

Lexis® PSL

LEGAL INTELLIGENCE.
IN PRACTICE.

There are 280 precedents included in LexisPSL Personal Injury as at 31 July 2009 that have been written by our Professional Support Lawyers or selected from Butterworths Personal Injury Litigation Service or from Atkin's Court Forms.

Establishing a personal injury claim

Liability defences

- Defence alleging volenti non fit injuria and contributory negligence against the Claimant for having deliberately removed the guard over a dangerous part of machinery
- Defence denying liability and alleging accident due to deliberate act of a fellow employee acting outside the course of his employment
- Defence alleging contributory negligence
- Defence alleging volenti
- Defence alleging criminality
- Clauses for disputing breach of duty, causation and quantum
- Clauses for conceding liability but disputing quantum
- Clauses for conceding breach of duty but disputing causation and quantum
- Clauses for conceding liability but alleging failure to mitigate
- Clauses for conceding liability but raising a defence disputing causation and quantum

Types of claim

Road traffic accident claims

- Claim against a driver emerging from a side road into the path of the Claimant's car, incorporating a direct right of action against the Defendant's motor insurer
- Claim against the motor insurers of a driver emerging from a side road into the path of the Claimant's car, where the claimant's entitlement to pursue a direct right of action has been admitted by the insurers
- Claim against driver pulling away from a parked position into the path of the Claimant's car, alleging conviction for driving without due care, incorporating the direct right of action against the defendant's motor insurers
- Claim against driver whose car skids on to the incorrect side of the road into collision with the Claimant's car, incorporating the direct right of action against the Defendants' motor insurers by pedestrian for injuries caused by a car mounting the pavement, incorporating the direct right of action against the Defendants' motor insurers
- Claim by motorcyclist knocked down by driver emerging out of side road, incorporating the direct right of action against the Defendants' motor insurers
- Claim by cyclist into whose path a car door was opened, incorporating the direct right of action against the Defendants' motor insurers
- Defence admitting negligence and some damage, including a response to the direct right of action against the First Defendant's motor insurers

- Defence admitting negligence but no damage, including response to the direct right of action against the insurer
- Defence denying negligence, damage and causation, including response to the direct right of action against insurer
- Defence admitting a collision, denying negligence, and alleging contributory negligence for failure to wear a seat belt, including response to the direct right of action against the First Defendant's motor insurers, where the insurer's contingent liability is conceded and the Claimant is put to strict proof as to the existence or extent of the insurer's liability
- Defence alleging collision (with vehicle emerging out of minor road) due to overtaking stationary queue of traffic on the off side, including a response to the direct right of action against the First Defendant's motor insurers, where the insurer's contingent liability is conceded

Work related accident claims

- Claim against an employer for damages for injuries caused by an unsafe system of work and failure to carry out a risk assessment contrary to the Management of Health and Safety at Work Regulations 1999
- Claim against an employer for damages for injuries caused by failure to carry out health surveillance contrary to the Management of Health and Safety at Work Regulations
- Claim against an employer for damages for injuries sustained as a result of unsafe system of work, insufficient plant and equipment, and inadequate training, contrary to the Provision and Use of Work Equipment Regulations 1998, regs 4 and 24 and in negligence
- Claim for damages against an employer for injuries sustained when the seat on which he was sitting collapsed, contrary to the Provision and Use of Work Equipment Regulations 1998, regs 4 and 5, and the Workplace (Health, Safety and Welfare) Regulations 1992, reg 11
- Claim against an employer for provisional damages for injuries sustained as a result of a piece of a grinding wheel being ejected into an eye, contrary to the Provision and Use of Work Equipment Regulations 1998, regs 5, 8, 9 and 12 and the Personal Protective Equipment at Work Regulations 1992, regs 4 and 10 and relying on the Employers Liability (Defective Equipment) Act 1969
- Claim against an employer for damages for injuries due to particle flying into eye, in negligence and contrary to the Personal Protective Equipment at Work Regulations 1992, regs 4, 6 and 7
- Claim against an employer for damages for injuries sustained due to burns from molten metal, in negligence and contrary to the Personal Protective Equipment at Work Regulations 1992, regs 4, 9 and 10
- Claim against an employer for damages for injuries caused due to falling down an open manhole, in negligence and relying on the Construction (Health, Safety and Welfare) Regulations 1996
- Claim against an employer for damages for injuries suffered in a fall from an unsecured ladder, in negligence and relying on a number of the Construction (Health, Safety and Welfare) Regulations 1996
- Claim against an employer for damages for injury caused by the failure to provide assistance to a carer transferring a patient, contrary to the Manual Handling Operations Regulations 1992
- Defence denying that the weight manoeuvred was excessive or likely to cause injury and alleging that injury was due to an unknown weakness or susceptibility of the Claimant



Lexis®PSL

LEGAL INTELLIGENCE. IN PRACTICE.

