. In most cases, court proceedings must be **formally issued** within a set period, usually **three years** from the **date of the accident** or the **date of knowledge** of the injury. If proceedings are not issued within the relevant time frame, the claim can become **statute-barred** — meaning you may lose the **legal right to pursue compensation**, even if the claim would otherwise have succeeded.

Although this deadline may appear straightforward, limitation rules can be more complex in practice. For this reason, **early legal advice** is always advisable. Seeking guidance promptly helps ensure **deadlines are not missed** and allows **evidence** to be gathered while it is still **available** and **reliable**.

THE STANDARD THREE-YEAR RULE

In most adult road traffic accident claims, court proceedings must be issued within **three years** of:

- The **date of the accident**, or
- The “**date of knowledge**” (if later).

The date of knowledge applies where:

- You were not **immediately aware** you had suffered an injury, or
- You did not **initially realise** that the injury was connected to the accident.

For example, some individuals only discover the seriousness of spinal injuries or **psychological trauma months** after a collision. In those circumstances, time may run from when you **first became aware** (or ought reasonably to have become aware) of the connection between the accident and your injury.

However, date of knowledge arguments can be **legally complex** and should not be relied upon without advice.

CLAIMS INVOLVING CHILDREN

Where a child (**under 18**) is injured in a road traffic accident:

- The three-year limitation period **does not begin immediately**.
- Time begins to run from the child's **18th birthday**.
- The child therefore usually has until their **21st birthday** to issue **court proceedings**.

A parent or litigation friend can bring a claim on behalf of the child at **any time** before they turn 18. **Court approval may be required** before settlement funds are released.

This extended period recognises that children **cannot legally bring claims themselves**.



CLAIMS INVOLVING INDIVIDUALS WHO LACK MENTAL CAPACITY

If the injured person lacks mental capacity (within the meaning of the Mental Capacity Act 2005):

- The limitation period may be **suspended indefinitely**.
- Time does not begin to run **unless** capacity is **regained**.

This often applies in cases involving:

- Severe **brain injury**
- Serious **psychiatric injury**
- **Cognitive** impairment

Special procedural rules apply in such cases.

FATAL ROAD TRAFFIC ACCIDENTS

Where a road traffic accident results in **death**, different limitation rules apply depending on who brings the claim.

Under the Fatal Accidents Act 1976:

- The three-year period runs from the **date of death**.

Claims may include:

- **Bereavement** damages
- Loss of **dependency**
- Funeral **expenses**

Early legal advice is particularly important in fatal accident cases due to the **complexity** of dependency calculations.

COURT DISCRETION IN EXCEPTIONAL CIRCUMSTANCES

In rare cases, the court has discretion under Section 33 of the Limitation Act to allow a claim to proceed **outside the standard time limit**.

The court will consider factors such as:

- **Reasons** for the delay
- **Availability** and **reliability** of evidence
- **Prejudice** to either party
- Conduct of the defendant

However, this discretion is **not guaranteed** and should not be relied upon as a safety net.



WHY EARLY ADVICE IS IMPORTANT

Even though three years may seem like a long time, delaying action can make a claim more **difficult to prove**. Over time, important evidence can be **lost or weakened**.

- **Evidence can deteriorate** – Vehicles are **repaired** and **accident scenes change**.
- **Witnesses may become unavailable** – People **move** or **cannot be traced**.
- **Memories fade** – Key details may become **less reliable** over time.
- **CCTV or dashcam footage may be erased** – Recordings are often **overwritten** within **days or weeks**.
- **Insurers may dispute late-notified claims** – Delays can lead to challenges about **liability or injury**.

Seeking advice early helps **protect your position**, preserve **valuable evidence**, and ensure that **deadlines** are not missed.



Preserving Evidence Without Stress

You do not need to start the legal process immediately after an accident. Your recovery and wellbeing come first.



Once instructed, NJS Law will take responsibility for progressing the claim on your behalf.

- **Review available evidence** – Including photographs, accident reports, witness details, and any documentation already obtained.
- **Obtain medical records** – To establish a clear history of your symptoms, treatment, and recovery.
- **Identify the correct insurer** – Ensuring the claim is directed to the appropriate party without delay.
- **Submit a formal claim notification** – Setting out the circumstances of the accident and the basis of the claim.
- **Manage all insurer correspondence** – Handling liability responses, evidence requests, and negotiations on your behalf.

Throughout the process, we keep you informed, explain each stage clearly, and ensure that decisions remain firmly in your control.





