

Damages Notes

In negligence cases the court will award a successful claimant an amount of money as compensation for the injuries or damage to property they have suffered.

The aim of these damages is to place the claimant back into the same position they would have been if the tort had not been committed.

Tort = Wrongful act

Three tracks

There are three different tracks a person can take when claiming for damage. These are :

- Small claims track
- Fast track
- Multi-track

Track	What type of disputes?	Where are they heard?
Small claims track	Disputes under £5000 and personal injury claims up to £1000	Heard in private or in an ordinary court with a district judge.
Fast Track	Disputes of £5000 - £25,000	Heard by a Circuit judge and is a quick process of 30 days.
Multi-track	Disputes over £25,000	Heard by a Circuit judge. Takes a long time.

Damages:

There are two types of damages that can be awarded to claimants, these are:

- Pecuniary Loss
- Non-pecuniary Loss

Pecuniary losses are losses that can easily be calculated in money terms.

For example, if the claimant had to hire a car to use while their own car was being repaired then the exact amount of hiring the car is known.

Where a claimant has suffered this type of loss they will be given special damages to cover the costs of specific losses to the claimant. Such as;

- Loss of earnings
- Damaged clothing
- Damaged vehicles

Non-pecuniary Loss

Non-pecuniary loss refers to a loss due to pain, suffering and loss of amenity (enjoyment of life).

For this type of loss courts can award general damages to the claimant.

General damages are not so easily calculated and the court will award them depending on the facts and lifestyle of the claimant.