



A VOICE FOR INJURED PEOPLE

2016 ANNUAL REPORT
& ACCOUNTS



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AIMS & OBJECTIVES

AIMS

Believes passionately that victims deserve committed, well trained lawyers to support their fight for justice;

Understands that injured people can often be the most vulnerable in society and need help;

Campaigns to make a tangible difference to the lives of injured people and society as a whole;

Reassures victims and acts fairly with honesty and integrity;

Drives up standards in personal injury law and process, encouraging innovation and efficiency;

Is 'not for profit' and does not seek to make money out of the misfortune of injured people;

Treats law as a rewarding vocation, not a job, and encourages its members to thrive in their work.

OBJECTIVES

1. To promote full and just compensation for all types of personal injury;

2. To promote and develop expertise in the practice of personal injury law;

3. To promote wider redress for personal injury in the legal system;

4. To campaign for improvements in personal injury law;

5. To promote safety and alert the public to hazards wherever they arise;

6. To provide a communication network for members.



NEIL SUGARMAN

PRESIDENT'S REPORT

“During the year we have taken steps to re-invigorate our regional and special interest groups, working with our incredibly dedicated secretaries and co-ordinators.”



Having been an APIL member and an executive committee member for a very long time, I struggle to recall the last time that we could be said not to have had a challenging year in terms of protecting the rights of injured people and looking after the interests of our members.

This year has been no exception and if anything, has thrown up the greatest challenges ever in terms of the threats faced by our injured clients and the attacks on their rights.

The perfect storm of a consultation aimed at reforming the soft tissue injury compensation process, a review by Lord Justice Jackson of his proposals for there to be fixed costs in the multi-track, continued prevarication by the Lord Chancellor in announcing the outcome of a review to the discount rate and the spectre of a consultation on fixing costs in so called low value clinical negligence claims blew throughout the year.

Each and every one of these issues affects injured people. However, when we have a situation in which a government proposes to remove historic basic common law rights, premised on misleading information perpetuated by a powerful commercial section of the community, it serves as a reminder of the importance of what we do in standing up for those rights.

In my presidential address when taking office I emphasised the importance of our membership being prepared to assist by providing both case studies and hard data to support our arguments. They are far more persuasive than anecdote. Ideally we want firms to share their data with us. Some progress has been made, including with our corporate accredited members, but we need to do much more.

During the year we have taken steps to re-invigorate our regional and special interest groups, working with our incredibly dedicated secretaries and co-ordinators. They do an excellent job but they need better membership support for the meetings that they organise. We will continue to change the emphasis so that those meetings are also regarded as an opportunity to engage with executive committee members.

There had been a comprehensive in depth review of APIL's governance structures, enabling the organisation to look at both its formal corporate

structure, and also at less formal structures aimed at encouraging flexibility, equality and diversity.

Our accreditation standards remain the kite-mark for personal injury practice and are highly rated and greatly admired. There remains work to do in continuing to build our brand in the public consciousness.

It is difficult to describe the immense hard work, dedication and passion of the APIL management and staff. They deserve the thanks of the whole membership and the people who we represent.

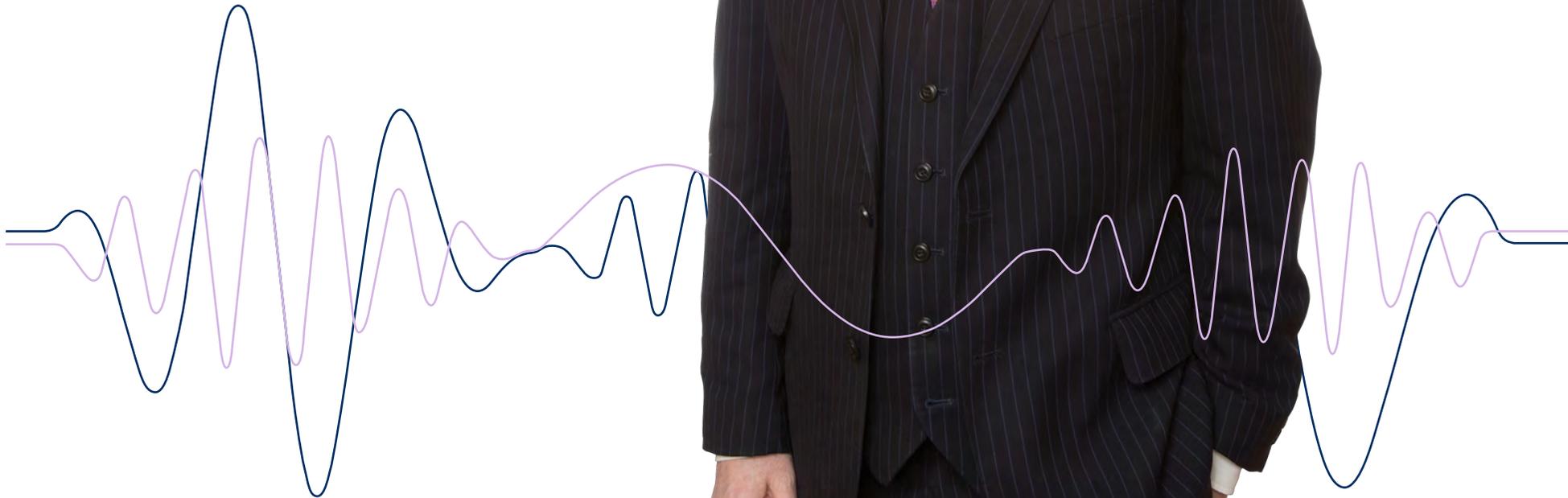
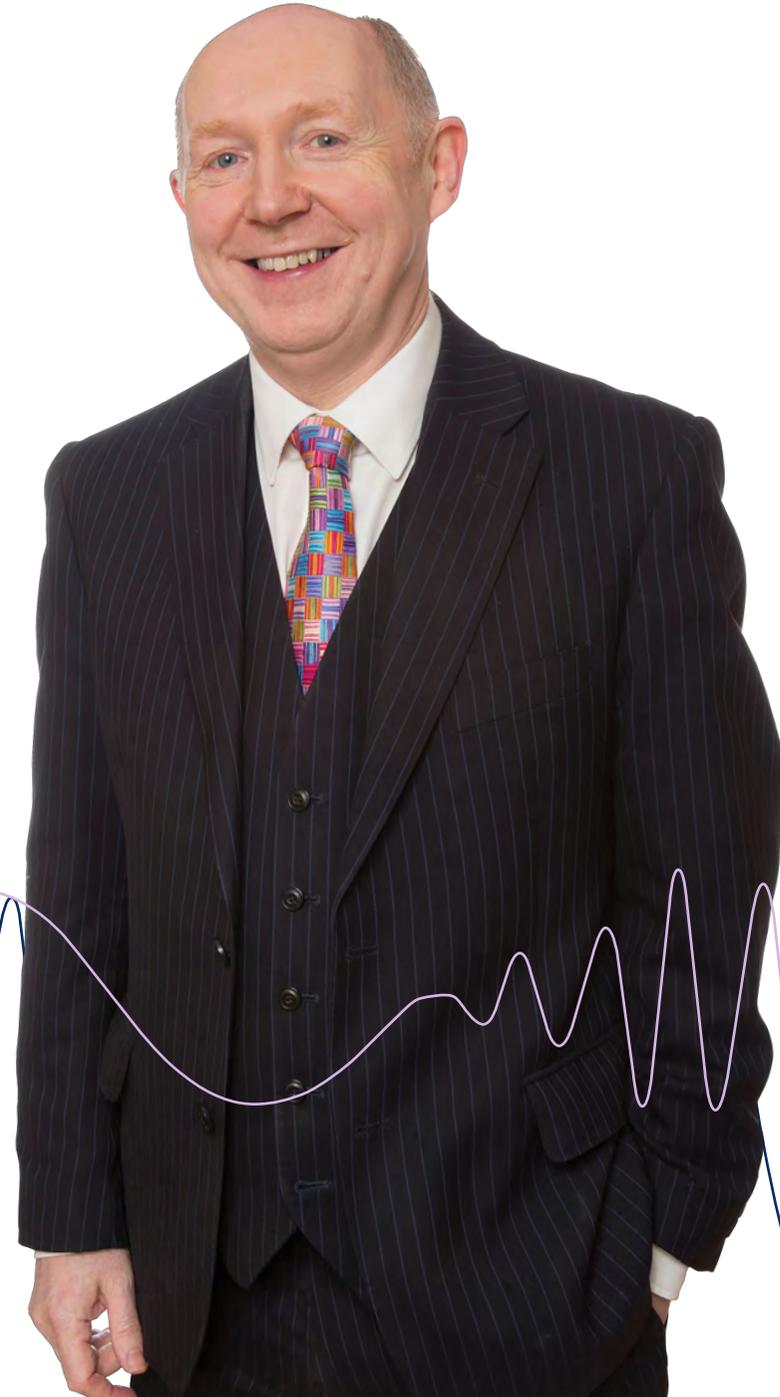
Neil Sugarman
President



JOHN McQUATER

SECRETARY'S REPORT

“This has been a year of uncertainty, with delays to further proposed reform resulting from the referendum.”



This is my first report as APIL Secretary.

I should start by thanking my predecessor, Stuart Kightley, for all his work, through challenging times, as Secretary.

It has been a pleasure to work with my fellow officers Neil Sugarman, Brett Dixon and Nigel Tomkins as well, of course, as our CEO Deborah Evans.

This has been a year of uncertainty, with delays to further proposed reform resulting from the referendum. The APIL office has worked tirelessly, and effectively, in getting our message across both by formal responses to consultations and by generating media interest on a range of related matters.

It has also been good, throughout the year, to see so many familiar faces at regional meetings and on training events. That shows how resilient APIL members have been in dealing with all the changes of recent years.

An important aspect of the Secretary's role this year has been dealing with the governance review, aiming to update the systems in place to help run APIL. Some of the work already done has resulted in proposed changes which members will be asked to approve at the AGM. That work will continue.

The next year, as we seem to say every year, will be just as challenging as the last. I very much look forward to working with Gordon Dalyell, as he takes up the post of Vice President, as well as the other officers, and CEO, APIL staff and members in 2017.

John McQuater
Secretary



DEBORAH EVANS

CHIEF EXECUTIVE'S REPORT

“APIL had not rested on its laurels during the quiet period, forming a strategic alliance with the Law Society and MASS and taking time to instruct independent economists to examine whiplash-related data.”



From the perspective of reform, 2016 was a year of delayed proposals. The pre-consultation on fixed costs in medical negligence cases launched by the Department of Health in August 2015 did not result in a fully formed proposal.

Always imminent, APIL was ready for the consultation, having carried out extensive preparation with the APIL working group and the Law Society's focus group, engaging with the NHSLA and building good relations with the civil servant who also spoke to APIL members at the Clinical Negligence conference.

