

MINUTES



DATE: 27/03/2017

SUBJECT: Transport SIG

LOCATION: Hodge Jones & Allen

ATTENDEES: 28

1. Brexit- Everything we don't know

Katherine Deal of 3 Hare Court gave an insightful talk about the triggering of Article 50 and what the government must try and achieve before we are out of the EU on 28 March 2019. Katherine discussed cross border claims and the issues that we may face when suing foreign insurers. There was also discussion about which laws we will retain and which ones are likely to go. These are very uncertain times ahead for international lawyers.

Sharam Sharghy provided the APIL update. In particular he discussed the discount rate and how this will impact PI lawyers, the Prisons and Courts Bill which introduces the reforms for whiplash claims only and the Jackson review for fixing costs in clinical negligence cases. He also highlighted the 'can the spam' and urged people to join the APIL accreditation scheme.

2. Brexit and Package Travel Claims

Sarah Prager of 1 Chancery Lane then gave an excellent talk on how Brexit may affect package travel claims. The Package Travel, Package Holidays and Package Tours Regulations 1992 were enacted in order to give effect to the council directive 90/314/EEC. The act may be repealed or replaced after Brexit. In the meantime the new Package Travel Directive was adopted on 25 November 2015 and it will be applicable within the EU by 1 July 2018 so we will also implement it as we will still be part of the EU. However, what happens when we leave the EU in March 2019? Will the decisions of the Court of Justice of the European Union continue to be binding or relevant? This is a developing area and needs careful consideration going forward and it is likely that we will not know what is going to happen until after March 2019.