



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 6 – DAMAGES, SETTLEMENT AND COSTS IN PERSONAL INJURY CASES*

Time allowed: 1 hour and 30 minutes plus 30 minutes' reading time

Instructions to Candidates

- You have been provided with a copy of the supporting materials for you to use in this examination.
- You have **THIRTY** minutes to read through the supporting materials and this question paper before the start of the examination.
- **It is strongly recommended that you use the reading time to read the supporting materials and this question paper fully.** However, you may make notes on the supporting materials, this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEx Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the following CILEx qualifications: **LEVEL 4 DIPLOMA IN PERSONAL INJURY LITIGATION** and **LEVEL 4 EXTENDED DIPLOMA IN PERSONAL INJURY**

Question 1

Reference: Question relates to **Documents 1 and 2** of the supporting materials.

Ben Payne asks you to make a start in evaluating general damages based upon the information which you have, and then to do what is necessary in order that proceedings can commence.

(a) (i) Explain how you will use the Judicial College Guidelines to help you to evaluate general damages in this matter.

(7 marks)

(ii) Explain what factors will be relevant when evaluating Sam's claim for general damages for his wrist injury alone.

(6 marks)

(b) State from when interest is calculated for general damages **and** the rate of interest to be applied.

(2 marks)

(c) Advise Sam whether it may be possible for him to claim compensation, if it can be shown that the accident has had an impact upon his career.

(5 marks)

(Total: 20 marks)

Question 2

Reference: Question relates to **Document 1** of the supporting materials.

Ben Payne asks you to calculate Sam's special damages.

- (a) (i) Explain, in respect of his past loss of earnings, what losses Sam may claim for.
(5 marks)
- (ii) State the rate of interest that will be applied to Sam's claim for past loss of earnings **and** the period over which the calculation is made.
(2 marks)
- (b) Explain what information you will need to obtain, and why, in order to calculate the claim for the care and assistance given by Jacob.
(8 marks)
- (c) (i) Explain which figures are relevant to establishing the multiplicand for use in calculating Sam's future loss of earnings.
(5 marks)
- (ii) Identify **two** pieces of information that will enable effective use of the Ogden Tables to calculate Sam's claim for future loss of earnings.
(2 marks)
(Total: 22 marks)

Question 3

Reference: Question relates to **Document 1** of the supporting materials.

You calculate Sam's special damages but have not yet received a CRU Certificate.

Explain why you will require a CRU Certificate in Sam's case.

(6 marks)

Question 4

Reference: Question relates to **Document 3** of the supporting materials.

A letter of claim has been sent and a response has been received from the insurers for Sparkle Ice Dome. Noah Bains Solicitors have now been instructed on behalf of the insurers. Proceedings have not yet been issued. You receive a letter from Noah Bains Solicitors.

- (a) Explain why the letter (**Document 3**) puts Sam at risk of paying the defendant's costs should proceedings be issued and he receives less at trial than he is currently offered.

(10 marks)

- (b) Advise Sam what action may be taken by him at this stage in order to progress matters and protect his interests.

(6 marks)

(Total: 16 marks)

Question 5

Reference: Question relates to **Document 4** of the supporting materials.

It was necessary to issue proceedings. The claim has progressed to a negotiated settlement in the sum of £43,000. It is agreed that costs will be paid on the standard basis, and to be subject to detailed assessment if not agreed. You receive a letter from the defendant's solicitors.

Explain what action you should take in response to the letter (**Document 4**).

(Total: 6 marks)

End of Examination Paper