Promises made by the Government to drastically reform whiplash and other low value personal injury claims in the 2015 Autumn Statement also appeared to wither on the vine as Ministers for Justice came and went as a result of Brexit. But finally in November the proposals were re-engineered and re-appeared in a consultation, requiring lightening quick responses.

APIL had not rested on its laurels during the quiet period, forming a strategic alliance with the Law Society and MASS and taking time to instruct independent economists to examine whiplash-related data. At the point of consultation launch we could move quickly to complete the report. Members assisted with surveys and the provision of extensive data. This proved essential: the short

response timetable would have precluded us from putting valuable data on the table had we not been prepared. The economists at Compass Lexecon were able to critically examine the governments' impact assessment, showing that not only were the sums wrong, but that the model was fundamentally flawed.

During 2016 Lord Justice Jackson spoke of fixed costs in higher value cases and Lord Justice Briggs talked about court reform and the digitalisation of the claims process. APIL ensured that the voices of injured people and its members did not go unheard.

The merry-go-round of reform started to look disjointed and lacking in a master plan - how would all these reforms fit together?

Moves to improve Medco were made, and shell companies were suspended from trading. Planning for the future role of Medco became more challenging as a result of the small claims proposals potentially changing and widening its scope. An upgrade to the portal was rolled out,

but it too had an unclear and uncertain future in the light of proposed reforms. APIL sought clarification, but answers will not come until decisions are made in 2017.

APIL was, as ever, proactive. The innovative 'Can the Spam' campaign drew attention to the problem of cold calling, sparking calls for a complete ban. APIL attended party conferences and worked tirelessly to influence reforms through targeted lobbying. We are truly grateful to the members - their engagement has been unswerving as we strive to influence never-ending attacks on the rights of injured people.

Deborah Evans
Chief Executive



APIL

ANNUAL REVIEW

“Our specialist conferences go from strength to strength, and webinars are proving an accessible and cost effective way for members to access up to the minute training.”



Law reform - protecting the rights of injured people

Small claims limit and whiplash proposals

At the start of the year APIL's plans for dealing with the Government's announcement that it planned to remove damages for whiplash claims and increase the small claims limit got into full swing.

Research questionnaires were sent to all members. The response was excellent and the results helped to inform APIL's activity during the rest of the year as it awaited publication of the consultation.

The Association also met civil servants and Lord Faulks at the Ministry of Justice, filed Freedom of Information Act requests, conducted research on the general public via YouGov and met members and other stakeholders to provide and receive updates and share information.

APIL also worked with the Law Society and MASS as part of its Strategic Alliance to ensure that the messages, work and information obtained was shared between the organisations.

Initial advice was obtained on the proposals: that advice was then followed up with the instruction

of Bindmans Solicitors and senior counsel in the autumn once the consultation paper was finally published to consider options for responding to the government's proposals.

Having announced in October that the consultation would be delayed, the Government then issued the consultation document a month later. With a short response time over the Christmas period, APIL put together a detailed response. We scrutinised the Government's premise for reform with data. Members provided an excellent response to the call for case studies allowing us to substantiate our arguments with illustrations.

APIL's scrutiny of the Government's impact assessment found that the Government had underestimated the costs of the proposals to injured people and the taxpayer.

Analysis also found that motorists were unlikely to benefit from lower motor insurance premiums, even if the reforms successfully cut the cost of personal injury claims. This is because the insurance industry failed to deliver premium

reductions following previous legal reform which successfully reduced these costs.

The Association worked closely with the Law Society and MASS, instructing Compass Lexecon, economists, to prepare a report which analysed the Government's impact assessment of the proposed reforms.

Even based on the figures and assumptions used by the Government, Compass Lexecon found that the proposals, if introduced, will benefit insurers at the expense of consumers and the taxpayer. The costs to consumers and taxpayers of the Government's preferred options were found to outweigh the benefits by more than £100 million

Fixed costs - round two

Lord Justice Jackson gave a lecture in January 2016 suggesting that there should be an introduction of an 'extensive' regime of fixed costs in civil litigation. This was followed by an announcement in November from senior members of the Judiciary confirming that Sir Rupert would carry out the review and report by



the end of July 2017. APIL started to gather case studies and data to inform the consultation phase this work will continue into 2017.

Discount rate

Freedom of Information Act requests were used to find out more about the expert panel of three which had been set up late in 2015 to advise the Lord Chancellor on the review of the discount rate. APIL was also asked by the Ministry of Justice's Analytical Services to take part in developing an analytical modelling tool but it became apparent that we could not assist.

The EC took the decision to revisit its 2011 judicial review. After a letter before claim, proceedings for a judicial review of the Lord Chancellor's continued failure to review the discount rate were issued in December 2016. Within a week, the Lord Chancellor had undertaken to announce the result of the discount rate review by the end of January 2017. The Association of British Insurers then issued its own judicial review of the Lord Chancellor's decision to review the rate and announce the result by 31 January. The permission hearing, and application for interim relief is listed for January 2017. APIL has successfully applied to intervene.

Protecting workers

APIL provided written evidence to the Justice Committee of the Scottish Parliament's Inquiry into the role and purpose of the Crown Office and Procurator Fiscal Service. The paper pointed out that all workplace injury has an economic cost to society it also stressed the importance of the Crown Office's role in prosecuting companies who fail to take out compulsory employer's liability insurance. Case studies we used to highlight the impact such failing can have on employees and their families. The paper also took

the opportunity to raise the need for a fund of last resort where employers fail to hold the necessary insurance required.

The response acknowledged that the Crown Office has made some positive steps in recent years to increase its prosecution rate for health and safety offences however, prosecutions were only raised in 1 percent of cases. This paper provided a background for APIL being invited to give oral evidence.

Rapid Resolution Redress Scheme for Cerebral Palsy cases

APIL was invited to a meeting at the Department of Health (DoH) in June to discuss the feasibility of an alternative compensation route for birth injury cases. The Department had been working with the NHSLA to consider how that route might be designed. A voluntary scheme for avoidable birth injuries cases caused to babies during labour and delivery was suggested. It was also being proposed that there would be central collecting of data which would in-turn identify opportunities for learning. The aim of scheme was to provide an improved experience for families and access to state support. However the overall compensation offered was only 90 percent of an average award for cerebral palsy with reliance on state support, rather than private care. In October the DoH announced that there will be a public consultation on a new rapid resolution and redress scheme in due course.

Clinical negligence fixed cost proposals

Following the issue of a pre-consultation document last year, a full consultation was expected in 2016. APIL's working group met throughout the year to refine APIL's planned response to the expected consultation proposals. Meetings with both Department of Health officials

and the Parliamentary Under-Secretary for Health, Ben Gummer MP took place. The publication date for the consultation was repeatedly postponed and by the year end, no date had been set. APIL also took part in stakeholder meetings with the Law Society, AvMA, and SCIL.

Preparation continued in the meantime: Freedom of Information Act requests were submitted – the responses shared with the other stakeholders and PIBA. A dedicated twitter account and a LinkedIn page for APIL's clinical negligence practitioners were both set up.

Civil Court Structure review

Lord Justice Briggs published his interim report in January and arranged a second meeting with APIL and its members in May. Attendees included SIG co-ordinators and secretaries who discussed ideas relating to an online court process, small claims, litigants in person, court specialisation and other related issues.

APIL responded to Lord Justice Briggs' interim report welcoming the idea of an online court, provided that the small claims court limit remained at £1,000. Any online court must be properly resourced, built and piloted before being rolled out nationwide. APIL agreed with Briggs LJ that fast track personal injury claims were not suitable for inclusion in an online court due to an "uneven playing field" between the parties. Briggs LJ published his final report in July.

Civil Justice Council - Noise induced hearing loss

This project moved to phase two during 2016, looking at fixing costs in these cases. The claimant and defendant groups separately collected data to cost each step of the NIHL claims process. Cenric Clement-Evans and



Bridget Collier represented APIL on the working group and took part in two mediation days with the defendant group, mediated by Sir Alan Ward, former Judge of the Court of Appeal of England and Wales and Peter Hurst, former Senior Costs Judge of England & Wales. A final report is expected in early 2017.

Insurance fraud taskforce

Despite a good working relationship within the sub-group set up by the taskforce, the interim report was not viewed favourably by the claimant representatives in the sub-group. APIL and the National Accident Helpline prepared a response identifying concerns about the defendant bias in the report's stance. We were particularly

concerned that insurers appeared to be using the taskforce as a vehicle to re-introduce changes which they had already had rejected in other forums, consultations and Government policy decisions, including penalising claimants whose claims were lodged after six months in some cases, raising the small claims track limit and removing general damages for whiplash, or personal injury in general.

Consultations

APIL had another busy year responding to consultations papers across the jurisdictions in 2016. The papers covered a broad range of issues affecting the rights of injured people. Over the last 12 months the Executive Committee has sought the involvement of the wider membership

to help form policy. Special interest and regional group coordinators and secretaries are regularly contacted to provide input in to policy development. APIL members can comment on consultations via the "Current Consultations" page on the members' area of the website.

All of APIL's consultation responses can be found on the Association's website under "Campaigning" and "Consultations and Responses".

In addition to those already mentioned above, other consultations responded to this year include:

Safe spaces in healthcare investigations

Of note this year was the Department of Health's (DoH) proposal to introduce "safe spaces" for healthcare investigations. In its consultation the DoH proposed that there should be a statutory prohibition on the disclosure of material obtained during certain health care investigations, unless the High Court makes an order permitting disclosure. This would, the DoH contended, move the NHS away from a culture of blame and towards a culture of learning. APIL warned in a response that safe spaces would not assist with improving the learning culture, and are contrary to the duty of candour.

Law Commission 13th Programme of Law Reform

APIL recommended reform of employers' liability and public liability insurance in response to the Law Commission's 13th Programme of Law Reform. The Employers' Liability (Compulsory Insurance) Regulations 1998 require a minimum indemnity level of £5 million, and APIL calls for this to be increased. The current level means that periodical payments cannot often be awarded in catastrophic cases, even if they would be the



best option in the circumstances of the case. The Employers' Liability (Compulsory Insurance) Act 1969 should also be amended, to provide that where the employer has put in place insurance which is inadequate or unable to cover the costs of the claim, the director/officers of business should be civilly, as well as criminally, liable. APIL also calls for a requirement for all organisations and businesses which come into contact with the public, and which are already required by law to have employer's liability insurance, to also have public liability insurance.

Motor insurance reform and driverless cars

In July the Centre for Connected and Automated Vehicles issued a consultation on the insurance mechanism for driverless cars. APIL saw no need to require owners of driverless vehicles to obtain a costly "bolt-on" public liability insurance policy to provide cover. Instead, accidents involving driverless cars should be dealt with under the scope of the existing car insurance policy. APIL also called for wider reform of the Road Traffic Act to bring it in line with the Motor Insurance Directive.

