

Appendix C

Quantum cases in Kemp & Kemp of awards up to £1,000 PSLA for soft tissue injuries 1990 to 1997

Summarised in Table E

JOHNSON v SIDAWAY (1997) Kemp
PSLA: £250 (£423.04 RPI) Total: £250 (£423.04 RPI)
Trial date: 13/5/1997 Judge: Deputy District Judge Torrane
Court: County Court (Gloucester) Type of Award: Court Award
Age at injury: 28
Sex: male Occupation: Not Applicable

Total injury duration: 1 months

Male, aged 28 at the date of a road traffic accident which caused some stiffness and mild discomfort in his neck a few hours later. All symptoms had resolved within 24 hours of the accident. He took no time off work, no cervical collar and no pain killers were necessary. No sequelae were expected.

General Damages: £250. [Benjamin Williams, Barrister, Chambers of Michael Parroy Q.C., Oxford]
Document Number: AM0501182

CHARNICK v RUSSELL (1997) Kemp
PSLA: £250 (£423.04 RPI) Total: £250 (£423.04 RPI)
Trial date: 13/5/1997 Judge: District Judge Hall
Court: County Court (Tunbridge Wells) Type of Award: Court Award
Sex: male Occupation: Not Applicable

Most significant injury: Whiplash injury to neck.
Extent of injury: Symptoms for one week.
Total injury duration: 1 months

The plaintiff suffered a whiplash type injury to his neck when his car was hit from the side by the defendant's vehicle. His neck became stiff within an hour of the collision.

He attended hospital on the day of the accident where a 25 per cent loss of rotation was noted together with tender neck muscles. Painkillers were prescribed but the plaintiff did not take them.

He was unable to work for two days as a result of his injury. He suffered no other loss of amenity and his symptoms had completely disappeared within one week.

General Damages: £250 (for pain, suffering and loss of amenity). [David Barr, Barrister, 1 Temple Gardens, Temple]
Document Number: AM0500390

WRIGHT v COLE (1990) Kemp
PSLA: £200 (£437.4 RPI)
Trial date: 27/3/1990 Judge: Smythe J
Court: County Court (Walsall) Type of Award: Court Award
Age at injury: 50 Age at trial: 51
Sex: male Occupation: trimmer

Most significant injury: Stiff neck and bruising of chest.
Extent of injury: Neck stiffness resolved within two weeks of the accident.
Total injury duration: 1 months

The claimant was male, aged 50 at time of accident and 51 at date of trial. Fibre glass trimmer. Road traffic accident. Suffered no immediate pain. Neck felt stiff that night and the pain interrupted sleep for a week. Chest bruising became apparent after four/five days. No medication taken. Did not attend doctor. Neck stiffness resolved within a fortnight of accident by which time there were no further problems. No time taken off work.

General Damages: Pain, suffering and loss of amenity: £200. [Edward Pepperall, Barrister.]
Document Number: AM0502432

CHADWICK v CUNNINGHAM (1993) Kemp
PSLA: £350 (£657.64 RPI) Total: £1,390 (£2,611.78 RPI)
Trial date: 8/8/1993 Judge: District Judge Robinson
Court: County Court (Scunthorpe) Type of Award: Court Award
Age at injury: 24 Age at trial: 25
Sex: female

Most significant injury: Seat-belt bruising type injuries.
Extent of injury: All symptoms resolved within two weeks.
Total injury duration: 1 months

Female, aged 24 at the date of the accident and 25 at the date of the trial, sustained classic seat-belt bruising type injuries in a road traffic accident. She was tender around the left and right shoulders and sternum.

Upon medical examination the day after the accident, she had full movement of all limbs but she refrained from swimming and aerobics for two weeks. She took one day off work and remained on light duties for two weeks. No medication was prescribed and all her symptoms resolved within two weeks.

General damages: £350. Special damages: £1043.95. [Carl Lygo, Barrister.]

Document Number: AM0500370

(1) KNIGHT (2) KNIGHT v HOOPER (1993) Kemp
PSLA: £400 (£748.94 RPI)
Trial date: 14/10/1993 Judge: Deputy District Judge Stonham
Court: County Court (Reading) Type of Award: Court Award
Age at injury: 26
Sex: Female Male

Most significant injury: Whiplash injuries to the neck.
Extent of injury: Both claimants suffered symptoms of stiff and painful necks for approximately two weeks following the accident.
Total injury duration: 1 months

The first claimant was aged 26 at the date of the accident and the second claimant was aged 41 at the date of the accident.

Both claimants sustained similar injuries when the defendant drove into the rear of the vehicle in which the claimants were travelling. The first claimant was driving the vehicle and the second claimant was a passenger. Both suffered from stiff and painful necks for four to five days, and were aware of residual symptoms for approximately two weeks. They suffered from loss of sleep for approximately two nights and experienced discomfort when driving, which was part of their jobs. The first claimant took pain-killers for a few days following the accident but neither visited a doctor.

