

## Legal Claims Service

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This service is provided on a discretionary basis to members who have been involved in an accident whilst training or racing as a pedestrian, cyclist or swimmer in England or Wales and which they consider was not their fault.

Examples of where assistance will be provided include:

- Injury or damage arising from a road traffic accident whilst cycling or running on the public highway.
- Injury or damage caused by a highway defect whilst running or cycling on the public highway.
- Injury arising from the use of a swimming pool or training facilities.

Subject to our appointed solicitors being satisfied that there are reasonable prospects of succeeding in your claim, all accidents that are covered under the terms of the scheme and that are reported to the British Triathlon Legal Helpline within 12 months, will be provided with a full free legal costs indemnity to enable the claim to be progressed as quickly and proactively as possible.

Our lawyers will provide you with a high quality legal service with potentially substantial financial benefits:

- You will not be asked to purchase an insurance policy to indemnify you against a Defendant's legal costs or expenses incurred in pursuing investigation of your case in the event of an unsuccessful claim.
- You will not be asked to personally fund any legal disbursements.
- You will keep all of your compensation.

Accidents to members of Triathlon England or Welsh Triathlon occurring in Scotland or Northern Ireland will be dealt with by solicitors acting under the law of the country where the accident occurred. Please find more details about Scotland below. Accidents occurring abroad will not be assisted under the terms of the Scheme although our specialist solicitors will provide free initial advice.

If our appointed solicitors are satisfied that there are reasonable prospects of success, a claim can be pursued on your behalf. It is important that members appreciate that all decisions on a claim's prospects of success and the pursuit and support of a legal action against a Third Party rests entirely with British Triathlon and its appointed solicitors and their decisions will be final.

Subject to our appointed solicitors being satisfied that there are reasonable prospects of succeeding in your claim, cases will be referred to our panel solicitors and no payment is made by our solicitors in respect of the referral of any case. Under the Compensation (Exemptions) Order 2006 British Triathlon Federation is exempt from authorisation by the regulator under section 4(1) of the

Compensation Act 2006. British Triathlon is an Approved Membership Organisation under S.30 of the Access to Justice Act 1999.

Where legal support is provided, it is also important to note that the British Triathlon reserves the right to withdraw funding in circumstances where a member does not adhere to the advice given by our solicitors or cooperate with them in progressing a claim. Upon registering your claim you will receive full details British Triathlon's undertaking to meet your potential legal costs liabilities. British Triathlon's undertaking to meet liabilities, which Members of British Triathlon may incur to pay the costs of other parties to legal proceedings are available on our website and in writing upon request.

Please note that British Triathlon reserves the right to withdraw funding at any time in circumstances to include, but are not limited to:

- Where in the opinion of British Triathlon and its solicitors there are no longer reasonable prospects of succeeding in your claim;
- Where in the opinion of the British Triathlon and its solicitors you have failed to instruct, cooperate or agree to prosecute your claim for compensation;
- Where in the opinion of British Triathlon and its solicitors you have sought to deliberately mislead either the British Triathlon or its solicitors in any material particular to your claim, or given information or evidence which you know to be incorrect or misleading or that you have acted in any way or manner which, in the view of British Triathlon or its solicitors, could be regarded as fraudulent or dishonest.

The British Triathlon Accident Legal Service and its solicitors will not support a member's claim: Against another competitor arising from participation in an event to include but not limited to a cycle race, time trial, triathlon or duathlon;

- Against a Race Official of a British Triathlon sanctioned event;
- Against another British Triathlon member;
- Against a member of one's immediate family;
- Involving product liability issues;
- Where there is a conflict of interest between a member and British Triathlon

### **Report your accident**

As soon as possible after your accident, please telephone British Triathlon on 01509 226161 so that your membership details and a brief description of the accident can be taken. A report will then be sent immediately to our appointed solicitors and/ or insurers.

An Accident Information Form will be sent to you within 24 hours of reporting the accident, which you should complete and return to our solicitors without delay.

As a general point, the statutory time limit for bringing a claim for damages for personal injuries is 3 years from the date of the accident. For cases involving property damage only, the limit is 6 years. It

will be appreciated that the sooner the matter is reported, the sooner it can be dealt with, particularly if witnesses need to be traced and interviewed.

If the member is under the age of 18 then the time limit is extended to 3 years from the date of the member's 18th birthday. However, it is very important to progress the claim through the member's parent or legal guardian as quickly as possible.

British Triathlon strongly recommends that members should report an accident to the Accident Legal Service immediately so that our solicitors can take steps to assist, as quickly as possible.

### **Accident Checklist**

The most common accidents that befall our members occur whilst out training and racing on the public highway either due to the negligent actions of a motorist, or perhaps due to the defective surface of the road. Keep the checklist below safe, to make sure that you retain a record of important information that will help our lawyers pursue your claim.

- If your accident involves a motorist, make sure that you report it to the police as soon as possible and that you have a full note of the drivers name, address, insurance details and vehicle registration number. If you have any problem with securing the motorists details, make sure you report your concern to the police immediately so that they can take any necessary action. Failure to report the accident to the police in these circumstances could mean that you will be unable to pursue your claim.
- Take photo's if you can of the accident location and damage to your bike or any other property as soon as possible afterwards.
- If the accident occurs due to the condition of the highway, take a note of the nearest landmark (house number or lamppost number) and photos of the pothole before reporting to the local highway authority. Make sure you keep a note of the date that the report was made, and to whom you reported the incident.
- Try where possible, to gather the contact details of any witnesses who saw the accident or that could help regarding the accident location.
- Keep a diary of all of your expenses such as travel costs going to and from a hospital or to obtain other medical attention and receipts for anything that you spend in connection with the accident and the injuries you may have sustained. Take photos if you can of your injuries, particularly if they are minor and are likely to resolve quickly. We recommend that all motor accidents are reported to the Police immediately. Insurance particulars should be obtained from any motorist involved at the very earliest opportunity. If a motorist fails to provide this information or you have any concerns that the information given to you is incorrect or incomplete you should also report this to the Police immediately.