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## ACTIVITY 117

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### Calculating the multiplicand for a deceased non-wage earner (allow 45 minutes)

This activity is in two parts. In Part 1 you will consider how you would value, in money terms, the loss of a parent. In Part 2 you will read the summaries from three cases in which the claimants under the 1976 Act cases were children who had lost non-wage earner parents and you will see how the courts assessed their loss of dependency. You will then attempt to answer questions to ensure you have understood the principles used in the cases.

#### PART 1

**If the deceased in a Fatal Accidents Act claim is a non-wage earner, what factors would you take into account in assessing the compensation to be paid to his or her relatives?**

#### COMMENT

Assessing the value of a non-wage earner is extremely difficult. The court would start by trying to put a value on the physical tasks the deceased performed, e.g. cleaning, cooking, sewing, decorating, gardening, etc. In the case of a parent some credit would also be given for child-care. If the claimant is a child who has lost a parent one element of the claim must be for the loving care provided by that parent.

#### PART 2

Using internet databases, please read the summaries from the following cases: *Mehmet v. Perry* [1977] 2 All ER 529; *Cresswell v. Eaton* [1991] 1 All ER 484; and *Spittle v. Bunney* [1988] 1 WLR 847.



Answer the following questions:

- 1 In the case of *Mehmet v. Perry*, why was the father able to recover his loss of earnings?**
- 2 In addition to the father's loss of earnings, what were the children able to recover in this case?**
- 3 In *Cresswell v. Eaton*, on what was the children's claim based?**
- 4 In *Spittle v. Bunney*, what was the loss to the child based upon?**
- 5 In *Spittle*, the Court of Appeal reduced the trial judge's multiplier for the nanny's services. On what basis do you think they justified that reduction?**

#### COMMENT

- 1 In the case of *Mehmet v. Perry*, the father was allowed to recover his loss of earnings as he had given up his job to care for the children in the place of the deceased mother.
- 2 In addition to the father's loss of earnings, the children were able to recover a sum to reflect the loss of the mother's daily care, instruction and affection.
- 3 In *Cresswell v. Eaton*, the children's claim was based on the loss of earnings of the aunt who gave up work to care for them.
- 4 In *Spittle v. Bunney*, the loss to the child was based upon the cost of employing a nanny.
- 5 In *Spittle*, the Court of Appeal reduced the trial judge's multiplier on the basis that the child's need for a nanny would reduce as she got older so that by the time she was 18 she would not need the services of a nanny.