

The Soldiers, Sailors, Airmen and Families Association - Forces Help and another (Respondents) v Allgemeines Krankenhaus Viersen GmbH (Appellant)

Case ID: 2020/0154

Case summary

Issue

This appeal concerns the interpretation of the Civil Liability (Contribution) Act 1978 (the 1978 Act). The single issue is whether the 1978 Act has extra-territorial effect. If it does then a contribution claim can be brought under the 1978 Act even though the contribution claim is governed by a foreign law rather than English law. Allgemeines Krankenhaus Viersen GmbH (AKV) argues that it does not have extra-territorial effect.

Facts

Mr Roberts suffered brain damage at birth in the Viersen General Hospital (AKV) in Germany in June 2000. Mr Roberts claims that this occurred as a result of the negligence of the attendant midwife, who was employed by the Soldiers, Sailors, Airmen and Families Association Forces Help (SSAFA). He also sued the Ministry of Defence (MoD), which will indemnify SSAFA against any liability.

SSAFA and MoD have brought a claim against AKV for contribution if Mr Roberts' claim against them succeeds. The basis for this contribution claim is the 1978 Act. The parties agree that the law governing the contribution claim is German law and under German law, the claim would be time-barred. However, if the 1978 Act has extra-territorial effect and if SSAFA/MoD can show that AKV is liable under it, their contribution claim will be in time.

The High Court considered this issue as a preliminary issue before the rest of Mr Roberts' claim is decided. The High Court decided that the 1978 Act does have extra-territorial effect and therefore SSAFA/MoD's contribution claim against AKV is not time-barred. The Court of Appeal agreed. AKV now appeals to the Supreme Court.

Judgment appealed

[\[2020\] EWCA Civ 926](#)

Parties

Appellant(s)

Allgemeines Krankenhaus Viersen GmbH (Appellant)

Respondent(s)

- 1) The Soldiers, Sailors, Airmen and Families Association - Forces Help,
- 2) Ministry of Defence

Appeal

Justices

Lord Reed, Lord Hodge, Lord Kitchin, Lord Lloyd-Jones, Lord Hughes

Hearing start date

29 March 2022

Hearing finish date

29 March 2022

Watch hearing

29 March 2022 [Morning session](#) [Afternoon session](#)