

Third party losses in a comparative perspective Three short lectures in honour of W.H.V. Rogers

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Abstract

In honour of Horton Rogers, as the holder of the rotational G.J. Wiarda chair at Utrecht University, a symposium was held on 13 June 2007 concerning the right of third parties to compensation in cases of injury – one of the most provoking themes in tort law and the law of damages. The key question was to what extent relatives and the employer of an injured victim should be compensated for their pecuniary losses and the loss of earnings caused by the primary victim's injuries. In three contributions an account of the state of the law was provided with regard to three European jurisdictions (English law, German law and Dutch law) and the so-called 'Principles on European Tort Law' and 'Principles on European Law on Liability for Damages'. These contributions show that all three national law systems have rights for relatives and employers to recover, in some form, but with substantial differences between the (rules governing) the amount of compensation and as to the nature of these rights. Both sets of European principles demonstrate great differences as well. In each contribution further reflections are given on what would be the better position to take. These three contributions are brought together in this article in which also the state of the law is critically discussed.

Keywords

third party; damages; injury; liability; personal injury; loss of income

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