Department for Work and Pensions

The Lofstedt Review

An Independent Review of Health and Safety Legislation: Call for Evidence

A response by the Association of Personal Injury Lawyers

July 2011

The Association of Personal Injury Lawyers (APIL) was formed by claimant lawyers with a view to representing the interests of personal injury victims. The association is dedicated to campaigning for improvements in the law to enable injured people to gain full access to justice, and promote their interests in all relevant political issues. Our members comprise principally practitioners who specialise in personal injury litigation and whose interests are predominantly on behalf of injured claimants. APIL currently has approximately 4,500 members in the UK and abroad who represent hundreds of thousands of injured people a year.

The aims of the Association of Personal Injury Lawyers (APIL) are:

- to promote full and just compensation for all types of personal injury;
- to promote and develop expertise in the practice of personal injury law;
- to promote wider redress for personal injury in the legal system;
- to campaign for improvements in personal injury law;
- to promote safety and alert the public to hazards wherever they arise; and
- to provide a communication network for members.

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Introduction

APIL provided input into the health and safety review conducted by Lord Young of Graffham in 2010, which culminated in the publication of the report, *Common Sense Common Safety*. In this response we reiterate some of our comments made there regarding health and safety regulations as well as providing specific answers to the questions asked in the Lofstedt Review.

Executive Summary

APIL welcomes the opportunity to respond to the Department for Work and Pensions' (DWP's) consultation regarding the review of health and safety legislation.

- Health and safety regulations form a largely successful overall framework that provide protection from needless injury and should not be changed. The key is to ensure that regulations are applied accurately and with common sense.
- The Compensation Recovery Unit (CRU) statistics published for 2010/2011[1] provide clear evidence that HSE regulatory activity works and prevents accidents. Injuries suffered at work in England have decreased over the last five years, major injuries dramatically so. Health and safety regulation has clearly helped to achieve this success.
- Valuable lessons can be learned from previous ineffective and lacklustre regulation prior to introduction of the general and comprehensive regulation that we see today. We do not believe there are any particular health and safety regulations which need to be simplified. Regulations driven directly by a European Directive, such as the Work at Height Regulations 2005 and Work at Height (Amendment) Regulations 2007, show a good example of workplace regulations that are clear, comprehensive and that prevent needless injury.

[1] Department for Work and Pensions Compensation Recovery Unit Performance Statistics 2010/2011, http://www.dwp.gov.uk/other-specialists/compensation-recovery-unit/performance-and-statistics/performance-statistics/

- Repealing the amendment regulations and reissuing one regulation will provide the clarity and consistency that is needed and, therefore, would provide no need for the abolition of any regulations.
- We are not aware of any evidence which would support the suggestion that there are any particular health and safety regulations that have created significant additional burdens on businesses but that have had a limited impact on health and safety. It is more beneficial and cost effective for companies to ensure that accidents in the work place are prevented in the first place, thus protecting workers and saving businesses the cost of potential claims.
- The concept of 'reasonably practicable' is at the core of the management of health and safety. It is important to remember that it pre-dates any European input into our law by many decades.
- There is repeated evidence of cases that go to appeal because of a lack of understanding of health and safety law and, for example, the importance of risk assessment. The reality is that a certain perception of health and safety regulation has been created by various sources, including the media.
- APIL believes that health and safety law does suitably place responsibility in an appropriate way on those that create risk and is committed to playing its part with Government and other parties to increase public awareness of the difference between an accident and negligence, and increasing awareness of the need to take personal responsibility for oneself and others.

Consultation Questions

As our remit only extends to personal injury cases, we have only answered those questions which relate to this field.

Q. 1. Are there any particular health and safety regulations (or ACoPs) that have significantly improved health and safety and should not be changed?

Although some health and safety regulations, such as those on work at height and manual handling, could easily be said to have significantly improved health and safety, in our view, none should be changed as they form a largely successful overall framework. Health and safety laws provide protection from needless injury. They also help to ensure redress and rehabilitation for injured people, which in turn limits the call on the state to provide care and benefits. Any assault on health and safety as a way of curtailing what is perceived to be too much regulation is aiming at the wrong target. The key is to ensure that regulations are applied accurately and with common sense.

