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Reports seek radical changes

Lord Justice Briggs and The Insurance Fraud Taskforce published their reports in January. The Briggs review is an interim report with further consultation to follow but it's already clear that a radical shake-up of the civil courts is planned. In particular, Briggs backs the introduction of an online court aimed at litigants without lawyers and involving a more investigative approach by judges. It seems likely this will apply in future to many claims up to the fast track limit of £25,000. What is not clear yet is the type of claim which will be included but it looks likely that most money claims will be, with the possible exception of personal injury which Briggs feels cannot be included.

Briggs does though think that small track personal injury claims could be included in the online court, which may be good news for claimants when the government increases the small track limit for these claims to £5,000 next year. That change will mean thousands of injury victims no longer having access to lawyers to help bring their claims. The problem is likely to be one of timing. Whilst the planned increase in the small claims track limit is expected as early as April 2017, the introduction of an online court, involving a massive IT project, is unlikely to be in place before 2020.

The Insurance Fraud Task Force report contained a wide range of recommendations aimed at tackling insurance fraud at both the proposal and claims stages. It included a number of radical proposals for dealing with the problem of late whiplash claims, although in the end stopped short of recommending reducing the limitation period to 12 months.

The report should be welcomed, particularly insofar as it aims to encourage the public to regard insurance fraud as criminal activity. It is hoped the various initiatives outlined in the report get the backing of organisations supporting claimants. The claimant lobby has been very vocal in objecting to the proposed changes to the small track limit and the proposal to remove the right to general damages for low value soft tissue injuries, largely on the grounds of access to justice. If the public are to get behind these objections, the level of fraud must be reduced, not just in obvious cases where the accident didn't happen or the injury is fabricated but also the many cases involving gross exaggeration which still blight the market. ●

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