- Defence denying liability for a lifting injury and alleging accident caused by failure to follow manual handling training
- Claim against an employer for damages due to occupational exposure to a substance hazardous to health, in negligence and contrary to the Control of Substances Hazardous to Health Regulations 1999, regs 6, 7, 10, 11, and 12

Vicarious liability claims

- Claim against an employer for damages in negligence due to negligent fellow employee
- Claim against an employer for damages in negligence for injuries due to unsafe system of work and negligent fellow employee
- Defence denying liability and alleging accident due to deliberate act of a fellow employee acting outside the course of his employment
- Particulars of Claim - vicarious liability claim
- Defence - vicarious liability claim

Disease claims

- Claim against an employer for damages due to occupational exposure to asbestos in negligence and breach of the Control of Asbestos at Work Regulations 2002
- Claim against an employer for damages for noise induced deafness, in negligence and contrary to the Noise at Work Regulations 1989, regs 4, 6, 7, 8, 9 and 11
- Bricklayer working with chemicals developed occupational asthma
- Tunneller working with percussion instruments developed VWF
- Claim against an employer for damages for repetitive strain injury due to data processing, in negligence, and relying on the Health and Safety (Display Screen Equipment) Regulations 1992, regs 2, 3, 4 and 7 and the Workplace (Health Safety and Welfare) Regulations 1992, reg 17

Psychiatric and occupational stress claims

- Claim for damages for nervous shock for having witnessed the death of spouse
- Claim for damages for nervous shock for having witnessed the aftermath of an accident involving the Claimant's child
- Defence to a claim for nervous shock alleging insufficient proximity to give rise to a duty of care or cause of action
- Claim for damages against employer for stress at work

Claims against occupiers

- Claim against a shop occupier for damages for injuries caused as a result of slipping on oil on the floor, in negligence and/or relying on the Occupiers' Liability Act 1957, s 2
- Claim by a visitor against a restaurant occupier for damages for injuries caused as a result of tripping over an unlit step, in negligence and/or relying on the Occupiers' Liability Act 1957, s 2

Product liability claims

- Claim by a user other than a purchaser, against a producer for damages, for injuries caused by a defective product, alleging breach of the Consumer Protection Act 1987, s 2
- Claim by a purchaser against a seller for damages, for injuries caused in an accident due to defects in the product sold, alleging breach of terms implied by the Sale of Goods Act 1979, s 14
- Defence denying that product was defective, and denying breach of the Consumer Protection Act 1987, s 2
- Defence denying that product was defective and denying breach of the Consumer Protection Act 1987, s 2, alleging misuse of the product by the Claimant Defence denying defect or breach of implied term, alleging improper use of product and contributory negligence

Claims against public authorities and the state

- Claim by nursing assistant attacked by violent patient Particulars of Claim - claim against the police
- Defence - claim against the police

Accidents on the highway

- Claim against a highway authority in negligence and for breach of the Highways Act 1980, s 41, for damages for injuries due to tripping over defective paving slab
- Claim against a highway authority in negligence, and for breach of the Highways Act 1980, s 41, for injuries caused in a road traffic accident due to a sunken trench in the road
- Defence of a highway authority denying defect and alleging contributory negligence
- Defence of a highway authority not admitting defect, alleging the taking of all reasonable care to ensure that the highway was not dangerous, and alleging contributory negligence
- Defence of a highway authority denying liability, blaming statutory undertakers, and alleging the taking of all reasonable care to secure that the highway was not dangerous

Accidents abroad

- Claim under the Package Travel, Package Holidays and Package Tours Regulations 1992

Special claims

Claims involving a fatality

- Claim for damages on behalf of a widower, the estate and the dependants (non-financial dependency alleged) of an intestate deceased killed instantly in a road traffic accident
- Claim for damages on behalf of a widow, the estate, and the dependants (financial dependency alleged) of a testate deceased killed instantly in a road traffic accident
- Claim for damages for bereavement and loss of prospective dependency, by a parent of a minor killed instantly in a road traffic accident
- Claim for damages on behalf of the estate of an adult victim with no dependants, who did not die instantly
- Defence denying Claimant's dependency or entitlement to damages for bereavement
- Defence denying liability and alleging negligence of the deceased

Claims involving a child

- Part 8 Infant Settlement Approval Claim

Damages

Past expenses and losses

- Schedule of Special Damages - Small Claims Track
- Counter Schedule of Special Damages - Small Claims Track
- Schedule of Special Damages - Fast Track
- Counter Schedule of Special Damages - Fast Track

Future losses

- Claim by a surviving Claimant with a curtailed life expectancy, including a claim for damages for the lost years
- Schedule of past and future losses - low multi track
- Counter schedule of past and future losses - low multi track
- Schedule of past and future losses - multi track
- Counter schedule of past and future losses - multi track

Lexis® PSL

LEGAL INTELLIGENCE. IN PRACTICE.

