



Civil Liability Act 2018

2018 CHAPTER 29

PART 1

WHIPLASH

Settlement of whiplash claims

6 Rules against settlement before medical report

- (1) A regulated person is in breach of this section if—
 - (a) the regulated person knows or has reason to suspect that a whiplash claim is being made,
 - (b) the regulated person does, or arranges or advises the doing of, an act mentioned in subsection (2), without first seeing appropriate evidence of the whiplash injury or injuries, and
 - (c) the regulated person is acting as such when the regulated person does, or arranges or advises the doing of, that act.
- (2) The acts referred to in subsection (1) are—
 - (a) inviting a person to offer a payment in settlement of the claim;
 - (b) offering a payment in settlement of the claim;
 - (c) making a payment in settlement of the claim;
 - (d) accepting a payment in settlement of the claim.
- (3) The Lord Chancellor may by regulations make provision about what constitutes appropriate evidence of an injury for the purposes of this section.
- (4) The regulations may in particular—
 - (a) specify the form of any evidence of an injury;
 - (b) specify the descriptions of persons who may provide evidence of an injury;
 - (c) require persons to be accredited for the purpose of providing evidence of an injury;

Status: This is the original version (as it was originally enacted).

- (d) make provision about accrediting persons, including provision for a person to be accredited by a body specified in the regulations.
- (5) A statutory instrument containing regulations under this section is subject to affirmative resolution procedure.
- (6) In this section “whiplash claim” means a claim that consists only of, or so much of a claim as consists of, a claim for damages for pain, suffering and loss of amenity caused by—
 - (a) one or more whiplash injuries suffered by a person on a particular occasion because of driver negligence and in relation to which section 3 applies, or
 - (b) a whiplash injury or injuries within paragraph (a) suffered by a person on a particular occasion and one or more minor psychological injuries suffered by the person on the same occasion as the whiplash injury or injuries.