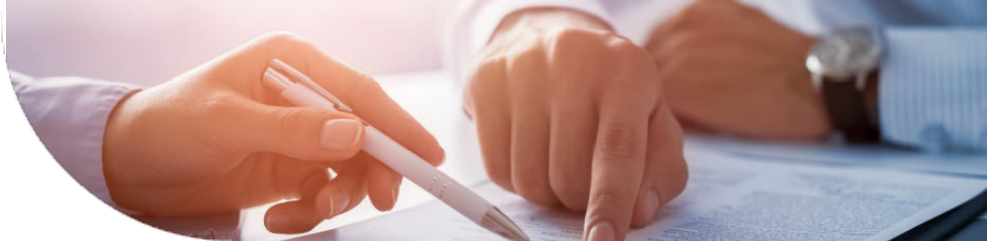

Fundamental Dishonesty in Personal Injury or Clinical Negligence claims

A person making a claim for personal injury or clinical negligence (otherwise known as a 'Claimant') is fundamentally dishonest if they have acted in a way that ordinary reasonable people would consider to be dishonest, such as lying, exaggerating, or otherwise misconstruing the truth.

For the dishonesty to be 'fundamental', it must relate to something that is crucial to the case and on a balance of probabilities substantially affected the presentation of their case, either in respect of liability (who was responsible for the injury or negligence) or quantum (the monetary value of the case).

A finding by the Court of fundamental dishonesty can affect your claim in many ways. These include but are not limited to:

- Your case being struck out altogether;
- You can lose your protection as a Claimant under the qualified one way costs shifting regime;
- Deprivation of the value of damages awarded;
- Past settlements can be set aside and the court can order you pay monies recovered by way of damages back to the Defendant; and
- Criminal liability such as fines and imprisonment.

It is therefore important to be truthful from the outset of your claim and to continue to be even after it has settled.

For more information on fundamental dishonesty and the implications of a finding of fundamental dishonesty in a personal injury or clinical negligence claim, please refer to our Fundamental Dishonesty Do's and Don'ts guide

Tel: 0344 967 0793 | Email: info@LA-Law.com | www.lesteraldridge.com

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