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An Introduction to

Ogden 8

Jason Cox

Gareth McAloon

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Introduction

1. On 17th July 2020, the Ogden Working Party published the 8th Edition of the Ogden Tables, the first new edition in almost a decade and the first under a new Chairman, William Latimer-Sayer QC.

2. The main changes to the Tables themselves and the all important Explanatory Notes ("EN") are as follows:

   - We now have 36 new Tables. An increase of 8 representing 4 new Tables for men and women for loss of earnings and pension loss to ages 68 and 80.

   - All Tables except 35 & 36 which are the two "term certain" Tables have been changed to reflect new life expectancy data with the broad effect that multipliers have reduced because projected mortality has not continued to increase as much as previously expected.

   - Section B concerning contingencies other than mortality has been extensively revised with new guidance on when and how to depart from the suggested Table A to D reduction factors.

   - There is a new Section C regarding the application of the Tables to pension loss claims.

   - Section D concerning application to fatal accident cases has been reworked to reflect _Knauer -v- Ministry of Justice_ [2016] UKSC 9.

   - There is a new Section E dealing with indexation of loss of earnings periodical payment orders (PPOs) and the application of Table A to D reduction factors.

   - There are new additional Tables at discount rates of -0.25%, -0.75% and 0% available as a separate Excel spreadsheet.

3. This article is split into three parts. In the first part, we will discuss the new Tables and the changes resulting from new life expectancy data. In the second part, we will focus on the changes that affect the Ogden recommended methods for calculation of loss of earnings and, in particular, the substantial changes to Section B of the EN which concern the use of reduction factors to reflect contingencies other than mortality. In the final part we will focus on the use of the Additional Tables via the Excel spreadsheets.

Part One: The New Tables and Multipliers

4. This first part of the article looks at the eight new Tables which are introduced in Ogden 8 and the impacts following from the changes to the multipliers within Tables 1 - 34 generally.

The New Tables

5. The starting point ought to be the introduction of the eight new Tables which now feature in Ogden 8. These are loss of earnings and loss of pension Tables for both male and females for losses based on retirement at aged 68 and 80. The Tables for loss of earnings to retirement aged 68 are now Tables 11 and 12, and for retirement age 80, are Tables 17 and 18. The Tables for pension loss from retirement age 68 are now Tables 27 and 28, and for pension loss from retirement age 80 are now Tables 33 and 34.

6. The age 68 is now, of course, more important since that is now the state pension age up to which loss of earnings are now commonly calculated and from which loss of pension will be projected. It has been common since the change occurred, for that state pensionable age to be pleaded as a Claimant's age of retirement. The introduction of the age 68 Tables now means that we no longer have to interpolate a new multiplier to reflect the changes to the state pension age which occurred during the lifetime of Ogden 7. Perhaps the introduction of Tables to age 80 will act as an encouragement for the ambitious Claimant lawyers!

7. There are then Additional Tables which have come through the Excel spreadsheet which accompanies Ogden 8 which are designed to make projection of damages easier where interpolation of multipliers are required. This will be covered further in Part 3 of this article.

The New Multipliers

8. The next important matter is to see how the multipliers have been affected by the passage of time which has elapsed since Ogden 7 came into being in 2011. Of course, in that period, a lot has happened which impacts upon estimations of mortality. That has caused extensive revisions for the multipliers within the previous Tables which will impact upon current and future claims.

9. To summarise the extent of the changes in the multipliers in Ogden 8 from their predecessor, we set out the tables below to try and give some idea of the impact that this will now have on Claimants. In the examples depicted below, assume that the Claimant in each case is making a claim for future care at a rate of £12,000

per annum which remain at that rate for the remainder of their life and that there is a -0.25% DR. The following multipliers are then found in Tables 1 and 2.

Example 1 - Claimants aged 22 at trial

	Male Claimant		Difference	Female Claimant		Difference
Claimant's Age	Ogden 7 Multiplier	Ogden 8 Multiplier		Ogden 7 Multiplier	Ogden 8 Multiplier	
22	70.98	69.89	- 1.09	75.33	73.17	- 2.16
Loss	£851,760	£838,680	- £13,080	£903,960	£878,040	- £25,920

Example 2 - Claimants aged 43 at trial

	Male Claimant		Difference	Female Claimant		Difference
Claimant's Age	Ogden 7 Multiplier	Ogden 8 Multiplier		Ogden 7 Multiplier	Ogden 8 Multiplier	
43	45.24	44.14	- 1.1	49.03	47.19	- 1.84
Loss	£542,880	£529,680	- £13,200	£588,360	£566,280	- £22,080

