

## **APIL PRESIDENT HIGHLIGHTS ‘SERIOUS CONCERNS’ OVER COMPENSATION FOR VICTIMS**

Periodical payments - the method by which many injured people will soon receive their compensation instead of a lump sum – may leave victims short-changed and with insufficient funds to pay for their care.

Addressing guests at a dinner last night, David Marshall, president of the Association of Personal Injury Lawyers (APIL), said he was “most concerned” about imminent changes to the way compensation may be paid.

“Lord Irvine [the former Lord Chancellor] said periodical payments should help ensure that injured people receive the compensation to which they are entitled for so long as it is needed, without the worry of the award running out if they happen to live longer than was expected....but a serious problem remains,” Marshall told guests.

“The normal inflation index for regular increases in the periodical payments is to be the retail price index.....all the evidence shows that this is inadequate to reflect the likely increases in earnings which the claimant would have had but for the accident....a link to the average earnings index would be far more appropriate.”

Marshall went on to say that he was even more concerned that care costs, such as nursing care, are rising faster than RPI, and even average earnings.

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“...if care costs continue to rise more steeply than RPI, in many cases it will not be long before the claimant will have to substantially cut the care regime carefully considered and ordered by the judge at trial.”

Marshall also criticised the Government for failing to act on several Law Commission reports dealing with damages dating back as far as 1997.

“..the law of personal injury damages was thought in need of review, and following comprehensive consultation and analysis, carefully considered proposals were put forward..nothing has happened since..” he said.

“...so long has passed since the Commission reported that it seems further consultation will be necessary. This seems wasteful in terms of time and effort and renders the work of the Law Commission less valuable. This is, to say the least, far from satisfactory.”

Marshall rounded off by urging the Government to “..dust off the Law Commission reports and get on with implementing them and to urgently look into the problem caused by linking inflation increases in periodical payments to RPI.”

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