



# Go to Court - Liability

Support Guide

10-19-2022

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# Go to Court - Liability

## Support Guide

This guide looks at how you can initiate court proceedings when liability has been denied on your claim.

Claim status (this shows what stage your claim is at. Click 'Continue' to open the claim).

My claim	New
Claimant name	Test Test
Accident date	01 January, 2021
Portal reference	OIC-07-22-42012
Claim reference	OIC-07-22-42012
Status	Pending- LiabilityRejected
<a href="#">Continue</a>	

Instruction text (this explains your next step in the process).

## What you need to do

The compensator has denied your claim. Select "View more details" to find out why and decide what to do next.

[View more details](#)

When the Compensator has denied liability on your claim you will have the option to go to court. You can also accept the denial and close your claim or challenge the Compensator through the portal. You can only challenge their decision through the portal 3 times. If you are still unhappy with their decision after 3 challenges, you will only be able to dispute this outside of the portal by choosing to go to court. This guide looks at the steps you will need to take through the portal to initiate the court journey.

On the screen below you would need to select 'Go to court' and click 'Continue'.

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## The compensator denied liability for your claim

The compensator has denied liability for your claim.

Compensator's original liability response

[View details](#)

To continue with your claim you can :

**Accept denial**  
If you accept the compensator's denial of liability, the claim will close. You will not receive compensation.

**Challenge denial**  
The compensator will review the response along with any evidence that has been uploaded. You can upload any evidence by selecting Upload documents in the "My documents" section of the claim overview page.

**Go to court**  
The claim will be dealt with outside of the process as you have decided to start court proceedings.  
It is important that you upload any further evidence you want to rely on before you complete the next steps to create the papers required for court.  
The court may decide not to consider new evidence if you only produce it after proceedings are started.

Tell us what you want to do next \*

☐ Accept denial

☐ Challenge denial

☐ Go to court

Continue

Save and Exit

Key information

What does denial mean?

What does compensator mean?

How many challenges can I make?

How are court proceedings conducted?


On the next screen you will need to confirm your decision to go to court. There is some important information to take note of including details surrounding the court fees that will need to be paid. This includes some links that will take you to a page that provides a summary of the court fees that will need to be paid and a page where you can apply for help paying a court fee. If you are happy with your decision to go to court, select 'Confirm' but please note that once you have done this you will **not** be able to change your decision to go to court.

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## Confirm your choice

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Select Confirm if you want to go to court because of the compensator's denial of liability. Select Back If you want to change the reason or your decision to go to court.



### Important information you should be aware of

- You may need to pay a court fee to start court proceedings. If the defendant is found to be at fault for the accident, the court should order the defendant to repay the fee. It is possible that you qualify for help paying a court fee, further details of which can be found on the [help paying a court fee page](#).
- Check the court fee on the [court fees page](#).
- The system will auto generate a notice that is required under section 152 (1) of the Road Traffic Act 1988.

Once you continue from this point, you will be required to select the documents you will take to court, and you will not be able to change your decision to go to court.

Confirm

Save and Exit

An in-system message will be sent to the Compensator to inform them of your intentions to issue court proceedings. This is known as a section 152 notice.

**Official Injury Claim**  
S152 Notice

12/05/2022 10:33

**This is notice required under section 152 (1) of the Road Traffic Act 1988 of the Claimants intention to commence proceedings.**

You will next be prompted to answer some questions. The answers provided will be used to populate your court form which is the document you will need to send to the court to start court proceedings. The first set of question are around if you know of any other claims relating to the same accident you are claiming for. This may be for someone you know who was involved in the same accident and is in the process of making a claim. If you know of any other claims, you will be prompted to answer some additional questions around anyone else you know who was involved in the accident and has issued court proceedings for their claim.

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## Additional information for court

*Note that all fields marked with \* are mandatory.*

Do you know of any other claims relating to this accident? \*

☒ Yes ☐ No

Do you know of any court proceedings started by any other party involved in this accident?

☒ Yes ☐ No

Do you know if any court decisions have been made in relation to this accident?

☒ Yes ☐ No

Additional information (such as names and addresses of other parties; court references; dates of judgment etc.):

Remaining: 500 characters

Continue
Save and Exit

If you do not know of any other claims relating to the accident simply select 'No' and 'Continue'.

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## Additional information for court

*Note that all fields marked with \* are mandatory.*

Do you know of any other claims relating to this accident? \*

☐ Yes ☒ No

Continue

Save and Exit

Alongside your court form, you will need to post all the evidence relating to the case to the court. During the steps in the portal, you will create a 'court pack' containing all the evidence relating to the case. On the next screen you will see a list of documents that are required by the court for a liability case. You may not have all the documents listed here, but any that you do have should be included in your court pack. If you have any of these documents but have not yet uploaded them to the portal, choose 'Save and exit' and upload the documents from the 'My documents' section of the claim overview page before continuing through the court journey. When you are satisfied all the documents are uploaded to the portal, select 'Continue'.

