

# Complex Injury The Year Ahead 2023

## January 2023

06 Jan 2023

County Court Procedures in Northern Ireland. Order 12A comes into force - Summary Judgment and Order 25A comes into force - orders for Provisional Damages for Personal Injuries.

17 Jan 2023

MoJ launch dual rate Discount Rate consultation.

20 Jan 2023

Whiplash reforms - Mixed injury appeals at Court of Appeal - Rabot v Hassan / Briggs v Laditan - heard in Dec 2022, decision handed down 20 January.

30 Jan 2023

Civil Procedure Rules Committee (CPRC) consultation on proposed amendments to Annex C of the Pre-Action Protocol for Personal Injury Claims (standard disclosure in workplace claims) ends. The changes to Annex C include proposals by the Health and Safety Executive that Annex C should be consolidated into common categories to limit repetition, and proposals by the CPRC that this consolidation is done in a table.

Jan 2023

Market Insight & Innovation team starting. To assist with keeping our clients and our colleagues up to date with the latest market trends, data and ideas, we have set up a new team who will work throughout the year with Keoghs' Special Interest Groups (more on that in the next few weeks) to ensure clients have the latest knowledge, as well as making some improvements to existing products, and introducing new ones, that will facilitate the handling of complex and catastrophic claims.

## February 2023

09 Feb 2023

Consultation on whether UK should become signatory to Hague Convention 2019 on recognition and enforcement of foreign judgments ends.

## March 2023

25 Mar 2023

PD 51Y on private video and audio hearings in civil proceedings during COVID-19 pandemic effective end date.

Spring 2023

Damages claims portal expansion to citizens (currently only legal representatives) - to issue, respond and request judgment.

# April 2023

01 Apr 2023

National minimum wage increase. The hourly rate will be raised by 9.7% from £9.50 to £10.42 for workers in the UK aged 23 or over.

01 Apr 2023

Proposed merger of NHS England, Health Education England and NHS Digital on 1 April 2023 - The National Health Service (NHS) has published the operating framework for 2022 which sets out the way in which the NHS will operate in the new Health and Care Act structure. The framework provides information on the roles that NHS England, integrated care boards and NHS providers will undertake.

06 Apr 2023

CPR changes (not yet confirmed we anticipate changes to Part 36 and Part 44 in respect of QOCS and interaction with Part 36).

11 Apr 2023

Discount Rate consultation on dual rate ends.

Apr 2023

ASHE 2022 revised data available.

# May 2023

07 May 2023

The Pensions Act 2014 requires the government to regularly review State Pension age, and in accordance with law, this latest Review must be published by 7 May 2023. State Pension age is currently 66 and two further increases are currently set out in legislation: a gradual rise to 67 for those born on or after April 1960; and a gradual rise to 68 between 2044 and 2046 for those born on or after April 1977.

May 2023

From October 2022, the work of the County Court Money Claims Centre (CCMCC) has been gradually moving to the County Court Business Centre (CCBC). Project end date is May 2023.

# July 2023

Jul 2023

Discount Rate consultation response from government due, Lord Chancellor to appoint expert panel.

Summer 2023

Master of the Rolls to report on next review of 'Guideline hourly rates'.

Q3/Q4 2023

Transport Bill which would contain regulations to legalise use of e-scooters on UK roads now delayed until late 2023.

# September 2023

Sep 2023

Office of National Statistics (ONS) release updated life expectancy tables.

# October 2023

Oct 2023

£86,000 cap introduced on the amount anyone in England will need to spend on their personal care over their lifetime.

06 Oct 2023

CPR changes – (not yet confirmed but anticipate changes to Part 26 and Part 45 (tracks) extending fixed recoverable costs (FRCs) across the fast-track and in most money cases worth up to £100,000, with the introduction of the new intermediate track for cases worth £25,000 - £100,000).

Q4 2023/  
Q1 2024

Discount rate consultation - Call for evidence from expert panel / IFoA working group set up to consider PPOs.

Oct 2023

ASHE 2023 provisional data released Oct 2023, to be followed by Keoghs' updated calculator.

