

Introduction

If someone close to you has been killed in a road crash, or if you are caring for someone bereaved in this way, this pack aims to help. You may find it helpful to keep the pack somewhere safe and refer to different sections when necessary.

What to consider reading now

If you have been bereaved in the past few hours or days, you may find it helpful to read the yellow tabbed section 'What happens now?'

If you don't feel able to read on right now, you may want to ask someone who is with you to read these pages and tell you things you might need to know.

Emotional support for you

The yellow book in this pack, *Coping with grief*, offers advice on how to cope and who to turn to for support.

Procedures that follow death on the road

This ring-bound section provides an introduction to procedures that follow death on the road. A lot of topics are covered. You don't have to read everything right away and not everything may be relevant to you.

Who can support you now

As well as your police contact, there are charities that can help you right now, if you want. Most offer helplines and some offer a support worker who can visit you. These are listed on pages 17-20 in the yellow book in this pack, *Coping with grief*.

You can record names and numbers of people you may need to talk to in the tabbed section 'Important Contacts'.

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Important contacts and your notes

Your police contact

It is best practice for the police to assign a Family Liaison Officer (FLO) to you. An FLO is a police officer trained to help bereaved people with procedures immediately following the crash and during the police investigation into the crash. If you are not appointed an FLO, ask if this is possible.

Whether or not your police contact is an FLO, the police should be able to:

- Help you with immediate things, including seeing a loved one's body
- Keep you informed of the police investigation and any court dates
- Help you to manage any contact from the media
- With your consent, help to put you in touch with support agencies (see yellow book for contacts)
- Help answer questions you may have, or direct you towards someone who can

There are two manuals produced by the Association of Chief Police Officers that include best practice guidance for police investigating fatal road crashes and supporting families. The *Police Road Death Investigation Manual* and the *Family Liaison Strategy Manual* can be downloaded from www.acpo.police.uk or the Help and Support pages of www.brake.org.uk

Who needs informing about the crash right now?

The police may not know everyone who should be told right away. There may be some relatives or close friends who still need informing because they don't live with you or aren't with you right now. You may choose to do this yourself, or ask your police contact to do it for you.

Important contacts

You can use the space below and overleaf to record names and phone numbers of people you may need to talk to over the coming weeks and months.

Your police contact

Name

Station phone number

Mobile number

Pager

Times they can be contacted

Police officer in charge of the investigation

(Senior Investigating Officer)

Name

Phone

Coroner's Officer (the officer who assists the coroner)

Name

Phone

Hospital or mortuary staff

Name

Phone

Funeral organiser

Name

Phone

Voluntary support organisations assisting you (see the yellow book in this pack for contact details)

Organisation

Name

Phone

Organisation

Name

Phone

Organisation

Name

Phone

GP

Name

Phone

Solicitor helping you with a compensation claim (see page 68)

Name

Phone

Therapist or counsellor (see pages 22 to 26 in the yellow book *Coping with grief* for information on how to obtain this help)

Name

Phone

Faith or spiritual leader

Name

Phone

- You may wish to use the blank pages that follow to write down questions you want to ask and information you have been told by these people and others.
- You may also want to keep copies of any letters or documents you receive in a safe place.

Other BrakeCare guides

BrakeCare produces the following free guides which may also be useful to you, depending on your circumstances:

- *Information and advice for bereaved families and friends following death on the road in England and Wales* (if the crash happened there)
- *Information and advice for bereaved families and friends following death on the road in Scotland* (if the crash happened in that country)
- *Advice for people in Northern Ireland who have suffered a serious injury in a road crash, and their families and close friends*
- *What happens in an Intensive Care Unit?*

You can obtain any or all of these guides by calling 0845 603 8570

What happens now?

What happens to a loved one's body

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If you want to consider organ or tissue donation

You may or may not want to consider donation. If you do, it may be possible to donate tissue or organs to help others live, even if a loved one died at the roadside rather than in a hospital. If you want to consider this and haven't been contacted by medical staff, **phone the pager service 07659 180773 within 8 hours of a death, although you can still call if a death happened up to 24 hours ago.** You need to give your full phone number and you will be called back by a medical officer. If someone who died had said they wanted to be a donor then medical staff are required to try to fulfil this wish but will still want to talk to the nearest relative. If wishes are unknown, medical staff must talk to the nearest relative. Organs or tissue are removed with care. You can still see a loved one's body afterwards if you choose.

Seeing a loved one's body

After someone dies, their body is taken to a hospital mortuary or a local authority mortuary.

You can decide whether or not to see a loved one's body. To help you make this decision, and if you didn't see a loved one in hospital or at the roadside before their death, you can ask police or medical staff to tell you about injuries to a loved one's body and what their body looks like.

Sometimes, the bodies of people killed in road crashes have few visible injuries because injuries are internal. Sometimes bodies are very badly damaged. If a body is badly damaged, medical staff may cover the most damaged areas with a sheet. You can ask which areas of a body will be covered or uncovered. Sometimes the whole body is very badly damaged. Sometimes a body is a different colour, due to internal bleeding or bruising.

You may choose to see a loved one's body to say goodbye. Or you may choose to remember someone as they were. The decision is yours. You can take your time to decide. If a loved one's body is in a hospital, you may, or may not, want to ask if there is a hospital chaplain or bereavement officer who can support you at this time.

Touching a loved one's body

If you decide to see a loved one's body, you may wish to touch their body. If you want to do this, talk to your police contact or medical staff. Sometimes, bodies of people killed in road crashes are so badly damaged that they are very delicate, or bodies should not be touched for reasons to do with a police investigation. If you touch a loved one's body it may help to remember their body will feel cold.

Identifying a loved one's body

The police sometimes require a family member to identify a person who has died. If the police ask you to do this, they may ask you to identify your loved one's body or identify them from their belongings. If you do not want to see a loved one's body but you are asked to identify their body, ask the police if there is anyone else who could do this for you. Alternatively, you may be able to identify the body through an internal glass window, or by photograph or a video recording.

Post mortem examination

After someone dies on the road, there is a post mortem examination of their body. This is a medical examination to determine the cause of death. It is carried out by a specialist doctor called a pathologist.

A post mortem examination is carried out on behalf of the Coroner. The Coroner is the public official who investigates all sudden deaths (see page 61). In nearly all cases of death on the road, the Coroner decides that a post mortem examination should include an invasive autopsy. This includes surgically opening and looking inside a body. The body is then closed again. Some people have objections, for faith or other reasons, to an invasive autopsy. If you have objections, or concerns about the way it will be carried out, you should tell the Coroner's office or your police contact as soon as possible.

A post mortem examination also includes a toxicology report. This means that the pathologist studies blood and tissue to find out if there are any toxic substances, such as alcohol or drugs, which may have contributed to death.

Your police contact can tell you how to get in touch with the Coroner's office. You can write their contact details on page 1.

Representation at a post mortem examination and second post mortems

You are legally entitled to be represented by a medical professional during the post mortem examination. This could be a GP or another pathologist of your choice.

If you are not satisfied with the information you receive about the cause of death, you may be able to instruct a second post mortem examination, carried out privately for you, by another pathologist of your choice. This requires the agreement of the Coroner. If you have a solicitor (see page 23) they will be able to advise you and instruct a pathologist on your behalf. Alternatively, talk to the Coroner.

In rare instances, a second post mortem may be carried out on behalf of someone who is accused of a criminal offence in connection with the death.

Retention of organs and tissue

Organs and tissue cannot be retained by a hospital for research or other purposes without your permission. You can view the Human Tissue Authority's Code of Practice on this at www.hta.gov.uk

You can talk to the Coroner's office if you are concerned about organs or tissue possibly being retained during a post mortem examination.

Delays to a funeral due to a post mortem examination

A funeral can only take place once the Coroner has given permission. To find out how long a post mortem examination will take, or if you have objections to a funeral being delayed, talk to the Coroner's office.

The post mortem examination report

You can get a copy of a loved one's post mortem examination report. You may or may not want to see it. The Coroner's office can arrange for it to be sent to your GP who can help explain its contents. There is unlikely to be a charge for this report. Sometimes, you cannot see a report until after any criminal proceedings have finished.

A pathologist who carried out a post mortem examination may also be able to meet with you to discuss the report at their offices, although this may not be possible until any criminal proceedings have finished.

If a loved one died at the crash site, rather than in hospital, a pathologist may be able to tell you, if you want to know, about the likely length of suffering by your loved one and speed of death.

Return of a loved one's personal belongings

The police, hospital officials or mortuary staff may be holding personal belongings of a loved one who has died, such as a bag, clothes or jewellery. You can ask if they are holding any belongings, and what they are. You may or may not decide that you want to have all or any of them returned.

Personal belongings, particularly clothes, are often damaged in crashes. Before deciding if you want certain belongings, you may want to ask about the condition of them.

If you want something returned that has been damaged, you can choose whether you want it returning just as it is, or cleaned first. Some people don't want a loved one's clothes cleaned first because the clothes may carry the smell of that person. Some clothes are very badly damaged and you may want them cleaned or not returned at all.

If a loved one who has died was in a vehicle, you can ask your police contact to check if any belongings are still in that vehicle (for example, in the boot or glove compartment of a car) and ask for these to be returned to you.

Sometimes belongings are kept temporarily by the police because the police need them as evidence as part of their investigation. Once the police investigation and any resulting criminal prosecution are finished, these belongings can be returned to you if you want them.

An official police document advises the police to consult with you about the return of belongings. This advice is contained in the police Family Liaison Strategy Manual, available on the Help and Support pages of www.brake.org.uk

Visiting the crash site

If you were not in the crash, you may wish to visit the place it happened. You may or may not want to leave flowers or notes (see page 30 for information on roadside memorials).

If you want to visit, your police contact can tell you the precise location if you do not already know it. They may be able to accompany you, answer questions you may have and ensure your safety if it is a busy road.

If the crash site is far away, your police contact or someone else may be able to drive you there. You may want them to do this if you do not have transport, do not feel able to drive because of the shock, or you can't because your vehicle was damaged in the crash.

How did a loved one die?

If you were not in the crash yourself, you may or may not want to know the details of how a loved one died. You may want to know about medical treatment given at the roadside or in a hospital, and whether or not a loved one was conscious or unconscious during this treatment.

Medical treatment at the roadside

Sometimes it is possible to meet and talk to people who provided help at the crash site, such as a paramedic or a fire officer, or members of the public who provided first aid. Your police contact will be able to find out who was there, and may be able to put you in touch with them if you want. Alternatively, your police contact may be able to ask these people questions on your behalf.

Medical treatment in hospital

If your loved one received treatment in a hospital before their death you can ask to talk to the doctor who carried out this treatment, or ask your GP to find out the treatment given and then explain it to you.

