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October 2005

APIL HIGHLIGHTS RESEARCH AT SMALL CLAIMS ENQUIRY

Research which found the majority of injury victims would not seek justice if the small claims court limit is raised was highlighted again last week, when APIL gave evidence to the Constitutional Affairs Select Committee at its inquiry into the small claims process.

APIL president Allan Gore QC told the committee that an “..increase in the threshold will act as an inhibitor to bringing claims, and will adversely affect access to justice.”

The debate about whether the limit should be increased from £1,000 to £5,000 for personal injury claims started when the Government announced it was carrying out research into the issue earlier this year. Results of a MORI poll commissioned by APIL, along with internal research carried out among its membership, added weight to the association’s argument that the small claims track is not appropriate for complex personal injury claims.

APIL has always maintained that people should not be put in a position in which compensation has to be used to pay for legal representation. In personal injury cases, the injured party recovers their costs, but in the small claims court the injured party has to pay for legal help out of their own pocket, or represent themselves in court.

Results of the MORI poll found 64 per cent of people would be unlikely to pursue a case without an independent solicitor to help them; 74 per cent said they would be unable to work out how much compensation they would be entitled to, and 80 per cent of people believed that without an independent solicitor to help them they would not receive the right amount of compensation from an insurer.

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Note to editors: for more information, contact:

Lisa Wardle
Press & PR Officer
APIL
Telephone: 0115 9388715
Email: lisa.wardle@apil.com

Lorraine Gwinnutt
Head of Legal & Public Affairs

Telephone: 0115 9388707
Email: lorraine.gwinnutt@apil.com