Later in the year, the European Commission produced an Initial Impact Assessment, asking for views on whether the Motor Insurance Directive's scope should be narrowed following the CJEU's decision in *Vnuk*. The UK Government is now also consulting on amending the scope of the Road Traffic Act in line with *Vnuk*, and APIL will respond in due course.

Northern Ireland

Consultations in Northern Ireland this year have focused on procedural changes and scale costs.

In March, the County Court Rules Committee published a response to its review of the county



“APIL saw no need to require owners of driverless vehicles to obtain a costly “bolt-on” public liability insurance policy to provide cover.”

court procedure, and issued a further consultation on scale costs. In response, APIL called for a full review of scale costs – the last one having taken place in 2011. The Rule Committee decided not to take forward any amendments to civil procedure, as these fell within the scope of Lord Justice Gillen's review of Civil and Family Justice.

Lord Justice Gillen's draft report on Civil Justice was published for review in October. APIL welcomed many of the recommendations, including increased use of technology in the court system and amendments to the rules to allow plaintiffs to make an offer of settlement.

Gillen LJ also echoed APIL's recommendations for a number of much-needed improvements to the county court pre-action protocol. APIL warned against an increase in the County Court jurisdiction to £75,000, but felt that civil justice centres could provide an opportunity for greater specialism for county court judges.

Scotland

Following initial consultation in 2014, the Scottish Government issued a consultation on a proposed "no blame" redress scheme for clinical negligence cases. Under the scheme, a pursuer would be required to prove that there had been "causally connected avoidable harm". APIL warned that a no blame scheme would be expensive to administer, and would not achieve the objectives of reducing litigation because issues of causation would remain. The scheme as drafted would also take away the rights of litigants to use the courts and it is vital that any person injured through negligence should continue to be able to litigate.

APIL also responded to a Scottish Government consultation on increases in court fees. APIL set out that full cost recovery should not be the main focus when setting court fees and that, if full cost recovery must be used as the method for setting court fees, a more detailed analysis of the costs and judicial time involved in each type of court proceeding should be carried out.

Legal affairs

Working with other organisations

HM Revenue & Customs work histories

In the first quarter of the year members approached APIL with evidence of very long delays of up to 13 months in obtaining schedules of the claimant's work history from HMRC.

These delays were having a knock-on effect on disease claims – particularly those relating to long-tail diseases. APIL took part in a discussion with members and counsel, offering to assist by contacting the HMRC and the Civil Procedure Rules Committee. That led to a useful meeting with HMRC and an article in PI Focus. Further contact with HMRC took place during the year to monitor the delay times and more co-operation is planned for 2017.

Register of Mediators

Following publicity at the APIL 2016 Annual Conference, the pilot for the APIL FOIL MASS Register of Mediators pilot began in June. It was decided in September to amend the register to cater for specialist clinical negligence mediators, as well as those who carry out personal injury mediation. Amendments were made to the qualifying criteria and to the website and the testing period was extended. The site is due to go live in Spring 2017.

The Law Society – CLAF

APIL was invited, along with other organisations, by the Law Society to discuss the feasibility of a contingency legal aid fund (CLAF) as a means of civil litigation funding. Along with the Housing Law Practitioners Association, AvMA, Association of Costs Lawyers, the general consensus was that a CLAF would be unlikely to work in a costs environment where there was an established CFA regime. The Law Society planned follow up discussions with the Bar Council and CILEX having obtained useful information from this group.

The Guide to the Conduct of Cases Involving Serious Injury

Just over a year on from its launch, there are now 62 claimant participants to the Serious Injury

Guide. Feedback from both the claimant and defendant side has been largely positive. The Civil Procedure Rule Committee has accepted a proposal to amend the Pre-action Protocol for Personal Injury Claims to include a link to the Serious Injury Guide. The Guide has also been published in the 2016/2017 edition of Facts and Figures.

Civil Justice Council – ‘hot tubbing’

The Civil Justice Council invited APIL to take part in a working group to gain a better understanding of the use of concurrent evidence (or ‘hot-tubbing’) in English courtrooms. A report was subsequently published in July 2016, suggesting some amendment of Court Guides, and judicial training, to encourage consistency and familiarity with the procedure of hot-tubbing – albeit with the overriding caveat that the technique will not be for every case.

CCMCC – Stakeholder Group

APIL attends the County Court Money Claims Centre as one of a group of practitioner representatives and civil servants which meets quarterly. The group discusses issues which have arisen over the preceding months and provides updates which are of use to the court and court users.

HMCTS – Transformation

APIL’s vice president Brett Dixon attends this group which is tasked with contributing towards HMCTS’s understanding of the legal profession as it works towards digitalising the civil courts. In addition to Brett’s attendance, APIL has also assisted by commissioning member research, asking practice based questions relating to communicating with clients, identity management and authentication, as well as

communicating with clients who have a disability.

Department of Justice for Northern Ireland: Legal Aid

APIL was invited to meet with representatives of the Department of Justice for Northern Ireland to discuss alternatives to legal aid for money damages claims. APIL stressed the importance of having a workable funding mechanism in place before legal aid for money damages claims was removed. APIL put forward the case for conditional fee agreements with recoverable success fees.

Claims Management Regulatory Consultative Group

APIL attended the June and October meetings of the Claims Management Regulatory Consultative Group this year. At the October meeting, it was revealed that between June and September 2016, the number of authorised businesses had fallen to 1,500 overall, with just over half of those businesses operating in the personal injury sector.

CICA

We attend regular policy and equality forum meetings with other stakeholder representatives, to provide guidance and feedback on the CICA scheme.

In the final quarter of the year APIL assisted the CICA which asked to contact Scottish and English members to obtain feedback on how the CICA online customer portal it is working and how it could be improved.

Legal challenge – requests for funding and/or intervention

Applications for financial assistance or to intervene are regularly received by the APIL office



Lord Faulks QC, addressing APIL's annual conference

and the association also pro-actively takes the initiative to intervene in individual cases. A strict set of criteria is applied to all applications.

In 2016 APIL received eight requests for funding and/or intervention, three more than in the previous year. Four of the requests were accepted. Reasons for non-acceptance ranged from the case advanced being contrary to APIL policy, requests for substantial financial indemnity, a view that the claim was being well-argued where APIL's intervention might be counter-productive, to insufficient time being given to fully consider the request. This year, written submissions to the Court of Appeal were made by APIL in the cases

of *Iqbal v Leek*, *Qader v Khan* and *Broadhurst v Tan* (which had carried over from 2015), all of which proved successful in helping to persuade the court to come to a helpful decision.

Code of conduct

A review of APIL's code of conduct highlighted some changes which were necessary this year. These include amendments relating to both cold calling (which is already in the code) and payments for referrals. The code's enforcement procedure has also been amended. The amendments were published in October 2016.

“A survey of APIL members found that claimants receive significantly lower settlements from compensators when they are not legally represented.”

Complaints

APIL received three complaints about members or their firms' activities this year. One of these complaints was resolved when it appeared the firm in question had been the victim of firm identity theft in a spam email campaign. One complaint related to an individual who is not an APIL member and the EC also terminated the membership of a member who had been struck off by the SRA. APIL also received a complaint from Jet2 which made serious allegations about personal injury lawyers in general, but without specifying particular individuals about whom it had concerns. Jet2 has failed to respond to a request for more detail.

PIneedToKnow

APIL's legal affairs and public affairs teams conduct a daily monitor of news, legal, political, government and stakeholder websites to ensure that the association remains up to date on daily developments of interest. Since 2014 the Legal Affairs team has tweeted the majority of the detail from this web monitoring via its dedicated twitter account @pineedtoknow. The account is aimed primarily at APIL members and experts, but attracts an audience of companies and individuals with an interest in keeping up to date about developments in PI law and related issues.

Research

APIL recruited a Policy Research Officer in March this year to assist with the association’s policy, campaigns and rebuttal work. Research projects this year:

Small claims related research projects:

A number of projects this year were designed to inform APIL’s planned response to proposals to increase the small claims court limit and reform whiplash injury claims:

- **Unrepresented claimants likely to be undercompensated**

A survey of APIL members found that claimants receive significantly lower settlements from compensators when they are not legally represented, exposing the risk to injured people from the Government’s small claims proposals. This data indicates that RTA claimants receive offers which are at least 42% lower when they are not legally represented, with unrepresented

EL/ PL claimants receiving offers which are at least 28% lower.

- **YouGov polling exposes “compensation culture” narrative as myth**

The “compensation culture” narrative employed by the insurance industry was exposed as a myth by YouGov polling undertaken in February. Analysis of this polling found that well over half (65%) of adults who had suffered a personal injury had not gone on to complete a compensation claim.

YouGov’s polling also showed that the majority of injured claimants would be affected by an increase in the small claims limit to £5,000. 68% of successful personal injury claimants received £1,000 - £5,000 in compensation.

- **YouGov solicitor fees research**

Further research was undertaken in anticipation of Government proposals to increase the small claims limit. APIL commissioned YouGov to poll on whether people would accept a

solicitor’s help, even if some of their damages were taken as part of the fee.

The poll found that just seven per cent of adults in England and Wales would be likely to accept a solicitor’s help if they took 50 per cent of their damages. Of those people surveyed who had made a personal injury claim in the past, 20 per cent said they would accept a solicitor’s help if they took 50 per cent of their damages. These results suggest that only a small proportion of people would appoint a solicitor if their legal fees could not be recovered from the defendant.

- **Fraud a fraction of all claims**

With insurers and the Government expressing concern about fraud in low value personal injury cases, the ABI’s data own was analysed. We found that just one in every four hundred motor claims is proven to be fraudulent. It was also established that no data has been published which specifically relates to fraud

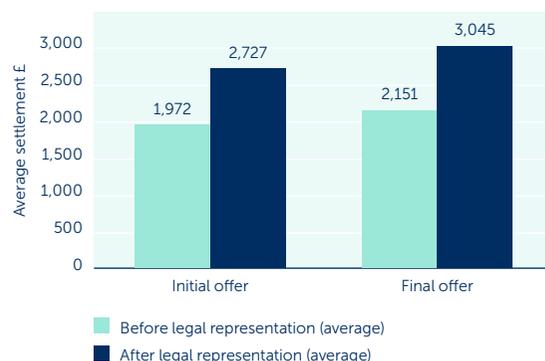
Cost of motor related personal injury claims vs average motor insurance premium (base = 2013)

Source : Number of settled bodily injury claims (private car) – ABI
Average cost of settled bodily injury claims (private car) – ABI
Average motor premium – ABI



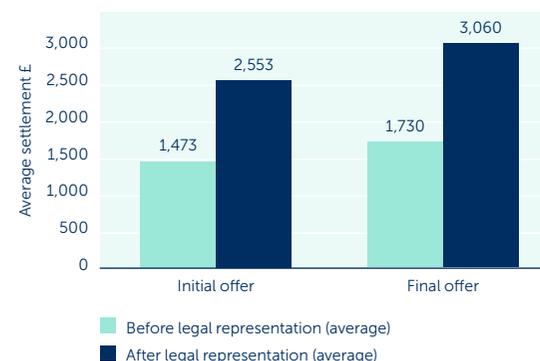
Settlement before and after legal representation (EL and PL)

Source : APIL 2016 Membership Survey



Settlement before and after legal representation (RTA)

Source : APIL 2016 Membership Survey





in personal injury cases. This suggests that the Government and insurance industry have failed to substantiate their concerns about the incidence of fraud in such cases.

