

# Civil Liability Bill [HL]

---

REVISED  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**Clause 1**

LORD KEEN OF ELIE  
THE EARL OF KINNOULL

**1** Page 1, line 5, leave out from “an” to end of line 7 and insert “injury of soft tissue in the neck, back or shoulder that is of a description falling within subsection (1A), but not including an injury excepted by subsection (1B).”

(1A) An injury falls within this subsection if it is—

- (a) a sprain, strain, tear, rupture or lesser damage of a muscle, tendon or ligament in the neck, back or shoulder, or
- (b) an injury of soft tissue associated with a muscle, tendon or ligament in the neck, back or shoulder.

(1B) An injury is excepted by this subsection if—

- (a) it is an injury of soft tissue which is a part of or connected to another injury, and
- (b) the other injury is not an injury of soft tissue in the neck, back or shoulder of a description falling within subsection (1A).”

BARONESS CHAKRABARTI  
LORD BEECHAM

**1A★** Page 1, line 6, after “specified” insert “by the Chief Medical Officer of the Department of Health and set out”

LORD KEEN OF ELIE  
THE EARL OF KINNOULL

**2** Page 1, line 8, leave out subsection (2)

**Clause 1 - continued**

LORD BERKELEY  
LORD YOUNG OF NORWOOD GREEN

2A★ Page 1, line 17, leave out second “the person” and insert “that person”

LORD KEEN OF ELIE  
THE EARL OF KINNOULL

3 Page 2, line 10, leave out subsection (5)

**After Clause 1**

LORD KEEN OF ELIE

4 Insert the following new Clause—

**“Power to amend section 1**

- (1) The Lord Chancellor may by regulations amend the definition of “whiplash injury” in section 1, but not so as to include an injury of soft tissue other than soft tissue in the neck, back or shoulder.
- (2) Before making regulations under subsection (1), the Lord Chancellor must—
  - (a) review the definition of “whiplash injury” in section 1,
  - (b) as part of the review, consider whether to amend section 1,
  - (c) prepare and publish a report of the review, including a decision whether or not to amend section 1 and the reasons for the decision, and
  - (d) lay a copy of the report before Parliament.
- (3) After laying the copy of the report before Parliament and before making regulations under subsection (1), the Lord Chancellor must consult—
  - (a) the Lord Chief Justice;
  - (b) the General Council of the Bar;
  - (c) the Law Society;
  - (d) the Chief Medical Officer of the Department of Health and Social Care;
  - (e) the member of staff of the Welsh Government designated by the Welsh Ministers as the Chief Medical Officer for Wales;
  - (f) such other persons or bodies as the Lord Chancellor considers appropriate.
- (4) The Lord Chancellor may not carry out the first review under subsection (2) before the end of the period of three years beginning with the day on which section 1 comes into force.
- (5) After the first review, the Lord Chancellor may not carry out a review under subsection (2) before the end of the period of three years beginning with—
  - (a) if regulations under subsection (1) were made following the previous review, the day on which those regulations came into force, or
  - (b) if no regulations under subsection (1) were made following the previous review, the day on which a copy of the report of the previous review was laid before Parliament.

**After Clause 1 - continued**

- (6) A statutory instrument containing regulations under this section is subject to affirmative resolution procedure.”

**Clause 2**

LORD KEEN OF ELIE

- 5 Page 2, line 29, after “injury” insert “or any of the whiplash injuries suffered on that occasion”

BARONESS CHAKRABARTI

LORD BEECHAM

LORD WOOLF

- 6 Page 2, line 30, leave out “two years” and insert “twelve months”

LORD BEECHAM

BARONESS CHAKRABARTI

- 7 Page 2, line 31, leave out sub-paragraph (ii)

BARONESS CHAKRABARTI

LORD BEECHAM

- 8 Page 2, line 31, leave out “two years” and insert “twelve months”

LORD SHARKEY

LORD MARKS OF HENLEY-ON-THAMES

- 9 Page 2, line 33, at end insert –

“( ) In this section “duration of the whiplash injury” means the duration of the whiplash injury which a person has suffered, or is likely to suffer, assuming they take or have taken reasonable steps to mitigate that injury.”

