



ST JOHNS
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BRIEFING NOTE ON THE 8TH EDITION OF THE OGDEN TABLES

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1. The 8th Edition of the Ogden Tables and explanatory notes were released on 17th July 2020 - these will have an effect on calculating particularly future losses in higher value cases.
2. Expectations of life are lower than in the 7th Edition of the Tables. This is due to lower decreases in mortality than previously projected between 2008 and 2018 and more pessimistic assumptions from the ONS regarding the future rates of improvement of mortality over the next few years. For younger Claimants the approximate reduction in life expectancy is about 1 year for men and 2 years for women. This is higher for older Claimants - the difference in predicted life expectancy can be as much as 8-9%. For example, the life expectancy for a 25-year-old man was 61.76 years. It is now 60.90 years. For a 65-year-old man it was 21.42 years. It is now 20.25 years. Notable female life multipliers have a greater reduction.
3. The new tables have columns at -0.75% and -0.25%. There are also new tables – multipliers for loss of earnings to pension age 68 (Tables 11 and 12) and multipliers for loss of earnings to pension age 80 (Tables 17 and 18). Similarly there are multipliers for loss of pension commencing at age 68 (Tables 27 and 28) and for multipliers for loss of pension commencing at age 80 (Tables 33 and 34). There are now 36 tables whereas there were 28. The discounting factors for term certain and multipliers for pecuniary loss for term certain remain at Tables 35 and 36.
4. Paragraph 12 is helpful in resisting applications for expert evidence on life expectancy – noting that the Courts generally have been reluctant to admit expert evidence to argue for a different life expectancy solely on the basis of lifestyle factors following ***Dodds-v-Arif and Aviva Insurance [2019] EWHC 1512***.
5. The method of calculating contingencies other than mortality has changed –
 - (a) The definition of disability relies upon the Disability Discrimination Act 1995 rather than the Equality Act 2010 - a more restrictive definition - this may be because a higher percentage of the working population is now classed as disabled. This is in addition to other requirements to be satisfied before a Claimant is classed as disabled - see para 54 onwards;
 - (b) The calculation of higher educational qualifications is now put into Level 3, Level 2 and Level 1 rather than D, GE-A and O and the definition of the levels is contained at paragraph 73 - this is because of the greater variation in the type of qualifications now available.

6. There is also a new section in the introduction addressing pension loss quantification – see paragraph 111 onwards which should be very helpful to practitioners when accountancy/actuarial evidence is not permitted by the Court.
7. The section addressing dependency claims resulting from fatal accidents/incidents acknowledges *Knauer-v-Ministry of Justice [2016] UKSC 9* (paragraph 127) - calculating future loss from the date of trial rather than the date of death. Also the discounting factors at Table E (page 48 of the introductory notes) is expanded to take account of older ages - up to age 90. Similarly, Table F (discounting factors for post-trial damages) is expanded to take account of older ages.
8. There is a new section E addressing periodical payments for loss of earnings. The usefulness of this may depend on the outcome of *Swift v Carpenter* in part, as this is usually a useful head of loss to 'borrow from' in order to fund accommodation.
9. The Ogden Working Party continue to recommend the involvement of actuaries in more complicated cases. It may be difficult to persuade a Court that this type of expert evidence is reasonably required pursuant to CPR 35.1 but the notes to the Tables do envisage this type of evidence in such cases.
10. The editors have noted the possible effects of Covid 19 pandemic on future mortality – the mortality projections do not include any allowance for the possible effects of this. What the future holds in this respect is open to debate.

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