Example 3 - Claimants aged 57 at trial

	Male Claimant		Difference	Female Claimant		Difference
Claimant's Age	Ogden 7 Multiplier	Ogden 8 Multiplier		Ogden 7 Multiplier	Ogden 8 Multiplier	
57	29.95	28.72	- 1.23	33.18	31.37	- 1.81
Loss	£359,400	£344,640	- £14,760	£398,160	£376,440	- £21,720

Example 4 - Claimants aged 71 at trial

	Male Claimant		Difference	Female Claimant		Difference
Claimant's Age	Ogden 7 Multiplier	Ogden 8 Multiplier		Ogden 7 Multiplier	Ogden 8 Multiplier	
71	16.97	15.64	- 1.33	19.22	17.50	- 1.72
Loss	£203,640	£187,680	- £15,960	£230,640	£210,000	- £20,640

10. The examples given in the tables above should highlight the following:

- Firstly, there is a significant downward revision of mortality rates which are now projected by the ONS. The Tables have always been based on projections which include estimates of future improvements in mortality and, indeed at the time of Ogden 7, the ONS estimations were more optimistic. However, since 2011 it has become clear that mortality has not increased as much as had previously been expected and new more pessimistic assumptions for the future have driven the downward changes which we see in the example tables above (see paragraphs 8 & 9 of the Chairman's Introduction).

- The second point to appreciate is that the greater impact of these changes is for older Claimants. They have seen more radical decreases in multipliers and as such, will be hit the hardest when it comes to quantifying loss. That is quite clear in a comparison between the examples at Examples 1 and 3 above. For male Claimants in Example 1 the reduction in damages was some 1.54%, whereas for the male Claimants in Example 3, the reduction was greater at 4.11%.

- The third point is that female Claimants are disproportionately affected as against male Claimants since female life expectancy has reduced more than it has for males. As shown in Example 2, the deduction in damages for the male Claimant is 2.43%, whereas for the female Claimant, the deduction is 3.75%.

11. In light of Ogden 8, the immediate relevance for practitioners will be to re-calculate schedules and re-assess Part 36 offers which may have previously been made to see which side of the line clients now lie. Defendants may well have over-protected with their offers, and Claimants may now be under-protected with theirs.

Part Two: Changes to the Assessment of Future Loss of Earnings

12. All PI practitioners will be familiar with the essential building blocks of an Ogden calculation for future loss of earnings which can be summarised as follows:

- Separate calculations for the Claimant's "uninjured earnings" but for the accident and "residual earnings" as a result of the injury.

- Select an appropriate multiplicand representing net earnings in each scenario.

- Select an appropriate "raw" or "starting" multiplier reflecting the Claimant's age and the predicted retirement date in each scenario.

- Select an appropriate reduction factor ("RF") where possible from Tables A to D in each scenario, reflecting the Claimant's sex, age, educational category and whether he/she is "disabled" or not.

13. In many cases, the categorisation of a Claimant as "disabled" for the purposes of assessing residual earning capacity and if so, what RF to select would be a major issue of dispute, mainly because in practical terms the RF for someone categorised as disabled will be very much lower than non-disabled (e.g. Male, 35, Employed GE-A, Not Disabled 0.90 whereas Disabled 0.48). To date the case law in respect of these issues has lacked coherence. For many years, the case of _Conner -v- Bradman_ [2007] EWHC 2789 QB, gave rise to a practice of adjusting the RF from that in Table B or D for a disabled residual earning capacity. Such practice is now well-established and a recent reported example is _Inglis -v- Ministry of Defence_ [2019] EWHC 1153 (QB). Such a practice was perhaps encouraged by the decision of the Court of Appeal in case of _Billett -v- Ministry of Defence_ [2015] EWCA Civ 773, where the Court applied the Equality Act 2010 definition of "disabled" and, in particular, that when looking for a "_substantial adverse effect_" on "_ability to carry out normal day-to-day activities_" all that is needed is an effect which is "_more than minor or trivial_". With such a low bar set for the test of disability it was perhaps unsurprising that the Courts were willing to depart from the very low RF set out in Tables B&D.

The Changes

14. In the 7th Edition, Section B of the EN ran to some 6 pages and 18 paragraphs but this has now burgeoned to 17 pages and 56 paragraphs including various worked examples. The wholesale changes to this section look like an attempt by the Working Party and its new Chairman to refresh practice in future loss of earnings claims. Some of the changes are minor and require very little in the way of discussion and so can perhaps be cleared out of the way at the outset.

