

# Whiplash Reforms: Is the finish line in sight?

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On Monday, the Ministry of Justice published a ministerial announcement announcing a revised implementation date for Whiplash Reforms and Official Injury Claim of May 2021.

MIB have published the following response from Dominic Clayden, CEO of MIB:

*“Following the Ministry of Justice’s (MoJ) announcement today that the proposed go-live date for the launch of the Whiplash Reforms is now May, we can confirm that the build of Official Injury Claim service remains on track.*

*This is based on the current assumed scope agreed with the MoJ. MIB will complete the last stages of the build in conjunction with MoJ when the Civil Procedure Rule Committee has agreed the new Rules and new Pre-action Protocol for the new service.”*

Faye Fishlock, Head of Motor Injury and Motor Claims Handling at DACB confirmed that assuming statements about a 12 week lead in time for the industry remain correct the Protocol should be made available for review no later than mid to end of February with the Rules and Practice Direction to follow thereafter, although the time frame for their publication is less clear. Whilst the finish line may now be in sight there are a number of hurdles left to jump in terms of :-

- how the proposed new ‘bespoke’ court process will replace ADR;
- the outcome of the consultation with the Lord Chief Justice about the new whiplash tariffs and the precise detail of the secondary legislation required to implement the Civil Liability Act in terms of not only the tariff but also the increase in the small claims limit to £5000 for certain RTA injury claims, the ban on pre-medical offers and the definition of whiplash;
- Clarification around how mixed tariff and non-tariff damages claims will be handled in the new system;
- The impact of further delay on a Court system already in backlog due to Covid;
- Exactly when the finer detail in the Rules and Practice Direction will be available, although it is the Protocol itself that is important for the industry.

Practically speaking, preparation time between now and the release of the next tranche of information from the MoJ, MIB and CPRC would be well spent by considering the potential liability consequences on processes at Stage 1 and the thorny issue of non-tariff damages.

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