

Kemp and Kemp: *The Quantum of Damages* is a four-volume work which deals with the assessment of damages in claims arising out of personal injuries. The four volumes contain materials as follows:

**Volume 1:**

Tables of Cases, Legislation and Rules  
Chapters 1 - 32

**Volume 2:**

Chapters 33 - 41  
Medico-Legal material  
Glossaries of Medical Terms and Abbreviations  
Awards Tables

**Volume 3:**

Part A: Most Severe and Multiple Injuries  
Part B: Brain Injuries  
Part C: Psychiatric Injuries  
Part D: Injuries to the Head  
Part E: Damage to the Senses  
Part F: Spine and Ribs

**Volume 4:**

Part G: Upper Limb Injuries  
Part H: Sacrum, Pelvis and Hip  
Part I: Lower Limb Injuries  
Part J: Skin  
Part K: Internal Organs  
Part L: Other Conditions and Diseases  
Part M: Other Minor Injuries  
Part N: Injuries Resulting from Clinical Negligence  
Part O: Fatal Accident Awards

**Tables & Index Volume**

There is also an **Index** at the end of **Volume 1**.

**Arrangement within sections on parts of the body in Volumes 3-4:**

Each section is arranged in the same way as follows:

**Tables of Awards**

**Headnotes** (summaries of relevant quantum cases)

**Judgments** (full judgment on selected cases)

All cases over 10 years old are removed from the loose-leaf version but are retained on the electronic version. They may still appear in the loose-leaf Index.

## How to assess an award

Select the Part of *Kemp & Kemp* which deals with your client's injury: e.g. your client has had an accident resulting in the loss of one leg. This is covered in **Volume 4. Part I Lower limbs**.

At the beginning of the volume, the **Judicial Studies Board Guidelines** for the relevant injuries are laid out. This will give you an idea of the size of damages you can expect e.g. the contents lists paragraph JSB-059 as leg injuries. Turning to this paragraph, section (iii) covers amputations: above knee amputations of one leg. The top damages suggested are £81,500 (updated to £85,400) and the bottom £56,000 (updated to £58,680). The updates take into account cases decided since the *JSB Guidelines* were issued.

Turn to Section I, Lower Limb Injuries. The **Award Tables** are filed at the start of this section. The contents page directs you to I2 for Loss of Leg Above the Knee. Look for cases at a similar amount to the guidelines. The cases are arranged firstly by the part of the leg receiving injury and within that, in order of size of the award given for pain, suffering and loss of amenities updated to account for inflation. For the loss of one leg above the knee, you are therefore looking for cases between £85,400 and £58,680 i.e. Schembri, Thomas, Finch and Pettley. The 2<sup>nd</sup> column gives you the paragraph number for the **Headnotes** for the award.

Turn to the relevant paragraph numbers in the **Headnotes** section. Browsing through the Headnotes you may find a case that is similar to your client's. The Headnotes are arranged so that the most serious cases (and therefore the higher awards) are nearer the beginning of the section.

If there is a fuller report of the case this will be in the **Judgments** section at the end of the Part. You will be directed there if it is present. There are no fuller reports of above knee losses.

## Updating

To update the figures given in the cases for inflation, you can use the **RPI Indexes in the Inflation Table** section in volume 2. The RPI is on two pages and starts with the most recent year. It will not be up-to-date to the most recent month: use the website at <http://www.statistics.gov.uk/instantfigures.asp> which will give the most recent RPI figure.

## Ogden Tables

The **Actuarial tables with explanatory notes for use in personal injury and fatal accident tables** (also known as the Ogden tables) are published in full in *Kemp & Kemp*. You can find them in **Volume 2: Chapter 36, paragraph 36-010**

## Electronic Version

The online version of this work is available via Lawtel, as **Kemp on Lawtel**. As well as the case database, the service offers other PI material such as an inflation calculator.