



# Civil Liability Act 2018

## 2018 CHAPTER 29

### PART 1

#### WHIPLASH

##### *Whiplash injuries*

#### **2 Power to amend section 1**

- (1) The Lord Chancellor may by regulations amend the definition of “whiplash injury” in section 1, but not so as to include an injury of soft tissue other than soft tissue in the neck, back or shoulder.
- (2) Before making regulations under subsection (1), the Lord Chancellor must—
  - (a) review the definition of “whiplash injury” in section 1,
  - (b) as part of the review, consider whether to amend section 1,
  - (c) prepare and publish a report of the review, including a decision whether or not to amend section 1 and the reasons for the decision, and
  - (d) lay a copy of the report before Parliament.
- (3) After laying the copy of the report before Parliament and before making regulations under subsection (1), the Lord Chancellor must consult—
  - (a) the Lord Chief Justice;
  - (b) the General Council of the Bar;
  - (c) the Law Society;
  - (d) the Chief Medical Officer of the Department of Health and Social Care;
  - (e) the member of staff of the Welsh Government designated by the Welsh Ministers as the Chief Medical Officer for Wales;
  - (f) such other persons or bodies as the Lord Chancellor considers appropriate.
- (4) The Lord Chancellor may not carry out the first review under subsection (2) before the end of the period of three years beginning with the day on which section 1 comes into force.

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*Status: This is the original version (as it was originally enacted).*

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- (5) After the first review, the Lord Chancellor may not carry out a review under subsection (2) before the end of the period of three years beginning with—
- (a) if regulations under subsection (1) were made following the previous review, the day on which those regulations came into force, or
  - (b) if no regulations under subsection (1) were made following the previous review, the day on which a copy of the report of the previous review was laid before Parliament.
- (6) A statutory instrument containing regulations under this section is subject to affirmative resolution procedure.