

Guide to changes to the Small Claims Limit for injury claims

(Part 26 of the Civil Procedure Rules)

From 31st May 2021 there are important changes to the Small Claims Limit for personal injury claims arising from road accidents. These are part of a wider package of reforms on whiplash claims, which applies to accidents on or after 31st May 2021.

For further details of the wider package of reforms, you can refer to the Guide to Making a Claim at [web address] and the Guide to Practice Direction 27B at [web address]. These guides explain the new online Portal for making a claim and the court process for resolving any disputes arising from claims on the Portal.

What is the Small Claims Limit?

People also refer to this as the Small Claims Court (the system for cases below the Small Claims Limit). The idea behind the Small Claims Court is that it deals with less complex and lower value cases for which you will not need legal representation. Even if you start court proceedings and win your case, you would only be able to recover very limited legal costs.

Your claim has to be below £10,000 total value, but there is also a limit for injury claims within that: currently at £1,000 but about to go up to £5,000 for some claims.

Once the claim is valued over the Small Claims Limit, the court will put the claim into what is known as the “Fast Track”, where you can recover some or all of the costs of legal advice if you win.

What is the new limit?

The £10,000 limit for the whole claim remains unchanged, so your overall claim still has to be no more than **£10,000** in value.

The limit for the injury claim (that is, the value placed on the injury itself) will stay at **£1,000** if the accident was before 31st May 2021, or it was not a road accident (other common causes of injury claims are accidents in public places or at work)*.

The limit for the injury claim will go up to **£5,000** for road accidents on or after 31st May 2021, apart from some limited exceptions which are explained below:

What are the exceptions from the new limit?

These break into 2 categories:

- whiplash claims involving children and others unable to manage their legal affairs (known as protected parties);
- other claimants classed as vulnerable road users or whose claims are treated differently.

Exception 1: whiplash for children and protected parties – no limit

The name “protected parties” is given to people other than children who are seen by the law as not able to manage their own legal affairs. Claims which involve a whiplash injury to a child (someone under the age of 18 at the date they make their claim), or to a protected party, in a motor vehicle on or after 31st May 2021 will have no Small Claims Limit at all. They are put straight into the “Fast Track” where some or all of the costs of legal advice can be recovered if they win.

However, this doesn’t cover all claims by children under the age of 18 or protected parties: only those where there is a whiplash injury (including those where this is whiplash and another injury). Exception 2 covers other cases involving children and protected parties where there is no whiplash injury.

Exception 2: other types of claimant - £1,000 limit

These cases either involve claimants classed as “vulnerable road users” or those whose claims have other complicating factors. For these claims, the Small Claims Limit stays at **£1,000** even where the accident is on or after 31st May 2021.

Vulnerable road users are motor cyclists, pillion/sidecar passengers, pedal cyclists, pedestrians, horse riders or those using mobility scooters. These people are seen as vulnerable because a collision with a car is likely to cause them more serious injury.

Other claims involving children under the age of 18 and protected parties in a motor vehicle are also covered by exception 2, but only where there is no whiplash injury. (Claims for children and protected parties involving whiplash are in exception 1.)

Other types of claim have complicating factors and are also in exception 2. These are where

- the claimant is an undischarged bankrupt;
- the claim is brought on behalf of or against a person who has died; or
- the claim is against the driver of a foreign registered vehicle.

Summary

The table [below/on the next page] shows the Small Claims Limit for each type of case:

- pink for the new injury limit of **£5,000**
- blue for the cases with **no limit** that go into fast track
- green for the existing injury limit of **£1,000**

Existing limit of **£1,000** for injury applies to:

- all road accidents before 31st May 2021
- all other accidents apart from road accidents (e.g. accidents in public places or at work)*

Road accidents on or after 31st May 2021

If your claim is valued below the limits stated in the columns below, it will be treated as a “small claim”. Even if you start court proceedings and win your case, you would only be able to recover very limited legal costs. If your claim is valued above this limit, you should be able to recover some or all of your legal costs if you win.

1. New £5,000 injury limit	2. Fast Track – no limit	3. Existing £1,000 limit
<ul style="list-style-type: none"> • All road accident claims unless in columns 2 or 3* 	<ul style="list-style-type: none"> • Claims for whiplash injury for <ul style="list-style-type: none"> ○ children, or ○ protected parties 	<ul style="list-style-type: none"> • All claimants who are: <ul style="list-style-type: none"> ○ motor cyclists ○ pillion/sidecar passengers ○ cyclists ○ pedestrians ○ horse riders ○ people in mobility scooters ○ undischarged bankrupts ○ personal representative of a deceased person • Claims on behalf of or against someone who has died • Claims against drivers of foreign registered vehicles • Claims not for whiplash by children or protected parties

* Claims from road accidents which are made against your employer because of a breach of Health and Safety regulations do not count as road accidents for these purposes and remain within the existing £1,000 limit.