## Preparing for court

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The documents you require are listed in Table A.

Reason for going to court

**Liability dispute only – liability denied in full**

### Table A - liability dispute, liability denied in full

#### Documents and Evidence

The Small Claim Notification Form
Any witness statements
Any police report
Any photographs
Any sketch plans
Any dashcam, or video clips
Any other documents or data in support of the claim
The Compensator's Response
The defendant's version of events supported by a Statement of Truth
Any other documents uploaded by the compensator, including witness statements, photos, sketch plan, dashcam or video clips

The list of documents associated with the claim has been generated by:

- your own upload
- the compensator or a medical expert
- the portal

To view or upload further documents select Save and Exit and go to "My documents" on your claim overview page. Once you are satisfied that all required documents have been uploaded, come back to this page and select Continue.

**Continue**

Save and Exit

On the next screen you will be able to select the documents you wish to be included in your court pack. The documents are split into different categories. Click on 'Glossary of document terms and abbreviations used' to see a description of each category. It is important to note at this stage that you are selecting documents uploaded by yourself and the compensator to give an overview of the entire claim rather than just your evidence.

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## Documents for court

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Your Court Pack will be created from the documents you select for court.

Before you select Continue, you must upload any further evidence you want to use in court. The court may decide not to consider new evidence if it is provided after the start of court proceedings.

Make your document selection by selecting the category arrow and ticking the relevant documents. Once completed select Continue.

[Glossary of document terms and abbreviations used](#)

Category	Description
Small Claim Notification Form	The form used to notify details of your claim to the compensator.
Compensator's Response	The form used by the compensator to provide a liability response to your claim.
Defendant's Documents	Any documents or data the defendant has uploaded in support of their defence. These include witness statements, police report, photographs, sketch plans, dashcam or video clips.
Defendant's Version of Events	A document setting out the defendant's version of events, if provided, supported by the defendant's Statement of Truth.
Evidence To Support Your Claim	Any documents or data uploaded in support of your claim. These include witness statements, police report, photographs, sketch plans, dashcam or video clips. Any documents to support your losses for example invoices for treatment costs, receipts for travel costs or policy excess, letters or payslips setting out loss of earnings.
Signed Documents	Any forms you have signed to support your injury claim.



Just below this you will see the categories and a blue arrow facing downwards to the left of each one. Click on the arrow to expand the section and view the documents that have been uploaded under that category. Tick the boxes next to the documents that you wish to include in your court pack. You will need to select at least one document from each category. Once you have selected the documents you wish to include, select 'Continue'.

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Documents for court

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Your Court Pack will be created from the documents you select for court.

Before you select Continue, you must upload any further evidence you want to use in court. The court may decide not to consider new evidence if it is provided after the start of court proceedings.

Make your document selection by selecting the category arrow and ticking the relevant documents. Once completed select Continue.

[Glossary of document terms and abbreviations used](#)

Category

Defendant's Version of Events

☒

Defendants version of events

Add date

12 May 2022

Category

Compensator's Response

☒

OIC-05-22-3117\_CompensatorResponse\_12-05-2022 10-28.pdf

Add date

12 May 2022

Category

Small Claim Notification Form

☒

OIC-05-22-3117\_SCNF\_12-05-2022 10-26.pdf

Add date

12 May 2022

Continue

Save and Exit

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On the next screen you will need to review the answers you have provided so far and the documents you have selected. If you are happy with these, select 'Confirm and Send'. You should only select 'Confirm and Send' if you are satisfied you have selected all the documents required by the court as listed in the table displayed on page 6 of this guide. Please note that once this has been selected you will be unable to go back and change your answers or documents.

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## Check answers and documents

[Back](#)

Check your answers and that all the documents required for the Court Pack have been included. Once you are satisfied select Confirm and Send. If you want to make amendments select Change.

Additional information for court

Change

Documents for court

Change

### What happens next

The compensator will review the selected documents and advise within 5 working days if any changes are required.

Select Confirm and Send to confirm you have:

- completed the Court Pack list
- that it contains all documents required by the court, as listed in Table A

Confirm and Send

Save and Exit

The claim will now go to the Compensator who will review the documents you have selected for court. The Compensator cannot remove any documents you have selected but can add additional documents that have been excluded.

## What you need to do

The compensator is reviewing the documents you selected for court

Once the Compensator has reviewed the documents selected and made a decision the claim will return to you.

Claim status (this shows what stage your claim is at. Click 'Continue' to open the claim).

