1 Chancery Lane webinar

Changes to the calculation of damages under Ogden 8

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The Chambers of Simon Readhead QC

July 28th 2020

Changes to the calculation of damages under Ogden 8

A hard luck story!

- July 16th: Lisa Dobie and I presented a webinar on calculating dependency claims under the Fatal Accidents Act 1976
- I gave guidance on calculating multipliers for dependency claims under Ogden 7
- July 17th: Ogden 8 published

AARRGGHH!!!!

Changes to the calculation of damages under Ogden 8

Overview of the changes

- Eight new tables:
  - male and female
  - loss of earnings to ages 68 and 80
  - loss of pension from ages 68 and 80
- Additional Tables
- Explanatory Notes:
  - more detailed
  - more topics covered

Changes to the calculation of damages under Ogden 8

Four talks covering the most significant changes

- Paul Stagg: The Additional Tables
- Andrew Spencer: contingencies other than mortality
- Chris Pask: impaired life expectancy
- Francesca O'Neill: fatal claims
- PS to cover other innovations in ENs

The Additional Tables

What are the Additional Tables?

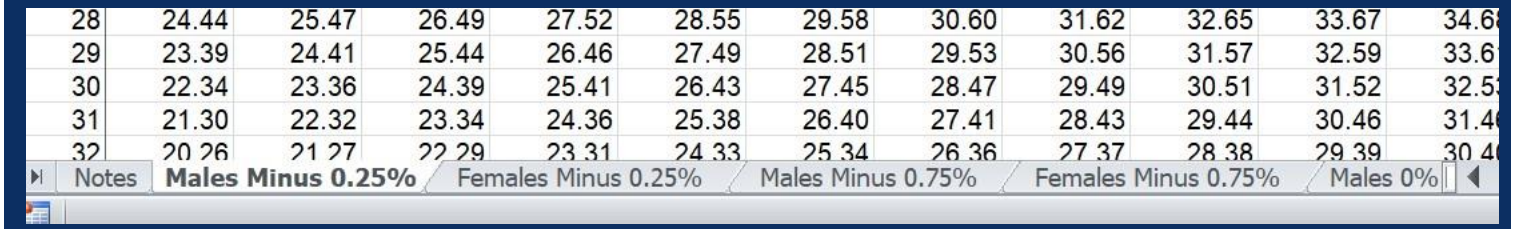
- Available only in Excel format
- Downloadable at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902035/Ogden_Tables_8th_edition_Additional_Tables.xlsx

The Additional Tables

What are the Additional Tables?

- Notes on usage
- Six Excel spreadsheets
  - 0.25% for loss of earnings, equivalent to Tables 3 to 18
  - 0.75%: Scotland
  - 0%: for life expectancy, equivalent to Tables 1 and 2



28	24.44	25.47	26.49	27.52	28.55	29.58	30.60	31.62	32.65	33.67	34.6
29	23.39	24.41	25.44	26.46	27.49	28.51	29.53	30.56	31.57	32.59	33.6
30	22.34	23.36	24.39	25.41	26.43	27.45	28.47	29.49	30.51	31.52	32.5
31	21.30	22.32	23.34	24.36	25.38	26.40	27.41	28.43	29.44	30.46	31.4
32	20.26	21.27	22.29	23.31	24.33	25.34	26.36	27.37	28.38	29.39	30.4

Notes | **Males Minus 0.25%** | Females Minus 0.25% | Males Minus 0.75% | Females Minus 0.75% | Males 0%

Using the Additional Tables

- Rows: age at date of trial
- Columns: age to which multiplier runs

	A	B	C	D	E	F	G	H	I	J
1	Multiplier from age at trial (row) to age (column), discount rate						-0.25%	Males		
2										
3	Age at									
4	date of									
5	trial	1	2	3	4	5	6	7	8	9
6	0	1.00	2.00	3.00	4.01	5.01	6.02	7.04	8.05	9.07
7	1		1.00	2.00	3.01	4.02	5.03	6.04	7.06	8.08
8	2			1.00	2.00	3.01	4.02	5.03	6.04	7.06
9	3				1.00	2.00	3.01	4.02	5.03	6.04
10	4					1.00	2.00	3.01	4.02	5.03
11	5						1.00	2.00	3.01	4.02
12	6							1.00	2.00	3.01
13	7								1.00	2.00
14	8									1.00
15	9									