You can also, if you are the next of kin, obtain a copy of a medical report prepared by the hospital on treatment given. A hospital doctor, or your GP, will be able to explain a report to you. There will be a fee charged for the report.

Why did the crash happen?

It is common to want to know straight away what happened. If it appears someone is to blame, you may want to know when and how they will be dealt with by the law. There will be an investigation into the crash by the police (see page 32).

You can ask your police contact questions at any time during a police investigation. They may not have much information at first and may not be able to tell you certain things until their investigation is complete, but will tell you as much as they can.

What happens to a vehicle involved in the crash?

If a person who died was in a vehicle or on a motorbike or bicycle, that vehicle or bike, and any other vehicles involved in the crash, may be taken away for examination by the police.

The police examine vehicles involved in fatal crashes to find out if they were mechanically defective and to get more information about what happened in the crash.

Vehicles may be kept until the end of the police investigation and any resulting criminal prosecution. Sometimes, the police have to take vehicles apart to find out what happened.

Your police contact can tell you where vehicles are being kept and what is happening to a vehicle. You may want to ask to see a vehicle. This should be possible.

You can pay for an independent examination of a vehicle if you or your solicitor (see page 23) think this is necessary. If you wish to do this, tell your police contact. A list of crash investigators who can examine a vehicle is available from the website www.itai.org

Practical issues

Practical issues

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Arranging a funeral

Once post mortem examination has finished, the Coroner (see page 61) releases a body and gives permission for burial or cremation.

If you are arranging a funeral you may have to make many decisions. You may be responsible for deciding where a body will be buried or cremated, who to invite to a funeral, and what will be said at it.

You will need to consider any instructions that have been left in a will (see page 23). You may also want to consider the wishes of other people who were close to a person who has died.

Many bereaved people find it hard to make decisions at this terribly difficult time. If you are employing a funeral director, or being helped by a community faith leader, they should be able to explain your choices and help you to reach decisions.

Paying for a funeral

Keep receipts of funeral costs in case you can claim back these expenses later. You may be able to claim back funeral expenses if:

- someone is found to have been responsible for a death (as part of a claim for compensation (see page 68));
- you are on a low income. (Ask your local benefits office whether the Government can help you pay for the funeral. You can also find information on www.jobcentreplus.gov.uk);
- an adult has died. Sometimes adults are signed up to a scheme that provides a payment for funeral costs. This scheme could be part of an employment package, a personal pension plan, or an insurance plan. Some people also pay in advance for their own funerals through a payment plan to a funeral company.

Announcing a funeral

You don't have to, but you may want to put an announcement in national or local newspapers providing details of funeral arrangements. You can ring up a newspaper to do this. Alternatively, someone on your behalf can ring up for you.

Finding a funeral director

If you decide to use a funeral director, you may wish to choose one who is a member of an association and follows a code of practice. The following associations provide lists of members on their websites and by phone:

- National Association of Funeral Directors
T: 0845 230 1343 W: www.nafd.org.uk
- National Society of Allied and Independent Funeral Directors
T: 0845 230 6777 W: www.saif.org.uk

Registering a death

When someone dies on the road, the Coroner usually registers the death, although in some cases a relative is required to do this.

A burial or cremation can go ahead before the death is registered. However, a death has to be registered before you can deal with any will, or claim any benefits that you may be due as a result of that death (see pages 23 and 25).

Informing others

There may be people other than relatives and friends who may need to be informed about a death quite soon. You can choose to tell these people yourself, or ask someone to do it for you. These people may include:

- Employers (If you are employed you may be entitled to immediate bereavement leave or be given permission to take your holiday entitlement now. Some employers, and trade unions, also have benevolent funds that provide support to families of employees who have died.)
- A school, college or nursery (Teachers can help provide support to any child who has been bereaved.)
- Life insurance and pension companies (The sooner you inform these companies, the sooner you can go ahead with any possible claims from these plans.)
- A bank or building society
- A mortgage or loan provider
- A landlord
- The housing department (if a person who died was living in a council house)
- Utility providers (for example, gas, electricity and phone) - particularly if a person who died lived alone
- Benefit providers (see page 25)
- HM Revenue and Customs (if a person who died paid tax)
- The Passport Office (if a person who died had a passport)
- The DVLA (if a person who died had a driving licence)
- Social clubs that a person who died attended

For more information on registering a death, call the General Register Office of Northern Ireland on 028 9151 3101 or go to www.nidirect.gov.uk

Informing a motor insurer

If a person who died was driving a vehicle then you, or someone on your behalf, need to tell their motor insurance company that they have died. The police can give you basic details that the insurance company requests, such as the details of another driver.

You do not have to tell an insurer what happened in the crash as this is the subject of a police investigation (see page 32). The motor insurer may offer you the use of a solicitor. It is up to you if you consult this solicitor or a different solicitor (see below).

Whether or not a person who died was driving a vehicle, you are advised to consult a solicitor of your choice. It may be possible to make a significant claim for compensation from the motor insurer of a vehicle that contributed to the crash (see pages 23 and 68).

Stopping unwanted mail

You may find it upsetting to receive direct mail, email or sales calls for someone who has died.

One way to reduce the chance of receiving junk mail for someone who has died is to register, for free, with The Bereavement Register. Go to www.the-bereavement-register.org.uk or phone 0800 082 1230.

You can also stop unwanted sales calls, faxes and mail by registering for free with the following:

- Telephone Preference Service (0845 070 0707 or www.tpsonline.org.uk)
- Mailing Preference Service (0845 703 4599 or www.mpsonline.org.uk)
- Fax Preference Service (0845 0700 702 or www.fpsonline.org.uk)

You may have to re-register with these services every few years.

The above services may not stop all unwanted correspondence, but will reduce the chance of it happening.

Claiming compensation

You may or may not be able to claim significant amounts of money from the motor insurer of a vehicle that contributed to the crash. Even if a driver isn't charged with a traffic offence, money can sometimes still be claimed.

The only way to find out if you should make a claim is to consult a personal injury solicitor as soon as possible. You can ask a personal injury solicitor to meet with you for free to discuss your case. If your solicitor and you agree to make a claim, they will start working on your case straight away, which can give your claim more chance of success and sooner. In many cases, you will not have to pay for the solicitor's work.

For more information on claiming compensation, including finding a personal injury solicitor, turn to page 68.

Wills

If you are the next of kin of someone who has died, or you have been appointed as their representative, you need to find out if they made a will. Copies of wills may be held by a bank or a solicitor.

A will appoints someone (known as an executor) to administer a dead person's estate (everything they owned). The executor may be a family member, a solicitor, or a friend. A will also gives instructions on how possessions and money should be distributed.

Wills can be complicated. Sometimes there is no will. Whether or not there is a will, a specialist solicitor can give you advice on what you need to do. The Society of Trust and Estate Practitioners (STEP) provides details of solicitors who specialise in wills. Go to the website www.step.org, or phone 020 7340 0500 or email step@step.org

If you need advice about a will but have a low income and cannot afford to pay a solicitor, your local Citizens' Advice Bureau may be able to help (see page 86). Alternatively, you can visit a local law centre for advice. Log on to www.lawcentres.org.uk or call 020 7842 0720 for the centre nearest you.

Using specialist solicitors

It is advisable to use a specialist solicitor. You may have used a solicitor in the past, perhaps to help you buy a house. However, a solicitor you already know may or may not be the best solicitor to help you with a will or a claim for compensation.

You may find that your nearest specialist solicitor is some distance away. However, you can do a lot over the phone and by email.

Some people bereaved in road crashes don't want to travel far or often, for reasons to do with the shock of the crash or fear of roads. Tell your solicitor if you do not want to travel. Some solicitors can visit you at home.

Benefits

Some people qualify for benefits after being bereaved by a road death. You may be able to claim benefits for all sorts of reasons, but claimants include some people whose partners have died, or who are bringing up children on a low income.

To find out if you can claim any benefits, contact your local benefits office as soon as possible. The benefits helpline 0800 220674 can give you the phone number and address of your local benefits office. You can also go to the website www.jobcentreplus.gov.uk for information on benefits. You can also contact your Citizens' Advice Bureau for free advice (see page 86).

If a person who has died was claiming benefits, such as a state pension, or if you were receiving benefits for them, such as child benefit, you need to let their benefits office know about the death and return any benefit books.

The official government website for Northern Ireland citizens has information about benefits. Go to www.nidirect.gov.uk

Debts

You may have worries about debt or managing your finances. If you have problems making loan repayments (such as a credit card or a mortgage) or paying bills (such as rent) it is a good idea to try to tell the relevant organisations before payments become overdue.

You are unlikely to be able to arrange for a debt to be cancelled, but it may be possible to arrange a short break from payments or 'interest only' payments.

Try not to ignore bills. Debts don't go away. In extreme cases, people who don't pay bills can be taken to court. If you need to borrow money, make sure you are being offered a competitive interest rate.

If you find yourself in financial difficulties, contact your Citizens' Advice Bureau for free advice (see page 86). If you are pursuing a claim for compensation, it is sometimes possible to obtain an early, partial payment. Your solicitor can advise you (see page 68).

Media interest in the crash

Journalists often want to cover crashes and court cases that follow. If you are assigned a Family Liaison Officer (see page 1) they should be on hand to help you with media interest.

Police statements to the media

The police often release statements about the crash or a court case outcome to the media. The media often request from the police a statement from you and a photo of a loved one who has died. If you want to provide these things, talk to your police contact. The police should ensure they know your views on whether you want media coverage or not.

The police should give you copies of any press statements they issue. They should also be able to keep you informed of media coverage of the case.

The police are advised to do these things in their Family Liaison Strategy Manual, which you can download from the Support and Help pages of www.brake.org.uk

Giving a photograph to the media

When choosing a photo of a loved one who has died, you may want to consider how they would have wanted to be seen or remembered. Your police contact can arrange for an existing photo to be altered if necessary - for example, taking an image from a group photo.

If you have an original photo that is precious, ask the police to get it copied for you right away and return the original to you.

A few families have decided to give the media a photo of a loved one's dead body, or a photo of them critically ill in hospital before they died. Families may decide to do this as part of an appeal for witnesses, or to explain to the public the horrors of road crashes. Most families don't do this, but if you want to consider it, talk to your police contact.

You can ask the media to use a photo for a specific purpose and on just one occasion, accompanied by specific words from you, and then ask for the photo not to be used again. You can release a photo to just one journalist, or lots of journalists.

Being contacted by a journalist

Journalists may phone you, knock on your door or approach you at a court hearing. They may want to interview you or photograph you.

