

**BRIEFING:
INTERNATIONAL SIG
7 OCTOBER 2019**

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APIL Strategic Plan

- EC and CEO working on APIL's future strategy
- Root and branch examination of the organisation
- To be presented to APIL members at the Spring conference and AGM

Civil Liability Act

Introduces:

- Rigid tariffs for whiplash
- Government definition of whiplash
- Uplift in exceptional circumstances
- Ban on pre-medical offers
- Changes to the discount rate
- Separate, but linked: small claims limit

Update

- Discount rate set at -0.25% from 5 August. We said:
- “We welcome the Lord Chancellor’s decision to set the discount rate at minus 0.25 per cent, after uncertainty about the impact of the Government’s new approach of setting the rate on the basis that injured people should be considered ‘low risk’ investors.

“The Government has faced sustained pressure from the insurance industry to set a rate which would not be appropriate for injured people, who should not be forced to take any risk with their investments. We must remain vigilant that this new rate does provide them with the fair compensation they need and deserve.”

- BUT: Scottish discount rate announced on 30 September: -0.75%
- Calculation for the Scottish rate is on the face of the Damages (Investment Returns and Periodical Payments) (Scotland) Act 2019
- Rate in Northern Ireland: still 2.5%

- BACK IN ENGLAND/WALES: Whiplash tariffs and small claims reform still due to be introduced April 2020
- Children and protected parties exempt from increase to small claims limit for RTAs, but NOT from the tariffs

- ADR and rehabilitation not included in the new portal
- Rules are expected to be laid in January
- What are the chances of April implementation?

What more can be done?

- MoJ stakeholder group meetings have stalled while portal build continues
- Our members must have time to adapt their business models
- Concerns about how the system will be tested

- Impact of 150,000 unrepresented litigants on charities
- Concerns have been raised with chairman of the Justice Select Committee, who has raised them direct with Lord Keen
- Briefings/lobbying at committee debate stage

Bereavement Damages

- Long term APIL campaign
- MoJ draft remedial order: couples who have cohabited for more than 2 years to be eligible
- Joint Committee on Human Rights providing legislative scrutiny

- We told MoJ and joint committee the proposals don't go far enough
- In July the joint committee agreed, saying the law on bereavement damages 'risks further challenge'
- Government response awaited
- Research report being prepared

Register of Mediators

- Register of specialist PI and clin neg mediators exclusively and free for members of APIL, FOIL & MASS
- Developed with the support of the Civil Mediation Council
- Go to 'for professionals' on APIL website, then 'search' then 'mediators'

- Mediators must be registered with the Civil Mediation Council
- OR
- Their business is a CMC-registered provider

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