Using the Additional Tables

- If end date for multiplier has its own Table, you can use either that Table or Additional Tables
- eg Andy, aged 24, loss of earnings to retirement age 68
- Additional Tables

Multiplier f					
Age at date of trial	66	67	68	69	70
23	44.22	45.23	46.24	47.24	48.24
24	43.11	44.12	45.13	46.13	47.12
25	42.01	43.02	44.02	45.01	46.00
26	40.91	41.91	42.91	43.90	44.89

Using the Additional Tables

- Table 11

Table 11 Multipliers for loss of earnings to p

Age at date of trial	Multiplier calculated with allowance for projected mortality from the 20 and rate of return of:						
	-2.00%	-1.50%	-1.00%	**-0.75%**	-0.50%	**-0.25%**	0.00%
16	89.14	76.70	66.41	**61.94**	57.87	**54.15**	50.74
17	86.35	74.53	64.74	**60.47**	56.57	**53.00**	49.74
18	83.61	72.41	63.08	**59.01**	55.28	**51.86**	48.73
19	80.93	70.32	61.45	**57.56**	54.00	**50.73**	47.72
20	78.31	68.26	59.83	**56.13**	52.73	**49.60**	46.72
21	75.75	66.24	58.24	**54.71**	51.47	**48.48**	45.72
22	73.24	64.25	56.66	**53.30**	50.21	**47.36**	44.72
23	70.78	62.29	55.09	**51.91**	48.96	**46.24**	43.72
24	68.37	60.37	53.55	**50.52**	47.72	**45.13**	42.72
25	66.01	58.47	52.02	**49.15**	46.49	**44.02**	41.73
26	63.70	56.60	50.50	**47.78**	45.26	**42.91**	40.73
27	61.43	54.75	49.00	**46.43**	44.03	**41.81**	39.73

Using the Additional Tables

- If end date has no Table, Additional Tables much easier to use
- eg Barry, aged 55 with partner 7 years younger, both to retire when Barry aged 67

Multiplier f					
Age at date of trial	66	67	68	69	70
54	11.78	12.73	13.67	14.60	15.53
55	10.80	11.75	12.69	13.62	14.54
56	9.81	10.76	11.70	12.64	13.56
57	8.83	9.78	10.73	11.66	12.58

The Additional Tables

Reduced need for interpolation

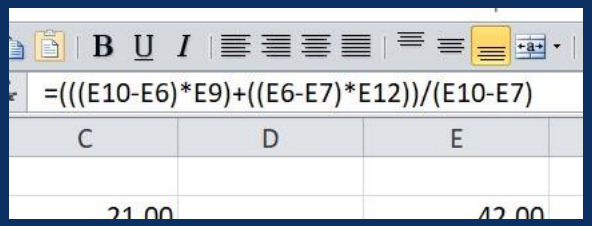
- Previously, if no table for C's retirement age, necessary to carry out complex calculation in order to work out correct multiplier
- Two examples:
  - Caden, aged 21, retirement age 62
  - Della, aged 42, retirement age 58

The Additional Tables

Reduced need for interpolation

- Method 1: EN 32-34: previously recommended method

Age:		21.00	42.00
Retirement:		62.00	58.00
Lower:		60.00	55.00
deemed age:		19.00	39.00
multiplier:		42.44	16.17
Higher:		65.00	60.00
deemed age:		24.00	44.00
multiplier:		42.10	16.10
EN 32-34 method:		42.30	16.13

