



UNIVERSITY
of York

Ogden: Past, Present and Future

William Latimer-Sayer KC



Summary

- Background to the Ogden Tables
- Aims and purpose
- Creation and funding
- Historical development
- Present OWP and Ogden 8
- The future: Ogden 9



Background

- Suggested by Law Commission
- Initially started as a collaboration between the legal profession (barristers & solicitors) and actuaries (FoA and the IoA, which were previously separate)
- First published by the OWP in 1984, chaired by Michael Ogden
- Tables prepared by GAD
- Hard copies published by Her Majesty's Stationery Office (HMSO)



Aims & Purpose of the Tables

- The purpose of the tables is to help the courts calculate lump sum damages
- The Tables help determining the appropriate figure for the “multiplier”
- Originally based upon a PIDR of 4-5% (return of ILGS at time)
- At start contingency discounts were left to judicial discretion



Creation and Funding

- No statutory basis
- Make-up of OWP at discretion of Chairman
- Voluntary and informal
- No specific funding for meetings or research etc
- GAD performs number crunching (paid for by MoJ)

MEMBERS OF THE WORKING PARTY

Michael Ogden Q.C. *Chairman*

ACTUARIES

Nominated by the Faculty of Actuaries

B. S. Reddin

Nominated by the Institute of Actuaries

G. V. Bayley C.B.E.

D. F. Gilley

E. A. Johnston C.B.

J. H. Prevett O.B.E.

ADVOCATE

Nominated by the Faculty of Advocates

A. Johnston Q.C.

BARRISTERS

Nominated by the Senate of the Inns of Court and the Bar

J. Cherry

C. Lindsay

E. A. Machin Q.C.

P. Weitzman Q.C.

SOLICITORS

Nominated by the Law Society of England and Wales

D. Cockburn

V. P. O'Callaghan

S. K. Walton

Nominated by the Law Society of Scotland

J. A. Wark M.C.

Secretary—Miss M. F. Gerry

Assistant Secretary, Institute of Actuaries

1984
Ogden I

Ease of Use

“When it comes to the explanatory notes we must make sure that they are readily comprehensible. We must assume the most stupid circuit judge in the country and before him are the two most stupid advocates. All three of them must be able to understand what we are saying”.

Appears in 5th edition of the Tables attributed to Sir Michael Ogden

NB don't have specialist judges:
Noble v Owens [2008] EWHC
359 (QB)



Admissibility

- s. 10 of the Civil Evidence Act 1995 makes the actuarial tables (and the explanatory notes) admissible in evidence
- May be provided by the production of a HMSO copy
- BUT s. 10 has never actually been enforced



Wells v Wells [1998] UKHL 27

- Lord Lloyd: the tables should now be regarded as the starting-point, rather than a check. A judge should be slow to depart from the relevant actuarial multiplier on impressionistic grounds, or by reference to "a spread of multipliers in comparable cases".
- Lord Steyn: the effect of the decision of the HoL on the PIDR, together with the availability of the Ogden Tables, should be to eliminate the need in future to call actuaries, accountants and economists in such cases.
- In short increase consistency and predictability

OWP Influencing Case Law



- OWP used to be more political
- Use of ILGS to set PIDR - *Wells v Wells* [1998] UKHL 27 – the arguments of the plaintiffs mirroring those in *Ogden 1*
- Calculation of multipliers in FAA cases at the date of trial – *Knauer v MOJ* [2016] UKSC 9 (overturning *Cookson v Knowles* [1979] AC 556), the arguments of the claimant mirroring those in *Ogden 4*

Case Law Influencing the OWP



- Use of projected mortality data: *Worrall v Powergen plc* [1999] PIQR Q103; *Biesheuval v Birrell* [1999] PIQR Q40; and *Jenkins v Groscott and Hoyte* [2000] PIQR Q17
- Impaired life expectancy: *B v RVI* [2002] PIQR Q137; *Whiten v St George's Healthcare NHS Trust* [2011] EWHC 2066 (QB); *Manna v Central Manchester University Hospitals NHS Foundation Trust* [2015] EWHC9 (QB)
- *Conner v Bradman* [2007] EWHC 2789 (QB) and *Billett v MOD* [2015] EWCA Civ 773 regarding when to depart from the RFs

Timeline (i) – Michael Ogden era



1984
Ogden 1

- 6 Tables
- PIDR 1.5% to 5%
- Ret ages 65 (men); 60 women)
- 28 pp
- 4½ pp explain notes
- Argued for use of ILGS

1994
Ogden 2

- 10 Tables
- PIDR 1.5% to 5%
- Addit re ages
- Contingency discounts
- 40 pp
- 10 pp explain notes

1998
Ogden 3

- 22 Tables (projected mort & discount & term certain)
- PIDR 1.5% to 5%
- Tables A to D
- OWP expanded incl ABI etc
- 91 pp
- 29 pp explain notes

