

Holiday Illness

Expertise and Understanding

Legal advice from Irwin Mitchell

This booklet provides some guidance about holiday illness claims and the legal rights of those who have suffered illness.

Holidays are an important time for all of us – a time for rest and recuperation. If you suffer illness whilst on holiday abroad, it may not only affect the enjoyment of your holiday experience, but may even cause lasting damage to your health.

If you have suffered an illness whilst on holiday abroad, then you could be entitled to make a claim to compensate you for your illness and also the loss of enjoyment of your holiday.

At Irwin Mitchell we fight fearlessly to achieve the best outcome for you and your claim. We're renowned for our understanding of the issues affecting you and your family due to an illness abroad, and for the positive action we take to make a difference.

Our lawyers offer the highest level of professionalism and expertise, combined with dedication and sensitivity.

Above all, we put you first.

"I am really pleased with the service provided by Irwin Mitchell and I am glad that I contacted them. They kept me updated throughout and I would definitely recommend their service to others. Although my once in a lifetime holiday was ruined, I am pleased with the end result and grateful that I got justice from the Tour Operator in the end."

- Dennis

Talk to a specialist advisor today

Freephone **08000 23 22 33** or visit
www.irwinmitchell.com

If you have been unlucky enough to suffer illness abroad, whether in a hotel, on a cruise-ship or in other circumstances, you may well be able to apply for compensation.

Here at Irwin Mitchell, we act for individuals – and groups of clients - whose holidays have been ruined by illness. Our clients range from individual families to groups of 1,000 clients or more.

Just because your illness occurred abroad, you do not always have to make a claim in that country. If you have suffered illness in a hotel as part of a package holiday then it may be possible, depending on the circumstances, to bring a claim in the UK Courts against the Tour Operator. In other cases, claims may be made abroad.

Irwin Mitchell is the UK's leading firm of solicitors in travel litigation. We have an unrivalled reputation for pursuing group actions and individual claims for people who have suffered illness abroad.

As well as a team of specialist English lawyers who are well equipped to handle holiday complaints, we also have several US, Spanish, French, German and other foreign lawyers who are able to provide specialist advice on foreign law issues. We also have offices in Málaga and Madrid.

Talk to a specialist advisor today

Text claim to **61993** and someone will call you back

Irwin Mitchell is also one of the largest and most experienced personal injury law firms in the country.

Proven Expertise In Illness Abroad Claims

Our team includes many of the country's finest personal injury lawyers. They operate in highly specialised teams, offering the highest level of legal expertise in claims arising from illness abroad.

We offer an efficient, friendly and dedicated personal injury team with extensive knowledge and experience in dealing with compensation claims arising out of illnesses and accidents which have occurred abroad. We have 50 lawyers who act for thousands of clients each year in overseas illness and accident claims winning compensation for our clients ranging from several thousand pounds to several million pounds. We have successfully dealt with claims arising in more than 80 jurisdictions throughout the world.

Our Head of Practice, Clive Garner, is championed as a lawyer "at the very top of his game." He and his team have secured tens of millions of pounds in compensation for illnesses and injuries suffered abroad by British clients in over 200 group actions over the past 12 years. The team has successfully recovered record compensation in a number of cases and won compensation for more than 20,000 clients who suffered illness abroad, following stays at hotels in Spain, Majorca, Turkey, Tunisia, Dominican Republic and elsewhere.

As a result of their pioneering work for clients in this field, Irwin Mitchell won The Lawyer Award for 'Litigation Team of the Year' in 2000 and also won The Lawyer Award for the 'National Law Firm of the Year' in 2007.

We are top-ranked in both Chambers and Partners and the Legal 500 for work for claimants in relation to accidents and illness abroad. The 2008-2009 Chambers and Partners entry stated:

"With huge resources, an impressive track record and a constant flow of cases, this firm is one of the recognized leaders in claimant work. Lawyers at this "eminent and highly motivated practice" are applauded for their wide-ranging experience, and for "always responding extremely quickly to clients' needs."

Previous comments in the Chambers and Partners directory include:

"Home to the "crème de la crème of claimant lawyers" the group is perceived as an expert on all aspects of illness, personal injury and serious injury abroad."