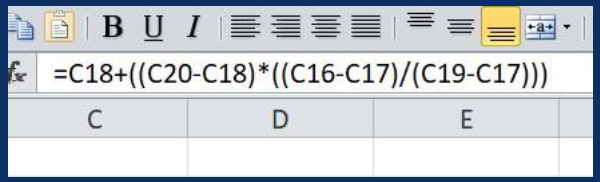


The Additional Tables

Reduced need for interpolation

- Method 2: EN 21-24: simplified method

Age:		21.00	42.00
Retirement:		62.00	58.00
Lower:		60.00	55.00
multiplier:		40.24	13.10
Higher:		65.00	60.00
multiplier:		45.42	18.15
EN 22-24 method:		42.31	16.13



The Additional Tables

Reduced need for interpolation

- Method 3: EN 25-27: use of Additional Table
- The “most accurate” method
- Certainly the simplest method

Alt multiplier method:	42.32	16.13

The Additional Tables

Reduced need for interpolation

- C's age at trial will not usually be a whole number
- If you want an exact calculation, need to interpolate between ages
- eg Emma, aged 45.34 years at trial, to retirement age 62
  - need to interpolate between 45 and 46
  - but not between 60 and 65 with Additional Tables

The Additional Tables

Interpolating between ages

Multiplier f					
Age at date of trial	60	61	62	63	64
44	16.10	17.10	18.11	19.11	20.11
45	15.08	16.08	17.08	18.08	19.08
46	14.05	15.06	16.06	17.05	18.05
47	13.04	14.04	15.04	16.03	17.02
48	12.02	13.02	14.02	15.01	16.00

Age:	45.34
Period to:	62.00

Age (A)	*End of period (E)*	*A rounded down (X)*	*Multiplier for X (Mx)*	*A rounded up (Y)*	*Multiplier for Y (My)*	*Multiplier for period*
45.34	62.00	45.00	17.08	46.00	16.06	16.73

Formula: A - ((A - X) x (Mx - My))

The Additional Tables

Retirement multipliers

- EN 35: suggests that they can be worked out just with Additional Tables, but hard to see how
- EN 36, Notes in Additional Tables:
  - calculate life multiplier under Table 1/2
  - calculate multiplier to retirement using Additional Tables
  - deduct earnings multiplier from life multiplier

The Additional Tables

Retirement multipliers

- eg Emma, aged 45.34 years at trial, to retirement age 62

Age:	45.34
Period to:	62.00

Age (A)	*A rounded down (X)*	*Life multiplier for X (Mx)*	*A rounded up (Y)*	*Life multiplier for Y (My)*	*Life multiplier*
45.34	45.00	44.84	46.00	43.68	44.45

Life multiplier	*Multiplier to retirement*	*Multiplier for retirement*
44.45	16.73	27.72

The Additional Tables

Split multipliers

- eg Finn, aged 31.77
- Chances of promotion at 35, 40, 48 and 55
- Different multiplicands to be used to reflect the chances
- Retirement at 68

The Additional Tables

Split multipliers

Age:	31.77					
Periods to:	35.00	40.00	48.00	55.00	68.00	

Age (A)	*Age at end of period (E)*	*A rounded down (X)*	*Multiplier for E to X (Mx)*	*A rounded up (Y)*	*Multiplier for E to Y (My)*	*Multiplier from A to E*
31.77	35.00	31.00	4.01	32.00	3.01	3.24
31.77	40.00	31.00	9.07	32.00	8.06	8.29
31.77	48.00	31.00	17.23	32.00	16.19	16.43
31.77	55.00	31.00	24.39	32.00	23.34	23.58
31.77	68.00	31.00	37.53	32.00	36.45	36.70

Age at start of period (S)	*Age at end of period (E)*	*Multiplier from A to E*	*Multiplier from S to E*
31.77	35.00	3.24	3.24
35.00	40.00	8.29	5.05
40.00	48.00	16.43	8.14
48.00	55.00	23.58	7.15
55.00	68.00	36.70	13.12

The Additional Tables

Use for care, support and services claims

- Frequently, care experts advise that C would have:
  - needed same care by the time that C reaches age x
  - no longer been able to do DIY, gardening etc by the time that C reaches age x
- Use Additional Tables to calculate multiplier to age x
- More accurate than Table 36 (formerly Table 28) because taking account of mortality

