



Quiz

The Reasonableness of Replacement Hire Cars

1. What differentiated *Lee v Strelricks* from the other cases held together in the Court of Appeal?
 - a. It began life as a judicial review application
 - b. It was an appeal matter from the local court
 - c. It involved an argument relating to the reasonableness of hiring a luxury car
 - d. It was an appeal brought by defendant as the court in the first instance had awarded the full amount claimed to the plaintiff
2. What was the approach taken by the local court up until this matter was brought before the Court of Appeal?
 - a. To compensate the plaintiff for the market rate of hiring a suitable car
 - b. To compensate the plaintiff for the market rate of hiring the particular car that they hired
 - c. To compensate the plaintiff for the market rate of a like-for-like car to the one that had been damaged
 - d. To compensate the plaintiff for whichever car they chose to hire for the inconvenience of the loss of their car as a result of the negligence of another party
3. What was the so called Anthanasopoulos measure of damages?

- a. The idea that the court should fix an award of damages to compensate the inconvenience of being without a car
 - b. The idea that the court should fix an award of damages so that the plaintiff is put back into the position that they would otherwise have been in if not for the defendant's negligence
 - c. The idea that damages relating to the hire of a car as a result of negligence should be classified as 'special damages'
 - d. Both A and C
4. Which of the following is part of the eight point plan for principles involved in determining a so-called credit hire case set out by Justice White in his judgement?
- a. The plaintiff has the onus of establishing that he or she suffered some loss by reason of being deprived of use of the vehicle for a period
 - b. The plaintiff is entitled to recover as special damages expenses reasonably incurred to mitigate the loss of use of the damaged vehicle
 - c. Prima facie, it can be inferred that the plaintiff will have a reasonable need for a "commensurate" vehicle, or a "reasonably equivalent" vehicle, or a "reasonable substitute", or a "broadly comparable" replacement vehicle
 - d. All of the above
5. What was the decision of the Court of Appeal?
- a. The majority judgement essentially agreed with the decision advanced by credit hire businesses, that a reasonable replacement vehicle is not to be assessed only by reference to the inconvenience to the plaintiff
 - b. The majority judgement essentially agreed with the approach that had been adopted by the local court
 - c. That the reasonableness of a hire car is based on the need of for a replacement vehicle and the market cost of providing a replacement vehicle
 - d. Both B and C

Answers:

1. A 2. A 3. A 4. D 5. A