The CRU has recently published its up-to-date statistics for 2010/2011[2] which includes the number of employers liability cases registered to the CRU. The CRU statistics show very clearly that the number of employer liability cases reported them has declined in the last ten years. In 2010/2011 the number of cases registered sits at 81,470, which is a decrease year-on-year from 87,198 registered in 2007/2008. There is clear evidence that HSE regulatory activity works and prevents accidents. Furthermore, when you look at the HSE's statistics of occupational ill health, safety and enforcement for injuries in England, as published on their website[3], it is clear to see that the number of fatal injuries; major injuries; and over-3-day injuries has fallen since 2005/2006. Injuries suffered at work in England have decreased over the last five years, major injuries dramatically so. Health and safety regulation has clearly helped to achieve this success.

Latest CRU figures for number of claims made between 1 April and 31 March in each respective year

[2] Department for Work and Pensions Compensation Recovery Unit Performance Statistics 2010/2011, http://www.dwp.gov.uk/other-specialists/compensation-recovery-unit/performance-and-statistics/performance-statistics/

[3] Health and Safety Executive, Injuries to Employees by country, government office region, county and local authority, as reported to enforcing authorities 2005/6 to 2009/10 http://www.hse.gov.uk/statistics/regions/reginj.xls

Year	Employer liability
2000 / 2001	219 183
2001 / 2002	170 554
2002 / 2003	183 342
2003 / 2004	291,210
2004 / 2005	253,502
2005 /2006	118,692
2006/2007	98,478
2007/2008	87,198
2008/2009	86,957
2009/2010	78,744
2010/2011	81,470

During 2009/10, the HSE reports that:

- 1.3 million people who worked during the year were suffering from an illness (long standing as well as new cases) they believed was caused or made worse by their current or past work. 555 000 of these were new cases.
- 121, 430 other injuries to employees were reported under RIDDOR, a rate of 473 per 100, 000 employees.
- 233, 000 reportable injuries occurred, according to the Labour Force Survey, a rate of 840 per 100, 000 workers.

Put into perspective, this meant that 28.5 million working days were lost overall (1.2 days per worker). 23.4 million due to work-related ill health and 5.1 million due to

workplace injury[4]. The numbers reported here are lower than those reported in the 2008/09 report, and in previous years. This proves that regulation in the workplace prevents needless injury.

The HSE has also reported a consistent downward trend in the number of fatal injuries to workers:

Year	**Number of fatal injuries**
2003 / 2004	236
2004 / 2005	223
2005 /2006	217
2006/2007	247
2007/2008	233
2008/2009	179
2009/2010	152
2010/2011	147 (as reported at June 2011)

Further evidence of the importance of these regulations is shown in the case of *Davies v Health and Safety Executive* at paragraph 24[5]

> *First the Act is regulatory and its purpose is to protect the health and safety of those affected by the activities referred to in sections 2 to 6. The need for such regulation is amply demonstrated by the statistics with which we have been supplied. These show that fatal injuries reported to the U.K. enforcing authorities by industry are running at an average of about 700 a year and non-fatal major injuries at nearly 200,000 a year. Following a survey in 1995/6 the Office of Statistics put the financial costs of accidents*

[4] The Health and Safety Executive Statistics 2009/10, http://www.hse.gov.uk/statistics/overall/hssh0910.pdf

[5] *David Janway Davies v Health and Safety Executive,* [2002] EWCA Crim 2949, paragraph 24.

at work in the U.K. at between £14.5 and £18.1 billion. The Act's purpose is therefore both social and economic.

Paragraph 25 goes on to say

> *The reversal of the burden of proof takes into account the fact that duty holders are persons who have chosen to engage in work or commercial activity (probably for gain) and are in charge of it. They are not therefore unengaged or disinterested members of the public and in choosing to operate in a regulated sphere of activity they must be taken to have accepted the regulatory controls that go with it. This regulatory regime imposes a continuing duty to ensure a state of affairs, a safety standard. Where the enforcing authority can show that this has not been achieved it is not unjustifiable or unfair to ask the duty holder who has either created or is in control of the risk to show that it was not reasonably practicable for him to have done more than he did to prevent or avoid it.*

Valuable lessons can be learned from previous ineffective and lacklustre regulation prior to introduction of the general and comprehensive regulation that we see today. Watering down the rules which help ensure workers' safety will only expose them to risk of further harm. The best way to cut costs is to cut the negligence which causes needless injury in the first place. If a company currently finds itself spending lots of time and money submitting RIDDOR reports, then clearly that business may have serious health and safety issues which need to be addressed.