• **Whiplash claims continue to fall**

Analysis of Freedom of Information responses provided by the Government's Compensation Recovery Unit found that the number of whiplash claims has fallen by 41 per cent since 2010/11. Additionally, fewer people are making claims for being injured in hospital or at work. Employer liability claims have fallen by 18 per cent since 2013/14, while clinical negligence claims have fallen by three per cent since a peak in 2013/14. The total number of personal injury claims has fallen by six per cent since 2012/13.

LASPO related research:

- Fenn report finds injured people worse off since LASPO's introduction

Professor Paul Fenn's report for APIL on the impact of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2013 was analysed. This found that insurers have benefited from LASPO at the expense of the injured person. Take, for example, a fast track RTA claim where liability is not admitted at an early stage. APIL's analysis of the Fenn report found that a defendant in such a case is, on average, £773 better off as a result of the reforms, while the claimant is £335 worse off.

- Insurers found to have made huge savings on personal injury claims

With the insurance industry blaming rapidly rising motor insurance premiums on personal injury claims, the ABI's own data was also analysed to establish what was really pushing up premiums. The analysis found that, since the introduction of LASPO in 2013, insurers have made annual savings of £500 million on motor related personal injury claims. However, with premiums rising, motorists haven't benefited from the insurers' windfall.

Other research projects

• **Accident claims nuisance calls and text**

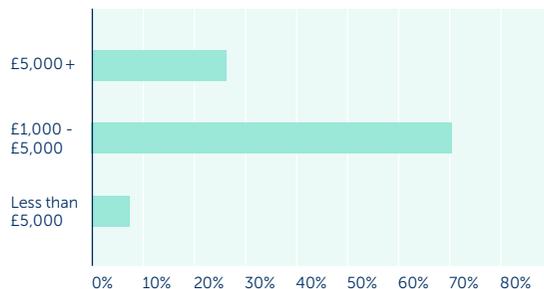
Data published by the Information Commissioner's Office (ICO) was analysed, exposing a 45 per cent increase in the number of complaints about accident claims calls and texts during 2015.

• **The truth behind the numbers in the NHSLA's annual report**

The NHS Litigation Authority's (NHSLA) annual report drew significant focus to a 43 per cent increase in claimant legal costs. An initial analysis of the figures in the report suggested the true driver behind the NHSLA's rising spend was the increased number of claims being closed by the organisation.

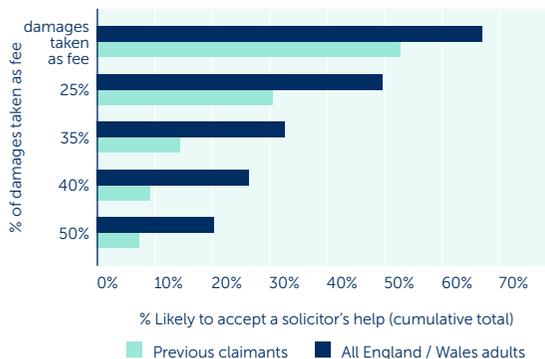
Since the report's publication, a number of Freedom of Information requests have been made. The responses show that the NHSLA's annual report ignored the fact that the average cost of a closed claim (with a payment of

Successful personal injury claims, by compensation awarded
Source : YouGov Personal Injury 2016



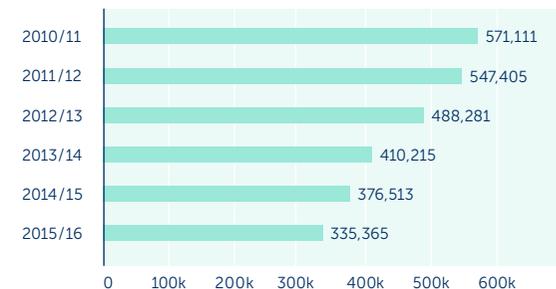
Willingness to accept a solicitor's help, by % of damages taken as fee

Source : 2016 YouGov survey commissioned by APIL



Whiplash claims registered by the Compensation Recovery Unit (CRU)

Source : Compensation Recovery Unit (CRU)



damages) has fallen by 7 per cent since 2013/14. It was also established that the report unfairly compared defendant and claimant legal costs, with £3.8 million of in-house NHS LA spending not reflected in its “defence costs” figures.

- **Mesothelioma deaths**

Analysis of data produced by the Office for National Statistics found that, on average, six people in England and Wales die every day as a result of mesothelioma. Barrow-in-Furness was found to have the highest mesothelioma mortality rate of any local authority in England and Wales. With 11.57 mesothelioma deaths for every 100,000 people, the mortality rate here is more than two times that of England and Wales in general.

- **Casualties on icy and snowy roads**

The Department for Transport provided APIL with data on the number of reported casualties on icy and snowy roads. This showed that 17 people in Great Britain were killed in accidents on icy/ snowy roads during 2015, while 2,657 casualties were reported.

With 99 casualties in 2015, Lincolnshire had the highest number of icy/snowy road casualties of any local authority in Great Britain. The number of icy/ snowy road casualties reported here was more than seven times that of the average local authority in Great Britain.

Research in Scotland

- **Concerns raised about number of charges submitted to the Crown Office**

A range of data was collated to support a response to a call for evidence from the Scottish Parliament Justice Committee, which has been conducting an inquiry into the Crown

Office and Procurator Fiscal Service (COPFS).

Through FOI requests, APIL found that, since 2010/11, just one charge for failing to hold employers liability insurance has been submitted to the COPFS by the Health and Safety Executive. Furthermore, the total number of enforcement notices issued by the Health and Safety Executive in Scotland has fallen by 37% since 2010/11.

Parliamentary campaigns

The start of the year was dominated by the aftermath of the Government’s announcement of its proposals to increase the small claims limit to £5,000 and remove general damages for low value soft tissue injuries. APIL got straight to work in January with meetings taking place with MPs including the chairman of the House of Commons Transport Committee, the Shadow Attorney General, and a shadow justice minister. APIL spent the year continuing discussions on the proposals with MPs including the chairman of the House of Commons Justice Committee, and the Shadow Lord Chancellor. A formal consultation on the proposals was launched in November, and APIL’s president attended a roundtable with Government minister Lord Keen of Elie QC. The year ended in much the same way as it began, with APIL developing its political campaign against the proposals, including the involvement of members. Other work during the year included:

- The association’s campaign to Can the Spam! and persuade the Government to ban claims management companies from cold calling for personal injury claims was taken on the road to the Labour and Conservative party conferences. The campaign received support at both conferences, with delegates being urged to report nuisance calls to APIL.



The information was then passed to the Information Commissioner’s Office. As the Government’s small claims proposals were still in the pipeline, an exhibition stand at the conferences gave APIL the opportunity to have brief discussions with members of the Government, including the Secretary of State for Justice, and members of Labour’s shadow cabinet, including the Shadow Chancellor of the Exchequer and the Shadow Health Secretary.

- In the early part of the year APIL continued to oppose proposals which would have allowed doctors to use innovative treatment on patients without the fear of being sued. The proposals in the Access to Medical Treatments (Innovation) Bill were eventually removed, after organisations including APIL labelled them as a threat to patient safety. The sponsor of the Bill, Chris Heaton-Harris MP, had hoped to alleviate the concerns, but told the House of Commons



that they could not be “quelled in time” for the Bill to pass.

- Despite repeated guarantees from ministers and civil servants, 2016 ended with the Government failing to publish a consultation on proposals for fixed fees in medical negligence claims. The fact that the proposals will not require parliamentary approval did not stop Conservative MP and former Solicitor General Sir Edward Garnier from forcing a health minister to debate the proposals in Parliament. During the debate, Sir Edward repeated APIL’s criticism that the NHS Litigation Authority will too often “deny, defend, delay” in cases where it should “assess, admit and apologise”.
- Six years after being approved by Parliament, the Third Parties (Rights against Insurers) Act 2010 finally came into force. Implementation of the Act was delayed as technical issues needed to be addressed. APIL had continued to push for the implementation of the Act, which will be particularly helpful to some sufferers of mesothelioma whose previous employer may have gone out of business.
- Throughout 2016 APIL continued to respond to calls for evidence from commissions and committees, including the Bach Commission on Access to Justice, which was established to help shape the Labour Party’s justice policy. In a submission to the commission, APIL repeated the need for legal aid to be available for bereaved families at inquests. With driverless cars on the roads becoming increasingly likely, APIL responded to a call for evidence from the House of Lords Science and Technology Committee, which explored issues such as insurance for these vehicles. The committee was told by APIL in written evidence that while the existing law on motor insurance should

require insurance for driverless cars, legislation should be amended for the avoidance of doubt.

- APIL’s Agenda for Change was refreshed to reflect new campaigns, such as the need for a review of the 20 year old cap on criminal injuries compensation. Despite the introduction of a £500,000 cap on the compensation available under the Criminal Injuries Compensation Scheme in 1996, the cap has never been reviewed. The protection of the right to claim compensation was also added to the agenda in response to the Government’s proposals for fixed fees in medical negligence cases, and its reforms for low value claims.

Scotland

- The re-elected SNP Government committed in September to introducing the Expenses and Funding of Civil Litigation Bill, which followed Sheriff Principal Taylor’s review of funding and costs. Earlier in the year APIL had provided further input into the Government’s ongoing considerations of a draft Bill, and expressed concerns about how multi-party actions in Scotland would be insured if introduced.
- A Bill to remove the limitation period for some victims of childhood abuse in Scotland was introduced by the Scottish Government. The Limitation (Childhood Abuse) (Scotland) Bill went to the Scottish Parliament’s justice committee for detailed scrutiny, which asked for views on the proposals. In written evidence to the committee, APIL applauded the Scottish Government’s recognition that abuse victims are a unique category of pursuer, but warned that the Bill will prevent some victims of abuse from receiving the compensation they deserve.

