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2024: A Year for Statutory Review

2024 is an important year for the sector. The general election could confirm a continuation of digitisation policy and continued cost suppression across even more areas of civil law. On the other hand, there could be a Labour government, resulting in a different tone and set of policies altogether.

Next year will also herald a statutory review of many aspects of the Civil Liability Act 2018. The recent Justice Committee report on the OIC portal set out some of the obvious problems in stark terms - highlighting a growing number of unresolved claims and claims that are taking longer to reach settlement, continued technical issues for professional users, and less than 10% of OIC users representing themselves - all despite a dramatic fall in the number of claims.

These issues are not just operational, but policy driven. They are the result of a badly conceived system, built and developed for less than 10% of users. Many law firms have exited the market, while others are still trying to make the economics work at the low-value level. Ten years of fixed costs without an uplift are inevitably taking its toll.

Insurers may have legitimate concerns around fraud. However, in a deliberately light-touch regulatory system, already lacking the most basic checks, fewer lawyers will mean even fewer checks for fraud. We need to work together to address these concerns, rather than looking to relocate the boundaries yet again.

Hopefully, some of these issues will be confronted next year in the statutory review. The tariff of damages will be reconsidered. The definition of whiplash may be revisited. For insurers, the Financial Conduct Authority and the Treasury will determine whether the savings from the reforms have been passed on to consumers through a reduction in their motor premiums. Parliament will delve deeper into the OIC. We should all hope that what emerges is a better, more efficient and fairer process.