All health and safety regulations have significantly improved health and safety in the work place, and that this is further proven by the published statistics, and should not be changed or removed.

Q. 2. Are there any particular health and safety regulations (or ACoPs) which need to be simplified?

No, we do not believe there are any particular health and safety regulations which need to be simplified. A key example of how recent regulation has worked well in the workplace is the Work at Height Regulations 2005 and Work at Height (Amendment) Regulations 2007. These regulations are still fairly new to industry, and yet the number of these types of accidents has reduced significantly in that time[6]. These regulations were driven directly by a European Directive and show a good example of workplace regulations that are clear, comprehensive and that prevent needless injury.

Reducing regulation and the scrutiny of incidents risks the repetition of accidents. These regulations provide additional confirmation that regulation, when drafted well and concisely written can prove effective in preventing accidents in the workplace.

Q. 3. Are there any particular health and safety regulations (or ACoPs) which would be helpful to merge together and why?

The list of Statutory Instruments and ACoPs listed in Annex A is relatively long and there is clear evidence of repetition where amendments to the original regulations have been issued. For example:

- Biocidal Products Regulations 2001 (S.I. 2001/880);
- Biocidal Products (Amendment) Regulations 2003 (S.I. 2005/228);
- Biocidal Products (Amendment) Regulations 2005 (S.I. 2005/2451);
- Biocidal Products (Amendment) Regulations 2007 (S.I. 2007/293); and
- Biocidal Products (Amendment) Regulations 2010 (S.I. 2010/745).

[6] The Work at Height Regulations 2005 (as amended) A Brief Guide, http://www.hse.gov.uk/pubns/indg401.pdf

In order to offer clarity and consolidate the list of regulations, we suggest that the HSE repeals and reissues the original Regulations instead of issuing amendments to the Regulations.

An example of where this has already been done is the Construction (Design and Management) Regulations 2007 (S.I. 2007/320). This will ensure there is minimum confusion.

Q. 4. Are there any particular health and safety regulations (or ACoPs) that could be abolished without any negative effect on the health and safety of individuals?

Without the necessary substantive research into the benefits and negative impact of individual regulations, we suggest that this would be impossible to prove. As is proven by the data from the CRU and HSE, health and safety regulations are preventing injuries and fatalities, showing that all health and safety regulations have significantly improved health and safety.

As proposed above, in response to question 3, we believe that simply repealing the amendment regulations and reissuing one regulation will provide the clarity and consistency that is needed and, therefore, would provide no need for the abolition of any regulations.

Q. 5. Are there any particular health and safety regulations that have created significant additional burdens on business but that have had limited impact on health and safety?

We are not aware of any evidence which would support the suggestion that there are any particular health and safety regulations that have created significant additional burdens on business but that have had limited impact on health and safety. It is more

beneficial and cost effective for companies to ensure that accidents in the work place are prevented in the first place, thus protecting workers and saving businesses the cost of potential claims.

The Impact Assessment published alongside the consultation on proposals to amend RIDDOR[7] proposed that for each report not submitted there will be a cost saving to businesses of £7.91. The impact assessment predicts there will be a further saving of £4.40 for each RIDDOR report not submitted to the Incident Contact Centre (ICC). This does not represent any real cost saving when considering the possible adverse effects this will have on those injured at work. The impact assessment suggested that the form currently takes 30 minutes to complete and submit, which includes ten minutes to fill in an electronic form or to telephone the ICC, ten minutes to prepare the contact and ten minutes to record the businesses own notes afterwards[8]. The form itself, therefore, only takes ten minutes to complete which suggests that it is not particularly difficult.

We reiterate the time and cost to a business of adhering to regulation provides no burden when considering what it could be preventing.