- APIL executive committee member Gordon Dalyell told members of the Scottish Parliament’s justice committee that employers who fail in their legal requirement to take out compulsory employers’ liability insurance should not escape prosecution. During an oral evidence session on the work of the Crown Office and Procurator Fiscal Service (COPFS) the committee heard that prosecution of rogue bosses should be a priority for the COPFS. The need for prosecution as standard for this offence was included in APIL’s new Agenda for Change in Scotland.

Northern Ireland

- Having remained at £11,800 since 2007, the level of bereavement damages in Northern Ireland was increased to £14,200. Following a consultation carried out towards the end of 2015, the Northern Ireland Department of Justice not only increased the amount, but agreed to a further increase every three years. The Department acted after concerns were raised about the level of bereavement damages by members of the Northern Ireland Assembly Committee for Justice, after lobbying by APIL.
- An Agenda for Change was also developed for Northern Ireland, which included the need for the continued reform of bereavement damages, as well as reform of the law for those who suffer a psychiatric injury as a secondary victim. With legal aid for personal injury claims under continued threat, the agenda includes the need for a workable alternative for funding is introduced if legal aid is removed, but retention of legal aid for cases involving children, clinical negligence, and catastrophic injuries.

APIL in the media

In numbers

22%

The increase year-on-year in print circulation



More than 1,000 new followers on Twitter

39% 14

The increase in the size of APIL's potential audience on Twitter

Regional and national broadcast interviews with APIL spokesmen

APIL achieved a 22 per cent increase in circulation in 2016 (14,526,452) compared to 2015 (11,855,924). This included comment to several national newspapers with high circulations, including the Sunday Mirror, The Times and the Daily Mail. Overall, APIL was featured in 265 print press articles.

On the airwaves, APIL had a 180 per cent increase in broadcast coverage. Notable appearances include two interviews with APIL's president Neil Sugarman on BBC Breakfast, three live interviews on BBC Radio 4, and a feature on ITV News about bereavement damages.

Calling time on insurance industry propaganda

APIL kicked off the year in full swing, condemning news from the Chancellor's Autumn Statement that another attempt was being made to increase the small claims limit for personal injury. Related stories distributed by APIL throughout the year as

momentum built against the plans included the need for a ban on cold calling and the behaviour of claims management companies, distorted fraud figures from the insurance industry, and lack of evidence to support the reforms.

In April, APIL president Jonathan Wheeler described the 'whiplash' reforms as "scandalous" in a comment piece for The Brief, a legal news e-bulletin from The Times. Using the Association of British Insurers' own statistics, he pointed out how motor insurance fraud is routinely misrepresented by the insurance industry.

Over the summer, APIL approached The Times with figures purchased from the Association of British Insurers (ABI) which show insurers have saved nearly £1billion since reforms aimed at reducing premiums were introduced in 2013. The story made the front page of The Times and was also covered in The Sun. BBC News panellists discussed the story on its The Papers programme.

A letter from APIL in the Daily Mail, which has a circulation of 1,491,264, also discredited the link made between whiplash claims and high car insurance premiums. APIL routinely uses letters as a means of targeting national newspaper readers, as letter pages are usually the most read pages of any UK newspaper. A follow-up letter issued to local newspapers, each signed by an APIL member, emphasised the fact that personal injury claims are clearly not responsible for premium hikes. The letter was printed in 25 newspapers, reaching a circulation of 447,668.

A few days after The Times article, APIL's president Neil Sugarman, took part in an interview for BBC Breakfast in which he rebutted claims from Aviva that 'spiralling' personal injury claims are pushing up premiums. He explained how insurers have failed to pass on billions in savings from previous personal injury reforms. APIL's comment about



"Neil Sugarman was interviewed for BBC One's Breakfast. Clips from his interview were used across the BBC network throughout the day"

the report was used online in the Mail Online and in the Mail's Thisismoney section, the Belfast Telegraph, AOL, and BT websites.

Vice president Brett Dixon gave a live interview to BBC Radio 4 the day before the Government's small claims consultation was released. On release of the consultation, Neil Sugarman was interviewed for BBC One's Breakfast. Clips from his interview were used across the BBC network throughout the day, including several repeats on BBC News television bulletins, Victoria Derbyshire on BBC 2, and multiple national and regional radio stations, including BBC Radio 5live, BBC Radio London, BBC Radio Wales, BBC Radio Manchester, BBC Radio Lancashire, BBC Radio Guernsey, BBC Radio Newcastle, BBC Radio Stoke, and BBC Radio Essex.



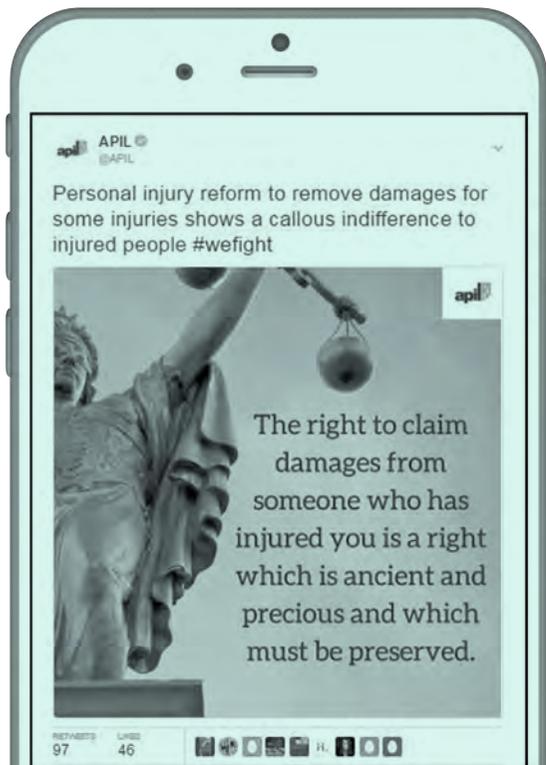


Can the Spam!

Aside from rising car insurance premiums, a key frustration for consumers is the practice of spam calling and texting about personal injury claims. At an industry conference in March, chief executive Deborah Evans publicly called for a ban on calls and texts about personal injury, urging the Government to set the practice in its sights, rather than genuinely injured people.

In April, a letter from APIL president Jonathan Wheeler to regional newspapers about the impact of spam calls reached a circulation of 326,373.

APIL launched the Can the Spam! initiative in June with an animated video, Facebook page and Twitter account to target the public. The video, devised in-house and produced by Nottingham-based TV, film and video production company Bottletop, was viewed more than 30,000 times



online, through Facebook, YouTube and Twitter. People were encouraged to report nuisance calls and texts to APIL through social media.

In June, a well-received article by APIL's president Neil Sugarman was published by the Law Society Gazette which made the connection between nuisance calls and the Government's whiplash and small claims plans.

As the small claims consultation period came to a close, consumers were warned in a press release that the reforms would cause an 'explosion' of calls and texts as claims management companies move in to help people run claims in the small claims court.

Clinical negligence

NHS spend on negligence was repeatedly scrutinised as APIL awaited a consultation from the Department of Health about fixing fees, potentially in cases up to the value of £250,000. Journalists were briefed and case studies were prepared for release of a consultation, which incidentally was not released in 2016.

APIL started the year with a regional letter campaign in which members signed letters for their regional and local newspapers. The letter outlined how the NHS could save money and make efficiencies in relation to claims, as an alternative to stifling access to justice. It reached a circulation of 1,223,485 - three times the average circulation for an APIL letter campaign.

A press briefing document about the proposals for saving money from medical negligence claims was developed and published. Copies of the booklet, along with a covering letter from the president inviting further discussion, were sent to selected health and legal editors and broadcasters.

In a press release, APIL called on the NHS to learn from its mistakes after figures revealed that nearly half of the NHSLA's compensation bill is spent on obstetrics claims.

Trade press

APIL maintains relationships with the legal and insurance press, including Law Society Gazette, Insurance Post, The Brief, Solicitors Journal, Legal Futures, Claims Magazine and Insurance Times. The president gives regular interviews and comment about a range of current issues.

Throughout the year, APIL featured in a trade print article more than once a week and online in 163 articles. Topics included the ongoing wait for a review of the discount rate, nuisance call and texts, digitalisation of the courts, the Rehabilitation Code, retention of work records by Companies House, APIL's annual conference, a no-fault compensation scheme for birth and maternity injuries, McKenzie Friends, limitation for historical child abuse claims in Scotland, new appointments to the executive committee, proposed fixed fees for clinical negligence claims, the NHSLA's annual report and, primarily, car insurance and the Government's reforms for low-value personal injury claims.

Preventing needless injuries

APIL's Injury Prevention Day campaign, on the third Wednesday of August, focussed on countryside safety. A press release and social media campaign highlighted to families that walking in fields of cows with calves at foot is dangerous. Infographics with guidance on how to behave in fields with cows and calves were shared on Twitter.

A press campaign about the early symptoms of mesothelioma, and the need to learn from safety

mistakes of the past generated enormous interest in regional and online media. More than 40 news websites, including the BBC and ITV News, and 20 newspapers reported the story which included local authority figures obtained by APIL showing which areas have the highest rates of mesothelioma mortality.

A winter theme was applied to APIL's Back Off campaign, which calls for an end to tailgating in a bid to prevent needless crashes, injuries and claims. A press release issued for different areas was issued, and included local figures for the number of road injuries during bad weather, obtained by Freedom of Information request to the Department for Transport. This campaign was particularly well-received in Scotland during a period of snowy weather. The Back Off Facebook page was revived for the winter campaign. Advice and infographics about stopping distances were posted and shared.

Twitter progress

Towards the end of a successful year of growth on Twitter, APIL was awarded the 'blue tick' badge to show the account was officially verified. A verified account is determined by Twitter to be an account of public interest. Typically this includes accounts maintained by users in Government, politics, journalism, entertainment, religion, sports, business, and other key interest areas.

The @APIL account, which concentrates on the association's campaign agenda and news, saw an 18 per cent increase in new followers, bringing the total at the end of 2016 to 6,871. The scope for APIL's messages has grown even further, with the number of 'potential impressions' (or potential reach overall) increasing by 39 per cent. The number of Twitter users talking about APIL is also increased, with 40 per cent more mentions of the @APIL account than in 2015.

APIL's most popular tweet of the year was a picture and quote in relation to Government proposals to remove general damages for some personal injury claims. It was retweeted 97 times, and reached 97,266 potential impressions. Another tweet, about how an increase in Insurance Premium Tax would offset any savings made by insurers through PI reforms was retweeted 90 times but achieved the highest potential reach of 215,553 potential impressions.