15. The same four Tables remain for (A) Male Not disabled, (B) Male Disabled (C) Female Not disabled and (D) Female Disabled. All the figures within the Tables have, however, changed very slightly and this is because they have been calculated on a 0% discount rate (rather than 2.5% used in the last edition).

16. One of the relevant considerations used to generate a reduction factor is category of highest educational attainment. The old categories O, GE-A and D have been "rebadged" as Levels 1, 2 & 3 with a more detailed breakdown of the allocation of various types of educational qualifications to each of the three categories. This is plainly a welcome change which will make choosing the correct category easier than it was before. The

Explanatory Notes also emphasise that for a young person who has not yet completed their education at the time of the accident, the relevant educational level should be selected on the basis of "*likely highest qualification*" both pre-and post-injury. Also, it is suggested that where an injury results in a Claimant no longer being able to use their qualifications (e.g. a degree qualified nurse), such qualifications "*may need to be ignored*".

17. There is an interesting new comment at the end of Section B in paragraph 97 which concerns early retirement. As the structure of the Tables A to D is broadly unchanged from the 7th Edition, they reflect loss of earnings to pension age 65 for males and 60 for females but stop at age 54. These Tables should still be used for different retirement ages unless the retirement age is close to the age at the date of trial when it will be necessary to take into account the circumstances of the individual case. The new paragraph emphasises the fact that in the "Disabled" Tables (B&D) allowance is made in the reduction factors to reflect the average increased risk of early retirement post injury. It is therefore suggested that in those cases where medical evidence suggests that a Claimant may need to retire early, reducing both the multiplier to an earlier retirement age <u>and</u> selecting a "disabled" RF "*may amount to a double discount*". This comment is one that Defendants are likely to leap upon in every case where a Claimant alleges that one effect of his injuries will be to force an earlier retirement and seek to insist on using the same "starting" multiplier for both uninjured and residual earnings.

18. The two biggest changes which require more detailed discussion concern the definition of "disabled" to be used for the purpose of selecting a reduction factor, and the overarching question of when and how the reduction factors in Tables A to D should be departed from.

19. Across these two issues there is a definite attempt by the Working Party to encourage a more rigid application of the full effect of the RF and to discourage any major departures. No longer are the Tables described as a "*ready reckoner*" or simply "*one method for dealing with contingencies other than mortality*".

Disability

20. The definition of disability in Ogden 8 has changed so as to narrow the category to some extent whilst still emphasising that the threshold is a low one. The justification for this is a simple and logical one but, at the same time, is surprising.

21. The fact is that Tables A to D are based upon data from the Labour Force Surveys (a self-reporting survey) which were conducted between 1998 and 2003 and have not been updated since (with additional funding needed to complete this task). At that time, the definition of disability was found in the Disability Discrimination

Act 1995 and its supporting guidance notes and attitudes to disability were such that fewer people regarded themselves as disabled than would be the case in 2020.

22. Nevertheless, it is surprising in the sense that in a case involving say, a 38 year old male who intends to work to age 68, the Court would in 2021 be assessing future losses on the basis of data which is 20 years old already in respect of losses which will continue to be suffered for a further 30 years, notwithstanding the societal change, increasing technology and changing attitudes to disability that have taken place in the last two decades and will doubtless continue in future decades.

23. The change to the definition is a return to the application of the test for disability enshrined in the Disability Discrimination Act 1995 and its guidance notes rather than the Equality Act 2010 definition referenced in the 7th Edition. It is said that this is justified because the Equality Act 2010 and its guidance "*involve the lowering of the threshold of the disability status classification*" which was not in place at the time of the LFS data being collected. The argument made is that use of a wider definition of disability is not appropriate because it would decrease the employment risk between disabled and non-disabled and that use of older data is based on a more stable definition of disability and a definition that more closely matches the needs of The Ogden Tables.

24. The new definition is as follows:

   "Disabled person": A person is classified as being disabled if all three of the following conditions in relation to ill-health or disability are met:

   (i) The person has an illness or a disability which has or is expected to last for over a year or is a progressive illness; and

   (ii) The DDA1995 definition is satisfied in that the impact of the disability has a substantial adverse effect on the person's ability to carry out normal day-to-day activities; and

   (iii) The effects of impairment limit either the kind or the amount of paid work he/she can do.

