

LEGAL HELP IS ONLY A PHONE CALL AWAY



One comment we often hear from the membership is what is the point of the Legal Helpline? The Helpline is provided to all Greenkeeper Members of the Association and many have used the service and found it of benefit. The Helpline not only deals with large problems but can help if you just have a simple query. Maggie Lawton from General Legal Protection writes about the value of the service.

“Legal Aid is dead! Long live Legal Aid!” I hear you say, but who knows it?

Since the law reforms of a little more than 15 years ago, the Government has been whittling away at removing society’s rights to Legal Aid to the point where, by and large, Legal Aid is now non-existent and the key benefit of having a Legal Aid was that one’s opponents could not possibly hope to obtain a costs order against you if you lost your case. Inevitably, your opponent would want to settle your claim because it made economic sense to do so.

But behind the scenes of Whitehall, while these reforms were shaping up, a new form of insurance was in the making – legal fees insurance; a new form of legal assistance.

Without having to be means-tested, this new form of legal aid, could be purchased to cover just about everything that a family might need to protect its legal rights. BIGGA provides legal fees insurance up to the value of £50,000 for every Greenkeeper Member and their family.

So what are my legal rights which might need protecting against? Well, firstly and foremost, your rights to enjoy your home. Mr Young had to endure over a number of years the constant threats and abuse from a family who were neighbours of his. He had been purchasing legal fees insurance since he first moved into his property but did not realise at first whether this would cover him and so the abuse went on until one day, he snapped! Mr Young telephoned our Helpline and we advised him to see a solicitor immediately, which he did. Within four weeks, Mr Young had secured a court order against his neighbours preventing them from contacting him in any way, but it was not until they moved away several months later that he could feel once again secure in his home.

In the news recently, we heard of some 2,500 people employed by The Accident Group (TAG) losing their jobs. While some of these people would have legal fees insurance, there would have been very little by way of

legal help since the company had gone in receivership. But our Legal Helpline would have been able to point these people in the right direction insofar as their rights to state benefits.

TAG was an organisation which built its business on the back of selling “After the Event” (ATE) legal fees insurance. In a recent court case, we hear that one customer of TAG had her injury claim settled at £2,000 but because of the ATE premium, other charges and interest, the customer only received £28.57. Is that justice? Hardly!

So what would have happened if that customer had had the benefit of legal fees insurance as provided to all Greenkeeping Members. Firstly, she would have had nothing to pay towards her legal costs, and more importantly, she would have received the full amount of £2,000.

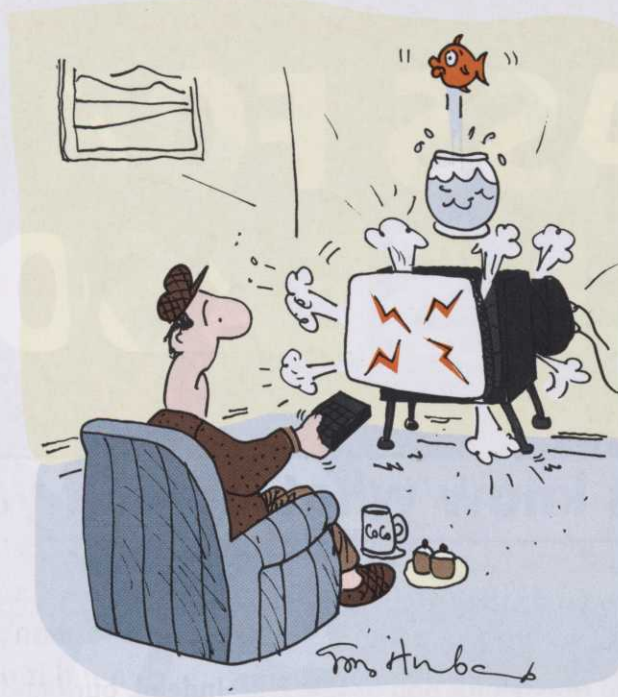
In a very tragic case, one of our customers who had our legal fees policy, claimed damages on behalf of his then aged six year old daughter. She had been involved in a road accident while sat in her father’s car. The girl sustained horrific injuries and was close to dying several times. After months of hospitalisation, the young girl recovered but would be unable to work and would require constant medical attention for the remainder of her life. Six years on, an out-of-court settlement of £3 million was reached.

So what else might we need this legal fees insurance for? Mr Cresswell bought a new Land Rover but his joy was shortlived. During the first 18 months, it spent more time in the garage than it did with him. He was fed up with it and eventually asked the dealer to replace it but they refused. Mr Cresswell rang our Legal Helpline for advice. Two weeks later, Mr Cresswell rang again to advise that he had successfully persuaded the dealer to exchange his Land Rover for another new one!

If the dealer had continued to refuse to exchange the vehicle, Mr Cresswell would have been entitled to claim under our policy the cost of appointing a solicitor to pursue his case.

Mr Grainger slipped on a wet floor in a public establishment while using a walking aid following a hip operation and under the Occupier's Liability Act, 1957 claimed damages. His legal fees insurance paid his solicitor's hourly rate of £140. In this day and age, who can afford to pay those hourly rates?

Mr and Mrs Lovatt spent their honeymoon in Cyprus in the middle of a heatwave but it was a disaster from start to finish. The hotel had no air-conditioning, the chef went on strike, the swimming pool was infested with mosquitoes, the bedroom (perhaps the most important place to be on honeymoon!) had water running down the walls and the ensuite bathroom stank. The tour operator had advertised the hotel as "one of our premier establishments offering comfort, superb cuisine and a paradise



**Consumer dispute?
The Legal helpline can help**

for those who want to get away from it all." Mr and Mrs Lovatt thought they had gone to hell – not paradise! Upon their return to England, Mrs Lovatt, in tears, explained to our Helpline that they could not afford a solicitor because they had spent all their money on the cost of the wedding and honeymoon. She was reassured that her legal fees policy would cover the cost of claiming against the tour operator. The Lovatts spent the damages they received on a second honeymoon in Barbados!

Yes, Legal Aid is dead! But it has been reborn in the form of legal fees insurance. Long live Legal Fees Insurance! Provided as part of the benefits package to all Greenkeeper Members of BIGGA.

Written by Maggie Lawton, LLB(Hons), LPC - GLP Helpline Controller, with contributions from the Helpline team.

TELEPHONE: 0800 068 1893

In the event of any claim advice or assistance contact the 24 hour helpline



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