

21 July, 2008

STATEMENT FROM THE ASSOCIATION OF PERSONAL INJURY LAWYERS (APIL) IN RESPONSE TO THE MINISTRY OF JUSTICE'S RESPONSE TO CONSULTATION DOCUMENT, 'CASE TRACK LIMITS AND THE CLAIMS PROCESS FOR PERSONAL INJURY CLAIMS' – ISSUED TODAY.

APIL welcomes the Ministry of Justice's decision to maintain the small claims limit for personal injury claims at £1,000 and its obvious drive to encourage a quicker claims system.

APIL would like to be sure that the Government does not lose sight of the personal needs and circumstances of the individual claimant.

APIL called for a statutory requirement to offer injured people rehabilitation on admission of liability, but there is no mention of rehabilitation of the claimant, in the Government response. Rehabilitation is a crucial element for all personal injury claims. Also lacking is provision for an early interim payment, which is currently being piloted in the multi track code initiative.

The government states it believes a fixed recoverable costs scheme will bring "certainty and predictability to the new claims process", but the experience of APIL's 5,000 members shows the current scheme of predictable costs has not prevented insurers from disputing costs, which generates satellite litigation and delay. Promised reviews, essential to any fixed costs scheme, have also not been forthcoming, once again generating more uncertainty.

While the Government has decided to leave employer and public liability cases out of its new scheme, a £10,000 limit means that more complex RTA cases could be included within an inappropriate and inadequate system.

The stated increase to the fast track limit does not currently allow complex claims to move into the multi track and we would like to see such provisions included in the new rule or practice direction. We are concerned that this increased limit will result in many cases being allocated to the fast track when they are complex and more suited to the multi track procedure. It is APIL's view that complexity and not just the value of a claim should be considered.

There is still a lot of work to be done on these proposals and APIL will continue to work with the Government on these proposals as they currently stand.

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