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## GOVERNMENT'S RESPONSE ON DAMAGES ADDS 'INSULT TO INJURY

'A feeble anticlimax' was the verdict of the Association of Personal Injury Lawyers on the Government's response to the consultation The Law on Damages, after a two-year wait for publication.

"In all my years of practice, I can rarely remember waiting so long for so little," said APIL president, John McQuater.

"Almost exactly two years ago, APIL urged the Government to grasp this opportunity for real, fundamental reform to ensure there is full and fair redress for needless, preventable injury," he said.

"We were concerned at the time by the Government's suggestion that there is a need to 'balance the interest of claimants and those of defendants and their insurers' and our concerns appear to have been well founded."

APIL welcomed some of the Government's provisions, such as an extension to the list of people entitled to claim for financial loss after a wrongful death and the payment of bereavement damages to children of deceased parents. But, said John McQuater, this doesn't go nearly far enough.

"The Government hasn't understood that the current level of bereavement damages is seen as an insult by many people," he said. "Nor has it accepted the majority view that legislation as outlined by the Law Commission is needed to clarify the law on psychiatric illness."

"The concept that the defendant should pay for the care provided to injured people by public bodies, which was so welcome in the consultation, has been shelved, despite the fact that the majority of respondents favoured this approach."

"And, quite literally to add insult to injury, the Government has not even considered increasing damages for pain and suffering in line with Law Commission recommendations."

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- APIL (Association of Personal Injury Lawyers) is a not-for-profit organisation, whose members are dedicated to campaigning for improvements in the law to help people who are injured or become ill through no fault of their own.
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