



25 January 2013

APIL and MASS issue judicial review

The Association of Personal Injury Lawyers (APIL) and Motor Accident Solicitors Society (MASS) have now issued a judicial review of the Secretary of State for Justice's decision to reduce the amount of fees payable for cases conducted through the road traffic accident (RTA) personal injury scheme.

The judicial review (JR) challenges the Government's decision to cut recoverable costs in the scheme by significant amounts. The organisations are concerned that the decision was made at an insurance summit held by the Prime Minister where the Government consulted insurers but not those representing the interests of victims and claimants.

They also challenge the fact that the Government appears to have accepted the insurance industry's analysis that, if referral fees are banned, solicitors will make an unacceptable level of profit from cases run through the scheme.

Fees in the current scheme were not calculated on the basis of referral fees. So, by consulting only with insurers, the Government's proposal to make these cuts is both unfair, and based on a misinterpretation of the facts.

Underpinning the JR is the shared concern of both not-for-profit organisations that the proposed cuts will make running cases through the scheme unaffordable. Victims will find it difficult to obtain independent legal advice and will in turn be forced to negotiate with insurers for the compensation they need. With the vast majority of injured people having no



knowledge of what their injuries are 'worth' in terms of damages, such negotiations will be biased in favour of the insurers and their shareholders.

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- 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.
- Visit the association's website at www.apil.org.uk.