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# Your Guide to the Motorbike Accident Claims Process

# Motorcyclists are among the most vulnerable groups of road users. According to The Department for Transport, 5264 motorcyclists were seriously injured in road collisions in 2021\*.

If you, or a loved one has been injured in a motorbike accident, the claims process can seem daunting. In this guide, we break down the steps involved in a motorbike accident claim and help answer some of your questions.



# The Motorbike Accident Claims Process

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## Contact a Personal Injury Solicitor

The first step to making a motorbike accident claim is to contact a personal injury solicitor. We'll take the initial details of the incident and answer any immediate questions you might have.

It's important to contact a specialist personal injury solicitor as soon as possible after a motorbike accident. By choosing a solicitor that has relevant experience with motorbike accident claims, you'll have the best possible chance of a positive outcome to your claim.

2

## Case Review

Once we have your initial details, someone from our legal team will review your claim and be in contact to get some further information.

3

## Investigation

Your legal team will carry out initial investigations, identifying the third-party insurer and obtaining any evidence available, such as CCTV footage. To give you the best possible chance of recovery from your injuries, we'll also identify any rehabilitation needs early on, and help you get access to specialist rehabilitation support.

\* <https://www.gov.uk/government/statistics/reported-road-casualties-great-britain-motorcyclist-factsheet-2021/reported-road-casualties-in-great-britain-motorcycle-factsheet-2021>



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## Claim Notification

Depending on the estimated initial value of the claim, we'll send either a Claim Notification Form or a Letter of Claim to the third party's insurer.

This document will outline the facts of the accident (the date, time and circumstances of the accident), claimant and defendant details, details of injuries and any rehabilitation requirements, and whether an alternative vehicle is required.

The third-party insurer will have a deadline within which they need to respond.

5

## Evidence of Financial Loss

While we wait for a response from the third-party concerning liability, we will gather evidence of your financial losses. This can include photographs of damaged property and receipts for medical expense, for example.

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## Medical Evidence

We'll obtain medical evidence - we request your medical records and will arrange an appointment with an independent medical expert. The type of expert you will see will depend on your injuries. For example if you sustain a broken arm, we will arrange an appointment with an orthopaedic surgeon.

Following the medical appointment, the expert will prepare a report where they'll outline the extent of your injuries and the impact the accident has had on your life. The expert might refer you for treatment, or for an opinion of another expert. If this is the case, we'll arrange the treatment.

If liability is denied by the insurer, we will gather further evidence to help us with our liability investigations. This could include a police report, witness statements, engineering evidence, CCTV footage, or dash-cam footage.



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## Compensation Estimate

Once we have details of your losses, as well as finalised medical evidence, we will send them to you for approval. We can then provide an estimate of your compensation amount.

8

## Settlement Offer

We will send your medical report and details of your losses to the third-party insurer and invite them to make an offer for settlement or liability.

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## Negotiation

Both parties work together to reach a compensation agreement. If the third party doesn't make an offer/a reasonable offer or admit fault, we may at this stage need to issue the claim at court, although the vast majority of claims settle without the need to go to court.


If liability is accepted but compensation is not agreed, you may need to attend what is known as a 'quantum-only hearing', where a judge will decide the compensation amount.

If liability is disputed, you may need to attend a full trial. Your solicitor will guide you through the trial process.

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## Compensation

The details of your settlement are agreed. Your claim is resolved, and compensation is secured, allowing you to focus on your future and move forward.



# Frequently asked questions on the Motorbike Accident Claims Process

## Is there a time limit for making a motorbike accident claim?

When making a motorbike accident claim, you usually have three years from when the accident took place to make your claim, but it's important that you start your claim as soon as possible. Starting your claim soon after the accident will mean the accident details are easier to recollect. It also means we can get to work collecting evidence, such as CCTV – which is often only available for a set period. Appointing a specialist solicitor will also allow us to support you with early rehabilitation, accommodation needs etc.

This three-year restriction applies to those aged 18 or older. For those under 18, the three-year time restriction does not start until their 18th birthday.

There may be some exceptions to the three-year rule for some personal injury claims, for example, if the claimant lacks capacity, so it's important to get in touch with us if you think you might have a claim for compensation.

## How much compensation will I receive?

Each motorbike compensation claim is different, and how much compensation received will differ from person to person. But in general, the more serious your injuries are and the greater impact the accident has had on your life, the greater the compensation amount will be.

Motorbike accident compensation will often include the following serious injury claim factors:

- Loss of earning potential from work
- Adaptations to your home
- Rehabilitation services to regain a quality of life
- General damages (pain and suffering compensation)

Find out more about [how motorcycle compensation is calculated](#) and [how much motorcycle compensation you might receive](#).



## Can I make a claim if the third party wasn't insured?

Yes, you can still pursue a personal injury claim if the other driver doesn't have valid insurance. The case will be brought against the Motor Insurers' Bureau (a not-for-profit organisation funded by the UK insurance industry) who will act as the defendant.

## How long will my motorbike compensation claim take

How long your claim takes will depend on a range of factors; including the complexity of your case, the amount of medical treatment you might need, and whether the third-party insurer admits fault for the accident.

Some cases will settle within 6-12 months from receiving the initial instructions, and while we always strive to conclude claims as soon as possible, some serious injury claims - for example, those involving spinal or brain injury, can often take several years to conclude. Taking these factors into account, your claim could take anything from 6 months to several years (2-5 years) for serious cases, although this can be longer in cases involving children or where complex issues arise.

## Can I make a motorbike accident claim against an untraced driver?

Yes. If you're involved in accident and the third party is untraceable, you can make a claim through the Motor Insurers' Bureau's Untraced Drivers Agreement. The purpose of the agreement is to compensate people who have sustained injuries or losses because of a collision with an untraced driver.

If a driver doesn't stop after your motorbike accident, we recommend that you report it to the police. Gathering evidence becomes even more important in a hit and run case, so we also recommend that you try and take photographs of the vehicle, as well as full name, address, and contact numbers for any witnesses who may be able to help the police in their investigations.

# Motorbike Accident Solicitors

As specialists in motorbike accident claims, we're passionate about representing vulnerable road users and supporting you throughout the motorcycle accident claims process.

Established in 1987, Fletchers Solicitors is home to one of the most enduring and well-respected motorcycle accident teams in the country, supporting motorcyclists who have sustained catastrophic and serious injuries, both in the UK and abroad.

Our personal injury department is one of the largest catastrophic injury teams in the UK; we handle cases of maximum severity, often involving very difficult liability issues, as well as high value and complex cases. We also have a dedicated in-house **Court of Protection Team**, who can advise and assist where individuals may lack the mental capacity to deal with their own property and financial affairs, or to make decisions about their health and welfare.

At Fletchers, our ultimate aim for every case is to secure the correct compensation package – so you can rebuild your life and focus on your recovery.

## Written by



**Jayne Orme**  
Associate & Personal  
Injury Solicitor



**Anmarie Normington**  
Trainee Solicitor

## Get in touch

Contact us on **0330 013 0248**

or email [enquiry@fs.co.uk](mailto:enquiry@fs.co.uk)

Learn more at [www.fletchersolicitors.co.uk](http://www.fletchersolicitors.co.uk)