Members of our team regularly lecture internationally, are consulted on international law reform issues and hold key positions of responsibility in several leading international organisations, including the Pan European Organisation of Personal Injury Lawyers, The Institute of European Traffic Law and the American Association for Justice.

Irwin Mitchell's first commitment is to you, and to achieving the best outcome for your claim.

We also have a long history of campaigning with leading organisations in numerous personal injury fields. Together with those organisations we seek improvements in health and safety, to prevent accident and injury where possible, and improve the quality of life and levels of compensation for those who have suffered injury.

We have also successfully pursued many leading legal cases in order to improve the prospects of success of claims for various forms of personal injury, and to obtain fairer compensation.

"When I tried to deal with the tour operator myself, I got nowhere and I almost lost heart. Without the help of Irwin Mitchell's travel team, I would have given up."

- Sheila

Talk to a specialist advisor today

Text claim to **61993** and someone will call you back

If you have suffered a holiday illness it is important to seek legal advice as soon as possible. Even if you don't know whether you are entitled to make a claim or not, you should speak to one of our specialists advisors right away.

You can talk to a specialist advisor today on freephone **08000 23 22 33**

Free advice

The sooner you contact us the better your chances of making a successful claim. To find out if you could successfully bring a claim contact us on the number above or visit our website and complete the online claim form.

Once you have made contact, we will give you free advice on whether we think you could make a claim. It is then up to you to decide whether to proceed. Should you wish to go ahead we will make an appointment to see you at a convenient time and place.

Even if you're unsure whether you have a claim, it's always worth calling us. Assessment of your case is absolutely free, then you can decide if you want to proceed.

There are strict time limits in personal injury claims within which you must start Court proceedings in your claim. Under English law, in most cases the time limit is 3 years from the date of the incident giving rise to your illness. However, these time limits vary and depend on a number of factors including the nature of your illness, the country you were in when you became ill and who you intend to bring the claim against.

For these reasons it is important that you seek advice promptly from one of our specialist solicitors on the precise time limits that apply to your case.

When you contact Irwin Mitchell, we will give you clear advice about the time limits that apply to your claim. Contacting us promptly also enables us to begin our investigations into the circumstances of your illness. This is crucial to securing the evidence and documents needed to give your claim the best chance of success.

Can I make a claim?

We have a long track record of winning cases where our clients initially thought they did not have a case, or that the law did not protect them.

What are my chances of winning?

The law offers good protection in most personal injury cases – but we're realistic in our assessments, so that when you contact us we will give you the best advice on the chances of winning your case based on the information you provide and our many years experience of successfully pursuing illness claims for our clients.

We'll always give you an honest, straightforward answer.

Talk to a specialist advisor today

Text claim to **61993** and someone will call you back

If you are worried about legal costs, don't be.

Contacting us for initial advice about your claim will cost you nothing. If we advise you to pursue a claim with us, we will review with you all the options for funding your claim, including 'No Win, No Fee'. We will advise you clearly and impartially on the best options to fund your claim without any cost to you.

A 'No Win, No Fee' agreement (also commonly known as a Conditional Fee Agreement) gives you security and peace of mind when pursuing a holiday illness claim.

We will assess the prospects of winning your case and decide if we are able to offer you a 'No Win, No Fee' agreement. If you decide to accept that offer we will pursue your claim on the basis that if the claim is unsuccessful we will not be paid and the costs of any other party will usually be paid under an insurance policy which we will normally take out on your behalf.

If your claim is successful then the vast majority if not all of your costs will be paid by the other party.

Full advice and information about the funding and costs issues in your claim will be given to you throughout your case.

"I was determined to pursue my case, and the Irwin Mitchell travel team were brilliant."

- Michael and Janice

The amount of compensation you receive will depend on the seriousness and length of your illness and how that illness has affected your life. It will also depend on how much money you have lost or may lose in the future as a consequence.

If you have suffered an illness whilst on holiday abroad, then you could be entitled to make a claim to compensate you for your illness, your financial losses and expenses and also the loss of enjoyment of your holiday.

