

PRESS RELEASE: For immediate release

Charities warn that Legal Aid Bill will hinder access to rightful compensation among injured, bereaved and dying victims

A group of charities are warning that the [Legal Aid, Sentencing and Prosecution of Offenders Bill](#) includes measures that are likely to hinder access to justice for innocent victims of catastrophic injuries, violent bereavement, and terminal occupational diseases.

The measures change the way that Conditional Fee Agreements operate so that injured claimants will have to pay legal costs of up to 25% of damages for pain and suffering and past losses and they will also have to pay for the cost of insurance in the event of losing a case.

The current CFA arrangements were made to offset the abolition of Legal Aid for almost all personal injury claims and were designed to improve access to justice.

Charities are warning that the proposed changes will deter many seriously injured people from claiming compensation because of the potential financial risks they may incur and the heavy burden of legal costs. In many cases, compensation is needed to pay for round the clock care, and if compensation is unavailable it is likely these costs will have to be picked up by the NHS and local authorities, potentially causing extra strain on public services.

The following charities are appealing to MPs and Lords to reject measures within the Bill which will hinder access to justice for victims who need and deserve full compensation for their horrendous injuries, traumatic bereavements and terminal diseases. They are calling for an alternative approach to be sought, which will control the costs of civil litigation without restricting access to justice for innocent victims.

Asbestos Victims Support Groups Forum

Aspire - Charity supporting people with spinal injuries

Child Brain Injury Trust

Headway, the brain injury association

RoadPeace, the national charity for road crash victims

Spinal Injuries Association (SIA)

All media enquiries contact for the charities: Tony Whitston 07748189837

CASE STUDY AND CALLS FOR ACTION

Trevor Oldham who is 63 suffers from mesothelioma, a fatal asbestos cancer. On leaving school he worked as a lift engineer for a company for 25 years during which time he was regularly exposed to asbestos. He was never warned of the dangers of asbestos or given adequate protection. Over 2,400 people are diagnosed with mesothelioma each year and claiming compensation while coming to terms with such a shocking diagnosis is extremely difficult. Many mesothelioma sufferers never make a claim because of the devastating effects of this cancer.

Trevor says: *"I was shattered when I was diagnosed with mesothelioma on the 5th March 2010 when our lives were changed forever. We would never have taken on the stress of claiming compensation if I had to take any financial risk. If this Bill is passed many asbestos victims will never claim compensation and never get the justice they deserve."*

Calls for action

Tony Whitson, Chair, Asbestos Victims Support Groups Forum UK, says: "This Bill misses the target: it punishes innocent victims instead of tackling real issues with the system, such as irresponsible claims marketing and fraudulent claims. We are calling on MPs and Lords to listen to the voice of victims, and address the inherent problems with this Bill, which will hinder victims' access justice if it goes through in its present form."

Peter McCabe, Chief Executive of Headway – the brain injury association, says: "The unintended consequences of these reforms will see people who have sustained catastrophic, life-changing injuries who are already trying to cope with severe injury or disability, becoming victims for a second time.

"It is illogical to shift the cost of providing access to justice from civil wrongdoers to wronged and injured claimants. To do so would be to punish victims who in many cases are facing lifelong disability and rely on the damages received to meet new and ongoing needs such as adapting property or accessing specialist rehabilitation services."

Amy Aeron-Thomas, Executive Director RoadPeace

These proposals will make it harder for victims to claim compensation after they have been bereaved or injured by another. They will also receive less compensation with solicitor fees deducted. Innocent victims are being sacrificed in the government's zeal to reduce fraudulent claims and legal costs. Injured pedestrians and cyclists will be hardest hit by these proposals and that cannot be right at a time the government is promoting active travel.