

## WHIPLASH REFORMS - WHAT YOU NEED TO KNOW



The Ministry of Justice (MOJ) Whiplash Reforms will come into force on 31<sup>st</sup> May 2021. The changes were included within the Civil Liability Act 2018 and apply to motor accidents occurring from 31<sup>st</sup> May 2021. Our following FAQ summary tells you what you need to know.

### Whiplash Reforms – FAQ

**Q – What is whiplash?**

A – Whiplash is a neck injury caused by sudden movement of the head.

**Q - What are the Whiplash Reforms?**

A - A new way of dealing with whiplash claims under £5,000 arising from Road Traffic Accidents (RTAs). Claims can be made by anyone (Claimants in person, solicitors and accident management companies etc.)

**Q – What is the difference between the existing MOJ Portal and the new Official Injury Claim (OIC) Portal?**

A – The MOJ Portal is for motor, Employers’ Liability (EL) and Public Liability (PL) injury claims from the value of £5,000 - £25,000. The OIC Portal is only for motor related whiplash claims up to the value of £5,000.

**Q – What is the purpose of the reforms?**

A – According to the Ministry of Justice it is to “reduce insurance costs for ordinary motorists by tackling the continuing high number and cost of whiplash claims”.

**Q – When do the changes come into effect?**

A – 31<sup>st</sup> May 2021 for accidents occurring on or after that date. The existing claims process will apply until 30<sup>th</sup> May 2021.

**Q – How will claims be made and who will make them?**

A – Via the on-line OIC Portal by Claimants in person, solicitors and accident management companies etc.

**Q – How will this affect motor insurers?**

A – Within 30-working days of the claim being submitted, the motor insurer must be in a position to establish the liability position. If the claim is to be denied in part or in full, the driver’s version of events, supported by a statement of truth **must** be in the motor insurer’s possession for uploading to the OIC Portal.

**Q - What happens if the motor insurer fails to upload this information within 30-working days of the claim being submitted?**

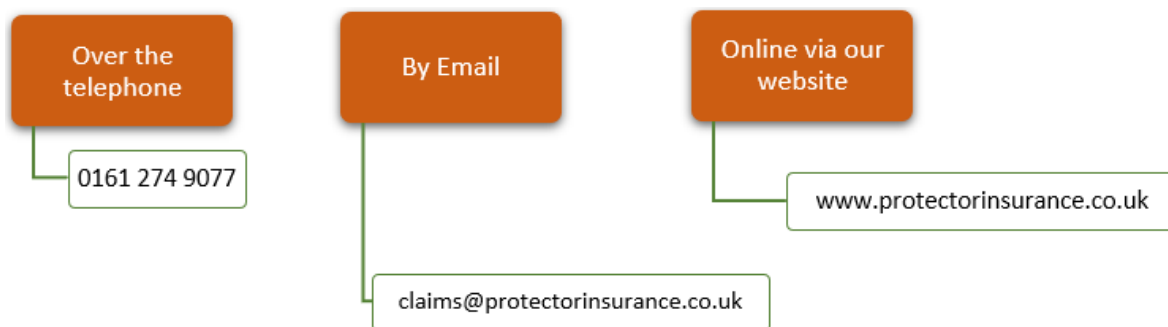
A - This will be deemed an admission of liability by the Policyholder/Insurer and litigation can be commenced immediately. This will result in increased costs in the claim.

**Q – What do motor fleet clients need to do when a motor accident has occurred?**

A – Drivers should report motor accidents to Protector within 24 hours or as soon as practicable following the accident.

**Q – How can I notify Protector of a motor accident?**

A –



**Q – Will reporting of the accident by phone or an email be sufficient?**

A – No. This should be followed up with the Driver’s Accident Summary form in 15-working days of the claim submission in the OIC Portal to allow Protector to review the form and appropriately action within the 30-working day timescale.

**Q – How does this impact Protector motor clients?**

A – There needs to be a focus on early reporting and a thorough gathering of information within tight timescales. If this is effectively carried out, there should be a reduction in claims costs.

**Q – Why do motor fleet clients need to ensure the Motor Insurance Database (MID) is accurate?**

A - Vehicle Registration Numbers involved in accidents will be checked against the MID, which is accessed through the Protector Portal. All motor fleet clients must ensure their vehicle data is kept up to date at all times to avoid being linked to claims in which they are not involved.

**Q – What is the position for motor clients or TPAs who are handling claims where Protector is the insurer?**

A – The relevant claims handler must register with the OIC Portal <https://www.officialinjuryclaim.org.uk/> and obtain their unique portal code which must be supplied to Protector for ‘pairing’. Once both Portal codes are paired, claims can be passed between us on the new OIC Portal.

#### COMPANY INFORMATION:

Protector Insurance is the UK permanent establishment of an overseas Public Limited Company. We are a Prudential Regulation Authority and Financial Conduct Authority EEA authorised firm, FCA financial services register number: 602381.

Our UK registered office address is: 7th Floor, 3 Hardman Street, Spinningfields, Manchester, M3 3HF. Companies House registration number: FC033034.

Our principal firm Protector Forsikring ASA is supervised by the Norwegian financial services regulator, Finanstilsynet. Organisation number: 985279721. Registered office address: Aker Brygge, Støperigata 2, 0250 OSLO, Norway.

For more information on Protector Forsikring ASA, please refer to our website and/or the Oslo stock exchange:

<https://www.protectorforsikring.no/#!/om-protector/investor-relation/552>

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