

16 August 2001

Dr S. Jones
Clerk to the Standards Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Dr Jones

Statutory Registration of Commercial Lobbyists

Thank you for your letter of 5 July. Please find enclosed the Association of Personal Injury Lawyers' response to the Standards Committee's consultation paper on the above.

Please do not hesitate to contact me if I can be of any further assistance.

With kind regards.

Yours sincerely

Annette Morris
Policy Research Officer

STANDARDS COMMITTEE CONSULTATION

STATUTORY REGISTRATION OF COMMERCIAL LOBBYISTS

A RESPONSE BY THE ASSOCIATION OF PERSONAL INJURY LAWYERS

AUGUST 2001

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

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STATUTORY REGULATION OF COMMERCIAL LOBBYISTS

1. The Association of Personal Injury Lawyers (APIL) is a membership organisation that was formed in 1990. Membership comprises around 5000 solicitors, barristers, legal executives and academics whose interest in personal injury work is predominantly on behalf of injured victims. We currently have 103 members in Scotland. The aims of the association are:
 - To promote full and prompt compensation for all types of personal injury;
 - To improve access to our legal system by all means including education, the exchange of information and the enhancement of law reform;
 - To promote health and safety;
 - To alert the public to dangers in society such as harmful products and dangerous drugs;
 - To provide a communication network exchanging views formally and informally.
2. We would like to draw the attention of the Standards Committee to the nature of organisations such as ourselves, to ensure that they are not inadvertently caught within the proposed statutory registration scheme by virtue of the definitions of “commercial lobbying” and “lobbying in relation to commercial lobbyists”.
3. In meeting APIL’s objectives, APIL does lobby MSPs. We have, for example, recently met with MSP’s to raise their awareness of the difficulties currently experienced by victims of asbestos-related diseases in pursuing a claim for compensation.
4. APIL’s decision-making body, known as the executive committee, comprises practising lawyers who act on a voluntary basis, although APIL does employ staff to assist with many of its functions, including parliamentary monitoring and lobbying.

5. As well as lobbying on behalf of the victims of personal injury, we also:
- act as an information source for members;
 - provide details of a range of experts that may be needed in the context of personal injury litigation;
 - provide legal and other training.

Revenue is raised through membership fees but we should stress that APIL is a non-profit making organisation. Members may join APIL for any or all of the services provided i.e. not just for its lobbying activity.

6. We are currently unclear as to whether APIL would be classed as acting “in return for remuneration” as appears in the definition of “commercial lobbyists” on page 4 of the consultation paper. We do not believe that APIL should be classed as a “commercial lobbyist” because:

- Whilst membership fees are used to fund lobbying activity, those fees are:
 - Not received to make a profit;
 - Not received in direct exchange for lobbying services.
- Lobbying services are conducted on behalf of the victims of personal injury (who pay nothing for the lobbying activity) and not directly on behalf of members (who pay membership fees) although the interests of victims and members may, at times, converge.

7. If the Standards Committee do not intend, therefore, to include organisations such as ourselves in the statutory registration scheme, we believe that the definition of “commercial lobbyists”, and in particular the term “in return for remuneration”, would benefit from clarification.