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## new procedure for low cost road traffic personal injury claims



As from 6 April 2010 a new electronic portal system will be implemented to deal with all compensation claims for personal injury arising out of road traffic accidents which range from £1,000 to £10,000. The new system will enable claims to be dealt with more swiftly and clients to obtain settlements earlier.

The system will consist of three stages:

### stage 1

The claimant lawyer will complete a claim notification form (CNF) which will include details of the accident, defendants details, injuries sustained and material damage and the CNF will be forwarded to the compensating insurer electronically.

The insurer will have 15 working days in which to respond with an admission or denial of liability. The insurer will return the CFN if they do not insure the vehicle and the claim will be removed from the process if there is any contributory negligence (other than non-wearing of seat belts) and the investigation period will be extended to 30 days if the claim is to be dealt with under Article 75.

The investigation process is also extended to 30 days if the claim is against the Motor Insurers Bureau under the Uninsured Drivers' Agreement.

Once liability is accepted a fixed fee of £400 will become payable to the claimant lawyer.

Following acceptance of liability, the claimant lawyer obtains the medical evidence and further information required to complete a settlement pack and no fixed time period has been set for obtaining the medical evidence and information.

At this point a further fixed fee of £800 becomes payable

### stage 2

The claimant lawyer completes the settlement pack requesting final or interim settlement which includes heads of damages and medical report which is then forwarded to the insurer electronically with all evidence attached.

Within 15 days the insurer must:

- agree settlement in accordance with the claimant lawyer's offer; or
- make a counter offer by returning the settlement pack with appropriate reasons against particular heads of damage

A further 20 days are allowed to negotiate counter offers.

### **stage 3**

This stage will only come into affect when although liability is accepted, the parties cannot agree a settlement figure and the claim will then proceed to a quantum hearing.

Fixed costs are payable for either a paper or oral hearing and copies of the CNF and offers made via the portal can be printed for submission to the quantum hearing.

[Download our information sheet on the new procedures.](#)

**contact us...**

For further information, please contact [Claire Howard](#), partner in Blake Laphorn solicitors' Personal Injury team on 023 8085 7313 or email [claire.howard@bllaw.co.uk](mailto:claire.howard@bllaw.co.uk).

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