2000
Ogden 4

- 38 Tables (x4 more ret ages of 50, 55, 70 and 75)
- PIDR 0% to 5%
- FAA cases
- 68 pp (portrait)
- 20 pp explain notes
- Appendices from ABI

Supplementary Ogden 7 Tables were published in 2017 and 2019 following the PIDR changing to -0.75% and -0.25%

Timeline (ii) – Robin de Wilde QC era

2004
Ogden 5

- ↓ to 28 Tables (projected only)
- PIDR 0% to 5%
- 68 pp
- 20 pp explan notes

2007
Ogden 6

- 28 Tables (projected only)
- PIDR 0% to 5%
- Significant change to LoE calcs and RFs
- 72 pp
- 25 pp explan notes

2011
Ogden 7

- 28 Tables (projected only)
- PIDR -2% to 3%
- 70 pp
- 25 pp explan notes
- Flagged up issues re RFs

Why Me?

Timeline (iii) – William Latimer-Sayer KC era

2020
Ogden 8

- ↑ to 38 Tables (ret ages 68 and 80)
- PIDR -2% to 3%
- Amended guidance
- Additional Tables (Excel only)
- ↑ 110 pp
- ↑ 52 pp explan notes

Supplemental tables published 2022
(following change to NI PIDR to -1.5%)
(with Additional Tables updated Jan 2025)

2026
Ogden 9

Ogden 8: Current OWP


Members of the Working Party Responsible for Eighth Edition

Chairman: William Latimer-Sayer QC

Harry Trusted, Barrister	Secretary to the Ogden Working Party
Tamar Burton, Barrister	Assistant Secretary to the Ogden Working Party
Cara Guthrie, Barrister	Former Assistant Secretary to the Ogden Working Party
Adrian Gallop, FIA	Government Actuary's Department
Paul Nixon, FIA	Government Actuary's Department
Shahram Sharghy, Barrister	Association of Personal Injury Lawyers representative
John Pollock, FFA	Institute and Faculty of Actuaries representative
Andrew Smith QC	Faculty of Advocates representative
Alistair Kinley	Forum of Insurance Lawyers representative
Julian Chamberlayne	Forum of Complex Injury Solicitors, chairman and representative
Dermot Fee QC	General Council of the Bar of Northern Ireland representative
John Mead	NHS Resolution, Technical Claims Director and representative
Richard Methuen QC	Personal Injuries Bar Association representative
Simon Levene, Barrister	Professional Negligence Bar Association representative
Stephen Webber	Society of Clinical Injury Lawyers, chairman and representative
Kim Leslie	The Law Society of Scotland representative
Richard Cropper, DipPFS	Independent financial adviser, invited by Chairman
Chris Daykin, FIA	Actuary, invited by Chairman
Maurice Faull, FCA	Forensic accountant, invited by Chairman
Hugh Gregory, FCA	Forensic accountant, invited by Chairman
Jon Ramsey	Re-insurance claims manager at Munich Re, invited by Chairman
John Saunders	Director of Technical and Large Loss at Direct Line Group, invited by Chairman
Andrew Underwood, Solicitor	Solicitor, invited by Chairman
Professor Victoria Wass	Labour economist, invited by Chairman
Martin White, FIA	Actuary, invited by Chairman



Ogden 8 (i)

- Expanded OWP
 - Greater use of technology
 - Guidance notes published on GAD website (with supplemental tables published online only)
 - Funding obtained for updated RF research (NB previous research based upon 1998-2003 LFS data)
- 



Ogden 8 (ii)

- Significant expansion of and amendment to explanatory notes
 - *Billet v MOD* – test of disability
 - *Connor v Bradman*
 - When and how to depart from Tables A to D
- Interpolation
- Impaired lives (para 20 of Ogden 7)
- More examples including guidance on how to calculate split multipliers

- 

File Home Insert Page Layout




Meetings of OWP

- **Ad hoc hybrid** meetings as and when required
- **PIDR** reviewed every 5 years
- **OWP** goes quiet and is then re-awakened
- **TB** sends out doodle; best date wins
- **Special meetings** eg discuss new ways of presenting data or to raise funding
- **Once new RF data research complete** → likely to be several meetings to finalise new explanatory notes



Ogden 9

- Further expand OWP
 - William Chapman
 - Jonathan Galbraith (actuary)
 - MOJ?
 - New RF research
 - ONS 2022 life expectancy data 14.2.25
 - At 0, -0.4 for women; -0.8 for men
 - At 52, +0.1 for women; -0.5 for men
 - Amend explanatory notes re use of Additional Tables – end of life
 - Online calculator?
- 



The Future

- Ogden Tables are expanding
- Helpfully now have unified PIDR
- Less political as difficult to find consensus
- Constructive criticism welcome
- Open to suggestions for improvements

Thank you





The End – any questions?