

Have you Been Injured in a Bike Accident?

If you have been injured in an accident while riding your bike and the person who caused the accident is driving a car, you may be entitled to **compensation for your injuries under the** CTP (Compulsory Third Party) scheme. If a person is killed by a car whilst riding their bike, their family may also be able to make a dependency claim arising from their death.

Many cyclists don't realise that they are entitled to the same compensation that a pedestrian, passenger or driver is entitled to, when injured by a car.

Whilst the entitlement to compensation remains the same as other road users, the circumstances of the accident can be different for cyclists. The injuries can also be a lot more serious than if you were a passenger in a car. Cyclists are also at risk of being injured by a car door being unexpectantly opened in their path.

Compensation may still be available, even if a collision with a car did not occur. In particular, if a car negligently cuts you off, forcing you to take evasive action to avoid a collision that results in you sustaining injuries, you may be entitled to compensation.

It is particularly important to obtain legal advice where the car that caused the accident does not stop and you do not have their registration details. In that situation a claim can still be made, but it is made against the nominal defendant.

The nominal defendant is a body set up under the Motor Vehicles Act 1959, to allow injured people to receive compensation where they cannot identify the driver at fault, or the vehicle that caused the accident was uninsured. If you have a claim against the nominal defendant, it will be assigned to one of the CTP insurers to handle.

There are a number of additional steps that must be taken to try and locate the at fault driver to ensure a successful claim can be made against the nominal defendant. In these circumstances it is also important that your lawyer interviews all witnesses as soon after the accident as possible and obtains any CCTV footage that may be available.

A claim may also be made if you are partially responsible for the accident, if a car driver is also partially responsible for the accident. If you are found partially responsible, the amount of compensation you will received will be reduced for **contributory negligence.**

If you are injured, you may be able to obtain compensation for the following:

- Your medical expenses, including for the ambulance, hospital, doctors, physiotherapy, medication, surgery, medical aids e.g., crutches
- Pain and suffering
- Lost income and superannuation
- Future medical expenses
- Help around the house and garden
- Compensation for voluntary assistance provided by a parent, spouse or child.

Where a cyclist is killed and the accident is caused by a driver, the family of the cyclist may be entitled to compensation with respect to the following:

- Solatium (a payment of up to $10,000 as compensation for the death)
- Loss of income
- Loss of services around the home
- Loss of nurturing and support

- Funeral expenses
- Psychological injury.

It is important to contact a lawyer as soon as possible if you are injured whilst riding your bike. A specialist **car accident lawyer** can assist you in investigating the circumstances of the accident and obtaining important evidence early on, completing the claim form, identifying the at fault driver where this isn't clear and dealing with the appropriate insurance company.

If you have been injured in a cycling accident and think you might have a case, you can **contact the Personal Injury team** at Andersons Solicitors for a free initial 30 minute consultation.

> If you've been injured in a car accident while riding your bike you may be entitled to compensation for your injuries under the CTP scheme.

The information in this article is general in nature and was accurate at the time of publication. Laws and circumstances can change. For advice specific to your situation, please seek professional legal advice.