



Guildhall Chambers Personal Injuries Defendant Seminar
9th June 2010

FATAL ACCIDENT CLAIMS WORKSHOP

FACTS

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On 31ST December 2007 Mr C was driving Mrs C (who does not drive) to their allotment when their car was struck by another vehicle. Liability is not in issue. Mr C was knocked unconscious. Mrs C suffered significant chest injuries. Both were taken to hospital. Mr C died on the same day, within a few hours of admission, having never regained consciousness. Mrs C survived but, because of a cardiac injury, her life expectancy is reduced by 5 years.

Mr C was aged 66 when he died. He would have been 67 now, had he not died. He had been in otherwise good health at the time of his death. He had worked all his adult life as a mechanic for the local Ford garage and he had a pension from his employment with them of £9,000 net p.a. He owned a small house that he let out to students, from which he received rent of £6,000 p.a.

Mrs C was the same age as her husband and had been a housewife all her adult life. She is his executrix. She had no occupational pension, only a state pension. She received £3,000 net state pension p.a. at the time of her husband's death, following which her state pension increased to £4,500 net p.a. Upon her husband's death, she became entitled to an annual pension of £4,500 net widow's pension. Further, Ford's pension fund made an *ex gratia* lump sum payment of £5,000. She has inherited the student house from her husband but she has since sold it for £100,000 because it was too much trouble to keep letting it out.

Mrs C paid £3,000 for Mr C's funeral service. As he was a popular figure in the local community, Mrs C threw a lavish wake costing £1,500 and erected a tombstone with a small model car on it, costing £10,000.



QUESTIONS

1. Can Mrs C claim pain, suffering and loss of amenity for her husband's pre-death suffering?
2. What funeral and associated expenses can Mrs C claim in respect of Mr C's death?
3. Can Mrs C claim for the future costs of her own funeral?
4. How much is her bereavement award?
5. What sources of Mr C's income can Mrs C claim dependency on?
6. What is the calculation for the multiplicand of Mrs C's financial dependency award?
7. What is the relevance to the dependency claim of:
 - (a) Her widow's pension of £4,500,
 - (b) The *ex gratia* lump sum of £5,000,
 - (c) The £100,000 achieved on sale of the student house.
8. What is the method for calculating the multiplier for the financial dependency?
9. What heads of claim do you wish to include in the services dependency?
10. Are any others heads of loss recoverable? If so, what are they?
11. Assume, now, that Mr and Mrs C were not married, and had co-habited for 11 months at the time of Mr C's death; what effect does that have on her claim?
12. Assume that it transpired that Mr C was an epileptic, and had only gained his work by deceiving his employer about his medical history: what effect does that have on the claim?