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2 April 2024

Anexo Group plc

('Anexo', the 'Group' or the 'Company')

Supreme Court Judgment on Damages for Injuries

Anexo (AIM: ANX), the specialist integrated credit hire and legal services provider, is pleased to note the Supreme Court judgment, announced on 26 March 2024, regarding the calculation of damages for injuries caused by a motor accident.

Background

The Civil Liability Act 2018 and the Whiplash Injury Regulations 2021 have significantly reduced the amount of damages payable for pain, suffering and loss of amenity ("PSLA"), and these are now calculated on a fixed basis depending on the duration of the injury and whether the PSLA was based solely on whiplash injuries or upon whiplash injuries with concurrent minor psychological injuries.

The case (Hassam and another v Rabot and another) explored the effect of the new legislation on non-whiplash injuries which would normally be covered by common law precedent. In other words, what is the position on concurrent PSLA caused by both a whiplash injury and a non-whiplash injury?

Official statistics from the Official Injury Claim Service ("OIC") for the period 1 October 2023 to 31 December 2023 show that, during that three-month period, there were 62,557 whiplash claims via the OIC portal. Of these, 43,159 (66.7%) were for both whiplash and non-whiplash injuries.

Judgment

The Court of Appeal was divided on this issue, the majority holding that claimants remained entitled to full common law compensation for their non-whiplash injuries, but the Master of Rolls disagreed and gave a dissenting judgment.

The Supreme Court has affirmed the majority approach and dismissed the insurers' appeals.

Giving the unanimous judgment, Lord Burrows agreed with the Claimants, explaining that the correct methodology to value an injury for whiplash with a non-whiplash injury is as follows:

1. Assess the tariff amount for the whiplash;
2. Assess the common law damages for the other injuries;
3. Add the figures together;
4. Step back and consider whether a 'totality' adjustment was needed to avoid over- or under-compensation and make any such adjustment to the common law award. The judgment includes the caveat that the final award cannot be lower than the common law damages which would have been awarded for PSLA caused by non-whiplash injuries only.

Alan Sellers, Executive Chairman of Anexo Group, commented *"We are very pleased to note this Supreme Court decision. It establishes as a matter of law that claimants can claim for both whiplash and non-whiplash PSLA, without the quantum of damages in the latter being restricted by the Whiplash Injury Regulations. This ruling will have a positive impact on thousands of individual cases where the claimant is seeking damages for non-whiplash injuries following a no-fault accident. It provides support for Bond Turner in seeking to represent the interests of our clients in all aspects of their claims and underpins our dedication to assuring the best possible outcome for the claimants for whom we act."*

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Notes to Editors:

Anexo is a specialist integrated credit hire and legal services provider. The Group has created a unique business model by combining a direct capture Credit Hire business with a wholly owned Legal Services firm. The integrated business targets the impecunious not at fault motorist, referring to those who do not have the financial means or access to a replacement vehicle.

Through its dedicated Credit Hire sales team and network of over 1,100 active introducers around the UK, Anexo provides customers with an end-to-end service including the provision of Credit Hire vehicles, assistance with repair and recovery, and claims management services. The Group's Legal Services division, Bond Turner, provides the legal support to maximise the recovery of costs through settlement or court action as well as the processing of any associated personal injury claim.

The Group was admitted to trading on AIM in June 2018 with the ticker ANX.

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