



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

**MoJ ref:** 69210

29 May 2019

Dear Bob,

**CONSULTATION: FUTURE PROVISION OF MEDICAL REPORTS IN ROAD TRAFFIC  
ACCIDENT RELATED PERSONAL INJURY CLAIMS**

Thank you for letter of 7 May 2019 regarding the recent ‘Future Provision of Medical Reports in road traffic accident (RTA) related personal injury claims’ consultation paper issued by the Ministry of Justice. This consultation was focused on the provision of medical reports for unrepresented claimants and has now closed. We are now considering the way forward in light of the responses received from stakeholders. You have asked for some additional information in relation to who pays the cost of obtaining a medical report in those circumstances where an unrepresented claimant is of limited means or where liability is denied.

The Government is committed to ensuring that the claimant is at the heart of the new process and ensuring that unrepresented claimants can obtain good quality reports under the new system is central to this. We are working closely with a broad range of stakeholders to design an effective process for unrepresented claimants to obtain medical reports using the new accessible IT platform. As part of these discussions, agreement has been reached that regardless of the claimant’s means, for all claims where there is either full or partial liability admitted, the cost of the medical report will be paid for by the at-fault insurer.

For those claims where liability is wholly denied by the defendant compensator, the claimant will have the ability to access the bespoke alternative dispute resolution process. This is being created to support the new service and is wholly funded by the insurance sector. This will provide an independent view as to whether the compensator is right to wholly deny liability. The insurance sector has agreed to be bound by this process, and so if the ADR outcome is that liability should be in part accepted by the compensator then the claimant will then have their medical report paid for by that compensator at that point. If the independent review process does not find that the compensator should accept liability then the claimant could of course exercise their right to start court proceedings. At that point they would have to fund their own medical report, the cost of which would be recoverable as a disbursement should they be successful. We will carefully consider the link between court fee exemption and medical report fees.

I am grateful for the Committee’s continuing interest in this important reform programme and I will provide your Committee with a further update in due course.

I am copying this letter to the Chairs of the Health and Social Care Committee and the Transport Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Ken of Elie". The signature is written in a cursive, flowing style.

**RT HON LORD KEEN OF ELIE QC**