

**OVERSEAS NEWS**  
**REGULATING THE PROFESSION**  
**The 'compensation culture' challenged**  
**(Nov/Dec 05)**



The BBC reported earlier this month on a new Bill to go before the British Parliament in 2006 that fits very well with attitudes to litigation here.

Anyone who has been to UK recently will have noticed the plethora of advertising in the print and broadcast media extolling the virtues of 'no win no fee' litigation services offered for a range of services – principally in employment and accident law by a whole new breed of business – claims management firms. (The volume of advertising is similar to that placed here for cheap and easy credit from companies of unknown provenance.) Well, apparently the government is none too pleased and is concerned at the very rapid development of an ambulance chasing culture and has announced a Compensation Bill is in the pipeline.

The Bill is designed to regulate the so called 'claims farmers' and make it more (much more) difficult for them to pressurise people into making frivolous claims. On the other hand it is meant to send a message to schools and similar groups who have been seriously put off from sending groups on what were once considered legitimate 'trips'.

Courts hearing negligence actions will now have to balance the benefit derived from the activity (perceived or real) and consider whether organisers of activities have taken reasonable and adequate precautions. If the latter can be established plaintiff negligence actions will fail. Somehow the Bill is supposed to ensure the genuine litigant in a negligence claim retains the current options whilst at the same time the national 'compensation culture' is given a nasty shock. A singularly difficult task for those drafting the legislation.

Now if only something similar could be developed here to 'rationalise' the burgeoning credit industry.....