

2021 No. 195 (C. 4)

DAMAGES, ENGLAND AND WALES

LEGAL SERVICES, ENGLAND AND WALES

**The Civil Liability Act 2018 (Commencement No. 1 and
Transitional Provision) Regulations 2021**

Made - - - -

23rd February 2021

The Secretary of State for Justice, in exercise of the powers conferred by section 14(1) and (3) of the Civil Liability Act 2018^(a), makes the following Regulations.

Citation

1. These Regulations may be cited as the Civil Liability Act 2018 (Commencement No. 1 and Transitional Provision) Regulations 2021.

Provisions of the 2018 Act coming into force on 25th February 2021

2. The following provisions of Civil Liability Act 2018 (“the 2018 Act”), come into force on 25th February 2021, for the purpose only of exercising any power to make regulations—

- (a) section 3 (damages for whiplash injuries);
- (b) section 5 (uplift in exceptional circumstances);
- (c) section 6 (rules against settlement before medical report);
- (d) section 8 (regulation by the Financial Conduct Authority); and
- (e) section 9 (interpretation).

Provisions of the 2018 Act coming into force on 31st May 2021

3. Part 1 (whiplash) of the 2018 Act, in so far as it is not already in force, comes into force on 31st May 2021.

Transitional Provision

4. The provisions which come into force under these Regulations apply only to causes of action which accrue on or after 31st May 2021.

23rd February 2021

David Wolfson
Parliamentary Under-Secretary of State for Justice
Ministry of Justice

(a) 2018 c. 29. Parts 2 and 3 of the Act came in to force when passed (see section 14(2)).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These commencement Regulations are the first to be made under the Civil Liability Act 2018 (c.29) (“the 2018 Act”).

Regulation 2 brings into force on 25th February 2021—

- (a) section 3 (which enables the Lord Chancellor to specify in regulations, by way of a tariff, the damages that a court may award for pain, suffering and loss of amenity for whiplash injuries);
- (b) section 5 (which enables the Lord Chancellor to provide in regulations for the court to award an uplift on damages specified in regulations made under section 3 in exceptional circumstances);
- (c) section 6 (which bans regulated persons – as defined in section 9 of the 2018 Act – from making or accepting a payment in settlement of, or inviting, or offering to settle a road traffic accident related whiplash claim when not in receipt of appropriate medical evidence, and provides for the Lord Chancellor to make regulations regarding what is to be treated as appropriate medical evidence in these circumstances);
- (d) section 8 (which provides for HM Treasury to make regulations to enable the Financial Conduct Authority – FCA – to monitor and enforce the ban on settling whiplash claims when not in receipt of appropriate medical evidence, where the regulated person is regulated by the FCA); and
- (e) section 9 (interpretation), which lists both the regulators who are required to monitor and enforce the ban on settling whiplash claims when not in receipt of appropriate medical evidence, and those regulated persons to subject to the ban,

for the purpose only of exercising any power to make regulations under those sections.

Regulation 3 brings into force, on 31st May 2021, Part 1 (whiplash) of the 2018 Act, which contains the following provisions—

- (a) sections 3, 5, 6, 8 and 9 in so far as they are not already in force;
- (b) section 1 (which specifies those road traffic accident related whiplash injuries, and the circumstances in which such injuries are incurred, which are subject to the provisions in Part 1 of the 2018 Act);
- (c) section 2 (which enables the Lord Chancellor to amend the definition of ‘whiplash injury’ in section 1 by regulations, subject to both laying a report before Parliament and consultation before regulations are made);
- (d) section 4 (which requires the Lord Chancellor to carry out triennial reviews of regulations made under section 3); and
- (e) section 7 (which requires relevant regulators – as defined in section 9 of the Act – to have arrangements in place to monitor and enforce the ban on regulated persons settling or seeking to settle relevant whiplash injury claims when not in receipt of appropriate medical evidence).

Regulation 4 provides that the sections of the 2018 Act which come into force under these Regulations apply only to causes of action which accrue on or on 31st May 2021.

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