

LYNDA TREHARNE V SPRINGTARN LTD (2006)

Total Damages: £11,360

Trial/settlement date: 9/3/2006

Judge: DJ Payne

Age at trial: 70

PSLA: £9,000 (£9,124.62 RPI)

Type of Award: Court Award

Court: Oxford County Court

Age at injury: 67

Sex: Female

The claimant, a 70-year-old woman, was awarded £11,360 for the arm injury sustained after tripping over a defective paving stone at the defendant's premises in May 2003. The claimant required daily care assistance for three weeks and suffered permanent aching and loss of movement in her left shoulder.

Claimant: Female: 67 years old at date of accident; 70 years old at date of award.

Occupiers' Liability: On May 19, 2003, the claimant (C) tripped and fell over a defective paving stone at the premises of the defendant (D).

C sustained injury and brought an action alleging that D was in breach of the statutory duty owed to her under s.2(2) of the Occupiers' Liability Act 1957 in failing to ensure that visitors would be reasonably safe when walking over the paved area.

Liability disputed. D maintained that (i) the accident had not been caused by the paving stone; and (ii) C was contributorily negligent to the extent of over 50 per cent as she had not been paying sufficient attention. At trial the judge held that the paving stones were defective, had presented a foreseeable hazard and had caused C to fall. He also held that there was no contributory negligence on C's part.

Injuries: C sustained a fractured left humerus in the accident.

Effects: C underwent surgery for the fracture, which involved the insertion of metalwork. The metalwork was removed by further surgery two years later.

For three weeks after the accident, C needed five hours of care per day and 16 months later she still needed assistance with dressing, washing her hair and carrying heavy shopping.

C experienced left shoulder pain and aching with some restriction of movement.

Prognosis: C was likely to suffer permanent pain and restriction of movement in her shoulder.

Court Award: £11,360 total damages.

Breakdown of General Damages: Pain, suffering and loss of amenity: £9,000.

Breakdown of Special Damages: Past losses including medical expenses, travel expenses and cost of care: £2,000; Interest: £360.

Alasdair Brough instructed by Henmans (Oxford) for the claimant. Richard Liddell instructed by Weightmans for the defendant.

LTLPI 28/6/2006 (Unreported elsewhere)

This Quantum Report was provided courtesy of Paul Chadder of Henmans (Oxford), solicitor for the claimant.

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