

Court Funds Office

Court Funds Rules Consultation for Stakeholders



A response by the Association of Personal Injury Lawyers

26 April 2011

The Association of Personal Injury Lawyers (APIL) was formed by claimant lawyers with a view to representing the interests of personal injury victims. The association is dedicated to campaigning for improvements in the law to enable injured people to gain full access to justice, and promote their interests in all relevant political issues. Our members comprise principally practitioners who specialise in personal injury litigation and whose interests are predominantly on behalf of injured claimants. APIL currently has almost 5,000 members in the UK and abroad who represent hundreds of thousands of injured people a year.

The aims of the Association of Personal Injury Lawyers (APIL) are:

- to promote full and just compensation for all types of personal injury;
- to promote and develop expertise in the practice of personal injury law;
- to promote wider redress for personal injury in the legal system;
- to campaign for improvements in personal injury law;
- to promote safety and alert the public to hazards wherever they arise; and
- to provide a communication network for members.

APIL's executive committee would like to acknowledge the assistance of the following members in preparing this response:

David Bott – APIL Vice President; and

Cenic Clement-Evans – APIL Executive Committee Member.

Any enquiries in respect of this response should be addressed, in the first instance, to:

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Introduction

APIL is supportive of the modernisation programme conducted by the Court Funds Office (CFO) to deliver long-term transformation of the management of client funds by the CFO. We support any initiative to streamline or simplify the Court Funds Rules 1987 which govern the management and administration of funds held in court.

Executive Summary

APIL welcomes the opportunity to respond to the CFO's consultation regarding the modernisation of the Court Funds Rules. As we generally support the proposals we have submitted a response of general comments rather than answers to specific questions.

Consultation Response

APIL understands from the consultation that the Court Funds Office is attempting to streamline, clarify and modernise the Court Funds Rules and in general we agree with the proposals.

We do have some suggestions on how the process can be streamlined even further. Part 2 of the proposed new rules, which relates to the depositing of funds in court, should allow for funds to be deposited at the Court Funds Office or court by BACS (as described in Part 4 Payment out of a fund in court Rule 31). Part 4 Payment out of a fund in court Rule 31 defines BACS as,

the method of payment in which money is transferred from one bank in the United Kingdom to another by means of an automated system.¹

This simple method of payment could streamline and further simplify the method of payments into court under Part 2. Part 4 paragraph 31 allows for payments out of a fund

¹ *Court Funds Rules Stakeholder Consultation*, Court Funds Office, Statutory Instrument 2011 No. Senior Courts of England and Wales County Courts, England and Wales, The Court Funds Rules 2011 Part 4 Rule 31.

in court to be made by BACS and so the means of implementing this suggestion already exist.

We also suggest that at Part 4 Rule 29 there should be a specified time frame in which the Accountant General shall make any payment. We propose that a reasonable period here should be five working days. Part 4 paragraph 29 would then read,

The Accountant General shall make any payment within 5 working days of receipt of:

- (a) the payment schedule; or*
- (b) the other authority for payment.*

We believe that this provides further clarification when interpreting the rules and will also create a standard procedure.

- Ends -

Association of Personal Injury Lawyers

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