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## Government needs to keep foot to the floor on claims reform pedal



**L**ord Justice Briggs in his final report acknowledges that he was “perhaps over-simplistic” in assuming injury claims below the anticipated new Small Claims Track limit of £5,000 would fall to be dealt with by the Online Court. He now thinks claimants should be able to choose whether to take advantage of the Online Court “if they were otherwise forced into the Small Claims Track and therefore deprived of legal representation” or alternatively, were it available, some sort of adapted RTA Portal.

The Government announced in last year’s Autumn Statement that it wanted to increase the Small Claims Track limit and remove general damages for low value soft tissue injury. But there seems to be uncertainty about where the Government’s reforms will lead. Many stakeholders agree that simply increasing the Small Claims limit for personal injury claims is not the answer. It seems clear that the courts, as they are currently resourced, simply would not be able to cope with the increase in Small Claims trials. Moreover, there seems to be an acceptance by compensators that it will be expensive for them to handle small injury claims brought by litigants in person in the Small Claims Track. Much, of course, will also depend on the extent and effect of the Government’s plan to remove the right to

general damages for low value soft tissue injuries. The two reforms are interlinked. If as a result of removing the right to general damages the number of claims is significantly reduced, increasing the Small Claims Track limit may cause fewer problems.

What seems to be emerging is a consensus that a new pre-litigation process, perhaps based on the RTA Portal process, is needed for injury claims within the Small Claims Track limit. It was always clear the introduction of an Online Court would be some way off. 2020 has been suggested as a possible start date but with significant funding and IT development being necessary, this may prove optimistic. Even if a pre-action process can be agreed and implemented for litigants in person there is still the issue of what happens to claims that are not resolved within that process. The Government has said it wants to introduce its further whiplash reforms by next year. There is therefore some urgency and the Ministry of Justice will have to move quickly and decisively if the Government’s reforms are to go ahead on time. ●

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