Publishing and Publications – paper and online

Journal of Personal Injury Law (JPIL)

Published by Sweet & Maxwell (now part of Thomson Reuters), JPIL is published quarterly in association with APIL. The journal offers in-depth articles and case law analysis for all personal injury practitioners, claimant and defendant. There were a number of changes this year on the editorial board: Muiris Lyons retired from his position as general editor – a role he has held since 2002. John Spencer took over the role as interim general editor – a position which he will continue hold into early 2017. Deborah Evans retired from, and both Annette Morris and Helen Blundell were appointed to, the editorial board.

PI Focus

APIL's membership magazine published ten issues during the year, with a diverse mix of practical and relevant articles by leading solicitors, barristers, and experts. A varied list of topics included patient consent; portal issues; MIB rules; mediation; assessment of care needs; use of assistive technology; HMRC work history delays; children's contributory negligence in RTA claims; and late acceptance of Part 36 offers. Among the significant PI judgments analysed in the magazine this year were *Moreno v MIB*, *Darnley v Croyden Health Services Trust (A&E receptionist duty of*

“The scope for APIL's messages has grown even further, with the number of 'potential impressions' (or potential reach overall) increasing by 39 per cent.”

care), and a detailed account of explorer Mark Pollock's PI claim, written by his lawyers. The June edition featured highlights from APIL's 2016 annual conference.

Experts and rehabilitation services directory

APIL experts list their contact and expertise information both on the information exchange area of APIL's website and in the paper directory printed each year. Publication of the experts and rehabilitation directory is one of the benefits to experts enrolling on our database. This year's directory, published in June, carried advertising which garnered income of over £7,700. As at 31 December 2016, 633 experts were registered on the APIL database: 332 with an enhanced listing and a further 301 with a standard entry.

Website and online activity

Further developments on the website and other online activities have improved the visitor experience and encouraged increased traffic to the site. There has been an average of 5,539 visits per month to the "Find a lawyer" page. Traffic to other pages has also seen increases: to the road accident lawyers' page by 78 per cent, to the training section by six per cent and to the expert witness search, by 23%.



Developments include:

- ‘Biography snippets’ and quality marks are included in injury lawyer search results;
- Profile photographs also included with the injury lawyers search results page;
- Injured people can now provide their contact details on several pages to enable follow up work on the services provided to enquirers by members and their firms;
- The “Find a Lawyer” search has been moved to a more prominent position on the APIL homepage where injured people are asked to enter their details;
- A new chat facility offers an extra means by which injured people can request a lawyer;
- A new ‘blog-style’ research page;
- A new events page layout, to make content and speaker information more prominent.
- Ensured the website runs over a secure SSL connection, data sent to and from the website is now encrypted.

“APIL’s trainers delivered a total of 73 one-day training events across the country this year, to an audience of 1,885 delegates.”

Events and networking

APIL consumer panel

APIL’s consumer panel met three times in April, July and November. The panel includes representatives from Headway, SIA, Roadpeace, Aspire, ROSPA and BackUp, meeting to discuss consumer awareness, messages, the APIL website, accreditation and campaigning activity.

Groups

The 35 special interest, regional and membership group meetings held during 2016 continue to be one of the many benefits of membership.

Members have had the opportunity to listen to a variety of speakers on different topics, including Victoria Wass from Cardiff Law School on “Applying and adjusting the Ogden Reduction Factors” and District Judge Ian Besford, Hull, on “Costs – the judge’s view”.

Training

- APIL’s trainers delivered a total of 73 one-day training events across the country this year, to an audience of 1,885 delegates. The PI updates in the spring and autumn were as popular as ever many members taking the opportunity to say farewell to Nigel Tomkins, for whom this cycle of training is his last. Our thanks go to Nigel for his outstanding contribution to personal injury training for APIL for almost 20 years.

- Other popular training courses have covered specialist areas such as clinical negligence, asbestos disease, and brain injury claims.
- APIL also ran five one-day conferences; two of which had supporting exhibitions. These conferences covered asbestos, child abuse, accidents abroad, business and military claims and attracted a further 338 delegates.

In-house training

Demand continued for our in-house training programme and a further 30 courses were delivered to firms across the UK.

Webinars

Webinars have continued to grow in popularity. They are often one of the easiest and most time-efficient methods of learning and APIL can pass on the most up to date information to members on key topics.

As testament to their growing popularity, nine more were produced this year: a total of 31 webinars were delivered on leading judgments and key ‘need to know’ information. An additional four free quarterly review webinars (with four hours of APIL accredited CPD) were presented by APIL’s CEO and president.

Special events

- The 2016 annual conference and AGM was held at the Hilton Metropole Birmingham. Lord Faulks gave the keynote address and Mark Pollock, the Irish explorer and collaboration catalyst gave an inspirational speech in front of 184 delegates, sponsors and 136 exhibitors; including our principal sponsor Proclaim Care. Now in its third year, the ‘Advanced brain and spinal cord injury’ conference took place at

the Hinckley Island Hotel in Leicestershire. The event included 27 speakers, attracted 101 delegates, 56 exhibitor representatives, five corporate sponsors and 22 exhibitors.

- This year's charity golf day was held on the day before the clinical negligence conference in September. Nineteen teams took part on the day which was sponsored by Silva Legal Services. APIL was delighted to donate £1500 to the nominated charity 'BASIC' – the Brain and Spinal Injury Centre in Salford.
- The autumn clinical negligence conference was held at the Celtic Manor Resort Newport for the first time this year. The theme of 'cardiology, cardiac surgery and vascular surgery' attracted 235 delegates, 17 speakers and 106 sponsors and exhibitors.

MedCo

APIL has worked with MedCo to produce the legal training module for its new accreditation system for experts who provide soft tissue injury reports. This includes video and text content. APIL has since taken responsibility for supporting the MedCo online learning system.

Other membership-related activity

APIL also benefits from a number of smaller income-streams from publishing royalties, webinar sales, job adverts and banner advertising on its website and sales of mailing lists. Members can opt in or out of receiving third party mailings when enrolling for membership and at renewal time. Those who opt-in are directly contributing to APIL's additional income through the sale of mailing lists.





Statistics

Membership

At the end of the year, the membership total had reached 3,553. This included 426 new members recruited during the year at an average rate of 35 per month.

A number of complimentary memberships were given to those firms paying for over 100 members, along with honorary memberships and complimentary e-memberships for students. The total number of fee-paying members reached 3,412 by the year-end.

There was a total membership of 3,799 members at the start of 2016 and 3,827 renewals were circulated in March, resulting in 3,127 renewals. This attrition rate of 18.3 per cent compares with 15.34 per cent in 2015, and 16.86 per cent in 2014.

New categories for barristers

While barristers will usually join as practitioner members, some barristers have been unable to join APIL as they are unable to sign the declaration that their personal injury work relates predominantly to claimants.

In order to enable more barristers to join, a new membership category, with similar benefits to associate membership, was introduced at this year's AGM. A further category for junior barristers with up to and including three years' call was also introduced with a reduced membership fee. Barristers who apply for either of these new categories must declare that they are sympathetic to the aims of APIL and that a significant proportion of their personal injury practice involves representing the injured or victims of accidents.

Attendance

Attendance at executive committee meetings (maximum eight) January – December 2016

Neil Sugarman (President) a GLP Solicitors, Bury	6
Brett Dixon (Vice-President) b Smith Jones (Solicitors) Ltd, Burnley	7
John McQuater (Secretary) c Atherton Godfrey, Doncaster	6
Nigel Tomkins (Treasurer) d Nigel Tomkins Consultancy, Edwalton	8
Jonathan Wheeler (Immediate Past President) e g Bolt Burdon Kemp, Islington	8
David Bott i Bott & Company Solicitors Ltd, Wilmslow	6
Genric Clement-Evans Newlaw Solicitors, Cardiff	4
Bridget Collier i GLP Solicitors, Bury	7
Gordon Dalyell i Digby Brown LLP, Edinburgh	7
Colin Ettinger i Irwin Mitchell LLP, London	5
Grant Evatt Hilary Meredith Solicitors Ltd, London	1
Stephen Glynn 9 Gough Square, London	4
Jill Greenfield h m Fieldfisher, London	3
Martin Hanna Francis Hanna & Co, Belfast	3
Claire Hodgson h m Houghton-le-Spring	4
Stuart Kightley l Osbornes Solicitors LLP, London	3
Shahram Sharghy 9 Gough Square, London	3
John Spencer f l Winchester	2
Mark Turnbull k n Thompson Solicitors LLP, Liverpool	5
Robert Webb HSR Law, Gainsborough	6

- a elected as president at AGM, 4 May 2016
- b elected as vice-president at AGM, 4 May 2016
- c elected as secretary at AGM, 4 May 2016
- d re-elected as treasurer at AGM, 4 May 2016
- e post as president ended at AGM, 4 May 2016
- f post as immediate past president ended at AGM, 4 May 2016
- g post as immediate past president commenced at AGM, 4 May 2016
- h elected at AGM, 4 May 2016
- i re-elected at AGM, 4 May 2016
- j did not stand for re-election
- k resigned 30 November 2016
- l out of a possible 3 meetings prior to AGM
- m out of a possible 5 meetings post-election at AGM
- n out of a possible 7 meetings prior to resignation

There are now ten categories of membership:

Practitioners	3,156
Non practising members	25
Honorary life members	20
Barristers	7
Junior barristers	2
Paralegals	180
Students	6
eStudents	6
Academics	8
Overseas	94
Associate members	49
Total	3,553

Accreditation

Over 29 per cent of eligible members are now accredited: 1.0 percent more than were accredited last year.

Figures as at 31 December 2016:

Litigators	156
Senior litigators	664
Fellows	138
Senior fellows	9
Specialist counsel	7
Total	976
Emeritus	22

44 externally accredited training providers
 187 corporate accredited firms
 67 in-house accredited firms

Specialist accreditation

A further quality mark for Accidents & Illnesses Abroad Specialists was introduced this year.

The number of specialists and assessors in each specialist area was as follows:

	Specialist	Assessor
Brain Injury	44	24
Clinical Negligence	32	23
Spinal Cord Injury	10	07
Occupational Disease	32	16
Asbestos Disease	34	18
Accidents & Illnesses Abroad	07	06

Specialists Assessors

Totals 2016	159	94
Totals 2015	116	83
Totals 2014	105	80
Totals 2013	69	57

Revalidation

A total of 88 members revalidated their accreditation during 2016. Of those due to revalidate during 2016, 17.76% failed to do so due to a number of reasons including non-renewal of their membership or a lack of training details supplied.

Corporate monitoring

Site visits were undertaken at 12 firms; recommendations were made at some of these and all those visited passed their inspection.

Other monitoring

Individual training logs are checked throughout the year to ensure that members have accrued sufficient APIL accredited CPD hours and that the training met APIL's accredited quality standards.

In addition, we monitor training delivered: in-house training delivered by other providers and all APIL training events. For all training, we monitor the content and materials, quality of speakers (including their presentation skills), and the training environment. Monitoring activity and changes to accreditation criteria continue to be overseen by the training and accreditation committee and APIL's executive committee.



