
DRAFT STATUTORY INSTRUMENTS

2020 No.

**The Civil Liability (Information Requirements) and
Risk Transformation (Amendment) Regulations 2020**

PART 2

Information requirements relating to section 11 of the Civil Liability Act 2018

Counterfactual information to be provided to the FCA

5.—(1) For each report year, the information provided to the FCA must include, as if the Act had not been enacted—

- (a) the total gross amount, including reinsurance recoveries and legal costs, of the ultimate value of claims that the relevant insurer might reasonably have been expected to pay for all claims which have been finally settled in that report year under its private motor insurance policies in respect of personal injuries sustained by third parties where the amount of the damages for the injury is governed by the law of England and Wales;
- (b) the mean of the expected amounts in sub-paragraph (a) per policy in respect of the injuries falling within sub-paragraph (a);
- (c) separate totals for the amounts in sub-paragraphs (a) and (b) for claims where the amount of the award a relevant insurer might reasonably have been expected to pay under each policy was—
 - (i) £100,000 or less; and
 - (ii) over £100,000;
- (d) the expected gross value of the premium which might reasonably have been earned by the relevant insurer for private motor insurance policies where the period of cover began in the report year; and
- (e) the expected mean of the premium per policy which might reasonably have been earned by the relevant insurer in respect of the policies in sub-paragraph (d).

(2) The information provided in paragraph (1) must be calculated using the same methodology as that used for obtaining the information in regulation 4.

(3) Where any of the information in paragraph (1) relates to the personal injury discount rate provision in Part 2 of the Act, for the purposes of this regulation the underlying assumption must be that the discount rate which would apply had the Act not been enacted is the discount rate set by regulation 2 of the Damages (Personal Injury) Order 2017(1).

(4) The information in paragraph (1) must be accompanied by—

- (a) a statement from a qualified auditor providing an assurance that the requirements in paragraphs (2) and (3) have been taken into account in calculating that information; and

- (b) details of the qualified auditor who provided the assurance for each reporting year to which the information under paragraph (1) relates.