



Claims signposting

# Civil Liability Act 2018

Making claims clear



# Making claims clear.



At AXA, we want to make dealing with us simple and trouble free.

We know the last thing you need when you make a claim is to find any surprises in your policy conditions or get tied up in legal language.

We've put this guide together to help you understand key changes to the rules regarding third party whiplash claims, so you know what to do and avoid mistakes that could delay a claim or get in the way of it being dealt with.



# Civil Liability Act 2018

Changes to road traffic accident whiplash claims



The government has changed the rules on whiplash claims in road traffic accidents with the aim of reducing the number and cost of claims, preventing fraud, and reducing motor insurance premiums.

The new rules, which came into force at the end of May 2021 as part of the Civil Liability Act 2018, include:

- Introducing fixed compensation amounts (tariffs), to reduce the amount paid out in claims
- Increasing the upper limit for claims that can be made through the small claims process. This removes the right of claimant lawyers to recover their fees in most cases to reduce legal spend.



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## Changes to road traffic accident whiplash claims



### New fixed tariffs for whiplash claims

There will be two fixed tariffs for injuries up to 24 months duration.

- This first is for whiplash only.
- The second is for whiplash plus ‘minor psychological injury’.

### Changes to legal costs

The upper limit for claims that can be made through the new small claims process will increase from £1,000 to £5,000, with some exemptions. This means that claimants will no longer be able to recover legal costs on claims up to £5,000. The new limit should reduce incentives for fraudulent claims, while simplifying the process for genuine claims through the small claims system.

The small claims limit for employer’s liability and public liability injury claims will stay at £1,000, but the government has said it will increase to £1,500 from April 2022.



# What other changes do you need to know about?



## **New personal injury claims website**

All claims must be submitted and managed on the new Official Injury Claims (OIC) website. The site is simple to use and supports claimants through the process.

## **New rules for insurers**

Once a claim is made, insurers have 30 days to make a decision on liability. They must do this on the OIC site. If there's no response within 30 days, the claim has been accepted.

Insurers cannot make offers to customers on whiplash claims without medical evidence.



## What does this mean for you?

It's really important to notify AXA of accidents as soon as possible and give us all the information we need to make a quick decision.



Capture relevant information and evidence



Notify accidents and claims quickly



Send relevant information and evidence to us quickly



Provide access to drivers involved and any witnesses

If there's a dispute about who is liable, we'll need to create a formal statement setting out the driver's version of events, using all the evidence that the customer provides. This must be completed within 30 days, and must be signed by the driver.

We'll follow the template style of the OIC site and re-use information from written accident report forms where possible. However, to present the best case, we may also need to contact the driver to gather more evidence from them.



# Get in touch



If you have any questions about this document, please get in touch with your usual AXA contact or your insurance broker.



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