   "Not disabled": All others

25. The EN add that "Normal" day-to-day activities are those which are carried out by most people on a daily basis, and which include those carried out at work. As regards "substantial", it is suggested that the legal meaning of this term has changed over time in both law and common understanding such that the threshold whereby an

activity-limitation qualifies as "*substantial*" (and therefore amounts to a disability) was lower in 2019 than it was when the data was collected. Previously even the DDA Code of Practice defined substantial as being "*more than minor or trivial*". However, it had to affect the ability of the person concerned to carry out normal day-to-day activities as a result of issues with (a) mobility; (b) manual dexterity; (c) physical coordination; (d) continence; (e) ability to lift, carry or otherwise move everyday objects; (f) speech, hearing or eyesight; (g) memory or ability to concentrate, learn or understand; or (h) perception of the risk of physical danger.

26. Although, the EN make clear that the list of potential effects in these domains which appear at paragraph 70 are not intended to be "exhaustive", there is no doubt that they will assume greater importance than before.

27. That this represents at least some tightening of the criteria for establishing that a particular Claimant is disabled is clear from the comment at paragraph 69 of the EN to the effect that in *Billett* the Claimant was disabled under the *"looser"* Equality Act 2010 definition but arguably he was not disabled under the *"tighter"* Ogden definition of disability because his impairment was not sufficiently limiting relative to the criteria mentioned above.

28. In recent times, the very low threshold test for "disability" discussed in *Billett* had, in the vast majority of cases, removed all real debate about whether a particular Claimant was or was not disabled. The debate had, in practice, switched to whether, notwithstanding that classification, the effect of applying either a full or modified Ogden approach resulted in an outcome that was "*hopelessly unrealistic*" as in *Billett*, so that the Court could justify an old-style lump sum award. The agenda in the 8th Edition seems to put the issue of whether a particular Claimant is "disabled" in play in many more cases but with the corresponding effect, discussed in more detail in the section below, that if it is met, the opportunities for departing or modifying the Ogden approach will be much more limited.

Departure/Modification

29. The clear thrust of the EN is that once the new slightly tighter disability threshold is passed, departures from the reduction factors used in Tables A to D should be few and far between.

30. The new starting point at paragraphs 59 and 60 is that "The methodology of applying the Table A to D reduction factors described below is the suggested method for dealing with contingencies other than mortality and is applicable in most circumstances". Whilst it is acknowledged by the Working Party that "the reduction factor approach which follows is for guidance and is not prescriptive" they go on to state in terms that "the Table A to D reduction factor should generally be used unless there is a good reason to disapply or to adjust them".

31. The key message is that "*the norm for severity is not severe*" and as long as the Claimant meets the above Ogden definition of disability, a departure on the basis of a perceived mild impairment /activity-limitation might not be appropriate.

32. Where departure is considered to be appropriate, it is suggested that this will "*normally be expected to be modest*". In respect of the very common practice of practitioners and some judges using a midpoint between the disabled and non-disabled reduction factors; a practice which had its genesis in the first reported case under Ogden 6, *Conner -v- Bradman*, the Working Party is crystal clear that this is "*not advised*". The explanation provided is that the LSF research shows that disability results in substantial employment disadvantage and applying a midpoint between non-disabled and disabled reduction factors will normally be too great a departure.

33. Nevertheless, the EN acknowledge that case specific departures will be necessary in some cases and they recommend consulting expert opinion on the extent or scale of the departure.

34. However, there is clearly a tension here, and the louder the exhortation to stick to the reduction factors in Tables A to D, the greater the scrutiny that may well be applied to how those Tables have been produced. As Jackson LJ observed in *Billett -v- Ministry of Defence* [2015] EWCA Civ 773, at paragraph 70, in that case neither party had suggested that the Tables A to D were unreliable and there was no argument as to the adequacy of the research base. However, the more prescriptive the EN become in their approach, the more likely there is that in a case or group of cases, insurers might decide to challenge this aspect in respect of the reduction factors which, for those classified as disabled, are much lower than had been widely accepted prior to the 6th edition of the Ogden Tables.

35. In summary therefore, the two main changes to Section B of the EN are:

   - A tightening up of the threshold for "disability" which must be considered in light of the DDA 1995 test and guidance. Fewer Claimants might be classified as "disabled". However, of those Claimants who do fall out of the test as a result of this tightening, many might have in any event been within the "hopelessly unrealistic" category identified in *Billett*.

   - In those cases where the new threshold is passed, there is a concerted attempt to discourage departure from or even modification of the reduction factors in Tables A to D; with the suggestion that where modification is required this should be modest.