Changes to the calculation of damages under Ogden 8

Other new commentary

- Young claimants and loss of earnings: EN 37-39
  - find age when C would have started work
  - use multiplier from that age to retirement
  - multiply by Table 35 (formerly Table 27) factor
- Pension loss: EN 111-123: nothing new about multipliers but summarises approach and gives examples
- Periodical payments: EN 161-177: says nothing about multipliers but suggests an approach to cases where loss of earnings are compensated by PPs

Ogden 8: calculating damages

Contingencies other than mortality

Andrew Spencer

Contingencies other than mortality

"Complete overhaul" of this section

- Definition of disability: claimant must be disabled under DDA 1995 (not EA 2010); and disability must affect either the type or amount of work that claimant can do
- Changes to reduction factors (education, discount rate)
- Guidance about when and how to adjust the Table A-D reduction factors in a particular case

Contingencies other than mortality

Disability: wage and employment effect

2 distinct effects which should not be conflated

- Wage effect: Reduction in earnings (e.g. reduced hours, missing out on promotion). Accounted for in the multiplicand.
- Employment effect: longer periods out of work, likelihood of early retirement etc. Tables A – D.

Contingencies other than mortality

Definition of disability

Requires all three of the following:

- (i) An illness / disability which has / is expected to last for over a year or is a progressive illness; and
- (ii) The DDA 1995 definition is satisfied: the disability has a substantial adverse effect on the person's ability to carry out normal day-to-day activities; and
- (iii) The impairments limit either the kind or the amount of paid work s/he can do.

Contingencies other than mortality

DDA definition: Substantial adverse effect on ability to carry out normal day-to-day activities

- Normal day-to-day activities: activities carried out by most people on a daily basis (including work activities)
- Substantial: meaning has changed over time
- DDA included (non-exhaustive) guidance about the meaning.

Contingencies other than mortality

DDA guidance

Mobility examples:

- unable to travel short journeys as a passenger in a car
- Unable to walk other than at a slow pace or with jerky movements
- difficulty in negotiating stairs
- unable to use one or more forms of public transport
- unable to go out of doors unaccompanied

Contingencies other than mortality

DDA guidance

Manual dexterity examples

- loss of functioning in one or both hands
- inability to use a knife and fork at the same time
- difficulty in pressing buttons on a keyboard

Contingencies other than mortality

DDA guidance

Physical co-ordination examples

- inability to feed or dress oneself
- Inability to pour liquid from one vessel to another except with unusual slowness or concentration.
- Problems with bowel/bladder control (e.g. frequent or regular loss of control of the bladder or bowel. Not occasional bedwetting)

Contingencies other than mortality

DDA guidance

Ability to lift, carry or otherwise move everyday objects (e.g. books, kettles, light furniture)

- inability to pick up a weight with one hand but not the other
- Inability to carry a tray steadily

Contingencies other than mortality

DDA guidance

Speech

- unable to communicate (clearly) orally with others
- Taking significantly longer to say things
- (A minor stutter, difficulty in speaking in front of an audience, or inability to speak a foreign language would not be considered impairments)

Contingencies other than mortality

DDA guidance

Hearing

- not being able to hear without the use of a hearing aid
- inability to understand speech under normal conditions or over the telephone

Contingencies other than mortality

DDA guidance

Eyesight: while wearing spectacles or contact lenses –

- being unable to pass the standard driving eyesight test
- total inability to distinguish colours (excluding ordinary red/green colour blindness)
- inability to read newsprint

Contingencies other than mortality

DDA guidance

Memory or ability to concentrate, learn or understand

- intermittent loss of consciousness or confused behaviour
- inability to remember names of family or friends
- unable to write a cheque without assistance
- inability to follow a recipe

Contingencies other than mortality

The reduction factors

Changes:

- Re-calculation of the reduction factors at a discount rate of 0%
- Re-labelling of the education classification to Levels 1 - 3
- Allocation of new qualifications and newly graded qualifications within the levels

