

Motor Accident Solicitors Society (MASS), 26 March 2024

Embargoed press release until 9.45am, Tuesday 26 March 2024, or until the judgment is published

Statement on Supreme Court judgment on Hassam & Anor v Rabot & Anor

The Supreme Court has handed down its judgment in the whiplash mixed injury test cases, agreeing with the Court of Appeal in finding that the pain, suffering and loss of amenity aspect of compensation in non-tariff disputes must be assessed on common law principles.

Sue Brown, chair of MASS, said:

“Common sense and the common law have prevailed.

The Supreme Court has now unanimously upheld the judgment of the majority in the Court of Appeal and confirmed that nothing in the Civil Liability Act 2018 effects a change in the assessment of damages for non-whiplash injuries. Those injuries should continue to be assessed in accordance with the Common Law and the principles set out in *Sadler v Filipiak*, the only differences in claims including whiplash injuries being that no deduction can be made from the whiplash tariff damages, and that any deduction should not take the overall amount of damages below the amount at which the non-whiplash injury has been valued by the court.

So while the level of tariff damages remains far from fair, claimants can now be confident in recovering fair compensation for the non-whiplash injuries they sustain in low value motor accident claims.

With uncertainty and delays having plagued very many claimants waiting for a fairer settlement following motor accidents, we now hope that the judicial system can begin working through the backlog of cases and that justice can finally be dispensed.”

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Notes to editors:

- Hassam & Anor v Rabot & Anor [2023] EWCA Civ 19
- The Motor Accident Solicitors Society (MASS) is a national association representing the victims of road traffic accidents. Our core objective is to promote the best interests of the accident victim and we seek to promote all legal policy and other objectives that are consistent with that principle and challenge those that are not. We are a not-for-profit association with our strong membership of personal injury solicitors, throughout the UK, all requiring specialism in motor accident and personal injury claims and adhering to our Code of Conduct.
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