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STATUTORY INSTRUMENTS

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**2021 No. 642**

**The Whiplash Injury Regulations 2021**

**Settlement of a whiplash claim**

- 4.—(1) For the purposes of section 6 of the Act, “appropriate evidence of an injury” means—
- (a) where the claimant lives, or chooses to be examined, in England or Wales—
    - (i) evidence of a whiplash injury or injuries provided in a fixed cost medical report from an accredited medical expert who has been instructed via a search of the online database of medical reporting organisations and experts held by MedCo Registration Solutions (“MedCo”); or
    - (ii) evidence of a whiplash injury or injuries provided in a medical report from a doctor who is listed on the General Medical Council’s Specialist Register where that medical report has been obtained in respect of another injury which was suffered on the same occasion as the whiplash injury or injuries and which is identified in the report as being more serious than the whiplash injury or injuries; or
  - (b) in any other case where the claimant lives outside England and Wales, evidence of a whiplash injury or injuries provided in a medical report from a medical expert of a description specified in paragraph (3).
- (2) In paragraph (1)(a)(i)—
- (a) “accredited medical expert” means a medical expert who, on the date that they are instructed, is accredited by MedCo to provide fixed cost medical reports in respect of whiplash claims;
  - (b) “associate” means, in respect of a medical expert, a colleague, partner, director or employee in the same practice and “associated with” has the equivalent meaning;
  - (c) “fixed cost medical report” means an initial report in a whiplash claim from an accredited medical expert who, unless there are exceptional circumstances—
    - (i) has not provided treatment to the claimant;
    - (ii) is not associated with any person who has provided treatment; and
    - (iii) does not propose or recommend treatment that they or an associate then provide;
  - (d) “medical expert” means a person who is—
    - (i) registered with the General Medical Council;
    - (ii) registered with the General Dental Council; or
    - (iii) a psychologist or physiotherapist registered with the Health Care Professions Council; and
  - (e) “whiplash claim” has the meaning ascribed to it by section 6(6) of the Act.
- (3) In paragraph (1)(b), “medical expert” means a person who is recognised by the country in which they practise as—
- (a) being a medical expert; and

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (b) having the required qualifications for the purposes of diagnosis and prognosis of a whiplash injury.