



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 3

COURTS AND TRIBUNALS

Civil proceedings relating to personal injury

57 Personal injury claims: cases of fundamental dishonesty

- (1) This section applies where, in proceedings on a claim for damages in respect of personal injury (“the primary claim”)—
 - (a) the court finds that the claimant is entitled to damages in respect of the claim, but
 - (b) on an application by the defendant for the dismissal of the claim under this section, the court is satisfied on the balance of probabilities that the claimant has been fundamentally dishonest in relation to the primary claim or a related claim.
- (2) The court must dismiss the primary claim, unless it is satisfied that the claimant would suffer substantial injustice if the claim were dismissed.
- (3) The duty under subsection (2) includes the dismissal of any element of the primary claim in respect of which the claimant has not been dishonest.
- (4) The court’s order dismissing the claim must record the amount of damages that the court would have awarded to the claimant in respect of the primary claim but for the dismissal of the claim.
- (5) When assessing costs in the proceedings, a court which dismisses a claim under this section must deduct the amount recorded in accordance with subsection (4) from the amount which it would otherwise order the claimant to pay in respect of costs incurred by the defendant.
- (6) If a claim is dismissed under this section, subsection (7) applies to—

Status: This is the original version (as it was originally enacted).

- (a) any subsequent criminal proceedings against the claimant in respect of the fundamental dishonesty mentioned in subsection (1)(b), and
 - (b) any subsequent proceedings for contempt of court against the claimant in respect of that dishonesty.
- (7) If the court in those proceedings finds the claimant guilty of an offence or of contempt of court, it must have regard to the dismissal of the primary claim under this section when sentencing the claimant or otherwise disposing of the proceedings.
- (8) In this section—
- “claim” includes a counter-claim and, accordingly, “claimant” includes a counter-claimant and “defendant” includes a defendant to a counter-claim;
 - “personal injury” includes any disease and any other impairment of a person’s physical or mental condition;
 - “related claim” means a claim for damages in respect of personal injury which is made—
 - (a) in connection with the same incident or series of incidents in connection with which the primary claim is made, and
 - (b) by a person other than the person who made the primary claim.
- (9) This section does not apply to proceedings started by the issue of a claim form before the day on which this section comes into force.