

PERSONAL INJURY DURING HOLIDAYS IN SPAIN

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Have you suffered an accident during your holidays in Spain due to the negligent conduct of your hotel?

The plethora of examples within Spanish case law involving accidents that occurred in hotels to holiday makers in Spain may go from a girl who crashed against a glass door because it was not duly marked, or a woman who fell near a hotel pool due to the floor being wet and not non-slip or a woman who slipped when she was crossing the corridor to her hotel room because the floor was wet due to a broken ice machine. In all these cases, the Spanish courts found the hotel negligent and ordered to pay compensation for the injuries suffered to the injured.

The Spanish Civil Code in its article 1101 clearly provides for those that provide services through a contract to compensate for the damages they cause by negligence when performing their contractual obligations.

Contrary to the general rule that a Claimant must prove its case, when conducting personal injury claims in Spain the burden of proof is reversed and only if the Defendant is able to prove that the accident occurred due to the Claimant's own fault, the Defendant will avoid liability.

It is also important to keep in mind that there is a limitation period of one year to file a claim in personal injury claims. However, the clock will only start ticking the later of a) when the accident took place, b) the injured was aware of the injury or c) the injuries of the injured settled.

Scornik Gerstein LLP has been assisting clients who suffered an accident in Spain and their advisors seeking for an opinion to help then conducting a claim before the UK courts since 1984. Please let us conduct your personal injury claim in Spain or provide you with our legal opinion about whether your personal injury claim would succeed in Spain.

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