It is up to you whether you talk to a journalist or not. You do not have to talk to any journalist. However, you cannot stop a journalist from publicising your name and where you are from.

Some people bereaved by road crashes decide to talk to journalists to help raise awareness of the importance of road safety. In some cases, media coverage has helped find witnesses to crashes. Other people bereaved by road crashes decide not to talk to journalists, for a number of personal reasons.

If you don't want to talk to journalists, talk to your police contact. They may be able to handle many queries.

Talking to a journalist

Talking to a journalist can be hard, particularly if they are a stranger and they are asking you to talk about how you feel. If you decide to talk to a journalist, it can help to ask in advance what sort of questions they want to ask, and to think in advance about what you might want to say.

If you want to tell a journalist something, but don't want to talk to them, then you can provide them with a written statement. You may want to ask your police contact, or your solicitor if you have one, to help you prepare this statement or to give it to journalists for you.

You can ask your police contact, or your solicitor if you have one, if there is anything you shouldn't talk about to journalists. If someone is being accused of a death, it is important not to make any comments that could create problems for a police investigation or court case.

Making a comment or complaint about the media

If you are unhappy with a journalist's conduct or think that a journalist has published or broadcast something that is incorrect or unfair, then you can make a complaint to the relevant publication or TV or radio station.

If you are complaining about a publication, address your complaint to the editor or publisher. If you are complaining about a TV or radio station, address your complaint to the director. Sometimes the media offers to print or broadcast an apology. A newspaper or magazine may offer to print a letter from you.

Journalists are governed by national codes of practice that require them to respect the privacy and feelings of bereaved people:

- The Press Complaints Commission code of practice governs newspaper or magazine journalists. To make a complaint if you think a newspaper or magazine journalist has broken this code, go to www.pcc.org.uk or phone 020 7831 0022.
- The Office of Communications code of practice governs TV and radio journalists. To make a complaint if you think a TV or radio journalist has broken this code, go to www.ofcom.org.uk or phone 0300 123 3333

Some people bereaved by a road crash wish to campaign publicly for road safety. Pages 78 to 79 give details of organisations that can help you campaign for road safety.

Roadside memorials

Some people bereaved in road crashes wish to place flowers and other memorials at the place where a loved one has died, in their memory. Some people see this as an important expression of their grief. You may or may not want to do this.

Many local authorities allow small temporary memorials such as flowers and cards, and, with permission, small permanent memorials such as a small plaque on a grass verge. However, some local authorities don't allow permanent or large memorials and some may restrict the length of time that flowers can be placed at the site of a crash.

If you want to place a permanent or large roadside memorial, it is important to talk to the highways department of the relevant local authority to find out what they allow.

You may want to ask your police contact, or one of the support agencies listed on pages 17 to 18 of the yellow book in this pack, if they can talk on your behalf to your local authority about roadside memorials.

If cards or notes are placed by other people, you may want to ask your police contact to retrieve them after a period of time and give them to you.

If the crash happened outside the UK

If a loved one died outside the UK, there may be many added complications, such as language barriers and different legal procedures. You can be helped by British Consular staff based abroad at British embassies, High Commissions and Consulates, and in London in the Consular Directorate of the Foreign and Commonwealth Office.

If you haven't been told who you can speak to, you, or your police contact, can call the FCO on 020 7008 1500.

Your police contact may be able to talk to someone on your behalf if you want them to.

How can British Consular staff help?

These officials can help you in several ways. They can:

- Help arrange for a loved one's body to be returned to the UK or buried or cremated in the country in which they died.
- Keep you informed about any procedures that local officials decide to carry out, such as a post mortem examination or police investigation.
- Pass on any concerns you have, for example if you want a death to be investigated and no investigation, or only a limited investigation, has taken place so far.
- Put you in touch with support agencies.

The British Consul cannot investigate deaths abroad themselves, nor give legal advice. Due to the added complications you may find it particularly helpful to consult a solicitor. See page 23.

Paying for funerals abroad or transporting a body back to the UK

The British Consul cannot pay any of your costs, such as funeral costs or the costs of transporting a loved one's body. However, it may be possible for you to claim back these costs as part of a claim for compensation (see page 68) or from an insurance policy, such as travel insurance. For this reason, it is important to keep receipts.

Criminal charges

Criminal charges

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The police investigation

A death on the road is investigated by the police on behalf of the public. This investigation can take several months. The police have a duty to try to find out what happened by gathering evidence, and then to submit a report to the Public Prosecution Service (see page 34). This report can include a number of things such as witness statements, interview transcripts, and reports by specialists.

Eye witness accounts and giving a statement

The police may interview and take statements from people who were in the crash, who witnessed the crash, or who have information about the movement of vehicles or people before or after the crash.

If you are interviewed or asked to give a statement, this can be done either at your home or at a police station. If you give a statement, you may be required at a later stage to give evidence in a court case (see page 49). Your contact details will remain confidential and cannot be given to someone accused of a crime.

A lawyer representing someone involved in the crash may also ask to interview witnesses.

It may be possible for a relative or friend to attend an interview with you to offer support. If you want to be accompanied, ask the police officer or lawyer if this is possible. If you have particular communication needs, you may also be entitled to assistance from an interpreter or intermediary.

Physical evidence

Police officers, and sometimes employees of other specialist agencies, investigate a crash in order to identify the cause and obtain evidence. They may photograph, measure and video the scene of the crash and examine vehicles involved.

Medical evidence

Medical evidence may be provided by personnel who tended to a loved one at the crash or in hospital and the pathologist who did the post mortem examination. Medical evidence can include alcohol and drug testing on all drivers involved.

I want to see the police report. Can I?

When police investigations have completed, the evidence is compiled into a report which is submitted to the Public Prosecution Service (PPS) (see page 34). You are not entitled to a copy of this report, but you may be able to obtain a copy. You may only be able to get a copy after any criminal proceedings have finished.

If you wish to obtain a copy, you, or a solicitor you are using (see page 68), can ask the police. You may have to pay for it, or you may not. If there is a charge, and you are pursuing a claim for compensation, your solicitor may be able to reclaim the charge as part of your claim.

Before reading a police report, you may want to find out what it contains and consider if you want to see all its contents. Police reports often contain photographs taken at the time of the crash, and sometimes detailed interviews with eye witnesses. It may be possible for the police or your solicitor to remove anything you don't wish to see.

Standards have been set for fatal road crash investigations. These standards are explained in the Road Death Investigation Manual, produced by the Association of Chief Police Officers. To view a copy, log on to www.acpo.police.uk

The Public Prosecution Service

The Public Prosecution Service (PPS) is responsible for deciding whether one or more people, or in some cases a company, should face a criminal prosecution. It is also responsible for bringing any prosecution.

PPS lawyers called Public Prosecutors study the police report before reaching a decision whether to prosecute or not. Their decision is based on two tests:

1. The Evidential Test. There must be sufficient evidence for a reasonable prospect of conviction.
2. The Public Interest Test. It must be in the public interest to prosecute. (If someone has died as a result of a crime, a prosecution is normally in the public interest.)

The first test must be met before the second test can be considered.

If the PPS decides to prosecute, it will aim to select the most appropriate charge to reflect the seriousness and extent of the offending.

Particular prosecutions must be brought within particular time frames. A prosecution for an offence that would be dealt with by a Magistrates' Court must start within six months of the crash, but certain other offences can be prosecuted after six months have passed.

PPS liaison with you

The PPS is required to consider the interests of victims and provide information to you about what is happening in your case.

It is required to inform you whether or not it has decided to prosecute.

If the PPS has decided there will not be a prosecution, it is required to explain why not. If you wish to know more information than the PPS initially provides you with, then you can ask. The PPS will consider your request and may, depending on your case and your questions, be able to provide more information.

Information from the PPS may be given to you by your police contact. You may also be offered, or wish to request, a meeting with the PPS. This may or may not be possible depending on your case.

The PPS is guided in its liaison with bereaved families by two documents. The Victims and Witnesses Policy and the Code for Prosecutors can be downloaded from www.ppsni.gov.uk or call 0289 089 7100 for copies.

Charging someone and the possibility of bail

An accused person may be remanded in custody (imprisoned) or given bail (allowed to remain free before their case is heard).

The accused will be granted bail unless the court has reason to believe they:

- may not attend a court appearance
- may commit another offence
- may interfere with witnesses
- may obstruct the course of justice, for example by absconding (running away)

Conditions may be attached to bail, such as limiting where the accused can live, or preventing them coming near you or your home or near someone else. A person on bail can also be electronically tagged.

The accused person may apply for bail at different stages of the case on the basis of a change in circumstances or for compassionate reasons, even if it has been refused earlier. The Court may decide to remand someone in custody who is currently on bail.

The accused may appeal against a decision not to grant bail. If bail is still refused on appeal, the accused can ask for the decision to be reviewed, but only if there is good reason. If bail is granted, the prosecution may, in certain circumstances, appeal against the decision. The accused will be remanded in custody while this appeal is taking place.

If the accused is granted bail and their behaviour while on bail causes you concern, for example if you see them driving in a way that you consider dangerous, or if they make contact with you and threaten you, make a note of what has happened and report it immediately to your police contact.

Changes to charges

Sometimes, if a serious charge is being brought by the PPS, the lawyers representing the accused ask the PPS for the charge to be reduced to a less serious charge, on the basis of the evidence of the case. This request can happen before a case goes to trial.

The PPS may decide to continue prosecuting the accused for the serious charge, or may reduce the charge. Its decision must be consistent with available evidence and information and be in the public interest. When making this decision, the PPS should take into consideration any additional factors, such as the interests of the bereaved family or any previous convictions against the accused.

Criminal charges that may follow a death on the road

'Causing death or grievous bodily injury by dangerous driving' *Article 9 of the Road Traffic (NI)*

Order 1995 (SI 1995 No. 2994 NI 18)

The law states that: 'A person who causes the death of, or grievous bodily injury to, another person by driving a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.'

The definition of dangerous driving is that:

- (a) the way a person drove fell far below what would be expected of a competent and careful driver, and
- (b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

It is also dangerous driving if it would have been obvious to a competent and careful driver that driving a vehicle in its current state (for example, with defective brakes or other defective safety-critical components) would be dangerous.

The PPS may decide to continue prosecuting the accused for the serious charge, or may reduce the charge. Its decision must be consistent with available evidence and information and be in the public interest. When making this decision, the PPS should take into consideration any additional factors, such as the interests of the bereaved family or any previous convictions against the accused.

‘Causing death or grievous bodily injury by careless or inconsiderate driving’ *Article 11A of the Road Traffic (NI) Order 1995 (as introduced by article 52 of the Criminal Justice (NI) Order 2008)*
(This new charge was introduced in 2008.)