Contingencies other than mortality

Departing from the reduction factors

"The methodology of applying the Table A to D reduction factors… is the suggested method for dealing with contingencies other than mortality and is applicable in most circumstances…

(M)erely because there are uncertainties about the future does not of itself justify a departure from the well-established multiplicand / multiplier method and judges should therefore be slow to resort to the broad-brush Blamire approach, unless they really have no alternative…

(T)he Table A to D reduction factors should generally be used unless there is a good reason to disapply or to adjust them"

Contingencies other than mortality

Departing from the reduction factors

Specific circumstances:

- Education
- Employment
- Injury precluding use of particular qualification
- Effect of impairment on this particular claimant (e.g. manual or desk job?)

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Life Expectancy.

Changes to multipliers and expanded commentary in Ogden 8

Life Expectancy Generally

Going down

- Based on 2018 mortality data from ONS published December 2019.
- Effect: Multipliers in the tables are lower, particularly for losses after the retirement age. The older the claimant, the higher the % difference on their damages will be.
- Intro states:
- For younger claimants, the approximate reduction in life expectancy between the 7th and 8th editions of the Tables is about one year for men and two years for women. This reflects a difference in overall predicted life expectancy of 1-2%. However, for older claimants, the difference in predicted life expectancy can be as much as 8-9%.

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Life Expectancy Generally

- Mortality projections do not take any account of the current Coronavirus pandemic.
- Acknowledged in notes, that the long term effects, if there are any, are simply unknown at the moment, though the authors suggest limited long term effect.
- Next edition in 4-5 years

Life Expectancy Generally

Some examples

- Boris – 60 today
  - Ogden 7 – 25.92, Ogden 8 – 24.76
- Eldest Daughter – 27
  - Ogden 7 – 63.29, Ogden 8 – 61.58
- Youngest daughter – 7
  - Ogden 7 - 85.28, Ogden 8 – 83.36
- Dad – 81 today
  - Ogden 7 – 8.83, Ogden 8 – 8.33

Life Expectancy Generally

Some examples

- Boris – annual loss of £125,000
- Ogden 7 = £3,240,000
- Ogden 8 = £3,095,000

- Difference = £145,000

Life Expectancy Generally

Some examples

- 27 yr old daughter = £213,750
- 7 yr old = £240,000
- Dad = £62,500

Impaired Life Expectancy

New Explanatory Notes

- Determining the extent to which C's life has been cut down by their injuries is a very significant feature of the assessment of damages. LE can also be affected by other factors in addition to the injury.

- EN Ogden 8 – new commentary on when the court is entitled to conclude that a claimant's life expectancy is atypical.

- More extensive commentary than in Ogden 7 as to how to go about it.

Impaired Life Expectancy

Key Points re LE – EN paras 8 - 13

- The tables are based upon average or typical male and female life expectancy, which it is assumed claimants will have unless proved otherwise.

- The mortality assumptions relate to the population of the UK as a whole. Therefore no increase or reduction is required unless there is clear evidence that C is 'atypical' to a greater extent than would be encompassed by reasonable variations from factors such as place of residence, lifestyle, educational level etc.

- Reminds us that the courts view the assessment of life expectancy essentially as a medical issue.

- Acknowledges that C may have atypical life expectancy not just because of the injury sustained but because of other pre-injury or post injury factors. Courts must take into account all factors when determining life expectancy.

Impaired Life Expectancy

Key Points re LE – EN paras 8 - 13

- EN 12 reads:
  - *Whilst there is no definition of what constitutes atypical, the courts have generally been reluctant to admit expert evidence to argue for a different life expectancy solely on the basis of lifestyle factors, since the average in the Tables includes smokers, nonsmokers, drinkers, teetotallers, people who are over-weight and people who have an ideal BMI etc*
  - EN References:
    - *Dodds v Arif and Aviva Insurance* [2019] EWHC 1512 (QB)

Impaired Life Expectancy

Approach

- *Royal Victoria Infirmary NS Trust v B [2002] EwCA Civ 348*
  - Determining LE is done by refence to the general life tables in the ordinary run of cases and on the basis of medical evidence in the special cases.
  - Statistics a useful tool but should not displace the expertise of the clinician.

