



15 November 2010

Statement: Ministry of Justice proposals will 'hurt the weakest'

Proposals to restrict 'no win, no fee' will "hit the weakest the hardest", say not-for-profit campaigners the Association of Personal Injury Lawyers (APIL).

The Ministry of Justice (MoJ) will consult on plans to make injured people pay towards their legal costs, which are currently met by the losing party.

APIL president Muiris Lyons said: "No win, no fee has helped provide access to justice for injured people who cannot otherwise afford it. The only party to benefit from this proposal is the negligent person, and through him his insurer, who will have collected a premium to cover such costs. The interests of insurance companies and negligent defendants must not outweigh the rights of injured people.

"The proposal to increase damages to offset the effect of this move is a white elephant for two reasons: first, damages are now too low in any event, as, in most categories, they have never been increased in line with Law Commission recommendations; second, the proposed increase will not always cover the costs to be borne by the injured person in any event, leaving him with a shortfall in his damages.

"Those who will be affected most are likely to be people suffering serious or catastrophic injury, where the damages involved are often very high.

"It is hard to believe that the Government has been seduced by arguments about the cost of litigation when, in personal injury law, a new system, designed ultimately to cut costs and improve efficiency, will account for 75 per cent of all personal injury cases."

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Notes for editors

- APIL is a not-for-profit organisation, whose members are dedicated to campaigning for improvements in the law to help people who are injured or become ill through no fault of their own.
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