**IN THE MANCHESTER (CCMCC) COUNTY COURT CASE NO:**

**B E T W E E N:**

**MRS EMILY CRATCHETT**

**Claimant**

**AND**

**SCROOGE STABLES (ENTIRELY FICTITIOUS) LIMITED**

**Defendant**

**PARTICULARS OF CLAIM**

1. The Claimant claims damages for personal injury and associated losses incurred in an accident at work on or around 26 March 2099.
2. At all material times, the Claimant worked for the Defendant as a Stable Hand. She worked for the Defendant in this capacity for approximately two years prior to the accident, at the Defendant’s premises: The Stables, Manchester Road, Lanchester (“the Premises”).
3. On 26 March 2099, at around 1.00pm, the Claimant took a three-year old thoroughbred horse (Tim) across the stable yard of the Premises so that he could be taken out into one of the adjoining fields. The Claimant was unsupervised but had been instructed to carry out the task by her supervisor, Fred, who was on his lunch break at the time of the accident. The horse had only been acquired by the Defendant the week before the accident and the Claimant was unfamiliar with it. She had not been provided with the assessment sheets produced by the Defendant which gave details of the horse’s temperament and behavioural characteristics.
4. When the Claimant released the horse into the field, it suddenly turned and lashed out with its hind legs, hitting the Claimant’s left arm and knocking her to the ground, causing injury. The horse’s behaviour up to this point gave no indication that it might attack the Claimant.
5. After the accident at work, Fred explained to the Claimant that Tim had frequently been kicking out other Stable Hands, and that he had neglected to pass this information to the Claimant. Following an investigation by the Defendant into the accident at work, Fred was given a final written warning.
6. The accident at work was caused by the Defendant’s breach of statutory duty.

**PARTICULARS OF NEGLIGENCE**

1. The Defendant acted in breach of its statutory duty in that:
	1. In breach of Regulation 3 of the Management of Health and Safety at Work Regulations 1999 (“MHSW”) failed to undertake suitable and/or sufficient risk assessments;
	2. In breach of Regulation 5 of MHSW failed to make and give effect to such arrangements as were appropriate for the effective planning, organisation, control, monitoring and review of the preventive and protective measures as identified in such risk assessments;
	3. In breach of Regulation 10 of MHSW failed to provide the Claimant with comprehensible and relevant information on risks to her health and safety identified by risk assessment;
	4. In breach of Regulation 13(1) of MHSW failed to take into account the Claimant’s physical capabilities as regards health and safety when entrusting tasks to her;
	5. In breach of Regulations 13(2) and 13(3) of MHSW failed to provide the Claimant with adequate health and safety training
2. Further, or in the alternative, the accident at work was caused by the Defendant’s negligence.

**PARTICULARS OF NEGLIGENCE**

1. The Defendant was negligent in that it:
	1. Failed to operate a safe place of work;
	2. Failed to operate a safe system of work;
	3. Failed to provide suitable or sufficient information regarding the characteristics of the horse to inform the Claimant as to its likely behaviour;
	4. Failed to ensure that the horse’s assessment sheet was completed and/or was available for inspection;
	5. Failed to provide suitable instruction or supervision to the Claimant at all material times;
	6. Failed to provide any or any proper assistance by way of either equipment or additional staff;
	7. Failed to make any or any reasonable adjustments to the system of work following previous accidents and/or near accidents;
	8. Exposed the Claimant to a danger and/or a foreseeable risk of injury by reason of the inherently hazardous system of work;
	9. In the circumstances, failed to take any or any adequate care for the safety of the Claimant.
2. By reason of the Defendant’s negligence, the Claimant has suffered personal injury, loss and damage.

**PARTICULARS OF LOSS AND DAMAGE**

1. As a result of the accident, the Claimant sustained injuries to her left arm and lower back and also she suffered psychological symptoms.
2. The Claimant will rely upon the following medical evidence served with these proceedings: the medical report of Mr Charles Dickens, Consultant Orthopaedic Surgeon, dated 4 July 2101.
3. Full details of the Claimant’s claim for special damages are set out in the attached Schedule of Loss. The Claimant will file and serve an updated Schedule of Loss following receipt of updated medical evidence as set out above.
4. AND THE CLAIMANT CLAIMS:
	1. Damages for pain, suffering and loss of amenity;
	2. Damages for past, ongoing and future losses as set out in the Schedule of Loss;
	3. Interest upon damages at such a rate and for such a period as the Court deems fit;
	4. Costs

**STATEMENT OF TRUTH**

1. I believe that the facts contained in these Particulars of Claim are true.

Dated this day of

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Mrs Emily Cratchett, Claimant

And served this day of

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[insert solicitor’s name], Solicitor

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**and**

**SCROOGE STABLES (ENTIRELY FICTITIOUS) LIMITED**

**Defendant**

**PARTICULARS OF CLAIM**

**[solicitors’ address]**

**Solicitors for the Claimant**

**Ref:**