

16 April 2014



Paul Givan MLA
Chairperson
Committee for Justice
Room 242, Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Dear Mr Givan

Call for evidence: Legal Aid and Coroners' Courts Bill

The Association of Personal Injury Lawyers (APIL) was formed by claimant lawyers with a view to representing the interests of personal injury victims. The association is dedicated to campaigning for improvements in the law to enable injured people to gain full access to justice, and promote their interests in all relevant political issues. Our membership comprises principally practitioners who specialise in personal injury litigation and whose interests are predominantly on behalf of injured claimants. APIL currently has more than 4,000 members in the UK and abroad who represent hundreds of thousands of injured people a year.

APIL welcomes the opportunity to submit evidence to the Committee for Justice, having previously responded to the Department of Justice consultation *Safeguards to protect the individual decisions on the granting of civil legal aid*, which in part has led to the Legal Aid and Coroners' Courts Bill. The future of civil legal aid for personal injury cases in Northern Ireland is currently uncertain, and although this particular issue is not covered in this Bill, we would like to take this opportunity to support the availability of legal aid for the most vulnerable people in personal injury cases.

APIL welcomes the assurance in the explanatory and financial memorandum that there will be no ministerial involvement in individual decisions on civil legal aid funding. Legal aid should always be awarded on a case by case basis, and funding should be awarded based on the merits of a case, and not based on a political agenda. Clause 2 of the Bill states that the Department of Justice “must designate a civil servant in the Department as the Director of Legal Aid Casework”. We remain concerned, however, that there is no provision in the Bill to ensure that the Director of Legal Aid Casework is legally trained. A legally trained Director of Legal Aid Casework will have more experience when it comes to making decisions on individual cases. Decisions being made by a director who is not legally trained could face a lot more challenges through the appeals process, which would lead to an increase workload and costs.

Clause 4 gives the power to the Director of Legal Aid Casework to delegate functions to other individuals in the Department of Justice, while regulations under schedule two will create appeal panels. It is important that anyone in the Department of Justice who is involved in considering an application for legal aid funding, as well as those people on the appeal panels, should be legally trained.

The letter from the committee clerk, dated 4 April, includes a proposal from the Attorney General for Northern Ireland to amend the Bill to address his concern that he has problems obtaining documents in relation to inquests. In the letter, it says that the Attorney General's principle focus is deaths that occur in hospital.

It is important that inquests are conducted thoroughly, and concluded as quickly as possible, so a bereaved family can rebuild their lives following the loss of a loved one. Whilst it is difficult to comment fully on the Attorney General's proposal without sight of the amendment, in principle we support any measures which ensure that those families are able to have all the answers to their questions as to why their loved ones needlessly died.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Ellis', with a horizontal line drawn underneath the name.

Sam Ellis

Parliamentary Officer

Association of Personal Injury Lawyers

3 Alder Court

Rennie Hogg Road

Nottingham

NG2 1RX

DX: 716208 Nottingham 42

Email: sam.ellis@apil.org.uk

Telephone: 0115 943 5426