

Woodrup v Nicol [1991]

Evidence

The complaint was a motorcyclist who was seriously injured during an accident with the defendant's car driver. Due to such circumstances, his father gave up his job to take care of him.

After the collision, he received compensation for the damages. The sum covered the payment for his father's care since he lost his job and had no other sources of income. However, the factual amount of compensation significantly increased the average sum for the similar health care attendant services. For this reason, the defendant has appealed the decision.

Problematics

The defendant applied to the Houses of Lords to clarify whether he had to cover the medical expenses for the complaint since the latter decided to use commercial medical health care services which are more expensive in comparison with the trade price.

Resolution

The Court of Appeals investigated whether the expenses on private medical help were reasonable. In this respect, it is vital to consider section 2 (4) of the Law Reform (Personal Injuries) Act 1948, according to which in case the complaint insists on using private medical help, the defendant has no right to cast doubt on such a decision based on the fact that the same service could be available from the NHS. On the contrary, if the complaint refuses to use commercial medical services, the defendant is not liable to compensate for the expenses which the complaint will not sustain. In this respect, it is important to clarify whether the complaint is determined to use private health care services in the future.

Academic Experts

Need a bit more than getting inspired by our samples?
Get help from real experts in academic writing.

**REQUEST
HELP**

**GET A FREE
QUOTE**