- *Dodds v Arif and Aviva Insurance* [2019] EWHC 1512 (QB)
  - Restrictive approach to statistical evidence – used where the clinical experts cannot offer an opinion, recommend statistical evidence or disagree on the proper approach to statistical material [19].

Impaired Life Expectancy

Thoughts on the new commentary

- Could be said that the new notes underplay the primacy of medical opinion. Is the assertion that eg drinking and smoking should not lead to alteration of life expectancy justifiable?

- Generally, physicians will deduct a significant period where a person has a lengthy moderate or heavy smoking history, even if they have now stopped as they appear to feel that such a history would take a person outside of the norm.

Impaired Life Expectancy

Methods of determining multipliers where the court has determined C has atypical (impaired) life expectancy

- Expanded commentary in the EN's paras 14 – 17.

- Once it is determined that C has atypical LE, have to decide appropriate multiplier:
  - Either using Tables 1 and 2 (with adjustment for mortality), or
  - Table 36 (previously 28) (term certain, no adjustment for mortality).

- ENs 14 – 16 now include references to case law on whether the Table 1/2 or Table 36 Method is appropriate.

Impaired Life Expectancy

Methods - Issue

– There is a difference between a situation where experts are attempting to give a clinical judgment as to the age to which an individual is likely to live, in which case Table 28 (now Table 36) would be appropriate, and a situation where experts are attempting to give an average deduction in respect of people with similar injuries to the Claimant from the average normal life expectancy, without making any allowance for non injury-related factors, in which case he accepts that Table 1 would be the correct Table to use.

Impaired Life Expectancy

Methods – EN gives Examples

- A common example of this is the development of epilepsy following a traumatic brain injury which reduces a claimant's life expectancy by a few years compared to the average. In such a case, Table 1 or 2 may be used to calculate the claimant's approximate lifetime multiplier by deeming the claimant to be older than his or her actual age by the same number of years by which his or her life expectancy has been reduced. [EN 15]

- In other cases the court may make a finding that a claimant has a given life expectancy based upon his or her mortality risks as a whole and that finding will have involved a more extensive and refined exercise which examines all of the claimant's mortality risks and therefore renders it inappropriate to regard him or her as one of the class who was subject to the statistical mortality risks for which Tables 1 or 2 provide. In such a case the relevant fixed term multiplier should be derived from Table 36 or the advice of an actuary should be sought. [EN 16]

Impaired Life Expectancy

Methods

- EN 17 makes the point that the Table 36 (formerly Table 28) method will understate the multiplier when the discount rate is negative (and overstate it when it is positive) because it does not take account of mortality. The difference is negligible as long as the discount rate is close to zero.

- If there is a change, will need to be looked at more carefully and the commentary recommends the method which is set out in paragraph 20 EN to Odgen 6.

What is the impact on fatal cases?

Knauer v Ministry of Justice [2016] UKSC 9

The correct date as at which to assess the multiplier when fixing damages for future loss in claims under the Fatal Accidents Act 1976 should be the date of trial, not the date of death.

Guide to the explanatory notes

- EN 128-133: basic methodology for calculating dependency explained
  - Dependants
  - Earnings/pensions/benefits
  - Loss of services (eg. DIY, childcare)
  - For pre-trial losses, the actual loss to the date of trial is calculated
  - Post-trial losses are calculated as at the date of trial

- EN 134: pre-trial dependency: will normally run from date of incident causing fatal injuries if death is delayed, where deceased's death is delayed, although not where eg. deceased paid by employer.

Caution here not to double-count with claim under LRMPA 1934 in respect of income dependency.

- EN 135: application of Table E factor to years to trial:

factors now given for 1-10 years rather than 3, 6, 9 years.

- EN 136: add interest.

- EN 137-138: types of post-trial dependency: all calculated using same methodology.

- EN 139-141: starting point is shorter of period for which deceased would have provided and for which dependent would have received income/services.

- EN 142: discount for contingencies: most within five categories:

* factors relating to deceased's earnings: use Tables A to D (adjusted as appropriate).