- 10 Page 2, line 34, leave out subsection (2) and insert –

“( ) The total amount of damages for pain, suffering and loss of amenity payable in respect of a whiplash injury or in respect of both a whiplash injury and one or more minor psychological injuries suffered on the same occasion as the whiplash injury (“the tariff amount” for the purposes of section 3(7)) is –

<i>Duration of whiplash Injury</i>	<i>Amount (£)</i>
Not more than 3 months	1,800
More than 3 months, but not more than 6 months	2,250
More than 6 months, but not more than 9 months	2,700

**Clause 2 - continued**

More than 9 months, but not more than 12 months	3,250
More than 12 months, but not more than 15 months	3,650
More than 15 months, but not more than 18 months	4,150
More than 18 months, but not more than 24 months	4,750

## LORD KEEN OF ELIE

- 11** Page 2, line 35, after “injury” insert “or injuries, taken together,”

LORD BEECHAM  
BARONESS CHAKRABARTI

- 11A★** Page 2, line 35, leave out from “amount” to end of line 13 on page 3 and insert “determined in accordance with the 14th edition of the Judicial College Guidelines for the Assessment of General Damages in Personal Injury Cases or any subsequent revision to these guidelines.”

LORD JUDGE  
LORD HOPE OF CRAIGHEAD  
LORD MACKAY OF CLASHFERN  
LORD PANNICK

- 12** Page 2, line 36, at end insert –  
“( ) The Lord Chancellor must consult the Lord Chief Justice before making regulations under this section.”

## LORD KEEN OF ELIE

- 13** Page 2, line 38, after “injury” insert “or injuries”

- 14** Page 2, line 44, after “injury” insert “or injuries”

- 15** Page 3, line 2, after “injury” insert “or injuries”

- 16** Page 3, line 8, after “injury” insert “or injuries”

LORD SHARKEY  
LORD MARKS OF HENLEY-ON-THAMES

- 17** Page 3, line 12, leave out “amending or replacing earlier regulations”

**Clause 2 - continued**

LORD BEECHAM  
BARONESS CHAKRABARTI

- 17A★ Page 3, line 12, leave out from second “regulations” to end of line 13 and insert “may only increase or reduce amounts payable in respect of injuries if the regulations as amended would be in accordance with the relevant current Judicial College Guidelines in force at the time.”

LORD WOOLF  
LORD BEECHAM  
LORD MARKS OF HENLEY-ON-THAMES

- 17B★ Leave out Clause 2 and insert the following new Clause—  
**“Damages for whiplash injuries**  
 For the avoidance of doubt, damages for whiplash injuries are to be set by the judiciary in accordance with the 14th edition of the Judicial College Guidelines for the Assessment of General Damages in Personal Injury Cases or any subsequent revision to those guidelines.”

- 18 Leave out Clause 2

**After Clause 2**

LORD KEEN OF ELIE

- 19 Insert the following new Clause—  
**“Review of regulations under section 2**  
 (1) The Lord Chancellor must carry out reviews of regulations made under section 2.  
 (2) The first review must be completed before the end of the period of three years beginning with the day on which the first regulations under section 2 come into force.  
 (3) Subsequent reviews must be completed before the end of the period of three years beginning with the day on which the previous review was completed.  
 (4) The Lord Chancellor must prepare and publish a report of each review.  
 (5) The Lord Chancellor must lay a copy of each report before Parliament.”

**Clause 3**

LORD MARKS OF HENLEY-ON-THAMES  
LORD SHARKEY

- 20 Page 3, line 29, leave out subsections (1) to (6) and insert—  
 “(1) If a court is satisfied that—  
 (a) the degree of pain, suffering or loss of amenity caused by a whiplash injury or both a whiplash injury and one or more minor psychological injuries suffered on the same occasion as the whiplash injury makes it appropriate to do so; and

**Clause 3 - continued**

(b) the circumstances giving rise to that degree of pain, suffering or loss of amenity are such that the court considers that the interests of justice require the court to do so,

it may award an amount greater than the tariff amount that applies to that injury or those injuries.