My claim

New

Claimant name	Test Test
Accident date	01 January, 2021
Portal reference	OIC-06-22-5027
Claim reference	Court Liability
Status	Pending- LiabilityListAccept

Continue

Instruction text (this explains your next step in the process).

What you need to do

The compensator has reviewed the documents you selected for court and provided you with their response

View more details

On the next screen you will see the Compensator's response after reviewing the documents you have selected for court. In the below screenshot the Compensator has agreed with the documents selected. If they have not agreed with the documents, you will be able to see the documents they have added but will not be able to dispute these. Either way, you will need to select 'Continue' where you will go on to answer some more questions to populate your court form.

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## Confirmation of Court Pack list

The compensator has agreed with the documents you selected for the Court Pack.

### Court Pack list

**3 documents**

Defendant's Version of Events

Defendants version of events

Claimant ✓

Compensator's Response

OIC-05-22-3117\_CompensatorResponse\_12-05-2022 10-28.pdf

Claimant ✓

Small Claim Notification Form

OIC-05-22-3117\_SCNF\_12-05-2022 10-26.pdf

Claimant ✓

Select Continue to go to a series of questions that will be used to fill in your court form.

Continue

Save and Exit

If you have not provided an address for the defendant (the driver you feel was responsible for the accident) already, you will be asked if you have it on the next screen. If you do you will be asked to provide it.

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## Defendant's details

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Note that all fields marked with \* are mandatory.

The defendant's address has not been provided. If this is not available, the court form will show the compensator as the defendant instead and give their address.

Do you have the defendant's address? \*

☒ Yes ☐ No

Postcode \*

or [Enter address manually](#)

If you do not have the address, the paperwork produced for court will show the defendant as the compensator rather than the responsible driver.

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## Defendant's details

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Note that all fields marked with \* are mandatory.

The defendant's address has not been provided. If this is not available, the court form will show the compensator as the defendant instead and give their address.

Do you have the defendant's address? \*

☐ Yes ☒ No

The paperwork produced for your court claim will now show the defendant as:

**OIC Compensator**

If you have already provided the responsible driver's address, you will not be asked this question and will move on to the next question instead.

You will need to confirm where your preferred county court hearing centre would be. This will be the court that you would like the hearing to take place at. You can use [this link](#) to find your local court. You will also be asked if you have already started court proceedings using the RTA Small Claims Protocol. Only select yes if you have already been to court for this specific claim. It does not matter if you have been to court for a different claim in the past and you will not be required to provide any details about that. If you do select yes, you will be asked for the court claim number from when you have previously been to court. You can also indicate if there is any additional support you would need from the listed options. It is important to list any support you require as this will help the court to find a suitable centre for your needs.

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## Going to court

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*Note that all fields marked with \* are mandatory.*

All court claims must be started at the County Court Money Claims Centre.

Your court claim will then be processed and sent out to the local court that will hold your hearing.

You can specify your preferred local hearing centre.

What is your preferred county court hearing centre? \*

Have you already started court proceedings using the RTA Small Claims Protocol? \*

☒ Yes
 ☐ No

If you have already started a court claim for this accident, give the court claim number that the court allocated for that claim.

What is the court claim number of your existing claim? \*

Select any support you would need for a court hearing:

☐ Disabled access  
☐ Hearing loop  
☐ Sign language interpreter  
☐ Language interpreter  
☐ Other support

On the next screen you will need to select any witnesses that will be giving evidence on your behalf. You will automatically have been added as a witness.

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## Select your witnesses

[Back](#)

Note that all fields marked with \* are mandatory.

You must select all those witnesses who will give evidence on your behalf.

This always includes you.

Add additional witnesses by selecting Add witness. You will be able to add witness statements after you select Continue.

You will need permission from the court for any additional witnesses before the hearing.

**Your details:**

Title	Mr.	First name	Test
Middle name	---	Last name	Test

**Select witnesses you want to include**

Besides you, no witnesses have been added to the claim yet.

[Add witness](#)

[Continue](#) [Save and Exit](#)

**Key information**

- How do I select witnesses?

If you would like to select anyone else, select 'Add witness' and provide their name. You can add as many witnesses as you like.

### Select witnesses you want to include

Besides you, no witnesses have been added to the claim yet.

### Additional witnesses you want to include

[Remove](#)

Name of the witness \*

[Add witness](#)

On the next screen, you will be asked if you have included in the court pack all the evidence you wish to rely on. This relates to the evidence you selected to provide to the court earlier on in the process. If everything has already been included, select 'Yes' and 'Continue'.

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## Court pack evidence

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*Note that all fields marked with \* are mandatory.*

You have selected the documents that you want to include in the Court Pack.

You must select No if you want to include any additional documents.

You must add witness statements for any new witnesses.