Businesses are further driven to prevent injury in the workplace by the economics of employer's liability compulsory insurance. If employers were granted the competitive advantage in a particular market by ignoring health and safety, then health and safety practice would be driven down to the lowest common denominator which would be to the detriment of individual employees and society as a whole. An employer's poor claims record may well, and should, increase the cost of the insurance premium as we see in road traffic insurance premiums. This encourages and rewards good behaviour

[7] A Consultation Document on Proposed Amendment to the Reporting of Injuries, Diseases and Dangerous Occurences Regulations 1995 (RIDDOR), Health and Safety Executive, Impact Assessment Page 8 Paragraph 13.
[8] A Consultation Document on Proposed Amendment to the Reporting of Injuries, Diseases and Dangerous Occurences Regulations 1995 (RIDDOR), Health and Safety Executive, Impact Assessment Page 8 Paragraph 13.

in health and safety, and equally punishes the poor behaviour of businesses not adhering to the regulations and allowing workplace injuries to continue.

Q. 6. To what extent does the concept of 'reasonably practicable' help manage the burden of health and safety regulation?

The concept of 'reasonably practicable' is at the core of the management of health and safety. It is important to remember that it pre-dates any European input into our law by many decades. In *Morris v Hartlepool Steam Navigation*[9], Lord Reid set out the considerations involved when an employer carries out what is today described as a risk assessment. That task now has to be undertaken in relation to all aspects of the employer's activities as required by Regulation 3 of the Management of Health and Safety at Work Regulations 1999 Article 3(a) of the Framework Directive,

> *It is the duty of the employer in considering whether some precaution should be taken against a foreseeable risk, to weigh, on the one hand the magnitude of the risk, the likelihood of an accident occurring and the possible seriousness of the consequences if an accident does happen, and on the other hand the difficulty and expense and any other disadvantage of taking the precaution.*

In *Edwards v National Coal Board*[10], Lord Asquith said,

> *Reasonably practicable is a narrower term than physically possible, and seems to me to imply that a computation must be made by the owner in which the quantum of risk is placed on one scale and the sacrifice involved in the measures necessary for averting the risk (whether in money, time or trouble) is placed in the other, and that, is it be shown that there is a gross disproportion between them – the risk being insignificant in relation to the sacrifice – the defendants discharge the onus on them.*

[9] *Morris v Hartlepool Steam Navigation* [1956] AC 522.
[10] *Edwards v National Coal Board* [1949] 1 KB 704 CA.

On a proper analysis, the test is that reasonable practicability means that a precaution need not be taken if the time, effort and expense of taking it in relation to the risk averted is grossly disproportionate.

The key to a proper understanding of health and safety legislation, which is designed to protect people from needless injury, and of the civil justice system, which is designed to provide redress when things go wrong, is education.

APIL are dedicated to campaigning for the prevention of needless injury. It is essential that employers are educated to reduce injury in the work place. We agree with Better Regulation Task Force when it said that

> *It would be more beneficial to educate people to understand that compensation is minimal in most cases and to educate those litigated against that the best way to avoid litigation is to be aware of the risks and to have taken cost effective measures to manage them.* [11]

In the case of *Robb v Salamis*[12], Lord Rodger at paragraph 52 states

> *It is trite that an employer " must always have in mind, not only the careful man, but also the man who is inattentive to such a degree as can normally be expected" and that the circumstances which can reasonably be expected by an employer "include a great deal more than the staid, prudent, well-regulated conduct of men diligently attentive to their work" : Smith (formerly Westwood) v National Coal Board [1967] 1 WLR 871 , 873, per Lord Reid and Lyon v Don Brothers, Buist & Co 1944 JC 1 , 5 per Lord Justice General Normand.*

[11] 'Better Routes to Redress', published by the Better Regulation Task Force, May 2004, p17
[12] *Robb v Salamis Limited* [2006] UKHL 56.

> *The primary purpose of the relevant regulations is not to give a ground of action to employees who are injured in some particular way <u>but to ensure that employers take the necessary steps to prevent foreseeable harm coming to their employees in the first place.</u>*

Guidance is also given from the HSE on managing the burden of regulation through their attempts to dispel the various myths through information provided on its website.

Q. 7. Are there any examples where health and safety regulations have led to unreasonable outcomes, or to inappropriate litigation and compensation?

A major factor in this has to be the proper control and accreditation of health and safety advisers. While there are undoubtedly many well-experienced, well-qualified advisers helping businesses understand how to deal with health and safety regulations, there is no real way for employers to judge the knowledge or experience of a potential adviser. APIL is committed to providing the public with clarity about the quality of legal services through a robust accreditation scheme. It is equally important that those companies and local authorities who are relying on others to provide them with accurate health and safety advice are able to rely on a similar system of accreditation, supported by the continuing professional development of health and safety advisers.