(2) In a case where the court considers there is a combined effect of—

(a) an injury or injuries to which a tariff amount is specified under this Act; and

(b) one or more other injuries,

it may determine that an amount greater than the tariff amount is to be taken into account when deciding the amount of damages payable for pain, suffering and loss of amenity in respect of the injuries set out in paragraphs (a) and (b).”

## LORD KEEN OF ELIE

21 Page 3, line 31, leave out “a whiplash injury” and insert “one or more whiplash injuries”

22 Page 3, line 32, after “injury” insert “or those injuries”

23 Page 3, line 34, leave out “a whiplash injury” and insert “one or more whiplash injuries”

24 Page 4, line 2, after “injury” insert “or injuries”

25 Page 4, line 3, leave out paragraph (b) and insert—

“(b) it is the case that—

(i) the whiplash injury is, or one or more of the whiplash injuries are, exceptionally severe, or

(ii) where the person’s circumstances increase the pain, suffering or loss of amenity caused by the injury or injuries, those circumstances are exceptional.”

## LORD MARKS OF HENLEY-ON-THAMES

## LORD SHARKEY

26 Page 4, line 8, after “Regulations” insert “made by the Lord Chancellor”

27 Page 4, line 14, leave out from “means” to end of line 19 and insert “, in relation to a whiplash injury, the amount set out in section 2(2) in respect of the injury or the amount as subsequently amended by regulations.”

## LORD KEEN OF ELIE

28 Page 4, line 15, leave out “a whiplash injury” and insert “one or more whiplash injuries”

**Clause 3 - continued**

- 29 Page 4, line 17, leave out “a whiplash injury” and insert “one or more whiplash injuries”

LORD BEECHAM  
BARONESS CHAKRABARTI

- 29A Leave out Clause 3 and insert the following new Clause –

**“Power of court to uplift the amount of damages payable where it is just to do so**

(1) A court may –

- (a) determine that the amount of damages payable for pain, suffering and loss of amenity in respect of a whiplash injury or a minor psychological injury is an amount greater than the tariff amount relating to that injury;
- (b) determine that the amount of damages payable for pain, suffering and loss of amenity in respect of a whiplash injury and one or more minor psychological injuries, taken together, is an amount greater than the tariff amount relating to those injuries;
- (c) in a case where the court considers the combined effect of –
  - (i) an injury or injuries in respect of which a tariff amount is specified by regulations under section 2(2) or (4), and
  - (ii) one or more other injuries,

determine that an amount greater than the tariff amount is to be taken into account when deciding the amount of damages payable for pain, suffering and loss of amenity in respect of the injuries mentioned in sub-paragraphs (i) and (ii);

where it deems it would be just to do so in all circumstances of the case.

(2) In this section “tariff amount” means –

- (a) in relation to a whiplash injury, the amount specified in respect of the injury by regulations under section 2(2);
- (b) in relation to a whiplash injury and one or more minor psychological injuries, the amount specified in respect of the injuries by regulations under section 2(4).”

LORD WOOLF  
LORD BEECHAM  
LORD MARKS OF HENLEY-ON-THAMES

- 30 Leave out Clause 3

- 31 [*Re-numbered as 29A*]

**Clause 4**

LORD SHARKEY  
LORD MARKS OF HENLEY-ON-THAMES

- 32 Page 4, leave out line 27 and insert –  
“(i) of the whiplash injury, and

**Clause 4 - continued**

(ii) that the claim does not arise from cold-calling,  
and”

LORD KEEN OF ELIE

33 Page 4, line 27, after “injury” insert “or injuries”

LORD BEECHAM  
BARONESS CHAKRABARTI

34 Page 4, line 27, after “injury” insert “provided by an accredited medical expert selected via the MedCo Portal”

LORD MARKS OF HENLEY-ON-THAMES  
LORD SHARKEY

35 Page 4, line 35, leave out subsections (3) to (5) and insert—

“( ) For the purposes of this section, only evidence of the injury or injuries provided in a fixed cost medical report from an accredited medical expert selected via the MedCo Portal constitutes appropriate medical evidence of an injury.

