

Tindall and another (Appellants) v Chief Constable of Thames Valley Police (Respondent)

Case ID: UKSC 2023/0059

Case summary

Issues

In the circumstances, did the Court of Appeal err in finding that the police did not owe road users a duty of care to protect them from harm, either on the basis that their presence at the scene made the situation worse or that they assumed a responsibility to protect road users?

Facts

The following facts are assumed for the purpose of the appeal. On 4 March 2014, Mr Kendall's car skidded on a patch of black ice on the A413 road, causing him to lose control and roll over into a ditch. Concerned by the state of the road, after making an emergency call, he stood by the road signalling cars to slow down.

Around 20 minutes later, police officers attended the scene. They started clearing up debris from the accident and put up a "Police Slow" sign up. After warning the police about the dangerous state of the road, Mr Kendall left to visit the hospital to tend for non-life-threatening injuries he had suffered. It is alleged that, but for the arrival of the police, Mr Kendall would have continued attempts to alert road users of the danger. Having cleared the debris, and after Mr Kendall had gone to hospital, the police officers removed the "Police Slow" sign and left the scene, with the road in the same condition as it had been previously. They did so in the belief that there was no hazard and having failed to discover or inspect the sheet ice.

About an hour after the first accident, at 5.45am Mr Malcom Tindall was killed in a second accident when his car was hit by an oncoming vehicle which had skidded on the ice (the driver, Mr Bird, was also killed).

The Appellant, widow and administratrix of the estate of Mr Tindall, brought a claim against the Chief Constable of Thames Valley Police, the Respondent, alleging the police's conduct at the scene of the accident was negligent and that the Chief Constable is vicariously liable.

The Chief Constable applied to strike out the Appellant's claim as disclosing no reasonable cause of action or, alternatively, for summary judgment. The application failed at first instance but succeeded on appeal before the Court of Appeal. The Appellant now appeals to the Supreme Court.

Judgment appealed

[\[2022\] EWCA Civ 25](#)

Parties

Appellant(s)

(1) Valerie Tindall (2) Valerie Tindall (Administratrix of the Estate of Malcolm Tindall)

Respondent(s)

Chief Constable of Thames Valley Police

Appeal

Justices

Lord Hodge, Lord Briggs, Lord Leggatt, Lord Burrows, Lady Simler

Hearing start date

26 June 2024

Hearing finish date

27 June 2024

Watch hearing

26 June 2024 [Morning session](#) [Afternoon session](#)

27 June 2024 [Morning session](#)