This could certainly help to address concerns about bureaucracy and inconsistency in the interpretation of health and safety law. There is repeated evidence of cases that go to appeal because of a lack of understanding of health and safety law and, for example, the importance of risk assessment. In the case of *Allison v London Underground*[13] Lady Justice Smith stated,

[13] *<u>Allison v London Underground Ltd</u>* [2008] EWCA Civ 71, paragraphs 58 and 59.

Judge Cowell recognised that there was a connection between risk assessment and adequacy of training but thought that, once he had decided that the training had been 'adequate in all the circumstances' he did not need to decide whether the risk assessment had been 'sufficient and suitable'. With respect to the judge, I think he put the cart before the horse. Risk assessments are meant to be an exercise by which an employer examines and evaluates all the risks entailed in his operations and takes steps to remove or minimise those risks. They should be a blueprint for action.

I do not think that Judge Cowell was alone in underestimating the importance of risk assessment. It seems to me that insufficient judicial attention has been given to risk assessments in the years since the duty to conduct them was first introduced. I think this is because judges recognise that a failure to carry out a sufficient and suitable risk assessment is never the direct cause of an injury. The inadequacy of a risk assessment can only ever be an indirect cause. Understandably judicial decisions have tended to focus on the breach of duty which has lead directly to the injury.

Society's perception of health and safety regulation was further proven recently by the closure of 'Murray Mount' by the Lawn Tennis Association (LTA) and All England Lawn Tennis and Croquet Club (AELTC), which was criticised by the HSE[14]. The reality is that a certain perception of health and safety regulation has been created by various sources, including the media.

The statistics, as published by the HSE and CRU, prove that these regulations protect employees in the workplace and prevent accidents and fatalities. We have a system of redress based upon the 'polluter pays' principle where compensation is paid to place the injured person in the position they would have been had the incident not occurred. Compensation is not paid unless negligence or breach of statutory duty is proven.

[14] HSE responds to LTA / AELTC decision to ban spectators from Murray Mount 'on health and safety grounds', http://www.hse.gov.uk/press/record/2011/ltaaeltc210611.htm#?eban=rss-putting-the-record-straight

Damages are not paid out automatically. We do not believe that there is any evidence to suggest inappropriate compensation exists or that unmeritorious claims are pursued.

Q. 8. Are there any lessons that can be learned from the way the other EU countries have approached the regulation of health and safety, in terms of (a) their overall approach and (b) regulating for particular risks or hazards? and

Q. 9. Can you provide evidence that the requirements of EU Directives have or have not been unnecessarily enhanced ('gold-plated') when incorporated into UK health and safety regulation?

The Health and Safety at Work etc Act 1974 took effect from 1 October 1974. Its stated objective was

> *to make further provision for securing the health, safety and welfare of persons at work . . .*

The objective of the EU Framework Directive on health and safety[15] was to adopt

> *minimum requirements for encouraging improvements, especially in the working environment, to guarantee a better level of protection of the safety and health of workers.*

The overall aim, therefore, for many years has been to improve the protection of employees' health and safety. Baroness Hale stated in *Fytche v Wincanton Logistics Plc*[16]

> *Not surprisingly, the overall strategy was that prevention is better than cure.*

[15] Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.
[16] *Fytche v Wincanton Logistics Plc* [2004] UKHL 31 at 58.

It is clear that this approach has worked well. Between 1974 and 2007, the number of fatal injuries to employees fell by 73 per cent; the number of reported non-fatal injuries fell by 70 per cent. Between 1974 and 2007, the rate of injuries per 100,000 employees fell by 76 per cent[17].