# December 2023

31 Dec 2023

Retained EU Law Bill - Key date when Government intends to sunset retained EU law unless otherwise preserved. The Bill seeks also to:

- Reverse the priority currently given to retained direct EU legislation over domestic UK legislation passed before the end of the transition period when they are incompatible
- Give domestic courts greater discretion to depart from retained EU case law
- Downgrade the status of retained direct principal EU legislation for amendment purposes so that it no longer has parity with Acts of Parliament
- Give the government powers to make secondary legislation so that retained EU law or assimilated law can be amended, repealed and replaced more easily
- The Bill seeks revocation of EU law by end 2023 (or a later date before June 2026 if agreed)
- The Bill is currently at Report Stage in the House of Commons ahead of 3rd Reading and subsequent passage to the House of Lords
- It is anticipated that the House of Lords may seek to introduce considerable amendment, furthermore there is unlikely to be adequate departmental resource within Government departments even if the Bill were to proceed this year



# 2023: Further changes due in the next 12 months

- Revised CPR 21 (children and protected parties) – see consultation on CPR 21 and proposed revocation of CPR PD 21.
- Revised CPR rr.17 (amendments to SoC), 19 (parties), 20 (counterclaims), 38 (discontinuance).
- Revised CPR 22 / CPR 23 and supplementing PDs: CPR PD 22, CPR PD 23A and CPR PD 23B - see consultation on MoJ website
- CPR damages claims portal expansion of scope to applications for default judgment, standard directions, filing of interim application.
- Whiplash (OIC portal) Tariff review - The Ministry of Justice rejected a call for an early review of the tariff for the Official Injury Claim portal. Under the Civil Liability Act 2018, the government has to consult with the Lord Chief Justice on the tariff figures.
- CRU to roll out online portal and provide 'digital nil certificates'.
- Automated vehicles (AV). The Government held a consultation in 2022 on regulating remote driving on public roads. The paper proposed some short-term measures along with longer-term measures which would require an Act of Parliament to implement.
- Thirty former professional footballer players intend to send a Letter of Claim to the Football Association, the Welsh FA and IFAB alleging negligence that heading of the football has caused dementia and other neurodegenerative injuries.
- Government to respond to consultation on increased use of mediation which ended in Oct 2022.
- Government to respond to its consultation on the draft new 'code to the Mental Capacity Act 2005' which was put in place in Summer 2022.
- The government to set out next steps after it published in Summer 2022 a draft Mental Health Bill for pre-legislative scrutiny, to "modernise the Mental Health Act (MHA) for the 21st century".
- Department for Transport to issue public consultation on regulations for e-scooter users and manufacturers of private e-scooters.
- Interest on Court Funds Office special/basic account – rates expected to track ongoing increases in Bank of England base rate, currently 3.5% (special), 2.625% (basic).
- Digital compensation scheme for Armed Forces compensation claims - The Ministry of Defence (MOD) has announced that Veterans UK, part of Defence Business Services (DBS), has created an online claims service for Armed Forces Compensation and War Pension claims.
- The Department for Transport is in the process of producing a safety assurance and legal framework to allow for self-driving vehicles (i.e. fully automated vehicles) in Great Britain by 2025. The government is also consulting on a 'safety ambition' for self-driving vehicles to be as safe as a competent and careful human driver, which would inform standards that vehicles would need to meet to be allowed to self-drive on roads.
- CJC report expected following a consultation exercise run by its costs working group in late 2022, which was re-opened for the sole purpose of considering the implications of *Belsner v Cam Legal* [2022] EWCA Civ 1387 in respect of costs incurred under pre-action protocols and portals and potentially other areas. This further consultation closed on 15 December 2022.

## 2024 onwards - what to watch!!

### 20 April 2024

Conclusion of Damages Claims Online pilot scheme (PD 51ZB).

### May 2024

E-scooters trials further extended until this date.

### 15 July 2024

Lord Chancellor must commence discount rate review by this date.

### 2024

Legal responsibility to be removed from AV occupants i.e. humans (see Connected and Automated Mobility 2025).

### 11 January 2025

Deadline for setting of new discount rate.

