

APIL Central England Regional Meeting

Venue: The Broughton Hotel, Milton Keynes

Date: 12th November 2009

Regional Co-ordinator: Ian Pears

Secretary: Felix Wong

Speaker: John McQuater, APIL President

Total attendees: 22

1. New Claims Process

John McQuater delivered a presentation on the new claims process, due for implementation in April 2009.

A question and answer session on the presentation then followed:

Q: Can the defendant argue non compliance with the process if any fields on the standardised claim form have not been completed?

A: The aim of the format of the claim form, which is still being drafted, is to prevent or minimise the opportunities for this to occur. It may be possible to argue that as long as something has been written, even if it is "don't know" or "tbc" then the form has been properly completed.

Q: How will the signed claim form be submitted to the defendant insurer, given that the whole process is electronic?

A: This is still being considered. There are a number of options. It may be that once the claim form is signed by the claimant there will be some form of electronic endorsement by the claimant's solicitor

Q: If a claim comes out of the new claims process will pre-April 2010 costs apply?

A: This is still unclear, but it appears that the predictable costs regime remains in such instances

Q: Has the definition of a "Road Traffic Accident" been finalised?

A: This is still being negotiated. The insurance industry was it to be anything that would be picked up by a motor insurance policy

Q: Will there be one central electronic contact point for each insurer?

A: Yes, each insurer will have its own portal to receive the standardised claim form, the insurer will then allocate it internally.

Q: Is the insurance industry ready for the changes?

A: There is no way of knowing for certain, but they say that they will be ready

Q: The electronic claim form is being developed by a private IT company, will there be a charge for using it?

A: It is unlikely that there will be a charge for the end user, but if there were claimants could surely treat that as a disbursement.

Q: Will medical experts be required to access the medical records?

A: No medical records are necessary under the new process, but the expert may elect to obtain the records if s/he chooses

Q: How will costs advice to clients change?

A: All claimant firms will have to redraft their costs advice letters to clients

2. EC Update

Lord Justice Jackson Review

Report due by end of 2009.

The review covers all of civil litigation including PI

Jackson LJ has considered fixed costs in the fast track, but if implemented that would mean there is no incentive on the defendant insurers to stick to the new claims process.

Employers Liability Insurers Bureau

Negotiations continue.

If introduced it is uncertain whether it would have retrospective effect.

Members are urged to contact the APIL communications team with case evidence of any claimants unable to claim because they have been failed by the tracking code

Damages Review

The government's response was disappointing, especially in respect of bereavement damages.

Coroners Bill

APIL is trying to push for legal aid for bereaved families to be represented at inquests. APIL welcomes any case studies from members

Third Party Capture

There is an indication that the FSA will not regulate in this area. Members are urged to provide any further examples of this practice to the Communications team at APIL.

PEOPLE First

APIL's PEOPLE FIRST campaign continues to gather support and momentum

Contacting APIL

Members are urged to speak to Lorraine Gwinnutt (Head of Communications Team) or Abi Jennings (Head of Legal Affairs) with comments, input and most importantly case studies on any of APIL's campaigns.