

Queries with Replies

Common Questions and Answers

What is the difference between Criminal Law and Civil Law?

Civil actions are brought by individuals. People who have suffered a wrong will usually be claiming financial compensation.

Criminal actions are brought by the State and result in the offender being punished as a deterrent.

A crime is against all of us. A civil wrong may be against all of us but must also be against an identifiable individual.

What civil court will my action be brought before?

This depends on the potential value of your case. Warning:- This does not mean that your case in fact is worth the upper limit of the jurisdiction – e.g. if we take a case in the Circuit Court the maximum which you can be awarded is £30,000.00 – but this does not mean that the Court could not award less than £5,000.00. This is so because there are a number of required procedural steps before a case joins the queue for hearing.

How much will my claim be worth?

The big problem with personal injury is that you frequently do not know at the beginning the exact value of your case, ultimately it is up to the Court to fix the value of your claim. It should be remembered that judges vary in the amount that they award.

How long before my case will be heard?

Most people are aware that it will take a certain length of time before a case comes up for hearing in the courts. Set out present and proposed jurisdiction amounts. Some cases are not ready to be heard by the court for a time and this is particularly so where the injuries have been served – it can take time for the person to recover and until he has recovered sufficiently or his condition has stabilised the case should not be heard.

Does the case have to go to court?

As a rule, cases are often settled prior to the hearing date. However, they are only settled provided that you are agreeable to accepting the figure that is offered in full and final settlement of your claim.

What exactly will I be compensated for?

You will be compensated for your special and general damages.

What are general damages?

General damages are damages payable to a person for their pain and suffering, injury to health, personal inconvenience, and future suffering.

What are special damages?

Special damages are your actual out-of-pocket expenses as a result of the accident. This would include medical expenses, loss of earnings, travelling expenses, cost of medical care, physiotherapy expenses, pharmaceutical expenses, hospital fees, cost of

scan, repairs to car (loss of use and depreciation), loss of clothing and your potential future loss of earnings.

It is important that you retain all receipts and vouchers. If you have suffered a loss in wages, furnish our office with your Social Welfare number and any P60's/P45's in your possession.

An award is a payment for all time, there is no further recourse to get any further amount, you cannot come back later and claim more even if your injuries do get worse.

Are my social welfare payments taken into account in my case?

Disability Benefit and Pay Related Benefit:

- (a) These benefits are deductible from the loss of earnings element of an award in road traffic accident cases for a period of five years from the date of the accident.
- (b) In any other case disability benefit and Pay Related Benefit are not deductible.

2. Occupational Injury Benefit or Disablement Benefit:

Injury Benefit (the initial 26 week payment) given to an employee when he has an accident at work is deductible from the loss of earnings element of any award.

Disablement benefit which is paid after injury benefit usually by way of a gratuity or lump sum is deductible for a period of five years from the date of the accident.

3. Employment Sick Pay:

One has to be careful where an employee who was involved in an accident is paid by his employer for any period while out of work as a result of the accident. In the case of Civil Servants such sum is usually recoupable from the employee in the event of the employee making a claim against a third party.

Accordingly a Plaintiff should ensure that the said payment by the employer is claimed for as loss of earnings in the proceedings.

What is a barrister?

A lawyer who will present your case before the Circuit or High Court. In the eventuality of the case being settled he/she may assist in negotiating the settlement.