

**Title:**

How To Calculate Your Whiplash Claim

**Word Count:**

707

**Summary:**

Whiplash settlements can be confusing if you don't know what to look for? Learn how to calculate your whiplash claim straight from this page.

**Keywords:**

whiplash claim, whiplash compensation, whiplash injury claim, whiplash claim, compensation claim, whiplash neck injury, whiplash, personal injury, accident, injury

**Article Body:**

How much is the pain and discomfort of your whiplash injury worth? A fair question, after all a whiplash injury is painful - so you should be compensated accordingly. Unfortunately, however, the level of compensation you get for your injury following an accident will depend on a number of variable factors.

**The Whiplash Compensation Claim**

The first of the variable factors will depend on how you make your whiplash injury claim. If you make a compensation claim directly against the insurance company, then you will likely be compensated in accordance with the settlement agreement you make with the insurance company.

However, if you decide to seek the advice of a compensation solicitor to handle your whiplash compensation, then you could be entitled to compensation categorised as

- (i) General Damages and
- (2) Special Damages.

**General Damages For Whiplash**

The overall amount that you may be entitled to under General Damages is

difficult to determine as it is paid for the physical pain and suffering (i.e. the actual damage - such as a whiplash neck injury or something more serious) that you encounter as a direct result of the accident you had.

You may also be allowed to claim for emotional pain and loss of enjoyment of life as part of General Damages. Finally, if the pain and suffering you encounter as a result of your injury causes you to suffer psychological disorders, such as depression, then this may also be included in your compensation claim.

Although General Damage sums awarded by a court will be dependant on their set guidlelines, the details of your medical report detailing the extent of the whiplash, the actual injuries caused, and the possible harm it has had on your emotional state will, all play a pivotal part in the whiplash injury claim.

#### Special Damages For Whiplash

Unlike General Damages, Special Damages can be fixed to some degree and are payable to you as a result of you having encountered certain special losses because of the accident.

In particular, Special Damages are payable on any loss of earnings (including any potential loss of future earnings as a result of the accident) you may have to endure while you recover from the accident; car hire expenses you have to pay as a result of your car being in the repair shop; if you have to pay someone to look after you while you recover from your whiplash, these can be recovered; and if you have paid for medical attention to treat the injury, you can also include these in your claim.

If you want to claim for Special Damages you need to keep a careful track of all the payments you have made and where possible you'll need to have receipts.

#### Insurance Settlement

If you decide that you do not want to make a whiplash injury compensation claim through the courts, then you need to agree to enter into a settlement agreement with the insurance company. In this case you need to make sure you read the terms of the settlement agreement very carefully as insurance settlement claims usually contain provisions

(1) that the insurance company can pay you in instalments, rather than a one-off

lump-sum payment;

(2) that once you have been paid the whiplash compensation by the insurance company you cannot reopen the claim in the future to try and get some more money and agree to no longer hold the insurance company liable for any future cost or loss.

#### Limitation Period To Bring A Claim

If you have recently suffered a whiplash injury, then you have a period of 3 years from the date of the injury in which to bring proceedings to court. If you fail to bring your whiplash compensation claim to the courts within this time you will have forfeited your right to make a claim.

#### Whiplash Injury Solicitor

Whether you have suffered a neck injury, back injury, or bruising, in order to know exactly what your rights are you should seek a consultation with a personal injury solicitor or lawyer as soon as you can following the accident and in any case before you agree to sign any settlement agreement with any insurance company as they are not obligated to tell you what your legal rights are but also what compensation you should be entitled to.