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Lawyers call for real debate on whiplash

Hard questions must be put to insurers about the way they handle whiplash claims, lawyers have said ahead of a Whitehall 'summit' with the insurance industry.

"Whiplash injuries are real, they can be long term, and must not be trivialised," said Karl Tonks, president of the Association of Personal Injury Lawyers (APIL).

"Before it announces a raft of propositions which risk barring genuinely injured people from bringing legitimate claims, the Government must have a wider debate about the real issues, and it must also hold the insurance industry to account.

"I'm really concerned that in all the latest populist rhetoric about whiplash claims, everyone is being tarred with the same brush," he said.

"Of course we must put a stop to crime and to fraudulent claims. We are absolutely committed to that, but insurers really do hold the key," he went on. "They have a wealth of information about fraudulent claimants at their fingertips and lawyers could play a real part in helping to weed out fraud if insurers would only share that information. Unfortunately, they are not willing to share it, and the Government needs to ask the industry why.

"Insurers are increasingly contacting people direct, once they've been in an accident, to offer cash straight away, outside the proper, formal legal process, because they believe it is cheaper to deal with people this way," he went on. "But many of those people would ordinarily never think of making a claim. There's also a growing trend of insurers offering



cash to claimants even before a report has been received from a doctor. How many unnecessary and invalid claims is this kind of behaviour encouraging?"

Tonks also challenged the insurance industry to commit to reductions in insurance premiums. "The current system for dealing with road traffic accident claims was thrashed out between all the parties just two years ago," said Tonks. "As part of that process, the cost of bringing these claims was slashed, but there has never been a corresponding drop in premiums."

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Notes 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.
- For more information, contact Chris Birkle, press and communications officer, t: 0115 943 5409, e: chris.birkle@apil.org.uk, or Jane Hartwell, press and communications officer, t: 0115 943 5416, e: jane.hartwell@apil.org.uk.
- Visit the association's website at www.apil.org.uk.
- Follow us on Twitter: @APIL.