Periodical payments and provisional damages

- Claim against an employer for provisional damages due to occupational exposure to asbestos in negligence and breach of the Control of Asbestos at Work Regulations 1987

Limitation

Limitation in personal injury claims

- Deceased mill worker who died of intestate mesothelioma due to exposure to asbestos contrary to the Asbestos Industry Regulations 1931 against a dissolved restored company (claiming a direction under section 33 of the Limitation Act 1980)
- Limitation Clause - clauses for defence
- Limitation Clause - late onset of symptoms
- Limitation Clause - reply to defence
- Limitation Clause - exercise of discretion under s33

Pre-action

Costs only procedure

- Part 8 claim – costs only proceedings ACF Vol 13 (2004 issue) Costs [320]
- Witness statement in support of costs only proceedings ACF Vol 13 (2004 issue) Costs [321]
- Order on costs only proceedings ACF Vol 13 (2004 issue) Costs [323]

Litigation practice and procedure

The claimant and statements of case

- Case study for particulars of claim - tort
- Case study for particulars of claim - contract and tort

The defendant and statements of case

- Letter requesting extension of time for service of the defence
- Letter informing court of agreement to extend time for service of the defence
- Application notice to extend time for service of the defence
- Case study - defence for a tort claim

The defendant and additional claims

- Application notice for permission for the defendant to make an additional claim against a third party
- Witness statement in support of the defendant's application for permission to make an additional claim against a third party
- Order granting permission to serve additional claim against third party
- Application notice by a defendant for permission to make an additional claim against a co-defendant
- Witness statement in support of the defendant's application for permission to make an additional claim against a co-defendant
- Order granting permission serve additional claim against a co-defendant

Default judgment

- Application for an order setting aside default judgment
- Witness statement in support of application to set aside default judgment
- Order that default judgment be set aside

Case management

- Allocation questionnaire (Form N150)
- Application to substitute defendant after expiry of limitation period
- Witness statement in support of application to substitute a defendant after the expiry of the limitation period
- Order to substitute defendant after expiry of limitation period
- Application for declaration that another party's solicitor has ceased to act
- Witness statement in support of application for a declaration that another party's solicitor has ceased to act
- Order declaring that a solicitor has ceased to act

Security for costs

- Letter to claimant regarding a request made for security for costs against a company under s 726 Companies Act 1985
- Letter requesting security for costs
- Application notice for security for costs under s726 Companies Act 1985
- Witness statement in support of application for security for costs
- Order for security for costs
- Request for lodgment under an order for security for costs
- Security for costs - order for payment out of court
- Witness statement opposing an application for security for costs

Emergency relief

- Application notice for a search order
- Affidavit in support of an application for a search order
- Search order

Summary judgment and strike out

- Application notice for summary judgment (whole claim)
- Application notice for summary judgment (part claim)
- Witness statement in support of application for summary judgment
- Witness statement in support of application for a prohibitory interim injunction
- Witness statement in reply to application for summary judgment
- Order for summary judgment
- Application notice for strike out on the basis of no reasonable grounds
- Witness statement in support of an application for strike out on the basis of no reasonable grounds
- Order for strike out on the basis of no reasonable grounds
- Application notice for strike out on basis of abuse of process
- Witness statement in support of application for strike out on the basis of abuse of process
- Order for strike out on basis of abuse of process
- Application notice for strike out on basis of failure to comply
- Witness statement in support of application for strike out on the basis of failure to comply
- Order for strike out on basis of failure to comply
- Witness statement opposing an application to strike out

Lexis® PSL

LEGAL INTELLIGENCE. IN PRACTICE.

Disclosure and inspection

- Application notice for pre-action disclosure
- Witness statement in support of application for pre-action disclosure
- Order for pre-action disclosure
- Application notice for specific disclosure
- Witness statement supporting application for specific disclosure
- Order for specific disclosure
- Application for disclosure against a non-party
- Witness statement in support of application for disclosure against a non-party
- Order for disclosure against a non-party
- Memo for corporate client about disclosure and privilege
- List of documents: standard disclosure (drafting note)

Expert evidence

- Letter to client about experts
- Letter of instruction to own expert
- Application notice for permission to adduce expert evidence
- Witness statement in support of application to adduce expert evidence
- Order to adduce expert evidence
- Letter of instruction to single joint expert
- Application notice by a party dissatisfied with a single joint expert's report to instruct own expert and, if appropriate, to call that expert to give evidence
- Witness statement in support of application by a party dissatisfied with report of single joint expert to instruct own expert and, if appropriate, to call that expert to give evidence
- Order that a party dissatisfied with report of single joint expert can instruct own expert and, if appropriate, to call that expert to give evidence

