

Solicitors Regulation Authority
The Cube
199 Wharfside Street
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By email only: postsixyear@sra.org.uk

13 December 2022

Dear Sirs

Post six year run off cover: further consultation

APIL welcomes the opportunity to respond to the SRA's plans following the closure of the Solicitors' Indemnity Fund (SIF) in September 2023. We are pleased to note that the SRA controlled indemnity fund will provide cover for negligence claims brought six or more years after a firm has closed, at the same level of cover as is currently provided by the SIF. We welcome that the SRA has listened to concerns about the removal of the SIF, and the need for people who bring claims six years after a firm has closed, to have access to funds to cover their claim. As we pointed out in our response to, and in meetings with, the SRA earlier this year, the number of claims that fall into this category may be small, but due to the nature of claims that are likely to be brought after six years, they will relate to for example long tail diseases, and have the potential to be of very high value.

As we have stated previously, those who are injured through another's negligence should receive full compensation which puts them as close as possible to the position they were in prior to the negligent incident. Removal of the SIF, with no alternative provision in place, would have meant that those who wish, and are permitted to, bring a professional negligence claim against a firm which closed more than six years ago, would be unlikely to be able to do so. The claimant would then be left uncompensated or undercompensated for their losses as a result of the professional negligence. We therefore welcome the SRA's approach.

On reviewing the detail of the proposed rule changes, we note that where the current rules state simply that the claim must be notified to the SIF, the new rules require notification via a "prescribed form". We are concerned that this may indicate a lack of flexibility in the new scheme. There is no reason that this scheme should have stricter/more rigid requirements than the existing scheme. It would be highly unfair if members of the public were denied compensation because the scheme refused to provide an indemnity due to a technicality.

We hope that our comments prove useful to you.

Yours faithfully

A handwritten signature in black ink, appearing to read "Alice Taylor".

Alice Taylor