The law states that: ‘A person who causes the death of, or grievous bodily injury to, another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.’

The law distinguishes between ‘dangerous’ driving and ‘careless or inconsiderate’ driving. The definition of careless and inconsiderate driving is that the standard of a person’s driving fell below (rather than far below) what is expected of a careful and competent driver.

This offence can be tried in either a Crown Court or a Magistrates’ Court. The maximum penalty is a prison sentence of five years and an unlimited fine in the Crown Court, or a prison sentence of six months and a maximum fine of £5,000 in a Magistrates’ Court. The driver must be disqualified from driving for a minimum period of one year.

‘Causing death or grievous bodily injury by careless driving when under the influence of drink or drugs’ *Article 14 of the Road Traffic (NI) Order 1995*

The law states that: ‘If a person causes the death of, or grievous bodily injury to, another by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, and s/he is, at the time when driving, unfit to drive through drink or drugs, or s/he has consumed so much alcohol that the proportion in his/her breath, blood or urine exceeds the prescribed limit, s/he is guilty of an offence.’

If a driver is proven to have had more than the legal limit for alcohol in their system at the time of the crash, the prosecution does not have to prove the driver’s driving ability was impaired.

This offence is tried in a Crown Court. The maximum penalty is a prison sentence of 14 years and an unlimited fine. Anyone convicted must be disqualified from driving for a minimum period of two years and their licence endorsed with 3 to 11 penalty points. They must take an extended driving test to regain a licence.

‘Causing death or grievous bodily injury by driving: unlicensed, disqualified or uninsured drivers’ *Article 12B of the Road Traffic (NI) Order 1995 (as introduced by Article 53 of the Criminal Justice (NI) Order 2008) (This new charge was introduced in 2008.)*

The law states that: ‘A person is guilty of an offence under this Article if he causes the death of, or grievous bodily injury to, another person by driving a motor vehicle on a road and, at the time when he is driving, the circumstances are such that he is committing an offence under -

- (a) Article 3(1) of the Road Traffic (NI) Order 1981 (driving otherwise than in accordance with a licence),
- (b) Article 90 of that Order (using motor vehicle while uninsured or unsecured against third party risks), or
- (c) Article 168A(1)(c) of that Order (driving while disqualified).’

This offence can be tried in either a Crown Court or a Magistrates’ Court. The maximum penalty is a prison sentence of two years and an unlimited fine in the Crown Court, or a prison sentence of six months and a maximum fine of £5,000 in a Magistrates’ Court. The driver must be disqualified from driving for a minimum period of one year.

Murder and manslaughter charges *Common Law*

It is possible to charge a driver with murder if their driving has killed. Murder is committed when there was intention to kill a victim or cause grievous bodily harm. This would mean that the driver had purposefully used their vehicle as a weapon. Charges of murder are rarely brought against drivers following a fatal road crash.

There are two types of manslaughter charge. The first is committed when the accused caused loss of life through an action such as using their vehicle as a weapon, but it cannot be proven that the driver intended to kill or cause grievous bodily harm. The second type is called ‘gross negligence manslaughter’ and is committed when three things are proven: that the driving fell far below the standard of a careful and competent driver; it involved a very high risk of death; and was so bad in all ways as to amount to a crime.

The offences of murder and manslaughter are tried in a Crown Court unless the accused is under 18 years, in which case it may be tried in the Youth Courts. Murder carries a mandatory life sentence. Manslaughter has a maximum penalty of life imprisonment and an unlimited fine. Anyone convicted must be disqualified from driving for a minimum of two years and then, unless there are special reasons, required to pass an extended driving test to regain a licence. Their licence must be endorsed with 3 to 11 penalty points.

‘Aggravated vehicle taking causing death or grievous bodily injury’ (often called ‘joy riding’ in the media) *Article 172B of the Road Traffic (NI) Order 1981*

This offence is committed when a person takes a vehicle without the consent of the owner, and drives it or allows himself to be carried in it, and it is proved that at any time after the vehicle was unlawfully taken, whether by them or another, and before it was recovered, the driving of the vehicle caused death or grievous bodily injury.

This offence is tried in a Crown Court unless the accused is under 18 years, in which case it may be tried in the Youth Court. The maximum penalty for this offence is 14 years in prison and an unlimited fine. The driver’s licence must be endorsed with 3 to 11 penalty points or the court must disqualify them from driving.

Charges for killing someone by using a defective vehicle

If someone has caused a death by using an unsafe vehicle (for example, a lorry with defective brakes or tyres), the driver, the owner, the operator, or all these people could be charged. A charge of causing death or grievous bodily injury by dangerous driving (see page 38) can sometimes be brought.

There may be a charge of failing to comply with Construction and Use Regulations. Construction and Use Regulations impose various requirements relating to brakes, tyres, steering and other safety-critical components including tachographs (which record the hours a lorry or bus driver has worked) and speed limiters (that restrict the speed of lorries and buses).

In addition, bosses of lorry and bus companies must hold a special licence issued by the Department of the Environment for Northern Ireland, Transport Licensing and Enforcement Branch. The Department has the power to take these licences away from bosses who break safety rules (see page 82).

Breaches of Construction and Use regulations are heard in a Magistrates' Court. There is a range of maximum fines which can be imposed for different Construction and Use offences, the highest of which is £5,000. It may also be possible to disqualify an offender from running a company.

Failing to stop or report an accident (often called 'hit and run' in the media) *Article 175 the Road Traffic (NI) Order 1981*

Drivers are required to stop at the scene of a crash and give their details. If they don't, they are required to report the crash to a police officer 'as soon as reasonably practicable'.

This offence is tried in a Magistrates' Court. The maximum sentence is six months' imprisonment and/or a maximum fine of £5000 and five to 10 penalty points.

Driving without a driving licence *Article 3(1) the Road Traffic (NI) Order 1981*

Driving otherwise than in accordance with a licence.

This offence is tried in a Magistrates' Court. The maximum sentence is a fine of £1,000 and three to six penalty points. The driver may be disqualified.

Driving while disqualified *Article 168A(1)(c) the Road Traffic (NI) Order 1981*

If a person drives while disqualified from driving they commit this offence.

When tried in the Crown Court, the maximum sentence is two years' imprisonment and / or an unlimited fine. If tried in a Magistrates' Court, the maximum sentence is six months' imprisonment, a fine up to £5,000 and six penalty points.

Driving without motor insurance *Article 90 the Road Traffic (NI) Order 1981*

If a person drives a vehicle on a road, or any other public place without motor insurance, they have committed this offence.

This offence is tried in a Magistrates' Court. The maximum sentence is a fine of up to £5,000 and six to eight penalty points.

Charges against people who were not driving:

Aiding and abetting

Someone who encourages another person to commit an offence may also be guilty of that offence. For example, if a passenger in a vehicle encourages the driver to drive dangerously, the passenger may also be guilty of driving dangerously. Generally, the same penalties apply, although length of licence disqualification may differ. This can also apply in the case of a company that uses drivers (such as a lorry or bus operator) and allowed those drivers to drive dangerously or use vehicles in a dangerous condition. The company, or a manager within the company, may be charged.

'Gross negligence manslaughter'

Common Law

Managers of companies, or companies themselves, can be prosecuted for gross negligence manslaughter if their actions directly led to a crash. For example, if a haulage company boss told a lorry driver to not take their legal rest breaks and the driver fell asleep at the wheel, or if a company operating vehicles didn't maintain a vehicle properly and its defective brakes caused a crash.

If an individual is convicted of manslaughter, the maximum sentence is life imprisonment. If a company is convicted, it can receive an unlimited fine.

Bringing a private prosecution

It is sometimes possible for a member of the public, rather than the PPS, to prosecute another person for a criminal offence. This is called a private prosecution. This process is very costly and you cannot claim legal aid. The PPS has the authority to take over any private prosecution and either continue or discontinue its prosecution. All cases in the Crown Court have to be prosecuted by the PPS.

Sometimes, the Government introduces new offences, or changes the definition of an offence, or changes an offence's maximum penalty.

Court cases

Court cases

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Attending court

Your police contact or the PPS should inform you of the dates of all court hearings. If you don't hear anything, and you want to know if a court hearing is happening soon, talk to your police contact or the PPS.

Criminal cases and appeals are nearly always held in public. This means that, if you want to, you can attend, although you don't have to. The information below may help you decide if you want to or not, and help prepare you if you do decide to attend.

Support in court

If you decide to attend a court hearing, it may help to have support. There is no limit on the number of friends or family who can go with you, although there will be restrictions on the number of seats available in the public gallery. Your police contact may also be able to attend with you.

The voluntary organisation Victim Support Northern Ireland provides a support service in court called the 'Witness Service'. This service is available to all victims of crime aged over 18 attending court. If you are under 18, the Young Witness Service, provided by the children's charity NSPCC, may be able to help. You don't have to be a witness to use these services. Both services provide trained volunteers who can support you in court and give you information about court procedures and, if you are a witness, support you in giving evidence. They can arrange an accompanied visit to the court before the hearing, to familiarise yourself with court facilities. Many people find this helpful.

For details of your local Witness Service, call 028 9024 4039 or go to www.victimsupportni.co.uk. For information on the Young Witness Service, call the NSPCC on 028 9024 0847 or go to www.nspcc.org.uk.

For details of other support charities, go to page 17 in the yellow book in this pack.

Knowing the facilities at court

Some courts are modern and have good facilities. Others have few. It may help to familiarise yourself, in advance, with the location of court rooms, any quiet room where you can sit and wait for a hearing to start (see below), toilets and any café.

The Victims and Witnesses Policy (section 5.2)(see page 34) requires court staff to ensure that, where possible, it is arranged for you to sit and wait in a quiet room, away from the accused (if they are not already in custody).

Seeing the accused or their friends around the court house

If you were not in the crash, court may be the first place that you see the accused, or any of their friends. Many people find this hard, particularly if the accused is on bail and is sharing the same facilities as you such as toilets and a café. Having a quiet room to sit and wait in (see above) can help.

Where you can sit in the court room

In the court room you, as well as friends of the accused and any journalists, can sit in the public area. The Witness Service or court staff should be able to arrange for you to sit in a different part of the court to any friends of the accused.

What you will see and hear, and how you may feel

Evidence is presented in court for the benefit of the judge and jury. Sometimes you may not be able to see evidence being discussed (such as diagrams or videos). If you can see evidence, some of it may be particularly upsetting. You may also strongly disagree with some things said in court by a lawyer for the accused.

If you think you may get upset and need to leave the court room, you can. You are allowed to leave and re-enter a court room quietly. While you are in court, you are required to sit quietly and not talk.