( ) In this section, “accredited medical expert”, “fixed cost medical report” and “MedCo” have the meanings ascribed to them by paragraph 1.1(A1), (10A) and (12A), respectively, of the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents dated 31 July 2013.”

36 Page 4, line 36, at end insert—

“( ) The Lord Chancellor must by regulations make provision for the cost of obtaining appropriate medical evidence of an injury under this section to be recoverable by a claimant who succeeds in a claim in respect of a whiplash injury in addition to damages for pain, suffering and loss of amenity unless the court decides that such recovery would be contrary to the interests of justice.”

LORD BEECHAM  
BARONESS CHAKRABARTI

37 Page 4, line 37, leave out “may” and insert “must”

38 Page 4, line 39, leave out “the descriptions of persons” and insert “, in addition to persons registered as a medical expert on the MedCo Portal, other descriptions of persons with medical qualifications”

LORD SHARKEY  
LORD MARKS OF HENLEY-ON-THAMES

39 Page 4, line 44, at end insert—

“( ) specify the form of any evidence required to demonstrate that the claim does not arise from cold-calling”



**Clause 4 - continued**

LORD KEEN OF ELIE

- 40 Page 5, line 6, leave out “a whiplash injury” and insert “one or more whiplash injuries”
- 41 Page 5, line 6, after “person” insert “on a particular occasion”
- 42 Page 5, line 8, after “injury” insert “or injuries”
- 43 Page 5, line 8, after “(a)” insert “suffered by a person on a particular occasion”
- 44 Page 5, line 10, after “injury” insert “or injuries”

LORD BEECHAM  
BARONESS CHAKRABARTI

- 45 Page 5, line 10, at end insert –  
“( ) In this section, the “MedCo Portal” means the website operated by Medco Registration Solutions (company number 09295557) which provides a system for the accreditation of medical experts.”

**Clause 6**LORD SHARKEY  
LORD MARKS OF HENLEY-ON-THAMES  
THE EARL OF KINNOULL  
LORD BEECHAM

- 46 Page 6, line 2, at end insert –  
“(4A) The Treasury must, within one month of the passing of this Act, make further regulations specifying that the Financial Conduct Authority is to require all insurers holding a licence to offer UK motor insurance to publish a report –  
(a) on the loss cost savings achieved as a result of the provisions of Part 1 of this Act, and  
(b) how, and the extent to which, such savings have been applied to reduce motor insurance premiums.  
(4B) The first such report from insurers must cover the period of 12 months beginning with the first day of the month immediately after the commencement of Part 1 of this Act and must be sent to the Financial Conduct Authority by the end of the period of 15 months beginning with the commencement of Part 1 of this Act.  
(4C) The regulations must grant the Financial Conduct Authority the power to require further reports on an annual basis.  
(4D) The Financial Conduct Authority, within the period of 18 months after the commencement of Part 1 of this Act, must make and publish a reasoned assessment of whether it is satisfied that each such insurer is passing on to customers any cost benefits arising from Part 1 of this Act.

**Clause 6 - continued**

- (4E) The regulations under subsection (4A) must make provision for the Treasury to grant powers to the Financial Conduct Authority to enforce a requirement for insurers to pass on loss cost savings, achieved as a result of the provisions of Part 1, from insurers to consumers through a reduction in the cost of premiums if, after the period of 30 months following the commencement of this section, the Financial Conduct Authority advises the Treasury that such powers are necessary.”

**After Clause 7**

BARONESS HAYTER OF KENTISH TOWN  
LORD BASSAM OF BRIGHTON  
LORD BEECHAM  
LORD MONKS

47 Insert the following new 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 (currently £1,000) 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—
  - (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(3) (negligence while using a motor vehicle on a road, etc.);

*After Clause 7 - continued*

“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.”