Funding the Claim |

You do not need to worry about legal costs immediately after an accident. However, understanding how a claim can be funded can provide reassurance and remove uncertainty at an early stage

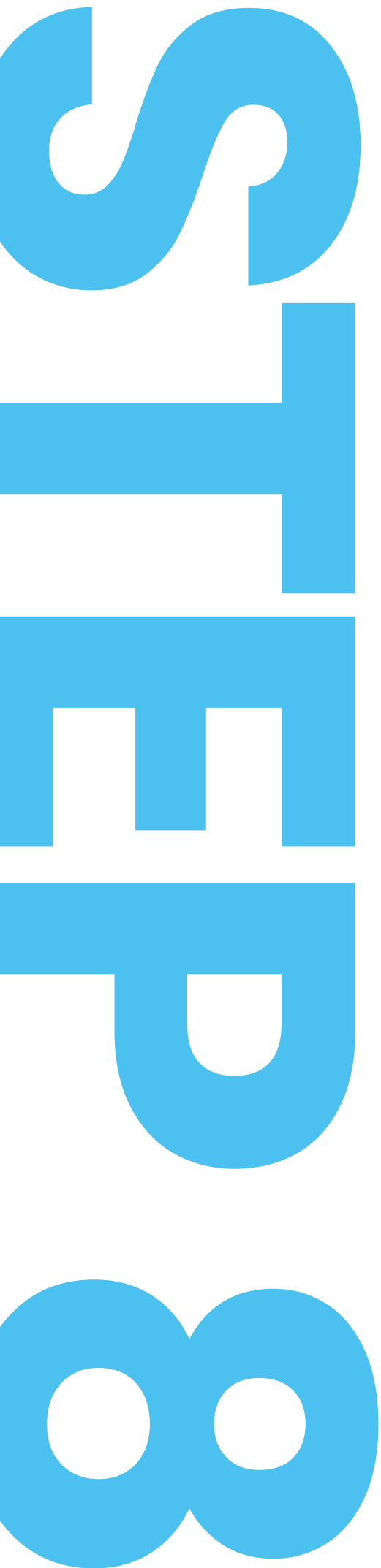
Most road traffic accident claims are funded under a No Win No Fee agreement (also known as a Conditional Fee Agreement). This allows you to pursue a claim without the worry of paying legal costs upfront.

Under a **No Win No Fee** agreement:

- **No upfront fees** – You do not pay anything at the start of the claim.
- **No legal fees if unsuccessful** – If the claim does not succeed, you will not pay your solicitor's fees.
- **Capped deduction only if successful** – This fee is taken from your compensation and is limited by law.

In some cases, **additional insurance** may also be arranged to protect you against certain costs, depending on the type of claim.

At NJS Law, funding is explained clearly before you proceed, so you understand exactly how the agreement works and what deductions may apply.



Medical Evidence and Valuation

In most road traffic accident claims, an independent medical expert will assess your injuries. This evidence helps determine the value of your claim.

INDEPENDENT MEDICAL EXPERTS

An expert will assess:

- Injury **diagnosis**
- **Recovery time**
- Ongoing **symptoms**
- Long-term **prognosis**

In serious cases, multiple experts may be required (**orthopaedic, neurological, psychiatric**).

WHIPLASH REGULATIONS

Certain low-value whiplash injuries fall under **statutory tariff compensation rules**. Non-whiplash injuries also attract additional compensation. However:

- More serious injuries fall **outside the tariff**
- Psychological injury may be **separately assessed** if you are suffering from more than travel anxiety
- Financial losses remain recoverable in addition

COMPENSATION CATEGORIES

General damages

General damages compensate you for **pain, suffering,** and **loss of amenity**. This means the award reflects **not only** the injury you sustained, but also how it has **affected** your ability to live your **normal life**.

Special damages

- Loss of earnings
- Treatment costs
- Care costs
- Travel expenses
- Vehicle-related losses

Where recovery is **incomplete**, compensation may include:

- Future earnings
- Ongoing treatment
- Rehabilitation
- Therapy



Interim Payments and Rehabilitation

In most road traffic accident claims, an independent medical expert will assess your injuries. This evidence helps determine the value of your claim.

INTERIM

PAYMENTS

If liability is admitted early, interim payments may be secured to:

- Fund **private** physiotherapy
- Reduce **financial** pressure
- Cover **mortgage** or **rent**
- Pay for **specialist** equipment

Early rehabilitation can significantly **improve long-term** outcomes.

Settlement

Settlement and Court

In most road traffic accident claims, settlement discussions take place once medical evidence and financial losses have been assessed.

1 Most claims settle

The majority of RTA claims resolve through **negotiation**.

