



House of Commons

Tuesday 23 October 2018

CONSIDERATION OF BILL (REPORT STAGE)

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

CIVIL LIABILITY BILL [*LORDS*], AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Richard Burgon
Gloria De Piero
Ellie Reeves
Imran Hussain
Yasmin Qureshi
Lloyd Russell-Moyle

NC1

To move the following Clause—

“Restriction on increase in small claims limit for relevant personal injuries

- (1) In this section, the “PI small claims limit” refers to the maximum value of a claim for damages for personal injuries for which, in accordance with Civil Procedure Rules, the small claims track is the normal track.
- (2) Civil Procedure Rules may not increase the PI small claims limit in respect of relevant injury claims to an amount above £1,000 for the first time unless—
 - (a) the Lord Chancellor is satisfied, and has certified in writing, that on the day the rules are to come into force, the value of £1,000 on 1 April 1999 adjusted for inflation, computed by reference to CPI, would be at least £1,500, and
 - (b) the rules increase the PI small claims limit to no more than £1,500.
- (3) Civil Procedure Rules may not increase the PI small claims limit in respect of relevant injury claims on any subsequent occasion unless—

Civil Liability Bill [Lords], continued

- (a) the Lord Chancellor is satisfied, and has certified in writing, that on the day the rules are to come into force, the value of £1,000 on 1 April 1999 adjusted for inflation, computed by reference to CPI, would be at least £500 greater than on the day on which the rules effecting the previous increase were made, and
 - (b) the rules increase the PI small claims limit by no more than £500.
- (4) In this section—
- “CPI” means the all items consumer prices index published by the Statistics Board;
 - “relevant injury” means an injury which is an injury of soft tissue in the neck, back, or shoulder and which is caused as described in paragraphs (b) and (c) of section 1(4) (negligence while using a motor vehicle on a road, etc.);
 - “relevant injury claim” means a claim for personal injury that consists only of, or so much of a claim for personal injury as consists of, a claim for damages for pain, suffering and loss of amenity caused by a relevant injury, and which is not a claim for an injury in respect of which a tariff amount is for the time being prescribed under section 2.”

Member’s explanatory statement

This new clause would limit increases in the whiplash small claims limit to inflation (CPI), and allow the limit to increase only when inflation had increased the existing rate by £500 since it was last set.

Richard Burgon
Gloria De Piero
Bambos Charalambous
Imran Hussain
Yasmin Qureshi
Lloyd Russell-Moyle

NC2

To move the following Clause—

“Small Claims Track: Children and Protected Parties

- (1) The Small Claims Track Limit in relation to claims made by children and protected parties for whiplash injuries may not be increased unless the increase is to an amount which is not more than the value of £1,000 on 1 April 1999 adjusted for inflation, computed by reference to the consumer prices index.
- (2) In subsection (1),
 - “children” means any person or persons under 18;
 - “protected parties” means any person who lacks capacity to conduct the proceedings;
 - “lacks capacity” means lacks capacity within the meaning of the Mental Capacity Act 2005”

Member’s explanatory statement

This new clause would limit increases in the small claims track limit for those suffering whiplash injuries to inflationary rises only, for people who are either children or people lacking capacity to make decisions for themselves (as defined in the Mental Capacity Act 2005).

Civil Liability Bill [*Lords*], *continued*

Richard Burgon
Gloria De Piero
Ellie Reeves
Imran Hussain
Yasmin Qureshi
Lloyd Russell-Moyle

2

Page 3, line 14, leave out Clauses 3 to 5

Member's explanatory statement

This amendment would remove the creation of tariffs for whiplash injuries and retain the existing system where judges decide compensation levels with reference to Judicial College Guidelines.

Secretary David Gauke

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Clause 5, page 5, line 30, after "injury" insert "or injuries"

Member's explanatory statement

This amendment makes a correction. Regulations under Clause 3(2) may specify an amount in respect of one or more whiplash injuries.

ORDER OF THE HOUSE [4 SEPTEMBER 2018]

That the following provisions shall apply to the Civil Liability Bill [*Lords*]:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 9 October.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
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