BARONESS HAYTER OF KENTISH TOWN  
LORD BASSAM OF BRIGHTON

48 Insert the following new Clause—

**“Recoverability of costs in respect of advice on medical report, etc.**

- (1) For the purposes of civil procedure rules, the costs recoverable by a claimant who recovers damages in a claim for a relevant injury which is (or would be if proceedings were issued) allocated to the small claims track include the costs of the items set out in subsection (2).
- (2) The items are—
  - (a) legal advice and assistance (including in respect of an act referred to in paragraph (a) or (d) of section 4(2)) in relation to the quantum of damages in the light of a medical report or other appropriate evidence of injury;
  - (b) in a case where liability for the injury is not admitted before proceedings are issued, legal advice and representation in relation to establishing liability.
- (3) For the purpose of ascertaining the amounts recoverable in respect of those items, the claim is to be treated as if it were allocated to the fast track.
- (4) In this section “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(3) (negligence while using a motor vehicle on a road, etc.), but does not include an injury in respect of which a tariff amount is for the time being prescribed under section 2.”

**Clause 8**

LORD HODGSON OF ASTLEY ABBOTTS  
THE EARL OF KINNOULL

49 Page 7, line 31, at end insert—

- “( ) Rules of court under subsection (1) must draw attention to those aspects of orders for periodical payments which may make them more suitable in cases where individuals receive large sums of damages, have long-term injuries or are risk-averse.”

**Clause 8 - continued**

## LORD HOPE OF CRAIGHEAD

50 Page 7, line 34, at end insert—

“( ) In deciding whether it is appropriate to take a different rate into account, the court should consider the particular nature of any special needs that may have to be paid for out of the award during the rest of the claimant’s lifetime, and how the charges for them are to be met when they arise without risk to the overall adequacy of the award.”

LORD SHARKEY  
LORD MARKS OF HENLEY-ON-THAMES  
THE EARL OF KINNOULL

51 Page 8, line 12, leave out “90” and insert “25”

52 Page 8, line 13, after “commencement” insert “of the Civil Liability Act 2018”

## LORD HODGSON OF ASTLEY ABBOTTS

53 Page 8, line 14, leave out “within the 3 year period following the last review” and insert “if the procedure set out in sub-paragraph (3A) applies.

(3A) The expert panel under paragraph 5 must advise the Lord Chancellor to undertake a review of the rate of return when it considers that the nature of return on investment has changed sufficiently significantly to justify such a review.”

LORD FAULKS  
THE EARL OF KINNOULL  
LORD MARKS OF HENLEY-ON-THAMES  
LORD SHARKEY

54 Page 8, line 15, leave out “3” and insert “5”

LORD SHARKEY  
LORD MARKS OF HENLEY-ON-THAMES  
THE EARL OF KINNOULL

55 Page 8, line 17, leave out “90” and insert “25”

## LORD HODGSON OF ASTLEY ABBOTTS

56 Page 8, line 19, leave out “, within the 3 year period following the last review,”

LORD MARKS OF HENLEY-ON-THAMES  
LORD SHARKEY

57 Page 8, line 19, leave out “3” and insert “5”

LORD SHARKEY  
LORD MARKS OF HENLEY-ON-THAMES  
THE EARL OF KINNOULL

58 Page 8, line 22, leave out “90” and insert “25”

**Clause 8 - continued**

59 Page 8, line 23, leave out “90” and insert “25”

LORD HODGSON OF ASTLEY ABBOTTS

60 Page 8, leave out lines 25 to 28

LORD FAULKS  
THE EARL OF KINNOULL  
LORD MARKS OF HENLEY-ON-THAMES  
LORD SHARKEY

61 Page 8, line 25, leave out “3” and insert “5”

LORD MARKS OF HENLEY-ON-THAMES  
LORD SHARKEY

62 Page 8, line 26, leave out “three” and insert “five”

63 Page 8, line 28, at end insert –

“( ) In making a decision as to when a review under paragraph 1(3) is to be started, the Lord Chancellor must have regard to the advice received from the expert panel.”