* deductions for risk of dying before trial: Table F factors to be used: factors now given for 1-10 years rather than 3,6, 9 years.

* adjustments for shorter life expectancy.

* contingencies on pension: may be smaller than preretirement earnings dependency.

* whether relationship would have survived etc.

- EN 143: steps for calculating post-trial dependency.
- EN 144: multiple dependencies: can either use a single multiplier or different multipliers if the dependencies are independent of each other.

That will not be the case with income but might be with services (eg assistance with childcare provided to families of two offspring separately).

EN145-60 EXAMPLES

FIRST EXAMPLE

The sole financial dependant is a woman, aged 38 at the date of the trial, which is taking place 3 years after the date of a fatal accident, which killed her husband, who at that time was aged 37.

The deceased would have been age 40 at the date of trial. The deceased had A levels, was in employment, was not disabled (as defined in Section B) and lived and worked in London at the time of the fatal accident (so a -0.25% discount rate is applicable). There was no evidence suggesting that either the deceased or the dependant had atypical mortality risks nor that their relationship was unstable. The court has determined a multiplicand of £30,000 up to the deceased's normal retirement age of 65 and has decided that post-retirement damages should be payable based on a multiplicand of £12,000. The multipliers in this example are taken from Ogden Tables 1 to 34 (although, as no interpolation is required, identical multipliers would be gleaned from the Additional Tables).

Pre-trial damages are calculated as shown below.

(1) Period between fatal accident and trial: 3 years.

(2) Adjust for the risk of possible early death (considered negligible as the deceased was under 40): apply an adjustment factor of 1.00 (Ogden Table E for male aged 37 and 3 years).

(3) Pre-trial damages: £30,000 x 3 years x 1.00 = £90,000 (plus interest as special damages).

(4) Interest at half rate from date of death to date of trial: 3 years at 0.25% a year = 0.75%. £90,000 x 0.75% = £675.

Post-trial damages are split between pre- and post-retirement damages.
(1) Expected period for which the dependant would have been able to receive the dependency (Ogden Table 2 at 0% for female aged 38): 49.73. This is when the deceased would have been aged 89.73 (i.e. 40 years + 49.73 years), so the dependency would be for the entire period to the deceased's age 65.
(2) Multiplier for male age 40 retiring at age 65 (Ogden Table 9 at -0.25% rate of return) = 24.97.
(3) Adjust for contingencies other than mortality (in accordance with Section B) for an employed male aged 40 with A levels (Level 2) and who was not disabled: apply a reduction factor of 0.87 to give a multiplier of 24.97 x 0.87 = 21.72.
(4) Adjust for the risk that the deceased might have died anyway before the date of trial (considered negligible as the deceased was under 40): apply an adjustment factor of 1.00 (Ogden Table F for male aged 37 and 3 years), to give a multiplier of 21.72 x 1.00 = 21.72.
(5) The post-trial pre-retirement damages total: 21.72 x £30,000 = £651,600.

Post-trial, post-retirement damages are calculated as set out below.

(1) Expectation of life of deceased at date of trial (Ogden Table 1 at 0% for male aged 40 at the date of trial): 44.80.

(2) Expected period for which the dependant would have been able to receive the dependency (Ogden Table 2 at 0% for female aged 38): 49.73.

(3) Lesser of two periods at (1) and (2) = 44.80 [so based on the life expectancy of the deceased].

(4) Multiplier from age 65 for a male age 40 (Ogden Table 25 at -0.25% for male aged 40): 22.66.

(5) Adjust for the risk that the deceased might have died anyway before the date of trial (considered negligible as the deceased was under 40): apply an adjustment factor of 1.00 (Ogden Table F for male aged 37 and 3 years) to give a multiplier of 22.66 x 1.00 = 22.66.

(6) Post-retirement damages: £12,000 x 22.66 = £271,920.

Total financial dependency is therefore: £90,000 + interest of £675 + £651,600 + £271,920 = £1,014,195…

… obviously!

Thank you for listening

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