NIGEL TOMKINS

FINANCIAL REPORT

“The APIL management team are to be congratulated in controlling expenditure within the limits agreed.”



Although at first glance it does not look it, APIL has had another successful year in terms of its' financial wellbeing. Although we have only achieved a small surplus in comparison with the two previous years, the devil as always is in the detail, which is outlined later in my report.

We end 2016 with a pre-tax surplus of £21,655 which very closely matches both our budget and year end projections.

The surplus has been generated against a backdrop of another year of uncertainty for our members and also in a year when as a consequence of the changes proposed, APIL has once again mounted several robust legal challenges to government proposals, which have the potential to have a profound effect on many of them.

APIL once again conducted a full schedule of training events throughout 2016. As in previous years, the spring and autumn Personal Injury Updates were extremely successful, well supported and attended in increased numbers by APIL members. We were also able to put on 30 in-house events and a impressive 31 webinars, (an increase of 40 per cent on the previous year) on a host of subjects that in every instance reflected the most up-to-the-minute subject information available to us.

Our residential conferences once again proved that they are just what our members are looking for in terms of the subject matter, programmes, speakers and venues. In an environment where income from sponsorship is becoming increasingly difficult to source, the Membership Services team have done an incredible job, in making every APIL conference a profit making concern as well as an event that APIL members attend in increasing numbers.

In terms of our membership, the year has panned out very much as we expected, with an overall net reduction in members of some 246, equating to a drop of 6.5 per cent on the previous year. The fall in membership numbers is reflected in the total income received from subscriptions in 2016. The total of £761,914 is down on the previous year's figure by £36,349.

Looking at APIL's investments, with interest rates in 2016 starting at .5 per cent and reducing still further to .25 per cent during the period July to December, the return on our investments although slightly improved on the previous year's

figure, was still a disappointingly poor return of some £11,388 on quite a substantial sum deposited for a considerable part of 2016.

Of course in this financial year, as in previous years, there have been some demands on APIL's finances which were not in our original budget projections. APIL members will be aware that the government has outlined proposals to increase the small claims court limit to £5,000 and to remove altogether general damages for low value soft tissue injuries. As a consequence, along with the Law Society and MASS we have been seeking specialist legal advice to determine how to best oppose these proposals. In addition, the association agreed to fund the commissioning of research from a leading economist to provide statistical analysis to support our consultation response and any subsequent further action in the future. APIL's net spend on these activities at the end of the financial year was some £74,334. In addition to the above, for the first time that I can recall, APIL took an exhibition stand at both the Conservative and Labour party conferences



“For the first time that I can recall, APIL took an exhibition stand at both the Conservative and Labour party conferences in 2016, where we made MPs aware of APILs campaigns.”

in 2016, where we made MPs aware of APILs campaigns whilst at the same time raising the profile of the organisation, with representation from the President, Vice President, CEO, Head of Public Affairs and our Parliamentary Officer. This investment cost just over £18,000.

The APIL management team are to be congratulated in controlling expenditure within the limits agreed, indeed, even given the additional calls on our expenditure outlined above, our expenditure is only some £28,149 more in our operational, salaries and overheads, than in the previous year.

I am delighted to report that we have not had to make any withdrawals from APIL's reserves in 2016, which at the year-end stood at £1,091,669. The after tax surplus figure on our Income and Expenditure account for the current year of £15,056 will of course increase our reserves by the corresponding amount, taking them to £1,106,725. The reserves are currently at an all-time high for the association, however, in view of the on-going consultations it is considered that

this is an appropriate level of reserves, which does of course afford the association opportunities to mount further legal challenges in the future, if considered necessary.

I would draw members attention to the cash position at the end of 2016, which for the first time in several years, has reduced by some £78,696, however it is still at a healthy £1,198,956.

APIL made one charitable donation during the financial year, of £1,500 to the Brain and Spinal Injury Centre (BASIC).

As Treasurer, I am delighted with the financial performance of the organisation during the year under report. We have managed to make a moderate surplus on the year of some £21,655 before tax, whilst at the same time committing a substantial sum to issues that are vitally important to every APIL member.

APIL's auditors have reported to me that the finances of the association continue to be sound and healthy at this time, and that the

management control procedures currently in place are robust and effective.

Finally, I would of course extend my thanks to the staff at the APIL office, who have worked tirelessly to ensure that the budgetary targets laid down at the beginning of the year covering all areas of the business, have been achieved, and in many cases even surpassed. The results are further testament to their undoubted skills but also their individual and collective commitment to the association. I am grateful to them all for their constant hard work.

Nigel Tomkins
Treasurer

REPORT OF THE EXECUTIVE COMMITTEE

The Executive Committee present their report and the audited financial statements for the year ended 31 December 2016. This report also forms the report of the directors, as required under s.415 of the Companies Act 2006.

Principal activity

The principal activities of the company are to campaign for improvements in personal injury law on behalf of injured people; to promote, encourage and develop expertise in the practice of personal injury law by education and the exchange of information and knowledge.

Directors

The directors shown below have held office during the whole of the period from 1 January 2016 to the date of this report.

D E Bott	N Tomkins
C Clement-Evans	R Webb
B Collier	J Wheeler
G Dalyell	B Dixon
C B Ettinger	S Glynn
M Hanna	G Evatt
J E McQuater	S Sharghy
N L Sugarman	

Other changes in directors holding office are as follows:

S D Kightley - resigned 4 May 2016
 J L Spencer - resigned 4 May 2016
 M Turnbull - resigned 30 November 2016
 Mrs J Greenfield - appointed 4 May 2016
 Ms C Hodgson - appointed 4 May 2016

Financial risk management

The company's objective regarding financial risk

management is to keep exposure of price risk, credit risk, liquidity risk and cash flow risk to a minimum. The company makes sales on normal credit terms and manages the related risks through its credit control procedures. In the opinion of the Executive Committee the exposure of such risks has been assessed and at present deemed to be low and at an acceptable level for the company to continue to operate.

Qualifying third party indemnity provisions

The company maintains liability insurance for directors and officers as permitted by section 234 of the Companies Act 2006

Provision of information to auditor

So far as each of the members of the Executive Committee are aware at the time the report is approved:

- there is no relevant audit information of which the company's auditor is unaware, and
- the members of the Executive Committee have taken all steps that they ought to have taken to make themselves aware of any relevant audit information and to establish that the auditor is aware of that information.

Statement of Directors' responsibilities

The directors are responsible for preparing the Report of the Directors and the financial statements in accordance with applicable law and regulations.

Company law requires the directors to prepare financial statements for each financial year. Under that law the directors have elected to prepare the financial statements in accordance with United Kingdom Generally Accepted Accounting Practice (United Kingdom Accounting Standards and

applicable law). Under company law the directors must not approve the financial statements unless they are satisfied that they give a true and fair view of the state of affairs of the company and of the surplus or deficit of the company for that period. In preparing these financial statements, the directors are required to:

The directors are responsible for keeping adequate accounting records that are sufficient to show and explain the company's transactions and disclose with reasonable accuracy at any time the financial position of the company and enable them to ensure that the financial statements comply with the Companies Act 2006. They are also responsible for safeguarding the assets of the company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Statement as to disclosure of information to auditors

So far as the directors are aware, there is no relevant audit information (as defined by Section 418 of the Companies Act 2006) of which the company's auditors are unaware, and each director has taken all the steps that he or she ought to have taken as a director in order to make himself or herself aware of any relevant audit information and to establish that the company's auditors are aware of that information.

This report has been prepared in accordance with the provisions of Part 15 of the Companies Act 2006 relating to small companies.

On behalf of the board

J E McQuater

Director
 23 March 2017



A COMPANY LIMITED BY GUARANTEE

INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS

We have audited the financial statements of Association of Personal Injury Lawyers (A company limited by guarantee) for the year ended 31 December 2016 on pages five to ten. The financial reporting framework that has been applied in their preparation is applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice), including Financial Reporting Standard 102 'The Financial Reporting Standard applicable in the UK and Republic of Ireland'.

This report is made solely to the company's members, as a body, in accordance with Chapter 3 of Part 16 of the Companies Act 2006. Our audit work has been undertaken so that we might state to the company's members those matters we are required to state to them in a Report of the Auditors and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the company and the company's members as a body, for our audit work, for this report, or for the opinions we have formed.

Respective responsibilities of directors and auditors

As explained more fully in the Statement of Directors' Responsibilities set out on page 31, the directors are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view. Our responsibility is to audit and express an opinion on the financial statements in accordance with applicable law and International Standards on Auditing (UK and Ireland). Those standards require us to comply with the Auditing Practices Board's Ethical Standards for Auditors.

Scope of the audit of the financial statements

An audit involves obtaining evidence about the amounts and disclosures in the financial statements

sufficient to give reasonable assurance that the financial statements are free from material mis-statement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to the company's circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the directors; and the overall presentation of the financial statements. In addition, we read all the financial and non-financial information in the Report of the Directors to identify material inconsistencies with the audited financial statements and to identify any information that is apparently materially incorrect based on, or materially inconsistent with, the knowledge acquired by us in the course of performing the audit. If we become aware of any apparent material mis-statements or inconsistencies we consider the implications for our report.

Opinion on financial statements

In our opinion the financial statements:

- give a true and fair view of the state of the company's affairs as at 31 December 2016 and of its surplus for the year then ended;
- have been properly prepared in accordance with United Kingdom Generally Accepted Accounting Practice; and
- have been prepared in accordance with the requirements of the Companies Act 2006.

Opinion on other matter prescribed by the Companies Act 2006

In our opinion the information given in the Report of the Directors for the financial year for which the financial statements are prepared is consistent with

the financial statements.

Matters on which we are required to report by exception

We have nothing to report in respect of the following matters where the Companies Act 2006 requires us to report to you if, in our opinion:

- adequate accounting records have not been kept, or returns adequate for our audit have not been received from branches not visited by us; or
- the financial statements are not in agreement with the accounting records and returns; or
- certain disclosures of directors' remuneration specified by law are not made; or
- we have not received all the information and explanations we require for our audit; or
- the directors were not entitled to prepare the financial statements in accordance with the small companies regime and take advantage of the small companies' exemption from the requirement to prepare a Strategic Report or in preparing the Report of the Directors.

