

**Unreasonable conduct; RTAPISC;  
costs against Defendants**

I have today heard a matter where the Defendant failed to put any offer forward in the process, and accordingly the Claimant issued for what were tariff injuries only.

Having determined tariff, I have awarded costs against the Defendant in the sum of £850 (& issue fee and medical report), on the basis that a failure to engage amounted to unreasonable behaviour. No permission to appeal sought.

However, perhaps more interestingly, a Claimant had a 7m knee and 7m thigh injury and the Defendant offered £500. JC Guidelines, Ch7, p61, knee injuries ends as follows:

*A soft tissue strain-type injury that does not significantly impact on daily activities and gradually resolves within six to seven months might be expected to attract an award in the region of £2,250.*

I awarded about £2500 for the two injuries.

However, I went on to hold the offer of £500 amounted to unreasonable behaviour, and awarded costs against the Defendant in the sum of £850 (& issue fee and medical report). No permission to appeal sought.

The point being, in a Stage 3, there is no risk of penalty to a Defendant which offers even an obviously grossly wrong amount. But now, there is...

Yours sincerely

District Judge Timothy J Gray  
St Helens Courthouse  
01744 620244 (no direct number)