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Civil Liability Act Under Review: An Opportunity to Address Unfairness and Refocus Reform

Several MOJ Ministers have now confirmed that there will be a post-implementation review of the Civil Liability Act (CLA) and the so-called whiplash reform programme.

Post-Implementation Reviews (PIRs) were established by the Small Business, Enterprise and Employment Act 2015 to periodically evaluate the effectiveness, appropriateness and impact on businesses and the public of a regulation or legislation. The PIR of the LASPO Act in 2018 was a monumental affair with three rounds of consultative group meetings with interested parties, a roundtable with members of the senior judiciary and a public consultation which received submissions from over 80 organisations. The result was a report just shy of 300 pages with various actions.

Of course, the PIR of the CLA will not be as big a deal as assessing LASPO. However, we can certainly expect a formal consultation and evidence gathering process ahead of internal evaluation and publication of a report in Parliament probably just before May 2026, five years since the implementation of the CLA.

Whilst many in the claimant sector, including me, would probably prefer for the CLA to simply be scrapped, this is not going to happen. The PIR will almost certainly conclude that government intervention is still required, and so will instead focus on whether the legislation and the wider reforms can be refined, improved or simplified.

Our view is that the CLA and the wider reforms have significantly fallen short of many of the stated policy objectives and those that have been met, have adversely impacted motor accident victims in a system that remains fundamentally unfair and balanced in favour of defendants. However, there are a number of changes that can be made to make process easier and quicker, fairer and with better governance and oversight. Together such changes can mitigate some of the worst impacts of the reforms and give a better and fairer deal to motor accident victims.