General damages: First claimant: £400; Second claimant: £400. [Amanda Buckley-Clarke, Barrister.]
Document Number: AM0501272

KYFFIN v CRIGHTON (1996) Kemp
PSLA: £500 (£879.72 RPI) Total: £1,460 (£2,568.79 RPI)
Trial date: 6/2/1996 Judge: Judge Morgan
Court: County Court (Birkenhead) Type of Award: Court Award
Age at injury: 22 Age at trial: 23

Most significant injury: Soft tissue injury to the lumbar sacral area.
Extent of injury: Pain and stiffness of movement in neck and back, lasting for two weeks and three days before resolving.
Total injury duration: 1 months

The claimant was aged 22 at the date of accident and aged 23 at the date of the trial.

The claimant was involved in a road traffic accident and suffered a jarring, jolting force, resulting in a soft tissue injury to the lumbar sacral area. The injury led to pain and stiffness of movement that lasted for two weeks and three days before resolving. Further, due to sudden lateral flexion force applied to the cervical

spine, there was a soft tissue injury to the neck producing pain and stiffness of movement in the neck that lasted for two weeks before fully resolving.

General damages: £500. Special damages: £960. [Michael W Halsall, Solicitors (Merseyside).]

Document Number: AM0501278

TILBURY v SOUNDLAB (UK) LTD (1996) Kemp
PSLA: £500 (£879.72 RPI) Total: £690 (£1,214.02 RPI)
Trial date: 13/2/1996 Judge: District Judge Gold
Court: County Court (Kingston-upon-Hull) Type of Award: Court Award
Age at injury: 21 Age at trial: 23
Sex: male Occupation: policeman

Most significant injury: Whiplash injury.
Extent of injury: Pain and stiffness in neck for one week, with tingling in the fingers. Unable to play rugby for several weeks. Full recovery thereafter.
Total injury duration: 1 months

The claimant, male, policeman, aged 21 at the time of the accident and 23 at the time of the trial, was involved in a road traffic accident in which he suffered a classic whiplash injury. Pain and stiffness in the neck lasted for a week, along with tingling in the fingers. Occasional mild twinges persisted for a further two weeks.

He was off work for one week, then carried out light duties for three weeks. He saw a doctor and took analgesics. No collar was needed. There were no long term sequelae. T played rugby at a high level, and had to stop doing so for several weeks.

Total Damages: £695.

General Damages: Pain, suffering and loss of amenity: £500.

Special Damages: Loss of use of car: £195 (three weeks' loss). [Benjamin Williams, Barrister.]

Document Number: AM0503504

YATES v DOWDESWELL (1995) Kemp
PSLA: £500 (£886.18 RPI)
Trial date: 24/10/1995 Judge: District Judge McCullagh
Court: County Court (Birkenhead) Type of Award: Court Award
Age at injury: 38 Age at trial: 39
Sex: female

Most significant injury: Flexion/hyper-tension injury to cervical spine.
Extent of injury: Symptoms resolved after eight days.

The claimant, female, aged 38 at the date of the accident and 39 at the time of the assessment, was involved in a road traffic accident when her motor vehicle was struck in the rear by another motor vehicle. She sustained a flexion/hyper-tension injury in her cervical spine, causing pain and stiffness. She was symptom-free after eight days. She took one day off work.

General Damages: Pain, suffering and loss of amenity: £500.

Special Damages: £583.90 (including interest). [Michael W Halsall, Solicitors.]
Document Number: AM0502442

LOBO v HAMILTON (1993) Kemp
PSLA: £500 (£939.49 RPI) Total: £1,800 (£3,382.17 RPI)
Trial date: 17/8/1993 Judge: District Judge Catlin
Court: County Court (Reading) Type of Award: Court Award
Age at injury: 20
Sex: male

Most significant injury: Whiplash injury to neck.
Extent of injury: Recovery within approximately two weeks of the accident.
Total injury duration: 1 months

The claimant, male, aged 20 at date of the accident in March 1992, sustained a minor whiplash injury which caused slight stiffness in his neck for approximately two weeks.

The claimant's injuries prevented him from participating in his leisure activity of weight-training. He had not seen a doctor, and took no medication. There was no medical report at the hearing. The claimant had used his car, which was written off in the accident for travelling to college, taking his younger brother to school and going to his part-time job. He could not afford to replace the vehicle.

The claim was being dealt with by the Motor Insurers' Bureau. The loss of use claim was based on the case of *Murphy v Choudrey* (1992) CLY 1538. The district judge found that: (a) the claimant had acted with all expedition in contacting his solicitors, who in turn followed the correct procedure and issued proceedings; and (b) the claimant had established that he required the use of the car, and that through lack of financial resources, he was unable to replace it. Having regard to the value of the car, the weekly sum awarded the loss of use was stated to be at the lower end of the range of sums awarded for similar claims.

General damages: Pain, suffering and loss of amenity: £500.

Damages for loss of use of the vehicle: £1,300 (based on an assessment of £25 per week for one year). Total award: £1,800. [Shoosmiths & Harrison, Solicitors.]
Document Number: AM0501359