Understanding what is happening in court

According to The Victims and Witnesses Policy (section 7.9) (see page 34), the PPS should ensure that someone from the PPS connected with the prosecution of your case is introduced to you at court and answers any of your questions. You can talk to your police or PPS contact about this.

Court room changes and delays

Sometimes a court building has many court rooms in it. Sometimes the court room in which your case will be heard changes. Sometimes, the start time of a hearing is delayed or a hearing is postponed to another day. The police, Witness Service or PPS should be able to ensure you are kept up to date with what is going on.

If you are asked to be a witness

If you are a witness, you will have already given a statement (see page 32). In some cases, this statement can be used as your evidence in court. In other cases, you may have to give evidence in court.

Being a witness in court is a new experience for most people. You can discuss any concerns you have about giving evidence with the PPS or police.

Your local Witness Service or Young Witness Service (see page 46), or another support charity, (see page 17 of the yellow book *Coping with grief*) may also be of help.

Special measures for vulnerable or intimidated witnesses

Witnesses who are vulnerable or intimidated may be able to give evidence with the assistance of special measures.

These measures include live television links, screens around the witness, hearings in private, use of an intermediary and allowing a video-recorded statement to act as evidence at trial.

The court has to decide if a person is eligible for special measures. If you want to find out if you are eligible, talk to the PPS or police. The PPS prosecutor has to apply to the court for use of special measures, and the court decides whether they will allow you to use them or not.

Courts where charges are heard

Depending on the charge and the age of the accused person, cases are heard either in a Magistrates' Court or a Crown Court. Each court has different procedures and different sentencing powers.

Less serious offences, known as 'summary offences', are heard in a Magistrates' Court.

More serious offences, known as 'indictable offences', are heard in a Crown Court.

Some offences are known as 'hybrid' offences. A 'hybrid' offence is heard initially in a Magistrates' Court. If a Magistrates' Court thinks a case, because of its seriousness, cannot be dealt with adequately in a Magistrates' Court, it can send the case up to a Crown Court.

Preliminary hearings and length of trials

A prosecution may start with one or more short hearings, which don't include witnesses being called, before the main trial goes ahead. These short hearings have several purposes, including giving the lawyers an opportunity to raise and discuss legal arguments that may affect the case.

Cases can take longer than expected to come to court. This may be for many reasons, such as a need to trace witnesses or obtain documents prior to a court hearing. Court hearings may also start late, be cut short or postponed.

The PPS will be able to explain to you what is likely to happen at a planned hearing and how a case is progressing.

What happens in a Magistrates' Court?

Cases in Magistrates' Courts are usually determined by a resident magistrate who is legally qualified.

The magistrate decides whether the accused person is guilty or not (unless they have pleaded guilty). They decide sentences with the help of guidelines. There is no jury. The magistrate may wear judicial robes, but does not wear a wig.

Magistrates' Court trials

The accused person is required to appear in a Magistrates' Court to plead guilty or not guilty. (The court sometimes allows an adjournment so an accused person can decide their plea.) If they plead guilty, the magistrate will hear the facts of the case and then sentence them. If they plead not guilty the case is adjourned and a date is set for a trial.

Magistrates' Court trial dates may be set some time ahead to allow the lawyer for the accused person and the lawyer for the Public Prosecution Service (PPS) time to prepare their cases. Sometimes trial dates are postponed, occasionally at the last minute.

The lawyers who speak in court for each side are either barristers or solicitors. Barristers specialise in speaking in court. Solicitors may also speak in court. This often happens in a Magistrates' Court.

The lawyer for the PPS presents evidence to support the prosecution's case. The lawyer for the accused person then presents their case. Both lawyers may read statements from witnesses and call witnesses to give evidence. Witnesses such as police accident investigators and eye witnesses may be called. Photographs, videos and diagrams may be shown.

The lawyers and the magistrate can cross-examine witnesses. This means that a witness called by either side can be questioned by the other side. The accused person can choose not to give evidence.

After the evidence has been presented the lawyers sum up their cases and the magistrate considers the verdict. If the verdict is guilty, the magistrate passes sentence. Sentencing may be postponed until a future hearing.

What happens in a Crown Court?

Most cases heard in Crown Courts are determined by judges and juries. The judge and the lawyers wear robes and judicial wigs.

If the accused pleads not guilty, their guilt or innocence is determined at trial by 12 jurors. Jurors are chosen at random from the community. Sometimes particular jurors are dismissed prior to the trial on the request of a lawyer and replaced. Ten out of 12 jurors must find an accused person guilty to secure a conviction. The judge decides on matters of law and the sentence if an accused person pleads guilty or is found guilty after a trial.

Crown Court trials

The accused must first appear in a Magistrates' Court, where the charge is read out and the evidence is presented to the magistrate. The case then goes to Crown Court.

The first hearing at Crown Court is called the 'arraignment', which is when the accused must enter a plea of guilty or not guilty. If the accused pleads guilty, the judge will sentence (see page 54). This may be on a later date. If they plead not guilty a date is set for a trial. A trial date may be many weeks or months ahead.

At a Crown Court trial the evidence for the prosecution is presented by a barrister instructed by the PPS. Barristers specialise in representing people in court. The accused usually hires a solicitor to represent them and may also hire a barrister to speak in court.

These lawyers present evidence to the judge and jury to support their cases. The lawyers may read statements from witnesses and call witnesses to give evidence in court. Expert witnesses such as police and eye witnesses may be called. Photographs, videos and diagrams may be shown to the jury. The lawyers and the judge can question witnesses. The accused person can choose not to give evidence.

After the evidence has been presented the lawyers sum up their cases. The Judge sums up all the evidence and the jury retires to consider its verdict. This may take some time.

If the verdict is guilty, the judge considers the sentence. The judge may hear arguments by the defence for a light sentence. The judge may delay sentencing to consider the case (see page 54).

Youth Courts

Youth Courts deal with young people who have committed criminal offences, and who are aged 10 to 17. Youth Courts are part of Magistrates' Courts. A resident magistrate sits with up to two specially-trained lay magistrates to hear a case. If the accused is being charged with an offence which, in the case of an adult, would be tried in a Crown Court, the magistrate may send them for trial at a Crown Court.

If a young person is aged 17 to 21 and found guilty, they may be sent to the Young Offenders' Centre (YOC) instead of prison. The YOC is a secure facility like a prison and is run by the Prison Service.

If a young person is aged 10 to 17 and found guilty, they may be sent to the Juvenile Justice Centre. This is a secure facility like a prison. The Juvenile Justice Centre is run by the Youth Justice Agency, which is a Government agency responsible for reducing youth crime.

You can find more information about the youth justice system at www.cjsni.gov.uk or www.youthjusticeagency.ni.gov.uk.

The verdict

If the accused pleaded not guilty, they may be found guilty or not guilty at trial.

Sometimes courts find the accused not guilty of a serious charge but guilty of a lesser charge or part of a charge.

Sentencing

Judges and magistrates are independent and decide sentences. The prosecuting lawyers and any jury do not. However, judges and magistrates are constrained or guided by a number of things when sentencing:

- the maximum sentence set by Parliament for the offence;
- whether the offender pleaded guilty or not. If the offender pleaded guilty, then the judge can 'discount' (reduce) the sentence. The discount depends upon when the offender pleaded guilty;
- the level of sentences in similar cases in the past. This is called 'case law';
- the powers of the court. A Crown Court can issue much tougher penalties than a Magistrates' Court;
- any 'pleas in mitigation' or the findings of background reports (see page 55);
- whether a warning, community sentence (see page 55) or fine are appropriate rather than prison.

A court will rarely impose the maximum penalty and sometimes imposes a much lower penalty. If you don't understand the basis for a sentencing decision, talk to the PPS. If you are unhappy with a sentence, you can make a comment or complaint. See page 65 for how to do this.

Pleas in mitigation and background reports

Before an offender is sentenced, their lawyer will advise the judge or magistrate about any 'mitigating' factors that they think might reduce the sentence, such as an offender's stated remorse.

The judge or magistrate may ask for background information about the offender. This will usually include a report about the offender from the Probation Board for Northern Ireland. Sentencing may be delayed to a later date so this background information can be provided and the judge or magistrate can give further thought to the sentence.

Community sentences

Sometimes a road traffic offender is given a community sentence (often called a community order) rather than a prison sentence. This means they have to serve their sentence in the community rather than in prison, under the supervision of the Probation Board for Northern Ireland.

The judge or magistrate can impose a probation order (which means the offender is supervised while in the community), a community service order (which means the offender must do 40 - 240 hours of unpaid work), or a combination order (which includes both supervision and unpaid work). If an offender fails to comply with the requirements they may have to go back to court.

Restorative justice

Restorative justice is not only about punishing offenders. It is about offenders being encouraged to make efforts to 'make amends' directly to the people they have harmed. The Government supports restorative justice because it believes it gives victims a greater voice, allows victims to receive an explanation of offenders' actions from the offenders themselves, and helps make offenders feel responsible for their actions.

An example of restorative justice could include a meeting with an offender that is guided by a 'facilitator'. In this meeting you explain how the crime has affected you, and the offender explains their actions and apologises. Another example would be correspondence between you and the offender by letter.

Your involvement in restorative justice is entirely voluntary. If you are offered it, you should consider it carefully, and how it may make you feel. If you aren't offered restorative justice but you want it to take place, you can talk to the PPS (see page 34) or your police contact.

More information about the criminal justice process, including a guide for victims of crime, is available on the website www.cjsni.gov.uk

Appeals by an offender

Following a criminal case a convicted person may appeal against their conviction (if they had pleaded not guilty at trial) or their sentence.

They can also apply for bail and in some cases may be released while waiting for their appeal.

If the case was heard in a Magistrates' Court

An appeal by someone against their conviction or sentence in a Magistrates' Court will be heard in a County Court by a judge who sits alone (unless it is an appeal from the Youth Court when the Judge sits with two lay magistrates). There is no jury. The County Court has the power to quash the conviction, order a re-trial, or to change the sentence imposed by the magistrate.

If an appeal is made against a conviction, it may be heard in the Court of Appeal. The Court of Appeal has various powers. These include upholding the conviction, changing the conviction to a conviction for a different offence, quashing the conviction, acquitting the person, or ordering a re-trial.

If the case was heard in a Crown Court

Many appeals by people against their conviction or sentence in a Crown Court are not given permission by the courts to go ahead.

If an appeal does go ahead following a conviction in a Crown Court, it is heard in The Court of Appeal. The Court of Appeal has various powers. These include upholding the conviction, changing the conviction to a conviction for a different offence, quashing the conviction, changing the sentence, acquitting the person, or ordering a re-trial.