Compensation for your illness

This is assessed based upon the pain, suffering and loss of amenity caused by the illness including the severity and duration of any long term health complications.

Past and future losses and expenses

You may also be able to claim for any past or future income you have lost and any expenses that you have or may incur in the future due to your illness.

Compensation for loss of enjoyment

Compensation may also be awarded for the holiday you paid for but did not receive and for the loss of enjoyment, the physical inconvenience, discomfort, distress and disappointment that you and your family suffered.

Typically compensation for illness for each of our clients totals several thousand pounds but in very serious cases compensation can be hundreds of thousands of pounds. We will advise you at the outset on how Courts approach the assessment of compensation, and how that will apply to your case. However, we are all different and the consequence of the same illness will vary from person to person.

As we learn more about you and your illness, and obtain further evidence such as medical reports, we will be able to assess more accurately how much a Court is likely to award you.

Talk to a specialist advisor today

Text claim to **61993** and someone will call you back

We will investigate your case thoroughly by gathering witness evidence, medical and other expert evidence, and by considering the financial impact of your illness on you and your family.

"We were very happy with the outcome of our case, especially as we were initially offered nothing from the Tour Operator. Irwin Mitchell were very professional throughout and we are very happy with the outcome."

- Chris and Michael

Once we have carefully considered all the information we need, we will let you know the likely outcome and value of your claim.

We will then put forward the claim to the party who was at fault and their insurance company.

The vast majority of claims are settled by negotiation before they go to Court. However, some will go to Court but we will keep you informed and we will be with you, every step of the way.

**Talk To A Specialist Legal Advisor Today -
Call Freephone 08000 23 22 33**

We understand that contacting a lawyer might seem like a big step - especially if you have not done so before.

The sooner you contact us, the greater your chances of a successful claim.

Finding out whether you have a claim could not be easier. Simply give us a call on the freephone number below and we will give you free initial advice on the chances of making a successful claim. You can then decide whether you wish to proceed.

At Irwin Mitchell we understand the real impact of suffering a holiday illness. Our team of specialists have the skills and experience to guide you through the process.

We are renowned for our understanding of the issues affecting you and your family, and we know what positive action to take to make a difference.

At Irwin Mitchell we will fight fearlessly to give you the greatest chance of winning your case, with the best possible outcome, and we will support you every step of the way.

Talk to a specialist advisor today

Freephone

08000 23 22 33

Text '**CLAIM**' to **61993**
and someone will call you back

or visit www.irwinmitchell.com

"Thank you so much for your help and patience. We really do appreciate all your help in this matter. It is so refreshing to deal with someone who returns all calls and emails when they say they will. Thanks again."

- Sue

Talk to a specialist advisor today

Text claim to **61993** and someone will call you back

Freephone 08000 23 22 33

www.irwinmitchell.com

Text claim to **61993** and someone will call you back

Irwin Mitchell

Birmingham Imperial House, 31 Temple Street, B2 5DB

Glasgow Stewart House, 123 Elderslie Street, G3 7AR

Leeds 2 Wellington Place, LS1 4BZ

London 40 Holborn Viaduct, EC1N 2PZ

Manchester Bauhaus, Rossetti Place, Quay Street, M3 4AW

Newcastle upon Tyne Gainsborough House, 34-40 Grey Street, NE1 6AE

Sheffield Riverside East, 2 Millsands, S3 8DT

Irwin Mitchell Abogados

Madrid C/Alberto Aguilera, 62, 28015, Spain

Málaga Calle Puerta del Mar 15, 29005, Spain



Irwin Mitchell LLP is a limited liability partnership registered in England & Wales, with number OC343897, and is regulated by both the Solicitors Regulation Authority and the Law Society of Scotland. The word 'partner', used in relation to the LLP, refers to a member of the LLP or any employee of, or consultant to, the LLP (or any affiliated firm) who is a lawyer with equivalent standing and qualifications. A list of the members of the LLP, and of those non-members who are designated as partners, is displayed at the LLP's registered office: Riverside East, 2 Millsands, Sheffield, S3 8DT.