

EMBARGOED UNTIL 00:01 ON TUESDAY 6 DECEMBER 2005



Constitutional Affairs Committee report on the small claims court: response from the Association of Personal Injury Lawyers (APIL)

APIL has always insisted that personal injury cases have no place in the small claims court, and we are deeply disappointed with the committee's recommendation that the limit should be increased. Contrary to the committee's assertion, we believe that increasing the limit will undoubtedly impede access to justice for injured claimants.

APIL maintains that it is much more difficult to value a whiplash injury than a technical claim for defective goods. Personal injury claims involve complex evidence which almost always demand legal guidance, and the costs system of the small claims procedure does not provide for this facility.

We know that the lack of legal advice in the small claims court acts as a disincentive for those with low value cases seeking compensation which is rightfully theirs, and that a large proportion would not bring a legal case without a solicitor. A MORI survey, commissioned by APIL shows that:

- 64 per cent of adults would be unlikely to pursue a personal injury claim through the small claims court without an independent solicitor helping them.
- 73 per cent of respondents would be unable to work out the value of their claim without an independent solicitor helping them.

We understand a consultation is expected on this issue and look forward to responding in due course.

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For more information, contact:

Lisa Wardle, telephone: 0115 9388715