In the case of *Robb v Salamis*[18] , at paragraph 14, Lord Hope of Craighead states

> *It is necessary, when construing those regulations, to have regard also to the provisions of the Framework Directive and the Work Equipment Directive that the Work Equipment Regulations were designed to implement. The rule is that the domestic court must seek to interpret national law to achieve the same result as is intended by the relevant provision of EU law, where it is reasonably possible to do so: Pickstone v Freemans plc [1989] AC 66 ; Litster v Forth Dry Dock & Engineering Co 1989 SC (HL) 96 , 105, per Lord Oliver of Aylmerton. Article 1 of the Framework Directive provides:*
> *" 1. The object of this Directive is to introduce measures to encourage improvements in the safety and health of workers at work.*
> …
> *3. This Directive shall be without prejudice to existing or future national and Community provisions which are more favourable to protection of the safety and health of workers at work.*
>
> *Article 5 provides:*
> *1. The employer shall have a duty to ensure the safety and health of workers in every aspect related to the work.*
> …
> *3. The workers' obligations in the field of safety and health at work shall not affect the principle of the responsibility of the employer.*

[17] http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/80704-0001.htm#08070478000003
[18] *Robb v Salamis Limited* [2006] UKHL 56.

4. This Directive shall not restrict the option of Member States to provide for the exclusion or the limitation of employers' responsibility where occurrences are due to unusual and unforeseeable circumstances, beyond the employers' control, or to exceptional events, the consequences of which could not have been avoided despite the exercise of all due care.

Article 3 of the Work Equipment Directive sets out the general obligations of employers. It provides:

1. The employer shall take the measures necessary to ensure that the work equipment made available to workers in the undertaking and/or establishment is suitable for the work to be carried out or properly adapted for that purpose and may be used by workers without impairment to their safety or health.

In selecting the work equipment which he proposes to use, the employer shall pay attention to the specific working conditions and characteristics and to the hazards which exist in the undertaking and/or establishment, in particular at the workplace, for the safety and health of the workers, and/or any additional hazards posed by the use of [the] work equipment in question.

2. Where it is not possible fully so to ensure that work equipment can be used by workers without risk to their safety or health, the employer shall take appropriate measures to minimize the risks.

Regulation 4 of the Work Equipment Regulations gives effect to article 3(1) of this Directive. But there is no definition in the Work Equipment Directive of the meaning that the word " suitable" is to have for the purposes of article 3(1)This must be borne in mind when the definition of this word in regulation 4(4) is being considered. So too must article 1 of the Framework DirectiveThe dominant purpose of all these provisions is to encourage improvements in the safety and health of workers at work. In my opinion the purpose of regulation 4(4) is to ensure, not to reduce, the protection provided for by article 3(1) of the Work Equipment Directive that regulation 4(1) was designed to implement.

Lord Clyde went on to say

While not expressing a view upon them I am conscious that the general purpose of the directives has been to encourage improvements to the existing levels of protection for the health and safety of workers. While they seek to lay down minimum standards it might be expected that they may not necessarily be looking to preserve standards which have existed at common law in relation to the employer's liability in reparation to his employees and which may now be too low for current requirements for safety. The degree of foresight and the definition of the level of risk may remain matters for future consideration in the general development of the law in this area towards the greater safety of the workplace and the consequently higher levels of obligation on the employer.

These cases provide ample evidence that there is a methodical EU approach to health and safety legislation which has protected the lives of employees since its introduction in 1989 after the Health and Safety at Work Act 1974.

Q. 10. Does health and safety law suitably place responsibility in an appropriate way on those that create risk? If not, what changes would be required?

APIL believes that health and safety law does suitably place responsibility in an appropriate way on those that create risk. In 1937, with the decision in the House of Lords in *Wilson and Clyde Coal Company Limited v English*[19] the modern duty of care owed by an employer to an employee was established. In summary, an employer was deemed to owe a duty of care to his employees, which was personal to the employer and was not capable of being discharged merely by delegating its performance to another competent person. This duty included the provision of a safe place of work, a safe system of work, the provision of competent staff and proper equipment. That has not been changed by European law.

[19] *Wilson and Clyde Coal Company Limited v English* [1937] 3 AER 628.

APIL is committed to playing its part with Government and other parties to increase public awareness of the difference between an accident and negligence, and increasing awareness of the need to take personal responsibility for oneself and others. To this end, we have:

- developed an *Accident or Negligence?* Handbook;
- developed a series of factsheets to explain the legal process to injured people;
- begun work with a consumer advisory group to help us develop our educational messages and information to the public; and
- run a number of consumer initiatives to advise people about how to avoid needless injury.

In helping to generate a well-informed public and a 'common sense culture', the Government will help to protect its citizens and give individuals the confidence to make sensible, everyday judgements about risk. It will also help to foster the development of increased personal responsibility while continuing to provide access to justice for those injured through negligence.

- Ends -

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