

PEOPIL TOURISM HEAD CONCERNED ABOUT BREXIT IMPACT ON CROSS-BORDER INJURY CLAIMS

Philip Banks, Partner at the UK firm of Irwin Mitchell, has predicted that many UK law firms specialising in cross-border injury claims will continue to litigate such cases post-Brexit, but future rights of access to the UK courts for UK citizens who are injured abroad could be in jeopardy.

Mr Banks leads the PEOPIL Tourism European Exchange Group (EEG) which provides a forum for international travel lawyers to exchange information and co-operate in handling cross-border injury claims.

He said today “the UK is the second-largest legal services market in the world and the largest legal services sector within the EU. Brexit will present both opportunities and risks for the legal sector and its impact on lawyers and legal practices could yet be quite significant. There is considerable concern among PEOPIL’s UK members about the potential impact of Brexit on cross-border compensation claims”.

It is essential that a “No Deal” scenario is avoided. Such a scenario would have a detrimental impact on legal services. The EU single market for legal services is facilitated by the current framework of EU directives which apply across the EU and the EFTA. This grants UK lawyers the right to freely practice and establish in other jurisdictions in Europe”.

He continued “Brexit poses a significant risk to personal injury travel lawyers’ ability to litigate cross-border compensation claims here in the UK. Many of our current laws protect UK citizens if they suffer personal injury in other EU Member States. These directives allow UK citizens to bring claims for compensation in the UK rather than in the country of the accident. This right of access to the UK courts could be abolished in a post-Brexit regime.

He added “the ability to enforce UK court judgments in foreign jurisdictions post-Brexit may also be challenging. PEOPIL has members in over twenty-seven EU countries and they work closely together on injury cases to overcome such challenges. It is clear that there is considerable uncertainty during the current period and, even if Parliament ratifies the deal that has been agreed, during any transitional period which follows, particularly when the long-term situation will remain uncertain.