Appeals by the prosecution

The prosecution has no automatic right to appeal a conviction or a sentence in a Magistrates' Court. However, in limited circumstances involving an error of law, the prosecution may appeal a Magistrates' Court decision.

This appeal is made to the Crown Court.

The PPS has no power to appeal against a verdict of not guilty in a Crown Court.

The PPS can request the Attorney General to consider referring a sentence imposed by a Crown Court to the Court of Appeal on the basis that the sentence was 'unduly lenient'. If you think a sentence for a charge heard in the Crown Court was too lenient you can also write to the Attorney General (see page 65) expressing your concerns.

Appeals to the House of Lords

Either the prosecution or the offender may appeal to the House of Lords where there is a point of law of general public interest.

When can appeals be lodged?

All appeals must be lodged within 28 days and sometimes sooner. You can talk to your police or PPS contact to find out if an appeal has been lodged and the progress of any appeal. They can also tell you the date of an appeal, if you want to go, or its outcome if you don't want to go.

Challenging a decision through judicial review

A few bereaved families have challenged the Public Prosecution Service in the High Court for not bringing a serious charge. These challenges have used a process called judicial review. The High Court has the power to rule that the PPS should reconsider bringing a serious charge. This process is very costly unless you can qualify for legal aid.

Will a prisoner serve their whole sentence?

Offenders will be released half way through their sentence, unless they are serving a life sentence. If an offender commits another offence before the end of their sentence they may be required to serve the rest of their sentence in custody as well as being punished for the new offence.

Offenders who receive a 'life' sentence will have a minimum custodial period set by the court. Once this minimum period is up, the offender may be released unless they are considered to be a risk to the public. If the offender commits another offence at any time after their release, they may be sent back to prison.

Offenders serving sentences of more than one year may be sentenced to a 'custody probation order'. This means that after they are released they may be supervised by a probation officer for between one and three years.

Some prisoners may also be released on 'temporary licence' for a reason, such as to attend a funeral, and then have to go back to prison.

You can contact the Northern Ireland Prison Service if you are worried about the release of a prisoner, or have received unwanted contact from a prisoner. Phone 0845 247 0002.

Will I be told when a prisoner is going to be released?

The Northern Ireland Prison Service runs a Prisoner Release Victim Information Scheme (NIPRVIS) for people who have been victims of crime where an offender is over 18 and has been sentenced to six months or more imprisonment.

You can register to be kept informed of the release date of the offender, and will be given the opportunity to voice any concerns you have about an offender's release in writing.

The Probation Board for Northern Ireland runs a Victim Information Scheme for people who have been victims of crime where an offender has been sentenced to a period of supervised probation, such as a probation order (see page 55). A 'probation victim liaison officer' can phone you, meet with you, or write to you to provide information about the probation period and answer any concerns you may have.

These schemes may be particularly appropriate if the offender normally lives in your community and you are worried that they may pose a danger to you or people around you when they are released.

To find out if you are eligible for NIPRVIS, call the Northern Ireland Prison Service on 0845 247 0002 or log on to www.niprvis.gov.uk

To find out if you are eligible for the Probation Board Victim Information Scheme, call the Probation Board for Northern Ireland on 028 9032 1972 or email victimunit@pbni.gsi.gov.uk

Coroners

Coroners are independent judicial officers appointed to investigate unnatural, sudden and violent deaths. This includes all deaths on the road. Coroners are lawyers appointed by the Lord Chancellor.

Coroners are required to find out who has died and how, when and where the death happened. The coroner tries to find out the injuries that caused a death and the circumstances that led to that death. Coroners reach conclusions called 'findings' (see below).

Coroners cannot find someone guilty of a criminal offence nor sentence them. This is the role of the criminal courts.

Part of the job of a coroner is to arrange a post mortem examination, authorise the burial or cremation of a body and issue relevant paperwork to register a death.

Coroners are assisted by a coroner's liaison officer. You can ask to talk to this officer at any time and they will try to answer any questions about the post mortem examination and the coroner's investigation. You can contact your coroner's liaison officer by calling 028 9044 6800.

Coroners' findings

A coroner's 'findings' is a factual statement about the cause of death and the circumstances surrounding the death. A coroner's findings are written in a 'Coroner's Certificate of Evidence of Death' which is used to register a person's death (see page 20).

Coroners will often say in their findings that a death was accidental even when someone is thought to have caused a death on the road. This verdict can be upsetting, but does not mean that no one is liable for the death. Criminal charges may still be brought (see page 32), and you may still be able to pursue a claim for compensation (see page 68).

Inquests

Coroners sometimes reach their findings at public inquiries called inquests. Inquests are held in a court room. Their length depends on the case. Inquests after a death on the road are normally held in front of a coroner without a jury. However in certain cases, for example, if the case raises concerns about public safety, a jury can be called. The coroner or their staff can tell you if this is the case.

Is there always an inquest?

The coroner will usually wait until criminal proceedings have finished before deciding whether to hold an inquest. The coroner may decide not to hold an inquest if they think the facts of the case were covered by a court hearing. If there is no inquest, the coroner will base their findings on evidence provided by a court hearing.

If you think a court hearing failed to discuss all the aspects of your case and you think an inquest should take place, you can ask the coroner to consider holding an inquest. This rarely happens.

What happens at an inquest?

The coroner asks people to give evidence. This may include police, expert witnesses and eye witnesses. Contributions may also be allowed by a relation, friend or legal representative of the person who has died (see page 64). There may be particular people who you think are important witnesses. If so, you can suggest these people to the coroner. It is up to the coroner who they decide to call to give evidence.

Anyone who may face a criminal charge will not be required to answer incriminating questions. However, they can be required to attend and be sworn in as a witness. If you think a person should be sworn in, you can speak to the coroner's liaison officer.

Once witnesses have given evidence to the coroner, witnesses may be questioned by lawyers. This can include a lawyer representing you (see page 64) or a lawyer representing someone who is being accused of a criminal offence in connection with the crash.

The coroner will use the evidence provided by witnesses at the inquest to reach their findings (see page 61).

If a coroner believes an issue of concern should be reported to another authority, for example, a government department, they may announce that they are contacting that authority to make recommendations that may help prevent similar deaths in the future. In this way, coroners can help raise levels of public concern about road safety and help call for action from relevant authorities to achieve better road safety.

Can I attend an inquest?

Yes, your police contact will normally inform you of the date, time and venue. If you are not told, ask your police contact to find out. If you plan to attend, you may wish to familiarise yourself with the courtroom in advance by visiting it. You can ask your police contact to arrange this for you.

Inquests are formal inquiries and technical terms may be used. Coroners will try to explain complex evidence. You can request the notes of an inquest after it is over. A fee is usually charged.

If you get upset during an inquest, you can leave the room, as long as you do so quietly. You can re-enter at any time.

Someone who you think caused the death of a loved one, and any friends of theirs, may also attend an inquest. This can be distressing if you are sharing the same facilities. It may help if you are accompanied by family or friends. Inquests are public hearings so you can bring other people with you. Journalists may also attend.

Can I say anything at an inquest?

Coroners can invite evidence or questions from you or a solicitor acting for you during an inquest but only if the coroner thinks it is relevant to their investigation. You or your solicitor should ask the coroner's liaison officer in advance if you wish to speak at an inquest.

If you are pursuing a claim for compensation (see page 68), then the solicitor you have hired will probably want to attend the inquest and may want to ask questions at the inquest. They may ask the coroner to consider hearing evidence from particular individuals.

If you need a solicitor to speak for you at an inquest, you can consult a solicitor with expertise in inquests. For a list of specialist solicitors, log on to www.lawsoc-ni.org and click on 'find a firm', or phone 028 9023 1614.

Legal aid for preparation for the inquest and representation at the inquest is available only in a small number of cases. Your solicitor can tell you if you are likely to be entitled to legal aid.

A range of leaflets about coroners and inquests is available from your coroner's liaison officer or you can download them at www.coronersni.gov.uk or write to Coroner's Office, Mays Chambers, 73 May Street, Belfast, BT1 3JL.

Having your say about the Criminal Justice System

Below is information about how to make a comment or complain to the authorities about the criminal justice system. Authorities generally welcome feedback, and you have a right to have your voice heard.

The Police

If your comments are about the police you can write to the chief constable. You can also write to, phone, or visit the Police Ombudsman, New Cathedral Buildings, St Anne's Square, 11 Church Street, Belfast BT1 1PG. T: 0845 6012931

The Public Prosecution Service

If your comments are about the PPS you can write to the Director of Public Prosecutions, Belfast Chambers, 93 Chichester Street, Belfast BT1 3JR. T: 028 9054 2444

The PPS is answerable to Parliament through the Attorney General, the Government's chief legal adviser. You can write to the Attorney General, 20 Victoria Street, London SW1H 0NF.

Courts

If your comments are about a **Crown Court** or **Magistrates' Court**, you can write to the chief clerk of the court. If you do not receive a satisfactory reply you can contact the Complaints Co-ordinator, Communication Group, NI Courts and Tribunal Service, Langanside House, 23-27 Oxford Street, Belfast, BT1 3LA. T: 028 9032 8594

If your comments are about a **judge**, you can write to the Office of the Lord Chief Justice, Royal Courts of Justice, Chichester Street, Belfast BT1 3JF. T: 028 9072 4616

If your comments are about a **coroner** or an **inquest** talk to your local Coroner's office. If you do not receive a satisfactory response, you can write to: The Lord Chief Justice's Office, Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF. T: 028 9072 4616

Department of Justice

If you have comments about the criminal justice system, you can also write to the Department of Justice, which is responsible for policing and criminal justice. You can write to: Minister of Justice, Department of Justice, Block B, Castle Buildings, Stormont Estate, Belfast, Northern Ireland, BT4 3SG. W: www.dojni.gov.uk T: 028 9076 3000

The Parliamentary Ombudsman

If you are not happy with a response to your complaint, you can take it to the Parliamentary Ombudsman through your MP. Details of how to contact your MP are on page 83. To find out about the parliamentary ombudsman, go to www.ombudsman.org.uk

Campaigning for change

If you think improvements can be made to the criminal justice system you may wish to join an organisation which campaigns on this and other topics (see pages 78 to 80).

Claiming compensation

Claiming compensation

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Claiming money for your loss

Many people bereaved by a road crash can claim money from the insurance company of a driver whose actions contributed to the crash. You don't need to have been injured in the crash to be able to make a claim. Sometimes very significant amounts can be claimed, although this isn't always possible.

The only way to find out if you should make a claim, and how much that claim might be worth, is to consult a specialist solicitor, called a personal injury solicitor, as soon as possible. You shouldn't have to pay a solicitor to meet with them and discuss your case. Check this before you arrange a meeting. In many cases, you will also not have to pay for the solicitor's work if they take on your case.

