



**BRIEFING:
NORTH WEST REGIONAL
GROUP MEETING
30 JANUARY 2020**

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APIL Strategic Plan



- New CEO Mike Benner
- New strategic vision
- To be presented to APIL members at the Spring conference and AGM



- Core principles:
 - Access to justice
 - Prevention of needless injuries
 - Excellence in legal representation



- Plus:

We are looking at ways to address the lack of public trust in personal injury law and lawyers



- Membership engagement panel supports work to:

- Rebuild trust
- Prevent needless injury
- Strive for excellence in PI practice
- Champion the role of PI lawyers



Civil Liability Act



Introduces:

- Rigid tariffs for whiplash
- Changes to the discount rate calculation
- Separate, but linked: small claims limit increase



Update: discount rate

- Discount rate set at -0.25% in England/Wales
- Insurers VERY angry – expected it to be higher
- Still set on the wrong basis
- Review in 5 years' time



- In Scotland the rate is -0.75%
- Set by Government Actuary, not ministers
- In Northern Ireland the rate is still 2.5%, but we're lobbying hard on this



Major research project

- We need persuasive evidence to ensure the discount rate review is fair
- Key information on claims affected:
 - life expectancy
 - sums awarded for loss of earnings and care
 - whether a PPO was offered



- You choose how you provide the information
- Project will run until the next discount rate review in 2024
- Anyone who is interested should contact APIL researcher at:
johnmcglade@apil.org.uk



Update: small claims reform

- Whiplash tariffs and small claims reform still due to be introduced in April – even more inappropriate because of the General Election
- Letter to Lord Keen and MoJ officials about work going on behind closed doors – response awaited



- Children still not exempt from tariffs
- How will ADR work?
- Rehab excluded
- Rules expected this month
- What are the chances this will stay on track?



Independent Inquiry into Child Sexual Abuse



- Removal of limitation period for historical child sexual abuse cases
- Many cases rejected by firms in the early stages
- System weighted in favour of the defendant
- Judicial discretion causes uncertainty
- Pre-action protocol will not solve the problem



Fixed Costs for Clinical Negligence Claims



- No agreement between the parties
- Government consultation
- Can't say if proposed costs will be workable
- Issues to be resolved (inc. exemptions)
- Need a streamlined process
- NHS needs to learn from negligence





- Aimed at parliamentary candidates
- Education about the needs of injured people
- Follow-up work started with new MPs
- Queen's Speech:
 - Thomas Cook → compulsory PL campaign
 - Armed Forces Bill → opposition to liability 'longstop'



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



Fund of Last Resort for Asbestos-Related Disease



Working with Martin Docherty-Hughes
SNP MP to introduce a fund of last resort
for people suffering from work-based
asbestos-related diseases.

Currently in its early stages but we hope to
pick up where the mesothelioma scheme
left off.



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