

Invitation to Lecture

Speaker: The Right Hon the Lord Clarke of Stone-cum-Ebony, Justice of The Supreme Court.

Topic: "What shall we do about fraudulent claims?"

Date: Wednesday 30th January 2013

Time: Registration 12:30 – 12.45; **Lecture: 12.45 – 14:00**

Fee: \$400 (Members) or \$500(Non-Members) [Membership forms are available upon request.]

Venue: Chart Room, Royal Hong Kong Yacht Club, Kellett Island, Causeway Bay.

Lunch: A three course lunch will be provided.

RSVP: Please complete Registration Form overleaf

***** We are applying for CPD points from the Law Society. At least 1 CPD point will likely be awarded.*****

Lecture Synopsis

In the summer of 2012, insurers lost a Supreme Court appeal to strike out a claim by a man who fraudulently exaggerated his personal injuries claim (as demonstrated by surveillance evidence). The case was **Fairclough Homes Ltd v Summers** [2012] UKSC 26 and Lord Clarke was one of the five Supreme Court judges to hear it.

Lord Clarke, who delivered the judgment of the Supreme Court said: "*we do not accept the submission that, unless such claims are struck out, dishonest claimants will not be deterred. There are many ways in which deterrence can be achieved. They include ensuring that the dishonesty does not increase the award of damages, making orders for costs, reducing interest, proceedings for contempt and criminal proceedings.*" He then went on to discuss the various ways in which deterrence might be achieved and to conclude: "*Although we have accepted the defendant's submission that the court has power ... to strike out a statement of case at any stage of the proceedings, even when it has already determined that the claimant is in principle entitled to damages in an ascertained sum, we have concluded that that power should in principle only be exercised where it is just and proportionate to do so, which is likely to be only in very exceptional circumstances.*"

In HILA's upcoming lunch lecture Lord Clarke will discuss "*What shall we do about fraudulent claims?*"

Speaker Background

Lord Clarke spent 27 years as a barrister, specialising in maritime and commercial law. He became a Recorder in 1985, sitting in both criminal and civil courts. Lord Clarke was appointed to the High Court Bench in 1993 and succeeded Mr. Justice Sheen as the Admiralty Judge. He also sat in the Commercial Court and the Crown Court.

Appointed to the Court of Appeal in 1998, he was called upon to conduct first the Thames Safety Inquiry and in the following year the Marchioness and Bowbelle Inquiries (following a tragic collision on the Thames in 1989). On 1 October 2005 Lord Clarke was appointed Master of the Rolls and Head of Civil Justice. He is the first Justice to be appointed directly to The Supreme Court.

HONG KONG INSURANCE LAW ASSOCIATION LIMITED

ASSOCIATION INTERNATIONALE DE DROIT DES ASSURANCES

Registration Form

Lecture:

"What shall we do about fraudulent claims?" 12.45 – 14:00 on Wednesday 30th January 2013

Participant Details:

Name of Attendee 1: Dr. / Mr. / Mrs. / Ms.: _____

Member of Hong Kong Insurance Law Association: Yes/ No

Job Title: _____

Firm / Company: _____

E-mail: _____

Office Address: _____

Lunch Preferences:

Fish/ meat/ vegetarian [*Please chose only one option by deleting the other two.*]

We will try to ensure that the main course corresponds to your option but are unable to guarantee this.

Payment:

Payment is by cheque. The attendance fee for this lecture is HK\$400 for Members of HILA and HK\$500 for Non-Members. Please make cheques payable to “**Hong Kong Insurance Law Association Limited**” and send cheques, together with this completed Registration Form, to DLA Piper Hong Kong, 17/F, Edinburgh Tower, The Landmark, Central, Hong Kong, **Attn: Miranda Tang.**

You may wish to first fax a copy of your completed Registration Form to: 2810 1345 (**Attn: Miranda Tang**).

If you would prefer to pay by **bank transfer**, please request details from Miranda Tang.

Cancellation/ Refund Policy:

Please note that once payment has been received by HILA in respect of event attendance fees, a refund will only be issued for cancellation (at HILA's sole discretion) where notice has been given no less than seven days prior to the event (including the day of the event); a credit note will be issued (at HILA's sole discretion) where notice has been given no less than four days prior to the event. This is because RHKYC requires HILA to give a final attendance guarantee four working days prior to the lunch.

Thereafter (i.e. less than four days prior to the event lunch, costs (such as catering and room rental) will have been incurred by HILA, and **HILA will not be in a position to give refunds/ credit notes.**