It is the job of your solicitor to professionally pursue a claim that has a good chance of success and ensure that you are awarded as much as possible.

Finding a personal injury solicitor

- The Motor Accident Solicitors Society provides lists of solicitors specialising in fatal and personal injury motor claims. Log on to www.mass.org.uk or call 0117 925 9604
- The Association of Personal Injury Lawyers provides lists of solicitors specialising in fatal and personal injury claims of all types. Log on to www.apil.com and use the search facility to look for solicitors specialising in road traffic claims or phone 0115 958 0585.
- The Law Society of Northern Ireland provides lists of lawyers. Some specialise in personal injury claims. Log on to www.lawsoc-ni.org or phone 028 9023 1614

Can I definitely make a claim?

Claims can only be made by certain people, in certain cases, and for certain things. While many people can make a claim, not everyone is eligible, and not everyone is eligible for the same payments. Your solicitor can advise you.

Why don't I get compensation automatically from the State?

If you are financially struggling, you may be able to claim state benefits. However, there is no automatic compensation for death on the road. Your solicitor has to pursue a fatal motor claim against someone using civil law, with you as the claimant.

Can I make a claim if no-one was charged with a criminal offence?

Civil law is different to criminal law. In some cases it is possible to establish that someone is responsible for a death on the road under civil law even though that person was not charged, or found not guilty, of a criminal offence.

Who pays an award?

To succeed, a fatal motor claim requires someone to be found at least partly responsible (liable) for a death and for the liable person to agree to pay you an amount of money (an award of damages).

Awards are usually paid by a liable person's motor insurance company, not by the person themselves. If a liable person was uninsured, or is untraceable, then the award is usually paid by a body called the Motor Insurers' Bureau (MIB). You can find out more about the MIB from its website www.mib.org.uk. In cases of uninsured or untraceable drivers, you will still need legal representation as these cases are often complex.

An award is made after a process of negotiation or a court ruling. Amounts awarded vary from case to case.

Types of fatal motor claim

Different types of fatal motor claim are listed below. Your solicitor may advise you to make one, several or none of these claims. All claims depend on liability being established.

1 Dependency claims

In certain circumstances, people who were financially reliant on a person who has died can claim for the loss of that support. This is called a dependency claim. The amount that can be claimed is not fixed. It depends on the amount of support provided by the person who has died.

A dependency claim often includes a claim for loss of income. This amount will be worked out according to how much the person who has died earned, how long they would have continued earning if they had not died and other factors.

A dependency claim may include a claim for loss of services provided, such as childcare, DIY, or other domestic jobs which were undertaken by a person who has died.

If you are making a dependency claim for yourself, or on behalf of others such as a child, your solicitor will help you consider all losses and help work out how much to claim in total. Evidence including employment records and household bills is required to prove dependency claims.

2 Bereavement damages

A payment of £11,800 can be paid for bereavement. This award can be paid only once to one person. You, or someone else, may or may not be able to claim. Your solicitor can advise you.

3 The shock suffered by bereaved people

You may be able to claim money for shock you have suffered as a result of your bereavement. There are rules about who can claim. If you do not meet certain criteria you may not be able to claim, even though you have suffered very much.

4 The suffering of someone who has died

If someone died after suffering a period of pain, then it may be possible to claim money in compensation for that suffering. The amount that can be claimed is based on the amount of time that the person suffered and the extent of the pain. This claim must be brought by the dead person's estate (see page 23).

5 Funeral expenses

The cost of the funeral, or most of the cost, can be claimed from a liable party.

6 Claim for injuries

If you, or anyone close to you, was injured in the crash, it is important to find out if you can make a claim for those injuries and losses resulting from injuries. Your solicitor will advise you.

Starting a claim

You and your solicitor will decide whether you should claim, what claim(s) to submit and how much to claim. You must compile evidence to support your claim(s). A claim must be made by your solicitor within three years from the date of a death. Most claims are submitted much sooner to ensure any award is made as soon as possible.

Negotiating your claim

Once your case is prepared, your solicitor will ask the insurers of the person from whom you are trying to claim (the other side) if it is willing to pay you money.

If the other side admits liability and agrees to pay you money it may make an offer, or several offers, which are lower than the amount your solicitor thinks you are due. For example, if you are pursuing a dependency claim, the other side may use information in medical and employment records of the person who has died to argue your claim is too high.

Knowing that lawyers and insurance companies are negotiating over the value of your loss can be distressing, particularly if your case takes a long time to be resolved. It may help to ask your lawyer to keep you updated on a regular basis about how your case is progressing.

Court proceedings

If you are not offered an acceptable award quickly through negotiation, or if liability is not admitted, your solicitor may start legal action (civil proceedings) against the other side.

If legal action has started, it does not necessarily mean your case will go to court. Your solicitor will continue to try to negotiate a settlement with the other side. In some cases an interim payment (or part payment) is made by the other side prior to a final payment.

If a negotiated settlement cannot be reached your case will be decided in court by a judge. There will not be a jury. The judge will decide whether or not the opposition is liable, and, if so, the size of your award.

Payments into court

Following the start of court proceedings the opposition can choose to pay money into a bank account overseen by the courts. It can offer you this money in full and final settlement of the claim. This is called a payment into court, and is also known as a lodgement.

You can choose to accept or reject payments into court. Your solicitor can advise you. If you reject a payment into court and then negotiate a settlement which is the same or less than the amount paid into court then you will be liable for the legal fees of both sides from the date of the payment into court. If the final settlement is higher then your opponent will probably have to pay most, if not all, your legal fees.

Payments into court should be carefully considered by you and your solicitor.

There are many reasons why it may be better to negotiate a settlement out of court. You cannot pre-determine the decision of a judge and success is not guaranteed. Your case may take a long time to be heard. Sometimes, the other side will make an acceptable offer just before a case is heard in court.

Awards to children

Cases brought on behalf of children are decided in court by a judge. In most cases, money awarded to children is kept and administered by the court in a special account until the child is 18 years old.

Most claims in which liability is admitted are awarded through negotiation, without the need to go to court. You can refuse or accept any offer made. Your solicitor will advise you whether an offer is reasonable.

Talking to your solicitor

Your solicitor should be able to explain what is happening in straightforward terms and be available to talk to you regularly, over the phone or in meetings. They should be happy to answer any of your questions.

It is a good idea to keep notes of conversations with your solicitor and copies of correspondence so you can keep track of your claim. You can keep a note of your solicitor's name and phone number on page 2.

Ensure you know who is handling your case. Sometimes several people in a solicitor's office may work on your case.

Complaining or changing solicitor

If, at any stage, you are unhappy with the service you are getting from your solicitor, you can ask to speak to the partner in the practice responsible for looking after clients, often called the 'client relations partner'.

If you remain dissatisfied, it may be possible to change solicitor. The organisations listed on page 68 will be able to give you advice about alternatives.

If you have a serious complaint about a personal injury solicitor, you can complain to their governing body, the Law Society, by writing to the Law Society of Northern Ireland, 96 Victoria Street, Belfast, BT1 3GN or go to the website www.lawsoc-ni.org for more information on making a complaint and to download a complaint form.

Paying your solicitor

If you are awarded money, the other side will usually have to pay most, or all, of your legal fees.

The other side will also usually pay for any other costs your solicitor has incurred, as long as these costs were reasonable. These costs, such as the cost of medical reports, are called 'disbursements'. In some cases, the other side may not have to pay these costs. Your solicitor can advise you.

If your claim is unsuccessful, you may be liable for your legal costs and those of the other side. However, there are a number of ways to pay for any legal costs you incur that do not require you to be able, personally, to afford to pay very much money.

Paying upfront

Some people choose to pay their solicitor as they go along. You may be able to do this if:

- You can afford to pay a solicitor.
- You are insured for legal expenses. It is worth checking the details of motor and house insurance policies and membership of bodies such as trade unions, although sometimes these policies don't provide enough cover. Your solicitor can help advise you.

If you pay your solicitor in this way, you will need to consider the possibility of losing your claim. If you do, you may be liable to pay the costs of the other side and not be able to reclaim any legal costs you have paid out for your own solicitor. Your solicitor can advise you.

Your solicitor's fee is paid by the other side if you win your case. It should not be deducted from your award except in certain exceptional circumstances, which should be explained to you.

Legal aid

Some people are entitled to legal aid. This is when the Government helps to pay all or part of your legal fees. Entitlement to legal aid depends on your income and savings, whether you receive any benefits, and the circumstances of your case. Your solicitor can tell you if you are likely to be entitled to legal aid.

Do not use a claims assessor working for a contingency fee

Someone called a claims assessor or claims handling company may offer to handle your claim for a straight percentage of your award, sometimes as high as a third (called a contingency fee). You may see adverts offering the services of claims assessors on TV or in the press.

A contingency fee may be referred to as a 'no win, no fee' agreement. If you are awarded a lot of money you may have to pay an unreasonably large amount of money to the claims assessor. Sometimes, this is not made clear at the start.

Claims assessors are not personal injury solicitors. They are neither qualified nor regulated to the standards of solicitors.

Useful organisations

Charities that campaign for road safety

You may wish to help promote road safety issues. There are several organisations that do this. Some also offer advice and support to road crash victims and have support help lines.

For more information on organisations offering emotional support, see pages 17 to 20 of the enclosed yellow book *Coping with grief*.

Brake, the road safety charity

Working to stop road crashes, the charity Brake promotes road safety through community education and training programmes, educational resources for road users, and campaigns. The charity coordinates Road Safety Week. It also educates fleet managers on road safety. Its victim support division provides services for people bereaved and injured by road crashes, including support literature for adults and children (including this pack), a helpline, giving access to support workers, therapists, and solicitors, and contact with people who have suffered a similar experience. The charity provides many volunteering opportunities for people affected by road crashes.

Helpline 0845 603 8570 (Mon-Fri 9am-1pm, and Mon 7pm-9pm)
or email helpline@brake.org.uk

To join, volunteer and for all road safety queries: 01484 559909
or email brake@brake.org.uk

W: www.brake.org.uk and www.roadsafetyweek.org
Brake, PO Box 548, Huddersfield HD1 2XZ

RoadPeace, the road victim charity

RoadPeace was set up in 1992 in response to the overwhelming need for a national organisation to support bereaved families and those injured in road crashes. RoadPeace supports road danger reduction and the promotion of transport policies which give greater consideration to vulnerable road users and the environment. RoadPeace operates a helpline that is co-ordinated by staff and volunteers who have been affected by road death or injury. It provides literature on the post crash investigation process and offers practical and emotional support and advocacy. It organises many activities that provide opportunities for families to get together in remembrance.

