

## **MEETING NOTES**

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**DATE:** 15 September 2008

**SUBJECT:** New to PI Group Meeting

**LOCATION:** Park Inn Hotel, Russell Square

**MAIN SPEAKERS:** District Judge Monty Trent, The Mayor's & City of  
London Court

Martin Terrell, Thomson Snell & Passmore

### **1. Apologies**

Denise Kitchener, APIL Chief Executive, was unable to attend as planned to give the EC update due to having to travel for an early meeting the next day.

### **2. First Speaker**

Esther Pounder, (Group Co-ordinator), introduced herself to the group and thanked everyone for coming. Esther then introduced the first speaker, District Judge Monty Trent.

District Judge Trent gave a very useful talk on 'how to get along with your District Judge - 50 tips'. A copy of the handout from the talk can be found on the website.

### **3. Second Speaker**

Alex Drake (Group secretary) introduced herself to the group and then introduced the second speaker of the evening, Martin Terrell, a Partner at Kent firm Thomson Snell & Passmore.

Martin gave a very informative talk on Capacity, an introduction to the Court of Protection and the role of Deputy.

Martin's talk emphasised that Capacity is a topic which affects a huge range of clients who have suffered a personal injury. Whether a client can instruct solicitors, litigate, agree an award or administer his award will depend on the client's capacity. Martin also explained some of the key sections of the Mental Capacity Act 2005 which came into force in October 2007 which redefines the way in which capacity must be addressed and the role of the Court of Protection in making decisions on behalf of persons without capacity.

## **MEETING NOTES**

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A copy of the slides from the talk (which, due to technical problems were unfortunately unavailable during the talk itself) can be found on the website.

### **4 EC Update**

Jonathan Wheeler kindly stepped in to give the Executive Committee update in place of Denise Kitchener.

Jonathan explained that the EC are currently working on a number of matters including:

- (a) **Claims Process Reform** - the Ministry of Justice has finally published its response to the Case Track Limits and Claims Process consultation and APIL has issued a statement to the press welcoming the decision to maintain the small claims limit and applauding the Government's drive to encourage a quicker claims system. Jonathan pointed out that we will need to be a position to deal with the reforms when they are implemented.
- (b) **Repeal of the regulation for employers to retain employers liability compulsory insurance certificates** - APIL have published a response to the Consultation paper *A review of certain provisions within the Employers' Liability (Compulsory Insurance) Regulations 1998* reiterating that a central electronic database would be the most efficient and effective way of protecting employees against employers who flout the law and that the requirement to trace insurance policies should not be left to the Association of British Insurers' tracing code, which has a poor success record.

APIL members are encouraged to keep lobbying MPs.

Further information on this can be found on the APIL website.

- (c) **PEOPLE First** - This is a new initiative which was launched at the AGM at the APIL conference in April 2008 designed to consolidate all APIL's current work directed at the public as well as to provide new services. A new PEOPLE First website is being developed.

APIL is keen to promote awareness of the difference between pure accident and negligence and are distributing a booklet named 'Accident or Negligence? A guide on how to avoid preventable injury'. Copies of the booklet are available from the APIL office.

- (d) **Cost Challenges** - Members have taken part in a survey with the aim of establishing the scale of the problem and the results are being analysed.

## MEETING NOTES

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- (e) **Draft Queen's Speech** - This was published in May and contains a promise of a Coroners and Death Certification Bill and also a Draft Civil Law Reform Bill. APIL has responded to the Government welcoming the proposed bills and calling for new laws to give company directors statutory health and safety duties.
- (f) **Third party capture** - APIL are asking MPs to raise this issue in Parliament to put pressure on insurers to behave more ethically when dealing with injured and vulnerable people.
- (g) **Law Commission Consultation Paper on Administrative Redress: Public Bodies and the Citizen** - part of the paper deals with claims in private law against a public authorities and the proposal is that there be a higher standard of proof of liability in these circumstances, referred to in the paper as 'special fault'. APIL are keen to try and nip this in the bud and are co-ordinating a response. The proposals do not, however, apply to clinical negligence claims.

Members are invited to contact the APIL office if they would like to be involved. Further information can be found on the APIL website.