



Supreme Court hearing on whiplash ‘mixed injuries’ – principle of full compensation must be upheld, say APIL and MASS

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People suffering a combination of whiplash and other types of injury must receive full compensation for their ‘non-tariff’ injuries, the Supreme Court will be told tomorrow (20 February).

The argument will be made on behalf of the Association of Personal Injury Lawyers (APIL) and the Motor Accidents Solicitors Society (MASS). The organisations are intervening jointly in a conjoined appeal.

“Whiplash injuries are already subject to a statutory tariff imposed by the Civil Liability Act, which is lower than damages previously awarded for whiplash,” said Brett Dixon, secretary of APIL.

“But the Act does not affect the injured person’s right to full compensation for any other injuries sustained at the same time as the whiplash.”

The Court of Appeal, in *Hassam & Anor v Rabot & Anor** agreed these two points of principle in a majority decision (the Master of the Rolls dissenting) but it also said that courts should take a ‘step back’ and make an adjustment to avoid over-compensation.

Sue Brown, chair of MASS, said: “There cannot be over-compensation if there was never full compensation. But the principle of full compensation was set to one side in relation to qualifying whiplash injuries in favour of the statutory tariff award of damages.”

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Notes to editors:

**Hassam & Anor v Rabot & Anor* [2023] EWCA Civ 19

Motor Accident Solicitors Society (MASS) is a not-for-profit membership society of road traffic accident claims experts across England, Wales, Scotland and Northern Ireland. We have been operating for over 30 years.