

**BRIEFING: JUNIOR
LITIGATORS/DAMAGES
MEETING**

21 NOVEMBER 2019

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APIL Strategic Plan

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

Update

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

- In Scotland the rate is -0.75%
- In Northern Ireland the rate is still 2.5%, but we're lobbying hard on this

- Whiplash tariffs and small claims reform still due to be introduced in April 2020
- Children still not exempt from tariffs
- How will ADR work?
- Rehab excluded
- Rules expected in January
- What are the chances this will stay on track?

Manifesto

A Manifesto from APIL: 30 years of commitment to injured people

- Prevention of Needless Injuries
- Fairness for Injured People



- Aimed at parliamentary candidates
- Education about the needs of injured people
- Core message: prevention of needless injuries
- Full and fair redress
- Modernise the law on bereavement damages
- Fund of last resort for asbestos diseases

- You are key to making this work
- Please engage with candidates – we'll show you how
- A great opportunity to make your mark!

It's easy!

- Email Sam.Ellis@apil.org.uk
- The name of your constituency (not your firm) or your postcode
- Receive the 'toolkit'
- Feed back to Sam

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.

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

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