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## Legislation “missed opportunity” for bereaved people

New legislation passed today (3 March) to improve the law to help bereaved people is a “missed opportunity” to introduce real consistency and clarity, said not-for-profit campaign group the Association of Personal Injury Lawyers (APIL).

The Damages (Scotland) Bill as introduced by Bill Butler MSP, was fully supported by APIL as it would have provided certainty and fairness for the spouse or partner of a person who has been wrongfully killed.

But a last-minute amendment made by the Government will leave the new legislation open to interpretation by the courts and could result in the under-settlement of claims, the association believes.

“Mr Butler deserves great credit for bringing this Bill forward,” said APIL’s Scottish co-ordinator Ronnie Conway. “And, in its original form, the Bill allowed for the income of the bereaved spouse or partner to be disregarded when calculating damages for loss of financial support as a result of the death, which was a recommendation originally made by the Scottish Law Commission.”

“The Scottish Law Commission considered the current way of calculating damages in these circumstances is now ‘anachronistic’ and we agree. But an amendment by the Government will allow the income of the bereaved relative to be taken into account in certain circumstances.

“Unfortunately there is no real clarity in the Bill itself about the nature of these exceptional circumstances,” Mr Conway went on. “So until there is a body of case law to establish when the income should be taken into account, the law will remain confused on this point.

“In the meantime, the only people to be disadvantaged by this move will be the vulnerable bereaved people the Bill was designed to support.”

-Ends-



#### Notes for 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. APIL also provides an industry recognised kitemark to lawyers who reach a required standard of competence and specialist expertise in personal injury law.

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