

# Regulations governing the grant of **Legal Assistance** (Personal Injury)

1. NIPSA will only consider applications from its members for Legal Assistance (personal injury) in connection with civil claims relating to:
  - (a) accidents or disease arising out of or in the course of the employment of the member or accidents or disease arising in the course of representing NIPSA.
  - (b) other personal injuries that occur within the jurisdiction of the United Kingdom or the Republic of Ireland and which are the result of an accident caused by the negligence of a third party. It is important to note that the law has now changed in the Republic of Ireland and all personal injury claims are dealt with by the Injuries Board. Initially an application must be made to the IB. If the parties do not accept the assessment the case will then be put back into the court system;
  - (c) personal injuries sustained by a relative of the member in the same accident or incident as that in which the member was injured as covered by (a) and (b) above. For the purpose of defining a relative of the member it shall include a member's partner, with whom there has been an established relationship of cohabitation, and any children or other relatives domiciled with the member or for whom the relative is regarded as next of kin.
2. Any applicant desiring Legal Assistance (personal injury) must apply for it to the Executive Officer (Membership Services) at NIPSA Headquarters.
3. The General Council reserves the right in its absolute discretion to grant or refuse Legal Assistance in any case or to grant Legal Assistance under any conditions which it may think proper. In particular an applicant may in the first case be granted Legal Assistance limited to the costs of making enquiries preliminary to action, and the right may be reserved to review the case before proceedings are instituted and to grant or refuse Legal Assistance. It should be noted that Legal Assistance will not normally be granted for the taking of proceedings where it appears that either:
  - (a) the circumstances are such that the applicant is entitled to financial assistance from his/her employer, or
  - (b) the means of the applicant are such as to entitle him/her to a legal aid certificate under the Access to Justice (NI) Order 2003 without any liability to contribute any part of the costs.
4. The applicant shall supply the General Council with all the information it may require and co-operate with the General Council in investigating the claim either before or after the application is considered.
5. NIPSA may grant Legal Assistance to a member where the member has initially already instructed other solicitors. Legal assistance will only be granted in these exceptional circumstances on the strict understanding that the member pays his/her previous solicitor's legal costs before the transfer of the file to the NIPSA Solicitor.
6. Claims should be notified at the earliest possible opportunity as delay will probably prejudice the claim and delay of over three years will probably defeat a claim. If legal proceedings are not started within three years of the date of the occurrence of an accident the claim will probably be statute barred as being out of time.
7. Legal assistance (personal injury), to be granted by NIPSA, is limited to the costs and expenses properly incurred by the NIPSA's Solicitors in the conduct of the enquiries and proceedings. The applicant must refund to NIPSA out of any damages recovered such expenses as may have been incurred on their behalf insofar as these are not recovered from the third party.