LORD SHARKEY  
LORD MARKS OF HENLEY-ON-THAMES  
THE EARL OF KINNOULL

64 Page 8, line 31, leave out “2” and insert “1A or 2 (as the case may be)”

65 Page 8, line 31, at end insert –

*“Conducting the first review*

- 1A(1) This paragraph applies when the Lord Chancellor is required by paragraph 1(2) to conduct a review of the rate of return.
- (2) The Lord Chancellor must review the rate of return and determine whether it should be –
  - (a) changed to a different rate, or
  - (b) kept unchanged.
- (3) The Lord Chancellor must conduct that review and make that determination within the 140 day review period.
- (4) In conducting the review, the Lord Chancellor must consult –
  - (a) the Government Actuary, and
  - (b) the Treasury.
- (5) The consultation of the Government Actuary must start within the period of 20 days beginning with the day on which the 140 day review period starts.
- (6) The Government Actuary must respond to the consultation within the period of 80 days beginning with the day on which the Government Actuary’s response to the consultation is requested.

**Clause 8 - continued**

- (7) The exercise of the power of the Lord Chancellor under this paragraph to determine whether the rate of return should be changed or kept unchanged is subject to paragraph 3.
- (8) When deciding what response to give to the Lord Chancellor under this paragraph, the Government Actuary and the Treasury must take into account the duties imposed on the Lord Chancellor by paragraph 3.
- (9) During any period when the office of Government Actuary is vacant, a reference in this paragraph to the Government Actuary is to be read as a reference to the Deputy Government Actuary.
- (10) In this paragraph “140 day review period” means the period of 140 days beginning with the day which the Lord Chancellor decides (under paragraph 1) should be the day on which the review is to start.”

66 Page 8, line 32, leave out from beginning to “to” in line 34 and insert –

*“Conducting later reviews*

- 2 (1) This paragraph applies whenever the Lord Chancellor is required by paragraph 1(3)”

LORD MARKS OF HENLEY-ON-THAMES

LORD SHARKEY

67 Page 8, line 32, leave out from beginning to end of line 15 on page 9 and insert –

*“Conducting later reviews of the rate of return*

- 2 (1) This paragraph applies whenever the Lord Chancellor is required by paragraph 1(3) to conduct a review of the rate of return.
- (2) The Lord Chancellor must review the rate of return and determine whether it should be –
  - (a) changed to a different rate, or
  - (b) kept unchanged.
- (3) The Lord Chancellor must conduct that review and make that determination within the 180 day review period.
- (4) In conducting the review, the Lord Chancellor must consult –
  - (a) the expert panel established for the review, and
  - (b) the Treasury.
- (5) The expert panel must advise the Lord Chancellor in response to the consultation within the period of 90 days beginning with the day on which their response to the consultation is requested and this request must be made no later than 10 days after the 180 day review period begins.
- (6) The exercise of the power of the Lord Chancellor under this paragraph to determine whether the rate of return should be changed, and if so what the changed rate should be, or kept unchanged is subject to paragraph 3.

**Clause 8 - continued**

- (7) When deciding what advice to give to the Lord Chancellor under this paragraph, the expert panel and the Treasury must take into account the duties imposed on the Lord Chancellor by paragraph 3.
- (8) In determining under this paragraph whether the rate of return should be changed, and if so what the changed rate should be, or kept unchanged, the Lord Chancellor must have regard to the advice received from the expert panel.
- (9) In this paragraph “180 day review period” means the period of 180 days beginning with the day which the Lord Chancellor decides (under paragraph 1(3)) to be the day on which the review is to start.”

THE EARL OF KINNOULL

68 Page 8, line 40, leave out “180” and insert “120”

LORD JUDGE  
LORD HOPE OF CRAIGHEAD  
LORD MACKAY OF CLASHFERN  
LORD PANNICK

69 Page 9, line 2, at end insert –  
“( ) the Lord Chief Justice.”

THE EARL OF KINNOULL

70 Page 9, line 4, leave out “90” and insert “75”

71 Page 9, line 12, leave out from “paragraph” to end and insert ““120 day review period” means the period of 120”

LORD SHARKEY  
LORD MARKS OF HENLEY-ON-THAMES  
THE EARL OF KINNOULL

72 Page 9, line 18, after “paragraph” insert “1A or”

BARONESS BOWLES OF BERKHAMSTED

73 Page 9, leave out line 47

LORD BEECHAM  
BARONESS CHAKRABARTI

73A★ Page 10, line 15, at end insert –

*“Review of assumptions on which calculation of the personal injury discount rate is based*

- 3A(1) Within 3 years from the date on which this Schedule comes into force, the Lord Chancellor must arrange for the expert panel to review the assumptions on which the personal injury discount rate is based, and review how investors of relevant damages are in fact investing such damages.

