

SCOTLAND REGIONAL GROUP MEETING

23 OCTOBER 2019

APIL CAMPAIGN ACTIVITY UPDATE

1. APIL STRATEGY

The EC is working with our CEO Mike Benner to develop a strategy for APIL's future development. Mike is taking the opportunity to lead a root and branch examination of the organisation, its objectives, what it does and how it operates. Obviously our work in Scotland will be part of that and I know Mike will welcome any input from you. The strategy will be presented to members at the AGM next year, and disseminated more widely among the membership for those who can't attend.

2. BEREAVEMENT DAMAGES

As you probably know, we have campaigned for a very long time for the Scottish system of bereavement damages to be adopted in the rest of the UK. So when the Ministry of Justice published a draft remedial order to allow couples who have cohabited for more than two years to be awarded bereavement damages, we took advantage of the opportunity.

We submitted evidence calling for wider reform to both the MoJ and the Joint Committee on Human Rights which is scrutinising this issue. The committee has taken up the point and recommended wide-spread reform.

The joint committee said "the current list of eligible claimants is unprincipled, discriminates against other family members in analogous positions to existing eligible claimants, and stigmatises children". It said the law on bereavement damages "as currently drafted risks further legal challenge". The joint committee recommended the Government "undertake a consultation with a view to reforming" bereavement damages.

In its evidence, APIL also expressed its disappointment that it had taken the Government 20 years to extend eligibility to cohabiting couples, which had been recommended by the Law Commission in 1999. The Government must now respond to the report, but it is not required to accept the recommendations of the joint committee.

To support our work on this issue, a new report is being drafted to highlight the differences between the laws on bereavement damages across the United Kingdom. It will also include polling on public attitudes by YouGov.

3. FUND OF LAST RESORT FOR ASBESTOS RELATED DISEASE

We have also started working with Martin Docherty-Hughes SNP MP for West Dunbartonshire to campaign for a fund for asbestos-related disease which picks up where the Diffuse Mesothelioma Payment Scheme left off.

Progress has been a little slow on this due to other 'distractions' at Westminster.

4. MANIFESTO

Both this issue and bereavement damages feature in the Manifesto we're developing in anticipation of a General Election. The Manifesto will focus on fairness and prevention of needless injury.

5. COMPENSATION CULTURE IN SCOTLAND?

One of the things we've been discussing earlier today is the mischief the insurance industry might make of:

- Increasing motor-related personal injury claims in Scotland
- The fact that damages for whiplash in England and Wales could well be negligible soon, compared with damages in Scotland
- The fact that the discount rate is lower in Scotland than in England

The ABI is already talking about the impact of the discount rate on motor premiums in Scotland, while one defendant firm has spoken of a 'claims epidemic' in Scotland as a result of the whiplash reforms in England. We need to learn from lessons south of the border and do all we can to head off any damaging 'compensation culture' arguments at the pass.

Lorraine Gwinnutt

Head of Public Affairs

22 October 2019