Part 36 and offers to settle

- Part 36 offer from claimant
- Letter to claimant about Part 36 offer from defendant
- Letter to claimant client about making a Part 36 offer
- Letter to defendant about making a Part 36 offer

Costs

- Part 8 claim – costs only proceedings ACF Vol 13 (2004 issue) Costs [270]
- Witness statement in support of costs only proceedings ACF Vol 13 (2004 issue) Costs [271]
- Order on costs only proceedings ACF Vol 13 (2004 issue) Costs [273]
- Notice of commencement of detailed costs assessment ACF Vol 13 (2004 issue) Costs [318]
- Application notice for an order requiring receiving party to commence detailed cost assessment proceedings ACF Vol 13 (2004 issue) Costs [319]
- Witness statement supporting application for disallowance of costs upon failure to commence detailed costs assessment ACF Vol 13 (2004 issue) Costs [320]
- Order requiring commencement of detailed costs assessment ACF Vol 13 (2004 issue) Costs [321]
- Points of dispute on detailed cost assessment ACF Vol 13 (2004 issue) Costs [325]
- Statement of parties in detailed assessment proceedings ACF Vol 13 (2004 issue) Costs [330]

Judgments and orders

- Consent order
- Final order
- Unless order
- Tomlin order

Enforcement

- Enforcement: application notice for order that the debtor attend court for questioning ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [415]
- Enforcement: application notice for an order that officer of debtor company attend court for questioning ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [416]
- Enforcement: affidavit of service of order to attend for oral examination ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [418]
- Enforcement: application notice for permission to issue execution (High Court) ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [309]
- Enforcement: witness statement in support of application to issue after 6 years (High Court) ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [314]
- Enforcement: application notice to extend validity of writ of execution (High Court) ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [367]
- Enforcement: witness statement supporting application notice to extend validity of writ (High Court) ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [368]
- Enforcement: application notice for permission to amend writ of execution (High Court) ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [370]
- Enforcement: application notice for order to stay execution by writ of fieri facias (High Court) ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [372]
- Enforcement: witness statement supporting application notice for a stay of execution by writ of fieri facias (High Court) ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [373]
- Enforcement: application notice for permission to execute a warrant of execution (county court) ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [379]
- Enforcement: notice of Application for appointment of receiver by way of equitable execution ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [419]
- Enforcement: witness statement supporting application for appointment of receiver by way of equitable execution ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [420]
- Enforcement: witness statement supporting application notice under Council Regulation (EC) 44/2001 for registration in the High Court of a judgment of a Regulation State of the European Community ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [225]
- Enforcement: registration order for the registration in the High Court of a foreign judgment under Civil Jurisdiction and Judgments Act 1982 Section 4 or Council Regulation (EC) 44/2001 ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [528]
- Enforcement: witness statement supporting application notice under the Administration of Justice Act 1920 or the Foreign Judgments (Reciprocal Enforcement) Act 1933 for registration of foreign judgment in High Court ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [523]

Lexis®PSL

LEGAL INTELLIGENCE.
IN PRACTICE.

- Enforcement: application notice by judgment debtor to set aside a registration order in respect of a foreign judgment under the Administration of Justice Act 1920 or the Foreign Judgments (Reciprocal Enforcement) Act 1933 ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [529]
- Enforcement: witness statement supporting application notice by judgment debtor to set aside a registration order in respect of a foreign judgment under the Administration of Justice Act 1920 or the Foreign Judgments (Reciprocal Enforcement) Act 1933 ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [530]
- Enforcement: witness statement supporting application notice under the Administration of Justice Act 1920 or the Foreign Judgments (Reciprocal Enforcement) Act 1933 for registration of foreign judgment in High Court ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [523]
- Enforcement: application notice by judgment debtor to set aside a registration order in respect of a foreign judgment under the Administration of Justice Act 1920 or the Foreign Judgments (Reciprocal Enforcement) Act 1933 ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [529]
- Enforcement: witness statement supporting application notice by judgment debtor to set aside a registration order in respect of a foreign judgment under the Administration of Justice Act 1920 or the Foreign Judgments (Reciprocal Enforcement) Act 1933 ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [530]
- Enforcement: notice of application to register in England and Wales a judgment of a foreign court ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [522]
- Enforcement: certificate of judgment to be annexed to an application for a registration order in respect of a foreign judgment or of a United Kingdom judgment for enforcement abroad under Council Regulation (EC) 44/2001 of 22 December 2000 ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [526]
- Enforcement: application notice for certified copy of a judgment of the High Court or county court for enforcement abroad ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [232]
- Enforcement: witness statement supporting application for certified copy of a judgment of the High Court or county court for enforcement abroad ACF Vol 19(1) (2005 issue) Execution and enforcement of judgments and orders [233]