**Clause 8 - continued**

- (2) The review must report whether the assumptions, on which the personal injury discount rate is based, should be changed and must set out recommendations in a report to the Lord Chancellor.”

LORD SHARKEY  
LORD MARKS OF HENLEY-ON-THAMES  
THE EARL OF KINNOULL

- 74 Page 10, line 20, leave out from “information” to end of line 22 and insert “as the Lord Chancellor thinks appropriate about –
- (i) the response of the expert panel established for the review, or
  - (ii) in the case of a review required by paragraph 1(2), the response of the Government Actuary or the Deputy Government Actuary (as the case may be).”

LORD MARKS OF HENLEY-ON-THAMES  
LORD SHARKEY

- 75 Page 10, line 20, leave out “response” and insert “advice”

- 76 Page 10, line 21, leave out “established for the review”

LORD HODGSON OF ASTLEY ABBOTTS

- 77 Page 10, line 24, leave out “For each review of a rate of return,”

LORD SHARKEY  
LORD MARKS OF HENLEY-ON-THAMES  
THE EARL OF KINNOULL

- 78 Page 10, line 24, after “return” insert “required by paragraph 1(3)”

LORD MARKS OF HENLEY-ON-THAMES  
LORD SHARKEY

- 79 Page 10, line 25, leave out “an” and insert “the”

- 80 Page 10, line 36, at end insert –

“( ) each appointed member may be expected to approach the work of the expert panel as an expert with the object of advising the Lord Chancellor in a way that is fair to the interests of both claimants and defendants.”

LORD HODGSON OF ASTLEY ABBOTTS  
LORD MARKS OF HENLEY-ON-THAMES  
LORD SHARKEY

- 81 Page 10, leave out lines 37 to 40



**Clause 8 - continued**

LORD MARKS OF HENLEY-ON-THAMES  
LORD SHARKEY

- 82 Page 11, line 22, at end insert –  
“5A The expert panel must be responsible for –  
(a) advising the Lord Chancellor within the first month of the last three months before every anniversary of the date when the last review was concluded as to whether or not a review should be started in accordance with paragraph 1(3); and  
(b) advising the Lord Chancellor in respect of a review of the rate of return in accordance with paragraph 1(3).”

83 Page 11, line 23, leave out “an” and insert “the”

84 Page 11, line 24, leave out “an” and insert “the”

85 Page 11, line 36, leave out “an” and insert “the”

86 Page 11, line 43, leave out “an” and insert “the”

LORD SHARKEY  
LORD MARKS OF HENLEY-ON-THAMES  
THE EARL OF KINNOULL

87 Page 12, line 6, after “paragraph” insert “1A or”

LORD HODGSON OF ASTLEY ABBOTTS

88 Page 12, leave out lines 19 to 38

**After Clause 8**

LORD BEECHAM  
BARONESS CHAKRABARTI

89 Insert the following new Clause –

**“Periodical payment orders**

- (1) Within 18 months from the coming into force of this Act, the Civil Justice Council must undertake a review of the impact of Part 2 and the setting of a new rate of return on the extent to which periodical payment orders are made by the courts in personal injury actions.
- (2) A report setting out the results of the review must be laid before each House of Parliament within two years of the coming into force of this Act.”

**Clause 11**

THE EARL OF KINNOULL  
LORD SHARKEY

90 Page 13, line 32, leave out “This Part comes” and insert “Part 2 and this Part come”

# Civil Liability Bill [HL]

---

REVISED  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*11 June 2018*

---