

Landmark ruling on personal injury cases

Individuals who have suffered serious injuries as a result of an accident can now be assured that the compensation awarded for future care will not run out. That's the advice from Damian Horan, head of personal injury at leading Hampshire law firm Moore Blatch.



"The Court of Appeal recently made one of the most important decisions in decades on the assessment of damages for future care," said Damian. "This will mean that seriously injured people who rely on care to survive will be able to fund it without the fear that the money will run out.

"This will not only provide peace of mind for claimants but long-term security for them and their families."

The Court of Appeal upheld all of the decisions on when the court may depart from the Retail Prices Index (RPI) set by the Damages Act 1996. This concerns inflation-proofing regular payments in a personal injury claim that features a claim for future loss.

The Act now allows the court to apply a different way of measuring future regular payments. It also approved the Annual Survey of Hours and Earnings (ASHE) as an alternative measurement for the claimants future care needs, which looks at the earnings of care assistants and home carers. The court said that the RPI is not suitable for tracking wage inflation.

Damian continued: "In most catastrophic personal injury claims it is the cost of future care and case management which generally represent the largest part of the claim. But not every claimant settles their claim using a periodical payments order - many still prefer lump sum payments.

"We have vast experience in handling catastrophic personal injury and clinical negligence cases. We recently secured a significant settlement for one of our clients, 79-year-old Motoko Tribe, after she was seriously injured on a garage forecourt in Devon.

"As a result of her injuries, our client now requires round-the-clock care and we successfully secured a High Court periodical payment claim on the basis of a payment of £125,000 for her injuries plus annual payments in respect of nursing home fees, private medical treatment and Court of Protection costs until she dies. This settlement will ensure our client has regular payments to pay for the best care for the rest of her life as well as certainty for her family."

Mrs Tribe's stepson Christopher said: "My stepmother was very fit and healthy for her age, it is a tragedy that she ended up in this situation. However the settlement means that we have been able to look for the best care available. I was confident that Mr Horan was working for our best interests and ensured that the result was fair to all concerned."

Moore Blatch is widely recognised as being at the forefront of personal injury compensation claims and its specialist lawyers act on behalf of individuals claiming compensation resulting from accidents, injuries, illnesses and diseases.

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