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Motorbike Collisions Abroad: What Injured Riders Need to Know

Specialist claimant lawyers explain your rights, challenges, and how we help

Being involved in a motorbike collision abroad is frightening, overwhelming, and often life-changing. Riders are already some of the most vulnerable road users - and when a crash happens outside the UK, you're suddenly facing unfamiliar roads, different laws, and insurers in another country.

Despite these challenges, **a successful claim is absolutely possible**, and the right specialist legal support can make all the difference. Our priority is always the same: **to secure the best possible compensation and access to rehabilitation for injured riders.**



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Why Motorbike Accidents Abroad Are More Complicated

Motorbike crashes overseas involve several unique issues that make the claims process more challenging:

1. More Serious Injuries

Riders have little physical protection, so collisions often cause catastrophic injuries such as spinal damage, amputations, or brain trauma – leading to claims that must account for lifelong care and support.

2. Different Roads, Rules, and Driving Cultures

Every country has its own road laws, standards of driving, and police processes. Proving who was at fault often requires showing that the other driver failed to meet their own country's equivalent of the Highway Code.

3. Deciding Where and Under Which Law the Claim Is Made

A key step is identifying:

- **Where the claim should be brought** (jurisdiction), and
- **Which country's law applies** (usually the law of where the accident happened, under Rome II).

This often involves working with local lawyers or foreign insurers.

4. The Post-Brexit Reality

Before Brexit, UK residents could often bring claims more easily against EU insurers. Now, the rules are more complex, and bringing a claim may require:

- Taking action directly against a foreign insurer, or
- In limited cases, using the Motor Insurers' Bureau (MIB) where retained functions apply.

5. Dealing With Foreign Insurers

Most injured riders must now deal directly with the insurer in the country where the crash happened – something we support clients with from day one.

The Brownlie Case: A Crucial Win for People Injured Abroad

The Supreme Court judgment in *FS Cairo (Nile Plaza) LLC v Lady Brownlie* [2021] UKSC 45 has made it easier for UK residents injured abroad – including motorcyclists – to bring claims in England and Wales.

1. Showing the Claim Has a UK Connection

To start a claim in England or Wales, you must show that “damage was sustained” here.

What Brownlie confirmed:

Damage isn't just the injury at the scene – it includes the **ongoing consequences you experience back home**, such as:

- Pain and suffering
- Loss of earnings
- Long-term treatment and care needs

This makes it far easier for injured riders to issue their claim in the UK.

2. The “Presumption of Similarity”

Before Brownlie, claimants had to gather early evidence of the foreign law — often expensive and time-consuming.

What the ruling changed:

If the foreign law applies but no expert evidence is provided at the outset, the Court can **assume the foreign law is similar to English law** for early stages of the claim.

This reduces the initial burden on injured riders and shifts the responsibility onto the defendant later to show any real differences in foreign law.



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When Will a UK Court Accept the Case? Forum Conveniens Explained

Even if you pass the initial Brownlie test, the defendant may argue that the case should be heard abroad. This is where the doctrine of forum conveniens comes in.

The question is simple:

Is England and Wales clearly the most appropriate place for the case?

To prove another country is a better venue, the defendant must meet a high bar.

Courts look at factors such as:

- **Where the claimant lives** – UK-based riders with severe injuries usually favour a UK forum
- **Where liability evidence is located** – such as foreign police reports
- **Which law applies** – usually foreign, under Rome II
- **Where medical and care evidence comes from** – almost always the UK for long-term injuries

For seriously injured UK riders, we argue strongly **that the case should be heard here**, where your rehabilitation, care needs, and financial losses can be properly assessed.

What You Should Do at the Scene of a Motorbike Accident Abroad

Taking the right steps early can greatly improve your chances of a successful claim:

1. Get Medical Help Immediately

Your health comes first - ensure all injuries are recorded.

2. Call the Local Police

A police report is vital evidence. Ask for a copy or reference number.

3. Exchange Details

Gather:

- Driver's name and contact details
- Vehicle registration
- Insurance information
- Witness contact details

4. Take Photos and Video

Capture:

- Position of vehicles
- Road layout and signs
- Weather conditions
- Your injuries

5. Don't Admit Fault

Even apologising may later be used against you.

6. Notify Your Insurer

Travel and motor insurance policies usually have strict reporting deadlines.

How Our Lawyers Handle Overseas Motorbike Claims

We take on the complexity so you can focus on recovery.

1. Establishing UK Jurisdiction

We apply Brownlie and the Civil Procedure Rules to show why your claim can be heard here - and defend against any attempt to move it abroad.

2. Identifying the Correct Law

We confirm which country's law applies (usually the accident location via Rome II) but rely on the Brownlie "presumption of similarity" to keep your case moving without early foreign-law evidence.

3. Gathering Key Evidence

Using our international networks, we obtain:

- Local police and insurance documents

- Expert evidence
- UK medical assessments and long-term care plans
- Interim payments where possible to fund rehabilitation immediately

4. Calculating the Full Value of Your Claim

We pursue compensation for:

- Pain, suffering, and loss of amenity
- All medical costs abroad and in the UK
- Rehabilitation and long-term care
- Past and future loss of earnings
- Specialist equipment and adaptations
- Damage to your motorbike and gear

Why Specialist Representation Matters

Accidents abroad require expertise in:

- Cross-border claims
- Post-Brexit rules
- Foreign insurance procedures
- Application of Brownlie principles
- Complex, high-value injury cases

Choosing a specialist lawyer ensures your claim is built with the strongest possible foundations and that **you receive the compensation and rehabilitation support you need for the future.**



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