

Personal Injury Webinars 2022 | Animals Act: The Ford Effect

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A webinar on the recent Court of Appeal decision on the proper application of s2(2)(b) of the Animals Act 1972, and the interface between 2(2)(b) characteristics, and 2(2)(c) knowledge. The decision comes almost 20 years after the House of Lords case of *Mirvahedy* stunned the rural insurance industry, where strict liability was imposed even in circumstances where the horses in question were behaving 'normally.'

Lisa Ford argued that *Mirvahedy* meant she only need prove that her horse reared (causing her damage) and that she did not need to demonstrate why for the purposes of 2(2)(b), because the very act of rearing must always be preceded by a trigger. She also argued that the Defendant knew horses can rear for any reason, and therefore 2(2)(c) knowledge was established. The Court of Appeal disagreed, finding that it necessary for the Claimant to identify the particular times or circumstances which give rise to the characteristic behaviour, and further finding that the Claimant must also prove the Defendant had knowledge that the causative behaviour can arise at such times or in such circumstances.

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