

## Legal Claims Service

British Triathlon provides an Accident Legal Service for members through our preferred legal partner Leigh Day. The British Triathlon Insurance Centre can be found online at <http://www.britishtriathloninsurance.co.uk>.

This service is provided on a discretionary basis to members who have suffered injury or loss as a result of their involvement in an incident which they consider was not their fault whilst training or racing as a pedestrian, cyclist or swimmer in Great Britain, Northern Ireland, Isle of Man or the Channel Islands.

**Our lawyers will provide you with a high quality legal service with potentially substantial financial benefits:**

- You will keep all of your compensation provided the incident occurred within the UK
- You will not be asked to purchase an insurance policy to indemnify you against a Defendant's legal costs in the event of an unsuccessful claim.
- You will not be asked to personally fund any legal disbursements.

**Examples of where assistance will be provided include:**

- Injury or damage arising from a road traffic accident whilst cycling or running on the public highway.
- Injury or damage caused by a highway defect whilst running or cycling on the public highway.
- Injury arising from the use of a swimming pool.

Subject to our appointed solicitors being satisfied that there are reasonable prospects of succeeding in your claim, all incidents that are covered under the terms of the scheme and that are reported to the British Triathlon Insurance Centre, will be provided with a full free legal costs indemnity to enable the claim to be progressed as quickly and proactively as possible.

Incidents to members of Triathlon England or Welsh Triathlon occurring in Scotland, Northern Ireland, Isle of Man or the Channel Islands will be dealt with by solicitors acting under the law of the country where the accident occurred. More details may be found in the relevant sections Scotland specific paragraph on page 3.

Where a member is involved in an incident occurring outside Great Britain, Northern Ireland, the Isle of Man or the Channel Islands, assistance under the terms of the Scheme is not available. However, our specialist solicitors will provide free initial advice. See the Incidents Abroad paragraph on page 3 for more information.

If our appointed solicitors are satisfied that there are reasonable prospects of success, a claim can be pursued on your behalf. It is important that members appreciate that all decisions on a claim's prospects of success and the pursuit and support of a legal action against a Third Party rests entirely with British Triathlon and its appointed solicitors and their decisions will be final.

Subject to our appointed solicitors being satisfied that there are reasonable prospects of succeeding in your claim, cases will be referred to our panel solicitors and no payment is made by our solicitors in respect of the referral of any case. Under the Compensation (Exemptions) Order 2006 British Triathlon Federation is exempt from authorisation by the regulator under section 4(1) of the Compensation Act 2006. British Triathlon is an Approved Membership Organisation under S.30 of the Access to Justice Act 1999.

Upon registering your claim, you will receive full details of British Triathlon's undertaking to meet your potential legal costs liabilities.

**The British Triathlon Accident Legal Service and its solicitors will not support a member's claim:**

- Where membership was not current at the time of the incident;
- Where an incident is not reported to the [British Triathlon Insurance Centre](#) within 12 months of the incident;
- Against another competitor arising from participation in an event to include but not limited to a cycle race, time trial, triathlon or duathlon;
- Against a Race Official at a permitted event;
- Against another British Triathlon member;
- Against a member of one's immediate family;
- Involving product liability issues such as faulty bikes or equipment (See Defective Products paragraph on page 3 for information on the assistance we can provide in these matters)
- Where there is a conflict of interest between a member and British Triathlon.

**Please note that British Triathlon reserves the absolute right to withdraw funding at any time.**

**Circumstances where cover may be withdrawn include:**

- Where in the opinion of British Triathlon or its solicitors there are no longer reasonable prospects of succeeding with your claim;
- Where in the opinion of British Triathlon or its solicitors you have failed to provide instructions or co-operate with the pursuit of your claim;
- Where in the opinion of British Triathlon or its solicitors you have sought to deliberately mislead either British Triathlon or its solicitors in any material particular to your claim, or given information or evidence which you know to be incorrect or misleading;
- Where you have acted in any manner which, in the view of British Triathlon or its solicitors, could be regarded as fraudulent or dishonest.

**Time Limits**

In order to enjoy the benefit of the British Triathlon Legal Claims Service, an incident must be reported to the [British Triathlon Insurance Centre](#) within 12 months. However, British Triathlon strongly recommends that members report any incident immediately so that our solicitors can take steps to assist as quickly as possible. The sooner the matter is reported, the sooner it can be dealt with, particularly if witnesses need to be traced and interviewed.

As a general point, the statutory time limit for bringing a claim for damages for personal injuries in England & Wales is 3 years from the date of the accident. For cases involving property damage only, the limit is 6 years. If the member is under the age of 18 then the time limit is extended to 3 years from the date of the member's 18<sup>th</sup> birthday. However, it is very important to progress the claim through the member's parent or legal guardian as quickly as possible.

Different time limits may apply where the incident took place outside England & Wales.

## **Scotland**

Members of Triathlon Scotland can access a free legal consultation in the event of an incident through their legal service. Please contact Triathlon Scotland directly.

## **Isle of Man & Channel Islands**

In most UK jurisdictions, legal costs will be recovered from the responsible party where a case is successful. However, this cannot be guaranteed where an incident takes place on the Isle of Man or one of the Channel Islands. In these situations, British Triathlon's liability under this scheme is limited to £5,000 towards any shortfall in the costs recovered from a responsible party. This should be sufficient in most cases to ensure that there is no or minimal deduction from the damages received. Further advice will be provided where applicable.

## **Incidents abroad**

Although accident outside the UK, Isle of Man and the Channel Islands are not covered under this scheme, we appreciate that members do travel abroad for training purposes. Our solicitors have a specialist team dealing exclusively with incidents abroad and can provide practical advice regarding foreign law and procedure.

If you have been involved in an incident abroad, please contact [British Triathlon Insurance Centre](#) and our lawyers will provide advice as to the prospects of bringing a claim and your options for funding.

## **Defective products**

British Triathlon's legal support scheme does not cover claims for injury or loss arising as a result of defective products, such as a faulty bike. However, our solicitors have substantial expertise in this area and will be able to provide advice should you be affected. Please contact the [British Triathlon Insurance Centre](#) and they will put you in touch with the legal team who will be able to advise further.

**To contact Leigh Day with any legal claims service inquiries, telephone 01613933530 or email [mcradmin@leighday.co.uk](mailto:mcradmin@leighday.co.uk)**