Part Three: The Additional Tables

36. This final part of our article will look at the additional tables which are presently only available by download as an Excel spreadsheet and are not yet published in PDF format.

    The additional Tables are downloadable from:

    https://www.gov.uk/government/publications/ogden-tables-actuarial-compensation-tables-for-injury-and-death

37. Each table has rows which are the age of the Claimant at the date of trial, and columns which are the age to which the multiplier runs to. There are then:

    - - 0.25% DR pair of Tables (one for males, one for females);

    - -0.75% DR pair of Tables (one for males, one for females) which aligns to the discount rate in Scotland;

    - 0% DR pair of Tables to use for life expectancy (one for males, one for females).

38. The Additional Tables can then be used for a variety of calculations where previously it would have been necessary to use combinations of other Tables; such as interpolating multipliers to fit the Claimant's age at trial, calculating life losses which are incurred from retirement, and splitting multipliers to allow for variable losses. Below are some worked examples of how these Additional Tables work and will make things easier for practitioners.

Interpolation for Age at Trial

39. The benefit of the Additional Tables is for those cases where the end point of the loss is not in one of the main Tables which have been updated from Ogden 7. We were all familiar with the following equation:

$$\underline{(B - R) \times M + (R - A) \times N}$$

$$[B - A]$$

40. That was, of course, the equation which was contained within the Explanatory Notes to Ogden 7 for 'Different Retirement Ages' - which was often required to be used if the retirement age was not a multiple of 5. Though that method remains valid, the need for deploying that is now much reduced and indeed the new EN of the latest Tables, at paragraphs 25 - 27, now recommend that the Additional Tables in the spreadsheets be used as they are more accurate than the longer method.

41. However, interpolation is still required where the Claimant is not enjoying their birthday on the day of trial! For example, where the Claimant is 42 years and 3 months at the date of trial (i.e.42.25), a further interpolation would have to be taken from that age up to the date of their intended retirement from the Additional Tables - the Additional Tables still using round numbers for both age at trial and age at retirement. What will need to be done in these circumstances, is interpolate between the Claimant's age at trial on the Additional Tables and then take that figure up to the date of retirement as per the Additional Table columns. Thus, though interpolation is still required for the start date, it is not required for the date of retirement.

42. In order to interpolate between the ages in the Additional Tables reference ought to be had to paragraph 23 of the EN. Utilising that method, the following procedure can be adopted with reference to the Additional Tables where, say, we have a male Claimant aged 42 years and 3 months at trial (A) and who will be retiring aged 66 at a -0.25% DR:

    - Claimant's age at trial to two decimal places is 42.25

    - Find the multiplier for aged 43 = 22.84 (X)

    - Find the multiplier for aged 42 = 23.87 (Y)

    - Insert the above into the following: X - [(X-Y) x 0.25]

    - The result is a multiplier of 23.10 when rounded to two decimal places

Calculating Losses from Retirement

43. EN 35 indicates that the Additional Tables can be used for finding multipliers for losses from retirement ages which are not the ones which are in the standard Tables - a retirement age of 66 being an example. However, a health warning needs to be applied! The impression given from EN 35 is that this type of loss is capable of being worked out purely from the Additional Tables. If it does, the note does not go on to tell you how! Indeed,

at first blush, looking at the Additional Tables, it is difficult to discern how that can be done purely by reference to them.

44. Fortunately, more information is provided in EN 36 - which outlines a method by reference to the Additional Tables, and Table 1. It is not clear if this is the method being referred to in EN 35, or whether it is an alternative method, but at least one method is provided!

45. Focussing on EN 36 then, applying that method to the male Claimant identified in the previous section (i.e. aged 42.25 at trial), and assuming that they have a loss from a retirement age of 66 for life, the following steps can be undertaken to identify the multiplier for that period between aged 66 and death:

- Firstly, find a lifetime multiplier from the age at trial from Table 1 - to do that we simply adopt the same method of interpolation as outline above but do it this time on Table 1. That will give us a multiplier of 44.43 for an age at trial of 42.25.

- Using the Additional Tables, find out the multiplier applicable from the date of trial to the intended date of retirement. We did that above (paragraph 42) and know the multiplier is 23.10.

- You can then work out the multiplier from retirement age 66 for this Claimant by deducting the Additional Table multiplier we have identified from the Table 1 life multiplier we have identified; as such 44.43 - 23.10 = 21.33.

