

Amicus defends access to justice

Mrs Smith was a front seat passenger when a vehicle struck her from behind on a roundabout. The other driver's insurers, Fortis, contacted her and offered £1,000 for her injuries, which they maintained was the correct compensation.

Mrs Smith was lucky enough to be a member of Amicus. The union represented her. She received the right amount of £3,600 – over three and a half times the first offer.

If insurers get their way tens of thousands of people like Mrs Smith will be denied justice.

Insurers want to raise the limit for Personal Injury claims that go through the Small Claims Court from £1,000 to £5,000.

In a Small Claims Court when a case is won, costs against the guilty party cannot be recovered. Claimants will have to pay their own solicitors' costs out of whatever award they receive.

What does this mean?

If the limit went up only to £2,500 as many as half of personal injury cases will end up in the Small Claims Court and Amicus and others could not afford to continue to support those cases, as they do now.

TUC affiliated unions began 64,000 new injury cases last year, so a rise to half that sought by the insurers would leave 32,000 union members and their families without the representation they have now and many being brow beaten and bamboozled by insurers, if they pursue a case at all. And the public at large will suffer in the same way.

And the benefit that claims help to encourage better health and safety would be seriously undermined too.

Liability insurers would have experts on the case and they say they would have lawyers at court, but they don't want the injured innocent having the same privilege.

Don't believe the hype!

The insurers also told the Constitutional Affairs Select Committee that an inflationary increase would require a rise in the small claims limit to about £2,500. This is incorrect. Applying official inflation figures, £1,000 in 1991 is worth approximately £1,400 'in today's money' and that doesn't take account of a rise in 1999, nor that damages haven't kept pace with inflation.

Amicus has 1.2 million members. There are 6.5 million members of unions affiliated to the TUC and most members of their families are covered under union schemes. That's well over 10 million people protected by our umbrella. **Our cover is 'no fee - win or lose' and not just "no win - no fee"**. There are plenty of examples of people who know the difference to their considerable cost.

A raise in the limit would be a disaster for trade unions and those we represent and support. It would be a disaster too for anyone else who is injured through no fault of their own.

How small is small?

One thousand pounds is a lot of money to large numbers of people on modest incomes. It's over a month's pay to one working full time on the minimum wage. Claiming lost wages is crucial to those, often not in unions, who rely on Statutory Sick Pay.

There is an ongoing review of the claims process, which we are taking an active part in. We have put forward proposals to cut costs substantially and speed up cases. We support changes, but none at the expense of the injured innocent, whether they are our members or not.

We would welcome the opportunity to provide more of the information and data to back up our arguments for improving the process and to rebut the arguments of others, especially those who try to mislead.

Insurers and the Association of British Insurers (ABI) lobby

Amicus believes Insurers and the ABI (the mouthpiece of the insurance industry) are doing their utmost to mislead in their own interests and that of their shareholders.

We need your support. Help us defend access to justice.

For more information see www.amicustheunion.org/accesstojustice

If you are an Amicus member and you or your family have suffered an injury then refer to the legal assistance web page at www.amicustheunion.org or call 0870 240 4545