



Nestor Partnership, Independent Financial Advisers, are a leading UK niche firm specialising in providing services to personal injury and clinical negligence legal practitioners and their clients. We have been involved as expert advisers in the litigation surrounding indexation of periodical payments over the last 2 years.

The Court of Appeal decision in *Thompstone* was handed down on 17th January 2008. It is clear from this decision that periodical payments for claimants' care ought to be indexed in line with ASHE 6115, although in some cases, alternative ASHE occupational codes may be more appropriate.

The Court of Appeal provided support for the need for specialist financial advice:

'It is clear that, in a substantial case, the claimant will usually instruct and call an independent financial adviser (IFA) to report on the form of order which he or she considers will best meet the claimant's needs. Even if the parties agree on all issues, such a report is likely to be of assistance to the judge who is asked to approve the form of order.'

In practice, if the claimant is advised by an experienced and responsible expert, it is likely that great weight will be given to what that expert advises.'

Paras 109 & 111 *Thompstone* [2008] EWCA Civ 5

Since that time, drafting Orders for approval has been fraught with difficulty. Many of those problems will now be resolved with the approval of a model Order by Holland J in the NHSLA 'parked' indexation cases. Nevertheless, there remain many issues prior to and in relation to drafting Orders where legal practitioners will still need expert assistance.

Nestor Partnership has the experience to help. Every instruction is dealt with by a Partner with thorough knowledge of periodical payments and lump sum investment strategies. We ensure that our technical knowledge is up to date so that the legal team achieves the best solution for their client. We offer a comprehensive range of services including:

- Expert Financial Adviser's reports at any stage of litigation
- P36 Offers: formulating, considering and reporting on
- Interim payment reports
- Conferences with Counsel
- Attendance at round-table settlement meetings
- Advising on appropriate ASHE occupational code and centile
- Assistance with drafting periodical payment orders
- Attendance at Court as expert witness

When required, we are able to meet tight deadlines for the provision of advice.

Please contact Jennifer Stone, Nick Leech, Andrew Sands or Nicholas Martin for further details or visit our website: www.nestorpartnership.co.uk for information about our services.

IMPORTANT NOTICE:

This leaflet is for general guidance only and represents our understanding of law and HMRC practice as at April 2008. Tax and benefit legislation/regulation is liable to change.

Nestor Partnership is detailed on the FSA register (www.fsa.gov.uk) under reference 418851. Nestor Partnership is a Limited Liability Partnership registered in England & Wales No OC310611.

A full list of partners is available at our offices for inspection. We take great care to ensure that Nestor Partnership complies fully with the guidelines set by the regulatory bodies within the Financial Services industry. No information contained on this publication should be construed as an offer or invitation to invest.

The Financial Services Authority do not regulate deposit accounts, Personal Injury Trusts, Periodical Payment advice, Taxation and Trust advice.