Helpline 0845 4500 355 (Mon-Fri 9am-5pm) or email
helpline@roadpeace.org W: www.roadpeace.org T: 0207 733 1603
Shakespeare Business Centre, 245a Coldharbour Lane, Brixton,
London SW9 8RR

RoSPA (Royal Society for the Prevention of Accidents)

RoSPA's road safety department raises awareness about the causes of road crashes and promotes measures to help prevent them. This charity does not provide support services for road crash victims.

T: 0121 248 2000 Email: help@rospa.com W: www.rospa.org
Edgbaston Park, 353 Bristol Road, Edgbaston, Birmingham B5 7ST

SCARD (Support and Care After Road Death and Injury) incorporating CADD (Campaign against Drinking and Driving)

Two charities working together providing emotional and practical support to anyone bereaved, injured or affected by any type of road death or injury. It offers a helpline staffed by experienced volunteers 365 days a year. Additionally it offers literature including on coroners and inquests, criminal and civil law, appeals and private prosecutions. It will also help you access counselling and free legal advice. SCARD offers road safety education workshops for schools and organisations. CADD campaigns for changes to the legal system to deter drink drivers and get justice for those affected by drink-drive incidents. It also offers one-to-one workshops for banned drivers.

Helpline 0845 123 5542 (open 7 days a week, 9am-9pm)

Office phones 0845 123 5541/43

Email info@scard.org.uk and info@cadd.org.uk

W: www.scard.org.uk and www.cadd.org.uk

PO Box 62, Brighouse HD6 3YY

The following organisations are concerned about particular causes of death and injury on the road:**BUSK (Belt Up School Kids)**

Works to improve the safety of children and young people travelling by bus, coach, taxi and car. Offers support and guidance for parents about safety issues, legislation and the hiring of transport. Produces educational material for schools and co-ordinates School Transport Safety Week.

Can put bereaved families in touch with other bereaved families.

T: 01633 274944 Email: buskuk@aol.com

BUSK, 18 Windsor Road, Newport, Gwent NP19 8NS

Learn + Live

Works to reduce deaths and injuries among young drivers and passengers by campaigning for improvements in driver training and licensing, including Graduated Driving Licensing. It is run by a bereaved parent and offers advice and support for other families who have suffered the loss of a young person where illegal, drink or drug driving were not involved.

T: 01384 292571

Email office@learnandlive.org.uk

W: www.learnandlive.org.uk

PO Box 7, Kingswinford, West Midlands DY6 9QZ

Government bodies with responsibility for road safety

- **The Department of Justice**

The Department of Justice is responsible for policing and criminal justice. You can write to the Minister of Justice, Department of Justice, Block B, Castle Buildings, Stormont Estate, Belfast, Northern Ireland BT4 3SG. T: 028 9076 3000 W: www.dojni.gov.uk

- **Department of the Environment (DOE)**

The Department of the Environment's road safety minister is responsible for policy, education, training, publicity and research. The DOE oversees the Driver and Vehicle Agency (see below) and the Transport Licensing and Enforcement Branch (see page 82). The DOE also employs a team of road safety education officers to work with local education authorities to provide education, training and publicity on road safety. You can write to the DOE, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB T: 028 9054 0540 Email: roadsafety.clarencourt@doeni.gov.uk W: www.doeni.gov.uk

- **Police Service of Northern Ireland (PSNI)**

The Roads Policing Development Branch of PSNI deals with issues concerning traffic policing, including equipment, policies and road safety initiatives. You can write to PSNI, Brooklyn, 65 Knock Road, Belfast BT5 6LE T: 0845 600 8000 Email: info@psni.pnn.police.uk W: www.psn.police.uk

- **Driver and Vehicle Agency (DVA)**

The DVA is responsible for administering driving tests and annual vehicle tests (MOT) as well as issuing licences, endorsements and disqualifications for private and commercial vehicles. It is responsible for carrying out enforcement checks on maintenance standards of trucks, buses, taxis, private cars and agricultural vehicles. It maintains a register of drivers and vehicles and collects vehicle excise duty (car tax). You can write to the Chief Executive, County Hall, Castlerock Road, Coleraine, Co. Londonderry BT51 3TA T: 0845 402 400 Email: dva@doeni.gov.uk W: www.dvani.gov.uk

- **Transport Licensing and Enforcement Branch**

A division of the DVA that regulates and enforces the safety of lorries, buses, coaches and taxis. It also has responsibility for licensing companies to operate these vehicles, and has the power to take away an operator's licence. You can write to the Transport Licensing and Enforcement Branch, 148-158 Corporation Street, Belfast BT1 3DH T: 028 9025 4100

- **Roads Service**

The Roads Service is a government agency responsible for operating, maintaining and improving motorways and major trunk roads in Northern Ireland. You may wish to contact them about the condition of a road, or an obstruction on the road where the crash occurred. You can write to the Chief Executive, Roads Service, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB T: 028 9054 0540 Email: roads@drdni.gov.uk W: www.roadsni.gov.uk

- **Local authorities**

Local authorities are responsible for local roads that are not motorways or major trunk roads. They are responsible for their design, repair, markings and speed limits. They also work with road safety officers employed by the DOE to run pedestrian and cycle training for children, manage school crossing patrols and run local publicity campaigns on road safety. You can find their contact details in your local phone directory.

- **The Association of Chief Police Officers**

The Association of Chief Police Officers' road policing committee has some responsibility for determining policing policy on traffic, drugs, alcohol and victim support. Other policies are determined by the Chief Constable of each force. T: 020 7084 8950 Email: info@acpo.pnn.police.uk W: www.acpo.police.uk President, Association of Chief Police Officers, 10 Victoria Street, London SW1H 0NN

Important contacts listed elsewhere in this pack:

- **Criminal Justice System:** Turn to pages 65 and 66 for details of agencies you can contact if you have comments about the criminal justice system.
- **Personal Injury Solicitors:** Turn to page 68 for details of organisations listing personal injury solicitors.

Your political representatives

- **Your local councillor**
If you are worried about a particular local traffic problem your local councillor may be able to help. You can find out their contact details by phoning your local council.
- **Your Member of Parliament (MP)**
Your MP's job is to represent your interests in Parliament. You may want to write to or meet them to discuss any aspect of your case which you think they could act upon. You can find out the name of your MP by going to the website findyourmp.parliament.uk or calling parliament on 020 7219 4272. You can write to your MP at the House of Commons, London, SW1A 0AA
- **Your Member of the Northern Ireland Legislative Assembly (MLA)**
Your MLA's job is to represent your interests in the Northern Ireland Legislative Assembly. You may want to write to or meet them to discuss any aspect of your case which you think they could act upon. You can find out the name of your MLA by going to www.niassembly.gov.uk or calling 028 9052 1333. You can write to your MLA at the Northern Ireland Assembly, Parliament Building, Stormont, Belfast, BT4 3XX

Organisations representing road users

You may wish to contact an organisation representing a type of road user.

Cycling organisations:

- **Cyclists' Touring Club**
Parklands, Railton Road, Guildford, GU2 9JX
T: 0844 736 8450 Email: cycling@ctc.org.uk W: www.ctc.org.uk
- **Northern Ireland Cycling Federation**
10 Cairndore Avenue, Newtownards, County Down BT23 8RF
T: 07843 561084
Email: sportsprint.mitch@btinternet.com
W: www.nicyclingfederation.com
- **Sustrans** (developing paths for walkers and cyclists and 'Safe Routes to Schools')
National Cycle Network, 2 Cathedral Square, College Green, Bristol BS1 5DD
T: 0117 926 8893 Email: info@sustrans.org.uk
W: www.sustrans.org.uk

Motorcycling organisations:

- **British Motorcyclists Federation**
3 Oswin Road, Brailsford Industrial Estate, Braunstone, Leicester LE3 1HR
T: 0116 279 5112 Email: admin@bmf.co.uk W: www.bmf.co.uk
- **Motorcycle Action Group**
PO Box 750, Warwick CV34 9ZU
T: 01926 844 064 Email: central-office@mag-uk.org
W: www.mag-uk.org

Pedestrian organisations:

- **Living Streets**

4th Floor, Universal House, 88-94 Wentworth Street, London E1 7SA
 T: 020 7377 4900 Email: info@livingstreets.org.uk
 W: www.livingstreets.org.uk

Commercial vehicle operator groups:

- **Freight Transport Association**

Hermes House, St John's Road, Tunbridge Wells TN4 9UZ
 T: 01892 526 171 W: www.fta.co.uk

- **Road Haulage Association**

Road Way House, Bretton Way, Bretton, Peterborough, PE3 8DD
 T: 01733 261 131 Email: weybridge@rha.net W: www.rha.net

Motorist groups:

- **ETA** (Environmental Transport Association)

68 High Street, Weybridge KT13 8RS
 T: 0845 389 1010 Email: eta@eta.co.uk
 W: www.eta.co.uk

- **Institute of Advanced Motorists**

510 Chiswick High Rd, Chiswick, London W4 4RG
 T: 020 8996 9600 W: www.iam.org.uk

- **RAC Foundation for Motoring**

89-91 Pall Mall, London SW1Y 5HS
 T: 020 7747 3445 W: www.racfoundation.org

Your Citizens' Advice Bureau (CAB)

If you need any other contacts your local Citizens' Advice Bureau may be able to help. It can provide access to free, impartial and confidential advice, including on financial and legal matters. For your nearest CAB, you can look in your phone book or search the CAB website's online list of its offices on www.citizensadvice.org.uk

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Association of Chief Police Officers (ACPO)
APIL (The Association of Personal Injury Lawyers)
Association of Clinical Pathologists
British Association for Counselling and Psychotherapy
Coroners' Society of England and Wales
Coroners' Society of Northern Ireland
Courts Service
Crown Prosecution Service
Foreign and Commonwealth Office
Home Office
Institute of Psychiatry, Kings College
The Magistrates' Association
MASS (Motor Accident Solicitors Society)
National Institute for Health and Clinical Excellence
Newham University Hospital Multifaith Department
Northern Ireland Courts Service
Northern Ireland Office
Office for Criminal Justice Reform
Police Service of Northern Ireland
PR Hanna Solicitors
Probation Board for Northern Ireland
Public Prosecution Service Northern Ireland
Royal Cornhill Hospital, Aberdeen
STEP
UK Transplant
Victim Support Northern Ireland
Witness Service of Northern Ireland

BrakeCare is committed to continuous improvement. Any comments on this guide's content are welcomed and can be sent in writing to our address or e-mail. **BrakeCare, PO Box 548, Huddersfield HD1 2XZ** or e-mailed to brakecare@brake.org.uk

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