

PRESS RELEASE

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THE INJURED TO PAY FOR JUSTICE

Jacqueline Shicluna, Managing Partner at Kent based Stephens & Son LLP, is concerned that in future, anyone receiving compensation for a personal injury claim will have to pay costs out of any award they are granted for damages. Is this paying for justice?

On 29th June 2011, MPs debated the Legal Aid, Sentencing and Punishment of



Offenders Bill at second reading. The Bill's title gives no clue to parts of its content. Attention and media coverage have focused on the sentencing aspect of the Bill, and access to justice of injured people has not been given the attention it deserves.

The Bill contains reforms of civil litigation funding and costs in England and Wales and proposes that some of the costs of bringing a claim will be taken out of the damages awarded to the injured person. It seems that the principle that the wrongdoer must be held responsible and accountable is to be abandoned.

The Bill ignores the fact that a year ago the Ministry of Justice introduced a new, streamlined scheme, web-based and with fixed costs for road traffic cases between £1,000 and £10,000. According to the Government, the scheme will encompass 75% of all personal injury claims so why are new measures necessary?

The Bill confirms the Government's proposal to end recovery of "After-the event" insurance premiums. For claims arising before the date of implementation of this provision, premiums will still be recoverable in successful claims as part of the costs. It

is important, therefore, for those already injured and claiming compensation to ensure they have insurance in place before it comes into force – possibly early in 2012.

Miss Shicluna is not convinced. “The Government has said that injured people should have a financial interest in their cases. Clearly, the Government does not consider it a sufficient interest that a life may have been ruined needlessly, through someone else's fault. People do not choose to be injured, and contrary to the impression given in the media most injured people are genuine. They may be unable to work and suffer financial hardship because of their injuries. Is it really fair that they should lose some of their compensation or that the wrongdoer should not have to pay the full cost of putting things right?”

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