2 Court proceedings

Court becomes necessary where:

- Liability remains **disputed**
- Settlement offers are unreasonable
- Limitation **deadlines** approach

Even then, most cases settle **before trial**. If a trial occurs, you will be **fully supported**.

CONCLUSION

Road traffic accident claims are not about **aggression** or **blame**. They are about fairness.

If someone's negligent driving caused **injury**, the law provides a structured framework to:

- Investigate **what happened**
- Assess **medical evidence**
- Calculate **fair compensation**
- **Support** recovery

Seeking advice **does not** commit you to litigation. It gives you informed choice.

WHY CHOOSE NJS LAW

At NJS Law, we understand that making a claim can feel overwhelming. Clients are often frustrated with insurers, unsure about the **legal process**, or **anxious** about court.

We provide **clear**, realistic advice from the outset, prepare cases **thoroughly** using evidence-led approaches, explain funding transparently, and keep you **regularly updated**.

Throughout the process, we offer **calm, practical** guidance while ensuring you remain in control of all key decisions.

Can I claim if I was a passenger in the vehicle?

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Yes. Passengers are usually entitled to bring a claim if injured due to a **driver's negligence**. The claim is made against the at-fault driver's insurer — not the driver personally. Even if the driver was a **friend** or **family member**, compensation is paid by the insurer.

Can I claim if both drivers were partly at fault?

Yes. This is known as **contributory negligence** or **split liability**. Compensation may be reduced to reflect your share of **responsibility**, but you may still recover a **substantial** of your losses or all if you are an innocent passenger.

What if I was not wearing a seatbelt?

Failure to wear a seatbelt may **reduce** compensation if it can be shown that your injuries were **worsened** as a result. However, it does not prevent a claim.

Can cyclists bring claims against drivers?

Yes. Cyclists are considered **vulnerable road users** and may bring claims where drivers fail to give way, overtake unsafely, open car doors into their path, or collide with them at junctions. Cyclists are **not required** to have insurance in order to **pursue compensation**.

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Can pedestrians claim compensation?

Yes. Pedestrians injured by **negligent drivers** can bring claims for collisions while crossing the road, impacts on pavements, reversing vehicle incidents, and even **hit-and-run accidents** where the driver initially leaves the scene.

What if I was injured as a motorcyclist?

Motorcyclists often suffer more **serious injuries** due to their **lack of physical protection**. Claims may involve **orthopaedic injuries, head injuries, road rash**, and **long-term disability**, and specialist medical evidence is often required to assess the full impact.

Can I claim for psychological injury only?

Yes. You do not need a physical injury to bring a claim if you have a recognised psychological injury. Recognised **psychological injuries** include travel anxiety, PTSD, depression, and adjustment disorder, supported by medical evidence from a **psychiatrist** or **psychologist**.



FAQ

What if the other driver denies fault?

A denial **does not** prevent a claim. Liability can be established through **witness evidence, dashcam footage, accident reconstruction, vehicle damage analysis, and police reports**. Many disputed cases settle once the evidence is reviewed.

What happens if the other driver was uninsured?

You may bring a claim through the **Motor Insurers' Bureau**. Different procedural rules apply, but compensation **may still** be recovered.

FAQ

Can I claim for loss of earnings?

Yes. Compensation may include **past lost wages**, **overtime losses**, missed **bonuses**, and **future loss of earning capacity**. Supporting evidence such as **payslips** and **employer confirmation** will be required to substantiate these losses.

Can I claim if I was self-employed?

Yes. Self-employed individuals can claim for **loss of business income**, **cancelled contracts**, and **reduced turnover**. Financial documentation, such as **accounts**, **invoices**, and **tax records**, will be required to support the claim.

Can I claim for vehicle damage as well as injury?

Yes. Property damage and personal injury claims can run alongside each other.

What if my symptoms have not fully resolved?

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Claims may not settle until medical experts can provide a **clear prognosis**. Settling too early may risk **under-compensation**.

Can I bring a claim on behalf of a child?

Yes. A **parent** or **litigation friend** can bring a claim. Court approval may be required before funds are released.

Will I have to attend court?

Very few road traffic accident claims reach trial. If court becomes necessary, you will be fully **supported** and **prepared**.

Will I have to have contact with the other driver?

Claims are handled between **insurers** and **solicitors**. The process is **formal** and **structured**. Personal confrontation is **not required**.

How is compensation calculated?

Compensation is assessed by reference to **Judicial College Guidelines**, **previous case law**, **medical prognosis**, and documented financial **losses**, with each claim evaluated on its own individual circumstances.

How long does it take to receive compensation after settlement?

Once settlement is agreed, payment is usually made within a **few weeks**.

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