Splitting Multipliers to Account for Variable Losses

46. This scenario arises where there are different multiplicands of the same item of loss which will be applicable at different points in time. The most obvious is where a Claimant would have had promotion prospects as part of their future loss of earnings claim. In these situations, the overall multiplier needs to be split into segments relevant to each multiplicand. That could of course be done manually, and this had to be the case for the previous editions of Ogden. However, now the Additional Tables can be used to bypass that manual calculation altogether.

47. For example, if we continue with our fictitious male Claimant aged 42.25 at the date of trial, and assume that he will prove that at aged 50, he would have been promoted so as to earn an additional £10,000 per annum from his present wage of £30,000, and that once aged 60, he would have been promoted again to earn another £10,000 until his retirement aged 66. From that we know that we have three segments; 43.25 - 50, 50 - 60, 60

- 66, with a different multiplicand for each; £30,000, £40,000, and £50,000. Further assume the Claimant will never work again, but he has a normal life expectancy.

48. Using the Additional Tables, we can calculate the multipliers by using the end of each period as a fictious retirement age. Accordingly:

- For the first segment, we assume the retirement age is 50 and interpolate for the age at trial using the method which we have already been through above. That will give us a multiplier of 7.26. The loss for this period is therefore £30,000 x 7.26 = £217,800.

- For the second segment, assume the Claimant is aged 50 at trial and will retire aged 60 and find the appropriate multiplier, which is 9.94 and apply the new multiplicand of £40,000. The loss for this segment is £397,600.

- For the final segment, assume the Claimant is 60 at trial and will retire age 66, find the appropriate multiplier, which is 5.90 and apply that to the multiplicand of £50,000. The loss for this final segment is £295,000.

- Add the three segments together and the total loss is £910,400.

49. A slightly more complex scenario is where the loss is variable for life. In such examples, we would have to use both the Additional Tables and Table 1 for pecuniary losses for life, to find multipliers for the appropriate segments.

50. So, if we take our fictitious male Claimant aged 42.25 at trial and work out a loss for care for life which will increase in cost at various points in time, thus; trial - 52 = £10,000 p.a., 52 - 62 = £15,000 p.a., 62 - death = £20,000 p.a.

51. The multipliers can be derived from a combination of Table 1 and the Additional Tables thus:

- Interpolate the multiplier for a life loss from Table 1 with reference to the Claimant's age at trial. We again use the method already been through above. That will give us a multiplier of 44.43 as being the overall multiplier for the loss for life.

- We next need to break down the first segment for the first multiplicand of £10,000. To do that, refer to the Additional Table, and interpolate a multiplier for a loss up to a fictious retirement age 52 which takes account of the Claimant's age at trial. The multiplier from aged 42 is 10.02 and for 43 is 9.01. Interpolating between the two we get to 9.26 and the loss for that period is therefore £92,600.

- For the next segment, use the Additional Tables to look up the multiplier between the Claimant's age at trial and the end of the next segment (i.e. aged 62). Interpolate the multiplier again to account for the Claimant's age at trial. We get 19.21 from which we can deduct the multiplier from the previous segment to get the multiplier for this second period: 19.21 - 9.26 = 9.95. Use that for the second multiplicand and you get a loss for this period of £149,250.

- For the final period, we simply deduct from the life multiplier (44.43), the multipliers from the previous two period: 44.43 - 9.26 - 9.95 = 25.22. The loss for this period is therefore £504,400.

- The overall loss for the entire period is then the sum of each segment: £92,600 + £149,250 + £504,400 = £746,250.

52. Hopefully, those give an idea of the interplay with the new Additional Tables for those common types of calculation which often occur in more complex cases.

Conclusion

53. This latest edition of the Ogden Tables is one which has provided some much needed revision on it's predecessor. Undoubtedly, Defendant's dealing with longer claims are going to benefit from the reduction in multipliers generally. Those reductions mean that parties will now need to revisit existing offers and schedules which they have prepared going into future trials as positions may have radically changed - particularly on 'life-loss' claims.

54. However, generally speaking, Ogden 8 does provide some welcome clarity on some calculations, and there has been a concerted effort to try and make matters more readily accessible for practitioners - most notably through the introduction of the Additional Tables. There is a further notable undertone of the EN attempting to become a self-proclaimed set of rules - particularly for claims for future loss of earnings. It remains to be seen whether this will be endorsed and adopted by the Courts or whether further common law departures from the EN will be made, as they were under previous editions. That is most definitely an area on which we will have to 'watch this space'.

Jason Cox & Gareth McAloon

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To view Jason's profile, please click here.

To view Gareth's profile, please click here.