



Ministry
of Justice

The Right Honourable
Lord Keen of Elie QC

Bob Neill MP
Chair, Justice Committee
Houses of Commons
London
SW1A 0AA

MoJ ref: 70313

3 July 2019

Dear Bob,

WHIPLASH REFORM PROGRAMME – MINORS AND PROTECTED PARTIES

I wanted to let you know that the Government has been further considering the position of minors and protected parties in relation to the rise to £5,000 of the Small Claims Track (SCT) limit for Road Traffic Accident (RTA) related personal injury claims.

Having looked at the points raised again during the passage of the Civil Liability Act 2018 through Parliament, and considered the current protections afforded to these vulnerable parties, the Government has decided that it will exempt, for the time being, children and protected parties from the increase in the SCT limit to £5,000 for RTA related personal injury claims. This will mean that children and protected parties will not be subject to the current iteration of the IT platform and the Pre-Action Protocol (PAP).

As you will be aware, Parliament had rejected an amendment tabled by Bambos Charalambous MP at Commons Report Stage of the Civil Liability Act 2018 on 23 October 2018, which sought to limit the effect of the increase in the SCT limit on children and protected parties, with the aim of ensuring such claims remain in the Fast Track. It was right that we did so. The Government must be free to consider whether and how the SCT should be extended without being constrained by primary legislation. But we consider that, by taking this cautious approach, it is right in principle to limit the SCT increase to non-vulnerable claimants only in the first iteration of the PAP and the platform. This will enable the Government to test the processes and ensure that we have them correct for those claimants who do not need pre-existing additional protections provided for by the court.

As such, the Government will first consider the experience of non-vulnerable claimants using the new IT platform, before considering whether it should be extended to other claimants, including children and protected parties.

I have written to Bambos Charalambous MP in similar terms.

Yours sincerely,

RT HON LORD KEEN OF ELIE QC