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GOVERNMENT URGED TO STRIKE RIGHT BALANCE BETWEEN VICTIMS' RIGHTS AND COST CUTTING

Lawyers have today taken a firm stance against Government proposals to bring personal injury claims up to £25,000 into a new claims process, warning the move would swing the pendulum towards costs cutting instead of fully protecting claimants' rights.

Responding to the Ministry of Justice consultation paper: Case track Limits and the Claims Process, the Association of Personal Injury Lawyers (APIL) said only road traffic accident claims with a value of £2,500 should fall within the new process, saying this would address the cases regularly cited by insurers as the 'problem cases.'

APIL president Martin Bare said he was in no doubt that the current system could be improved by making the process faster and more efficient, but said that discussions over the years had made it clear that "those driving for reform had forgotten that the focus must remain on the victims."

"The Government must remember that the basis for every personal injury claim is that someone has been hurt through another's negligence," he said. "It is crucial that any new system benefits that person, while bringing with it sustainability and certainty."

APIL has voiced opposition to raising the fast track limit to £25,000, warning it would lead to many cases being wrongly allocated to the fast track.

"If injured people are to be given a fair hearing then the overriding consideration, when deciding on whether the case should be in the fast or multi track, should be the complexity of that case, not the value," warned Martin.

The association has stressed that returning injured people to health is a critically important part of the process, and has called for a statutory requirement to offer rehabilitation to injured people on admission of liability.

“Particularly in lower value cases, the cost of rehabilitation is likely to be reasonable and can significantly reduce someone’s recovery time,” said Martin. The claimant can return to a fuller life and the insurer is likely to benefit from having to pay less compensation.”

APIL welcomed the Government’s proposal that claimants in low value, straightforward RTAs will no longer need after the event insurance, but warned it was extremely concerned about the knock on effect.

“What will happen to the claimants with higher value, more complex claims?” asked Martin. “We believe the proposals will either result in a significant increase in premiums in cases which still require ATE, or that there will be no suitable policies available. The Government must have a contingency plan in place.”

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Note to editors:

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