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GRIEVING SCOTTISH FAMILIES MUST BE PROTECTED FROM FURTHER TRAUMA

Families mourning the loss of a loved one killed through negligence must not be subjected to the added trauma of an intrusion into the deceased's finances, a parliament committee is set to hear on Tuesday. (21 September 2010)

Ronnie Conway, from not-for-profit legal reform campaigners the Association of Personal Injury Lawyers (APIL) is set to give evidence to MSPs on the justice committee about new proposals for settling fatal negligence claims.

The Government is consulting on plans for grief-stricken families in Scotland to receive a fixed sum of 75 per cent of the deceased loved one's future earnings. The money would be paid to help compensate them for the household's loss of income.

Mr Conway said: "These proposals would prevent grieving families from going through the added trauma of an intrusion into the financial history of a loved one who has been killed because of the negligence of another person."

The Government consultation is the third held in as many years on the matter since the Scottish Law Commission first called for a new damages calculation to be looked into.

Currently, those who have lost a loved one because of another person's negligence can be subjected to an intrusion into the deceased's spending habits. This unfortunate process can be required to establish how much they spent supporting their family and how was spent on themselves, for things like hobbies and socialising.

Under the new proposals, it is assumed that the deceased would have spent 25 per cent on themselves and 75 per cent on their family.

Mr Conway added: "A fixed figure would also provide bereaved families with a degree of financial certainty



during a highly uncertain time and make legal proceedings shorter and less expensive.

“The current system is outdated, complex and leaves families – many who may be worried about losing their home – with a further anguish.”

-Ends-

Note to editors:

- 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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