Jill Evenden

Senior Statutory Auditor
for and on behalf of EBS Chartered Accountants

Gothic House
Barker Gate
Nottingham
Nottinghamshire
NG1 1JU

Date 22 March 2017

YEAR ENDED DECEMBER 31 2016

INCOME STATEMENT

	Notes	2016 £	2015 £
Revenue		2,355,174	2,385,959
Cost of sales		1,018,577	976,917
Gross surplus		1,336,597	1,409,042
Administration expenses		1,326,330	1,262,859
Operating surplus	4	10,267	146,183
Interest receivable and similar income		11,388	9,771
Surplus before taxation		21,655	155,954
Tax on surplus		6,599	33,448
Surplus for the financial year		15,056	122,506

The notes form part of these financial statements

YEAR ENDED DECEMBER 31 2016

BALANCE SHEET

	Notes	2016 £	2015 £
Fixed assets			
Property, plant and equipment	6	510,446	521,499
Current assets			
Debtors	7	115,956	133,040
Cash at bank		1,198,956	1,277,652
		1,314,912	1,410,692
Creditors			
Amounts falling due within one year	8	602,446	695,239
Net current assets		712,466	715,453
Total assets less current liabilities		1,222,912	1,236,952
Creditors			
Amounts falling due within one year	9	(114,215)	(143,595)
Provisions for liabilities		(1,972)	(1,688)
Net assets		1,106,725	1,091,669
Reserves			
Income & expenditure account	10	1,106,725	1,091,669
Members' funds		1,106,725	1,091,669

The financial statements have been prepared in accordance with the provisions of Part 15 of the Companies Act 2006 relating to small companies.

The financial statements were approved by the Board of Directors on 23 March 2017 and were signed on its behalf by:

N Tomkins
Director





YEAR ENDED DECEMBER 31 2016

NOTES TO THE FINANCIAL STATEMENTS

1. Statutory information

Association of Personal Injury Lawyers (A company limited by guarantee) is a private company, limited by guarantee, registered in England and Wales. The company's registered number and registered office address can be found on the Company Information page.

2. Accounting policies

Basis of preparing the financial statements

These financial statements have been prepared in accordance with the provisions of Section 1A "Small Entities" of Financial Reporting Standard 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland" and the Companies Act 2006. The financial statements have been prepared under the historical cost convention.

The financial statements are prepared in accordance with the Financial Reporting Standard for Smaller Entities (effective April 2008). The particular accounting policies adopted are described below. The profit and loss account has been replaced by an income and expenditure account as the Executive Committee considers that this statement is more appropriate given the nature of the company's activities.

Income

Membership subscriptions to the association cover a period of twelve months to 31 March each year. Subscriptions received during the year have been credited to the income and expenditure account, subject to the deferral of three months of each subscription, representing that portion attributable

from 1 January 2016 to 31 March 2016.

Other income represents income from conferences, training events and publishing, and is recognised when the contractual obligations of the service for which the receipt relates have been delivered.

Tangible fixed assets

Depreciation is provided at the following annual rates in order to write off each asset over its estimated useful life.

Freehold property – 2% on cost
Fixtures and fittings – 20% on cost

Taxation

Taxation for the year comprises current and deferred tax. Tax is recognised in the Income Statement, except to the extent that it relates to items recognised in other comprehensive income or directly in equity.

Current or deferred taxation assets and liabilities are not discounted.

Current tax is recognised at the amount of tax payable using the tax rates and laws that have been enacted or substantively enacted by the balance sheet date.

Deferred tax

Deferred tax is recognised in respect of all timing differences that have originated but not reversed at the balance sheet date.

Timing differences arise from the inclusion of income and expenses in tax assessments in periods different from those in which they are recognised in financial statements. Deferred tax is measured using tax rates and laws that have been enacted or substantively enacted by the year end and that are expected to

apply to the reversal of the timing difference.

Unrelieved tax losses and other deferred tax assets are recognised only to the extent that it is probable that they will be recovered against the reversal of deferred tax liabilities or other future taxable profits.

Pension costs and other post-retirement benefits

The company operates a defined contribution pension scheme. Contributions payable to the company's pension scheme are charged to profit or loss in the period to which they relate.

Interest receivable

Interest receivable is credited to the income and expenditure account on an accruals basis.

Leases

Operating lease rentals are charged against income in equal amounts over the lease term.

3. Employees and directors

The average number of employees during the year was 25.

4. Operating surplus

The operating surplus is stated after charging:

	2016	2015
	£	£
Depreciation - owned assets	16,789	15,253



5. Membership subscriptions

	2016	2015	2016	2015
	No	No	£	£
Practitioner members	3190	3503	723,442	750,683
Student members	12	22	738	1,155
Paralegal members	180	156	16,216	17,160
Academic members	8	9	697	810
Overseas members	94	78	9,115	7,900
Associate members	49	12	3,282	1,560
Honorary members	20	19	-	-
Total	3,553	3,799	753,490	779,268
Add deferred income brought forward			193,733	212,728
Less deferred income carried forward			(185,309)	(193,733)
Total			761,914	798,263
Corporate accreditation income received in the year			76,099	84,942
Add deferred income brought forward			31,218	32,710
Less deferred income carried forward			(29,736)	(31,218)
			77,581	86,434
Total			839,495	884,697

6. Property, plant and equipment

Plant, land, machinery and buildings

	£	£	£
Cost			
At 1 January 2016	577,135	55,510	632,645
Additions	-	5,745	5,745
Disposals	-	(379)	(379)
At 31 December 2016	577,135	60,876	638,011
Depreciation			
At 1 January 2016	69,258	41,888	111,146
Charge for the year	11,542	5,247	16,789
Eliminated on disposal	-	(370)	(370)
At 31 December 2016	80,800	46,765	127,565
Net book value			
At 31 December 2016	496,335	14,111	510,446
At 31 December 2015	507,877	13,622	521,499

7. Debtors: Amounts falling due within one year

	2016	2015
	£	£
Trade debtors	89,771	82,732
Other debtors	26,185	50,308
Total	115,956	133,040



8. Creditors: Amounts falling due within one year

	2016	2015
	£	£
Trade creditors	112,194	20,542
Taxation and social security	6,224	79,773
Other creditors	484,028	594,924
	602,446	695,239

9. Creditors: Amounts falling due after more than one year

	2016	2015
	£	£
Other creditors	114,215	143,595

Creditors include amounts not wholly repayable within 5 years as follows:

	2016	2015
	£	£
	30,487	38,694

The mortgage is secured on the property,
3, Alder Court, Rennie Hogg Road, Nottingham.

10. Reserves

Income & Expenditure Account	
At 1 January 2016	1,091,669
Surplus for the year	15,056
At 31 December 2016	1,106,725

11. Related party transactions

The following amounts have been paid to members of the Executive Committee for their provision of services as trainers (applies only to full day training provision), to the company in the year. All transactions are at arms length and are on normal commercial terms. The amounts disclosed only relate to the period in which the members are elected to Executive Committee.

	2016	2015
	£	£
N Tomkins	53,099	62,454
D Bott	-	-
B Dawson	-	1,179
J McQuater	67,794	67,073
C Clement - Evans	5,094	5,581
S D Kightley	-	707
B Dixon	19,647	10,830
N Sugarman	4,448	2,566

12. Share capital

The company is limited by guarantee and does not have share capital. Every member of the Association undertakes to contribute such amount as maybe required (not exceeding £1) to the assets of the Association if it should be wound up.

13. Ultimate controlling party

The company is limited by guarantee and has no shareholders. Under the constitution the Executive Committee is the ultimate controlling party.

DETAILED INCOME & EXPENDITURE ACCOUNT

	2016	2015
	£	£
Turnover		
Membership and accreditation	906,034	954,463
Conference, SIGS and regional meetings	610,663	621,438
Training events	768,005	739,971
Publishing	68,805	70,087
Mediators	1,667	-
	2,355,174	2,385,959
Cost of sales		
Membership	24,695	26,279
Conference	419,136	429,922
Training events	429,418	416,484
Legal affairs and research	26,969	37,852
Publishing	65,298	66,380
Public affairs	50,503	-
Mediators	2,558	-
	1,018,577	976,917
Gross surplus	1,336,597	1,409,042
Other income		
Deposit account interest	11,388	9,771
	1,347,985	1,418,813

	2016	2015
	£	£
Expenditure		
Wages	770,336	745,064
Social security	80,922	104,435
Pensions	40,442	40,442
Recruitment	-	1,938
Property costs	62,184	64,959
Staff training	5,065	7,851
Post and other costs	206,869	211,480
Travelling	3,967	11,214
IT costs	19,827	15,373
Executive committee	41,281	40,150
Strategic alliance	74,334	-
Auditors' remuneration	4,500	4,500
Depreciation of tangible fixed assets	16,789	15,453
Profit/loss on sale of tangible fixed assets	(186)	-
	1,326,330	1,262,859
Net surplus	21,655	155,954



2016

OFFICERS & EXECUTIVE COMMITTEE MEMBERS



Neil Sugarman / President
GLP Solicitors
Bury



Brett Dixon / Vice-President
Smith Jones (Solicitors) Ltd
Burnley



Nigel Tomkins / Treasurer
Nigel Tomkins Consultancy
Edwalton



John McQuater / Secretary
Atherton Godfrey
Doncaster



Jonathan Wheeler / Immediate Past President
Bolt Burdon Kemp
Islington



David Bott
Bott & Company Solicitors Ltd
Wilmslow



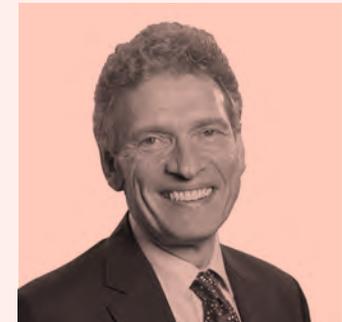
Cenric Clement-Evans
Newlaw Solicitors
Cardiff



Bridget Collier
GLP Solicitors
Bury



Gordon Dalzell
Digby Brown LLP
Edinburgh



Colin Ettinger
Irwin Mitchell LLP
London



Grant Evatt
Hilary Meredith Solicitors Ltd
London



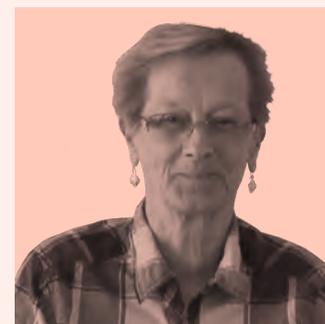
Stephen Glynn
9 Gough Square
London



Jill Greenfield
Fieldfisher LLP
London



Martin Hanna
Francis Hanna & Co
Belfast



Claire Hodgson
Houghton-le-Spring



Stuart Kightley
Osbornes Solicitors LLP
London



Shahram Sharghy
9 Gough Square
London



John Spencer
Winchester



Mark Turnbull
Thompsons Solicitors LLP



Robert Webb
HSR Law
Gainsborough



Association of Personal Injury Lawyers Ltd
3 Alder Court
Rennie Hogg Road
Nottingham
NG2 1RX

Email: mail@apil.org.uk

www.apil.org.uk