

## APIL South West Regional Meeting – 29<sup>th</sup> September 2008

### Venue:

Marriott Royal  
College Green  
Bristol

### Attendees:

Chris Chan – Co-ordinator  
Gary Lightwood – Secretary

**Attendees – 24 (31 registered to attend)**

### Speakers:

1. Nicholas Martin – Partner – Nestor Partnership – Health Care and Social Care Services and Responsibilities
2. Victoria Mortimer-Harvey – APIL Executive – Update on the Ministry of Justice and the new claims process.

Nicholas Martin - provided a very detailed and informative talk on what was quite a dry but important subject. He provided power point slide notes and a paper setting out the relevant case law in respect of provision of care as well as a detailed handout in respect of the subject of health care and social care services and responsibilities. He was very well prepared and presented well.

Victoria Mortimer-Harvey – provided a clear and informative update in respect of the new claims process and an update from the Executive Committee with regard to current issues affecting APIL and APIL members.

## **Feedback/Comments**

New claims process – various comments from the floor and the speaker in respect of the time limits with regard to the lodging of claims and defendant responses and who would be policing these. There was concern that the time limits were overly prescriptive and that this would simply lead to more satellite litigation regarding process compliance.

The new claims process is said to go 'live' from April of 2009 but it was Victoria Mortimer-Harvey's view that it was more likely to be the autumn before the new claims process was in place.

Victoria Mortimer-Harvey asked if anyone had any further feedback to contact APIL as soon as possible.

## **EC Update**

Victoria Mortimer-Harvey then took the attendees through the following current issues:

- i) Regulation iv insurer details. APIL argued for a data base for all companies re EL compulsory insurance – asked everyone to express concerns relating to the proposal to do away with the requirement for insurers to maintain details and to express their concerns to Lorraine at APIL and/or to provide a letter to their local MP et cetera.

- ii) People first – VMH described the public information campaign.
- iii) VMH described the employers' liability exceptionality clause.
- iv) VMH described the issue of third party capture and requested case studies regarding insurers' sharp practice, requesting people contact David Spencer at the APIL office with any information.
- v) VMH discussed the child maintenance and other payments bill, which comes into effect from the 1<sup>st</sup> October 2008 and specifically referred to 'the mesothelioma lump sum'.
- vi) Quick financial support.
- vii) VMH described the high value case protocol which has been launched and presently being piloted and a report is due in 12 months.
- viii) VMH described the law condition consultation which affects the law of tort against public bodies and the need to prove 'serious fault'. This will affect 'slips and trips' cases amongst others.

The facilities were appropriate and the giant cookies went down extremely well!

Gary Lightwood

Secretary APIL South west Region

13/10/08