Have you included in the Court Pack all evidence that you wish to rely on? \*

☐ Yes
 ☐ No

Continue

Save and Exit

### Key information

- How do I check for any missing court documents?
- What is the court pack?



If you wish to include some additional evidence, you will need to select 'No'. You will be asked if you are attaching new evidence to the form. This means you will be providing the additional evidence alongside your court form and current list of documents for court. You will also need to provide reasoning for why the evidence was not produced previously and give a summary of the evidence. It is important to note that as this evidence has been added after the list of documents for court has been completed, the court will consider whether to give you permission to use the additional evidence.

Have you included in the Court Pack all evidence that you wish to rely on? \*

☐ Yes
 ☒ No

As you wish to rely on evidence not in the Court Pack, you now need to tell us what that new evidence is, and attach the evidence, if you have it, to the court form.

The court will then consider whether to give you permission to use this evidence.

Are you attaching the new evidence to the court form? \*

☐ Yes
 ☐ No

The reason that the evidence was not produced previously is as follows: \*

Remaining: 1080 characters

How do you summarise the evidence? \*

Remaining: 1080 characters

Continue

Save and Exit

If you answer 'No' to 'Are you attaching the new evidence to the court form?' you will need to give reasoning as to why you cannot attach the evidence to the form.

Are you attaching the new evidence to the court form? \*

☐ Yes
 ☒ No

The reason that the evidence was not produced previously is as follows: \*

Remaining: 1080 characters

How do you summarise the evidence? \*

Remaining: 1080 characters

I cannot attach the evidence to this form because: \*

Remaining: 1080 characters

Continue

Save and Exit

You will then need to select how much you believe the total value of your claim will not be more than. This estimation will set the court fee that you must pay. You must be realistic with your evaluation. To make your evaluation you should consider how much you believe you will receive for injuries and how much you want to claim as additional offers. These two figures should make your final evaluation. For help evaluating your injuries, you may wish to look at page 53 onwards of the [Guide to Making a Claim](#).

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## Court fee payable

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*Note that all fields marked with \* are mandatory.*

A court fee is payable on the value of the claim.

As the compensator has not made an offer, you should assess the value of your claim taking into consideration any damages for injury and any other losses.

You should be realistic about the value of your claim as this sets the amount you will have to pay as a court fee.

Complete the following.

The total claim value is not more than: \*

☐ £300
 ☐ £500
 ☐ £1,000
 ☐ £1,500
 ☐ £3,000
 ☐ £5,000
 ☐ £10,000

A hearing fee will also be payable at a later date. The court will tell you when this is due.

Check the tickbox before selecting Continue

☐ I believe that: \*
 

- my claim for damages for injury is not worth more than £5,000, and
- my overall claim (including damages for injury) is not worth more than £10,000

**Important information you should be aware of**

*If you believe your claim for damages for injury is worth more than £5,000, or your overall claim (including damages for injury) is worth more than £10,000, you should not continue your claim through this portal. You will need to notify the compensator of this but you may want to seek advice first.*

You will then need to review your answers and click 'Confirm and Send' if you are happy with them.

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## Check your answers

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Confirm that the following information is correct.

If you want to change anything, select the Change link.

Once you are satisfied, select Confirm and Send and your court form will be created.

This information will be shown on your court form together with information from earlier parts of your claim.

Going to court

Change

Select your witnesses

Change

Court Pack evidence

Change

Court fee payable

Change

*Important information you should be aware of*

- The portal will automatically complete the sections that are relevant to your claim only.
- Some sections will not contain any information because it is not relevant to your claim. You should not add anything by hand or otherwise to those sections.

Confirm and Send

Save and Exit

You will then be provided with a summary of the steps you will need to take to issue your court proceedings. Once you have clicked 'Return to Claim overview' this list will disappear. However, the instructions will be listed on the last page of your court form.

## Your client is ready to start court proceedings

The court form has now been created.

### What happens next

- print off the court form which must be signed with a Statement of Truth
- print off the List of Documents for Court and the documents to be included in the Court Pack
- put together the printed Court Pack, with the List of Documents for Court at the front and the other documents in the same order as listed
- check the court fee due for the "Amount claimed" on the [court fees page](#) and write this in the "Court fee" box on the front of the court form, or you can apply for help with fees via the [help paying a court fee page](#).
- write the reference from the help paying a court fee page in the "Help with Fees Ref no." box on the front of the court form. You may still have to pay a reduced fee, which you must write in the "Court fee" box on the form.

You will be able to download and print all court-related documents by visiting the "My documents" area on the "Claim overview" page.

The signed court form and the Court Pack must be sent with the appropriate court fee, if required, to the Civil National Business Centre to start proceedings:

Civil National Business Centre  
St Katherine's House  
Northampton  
NN1 2LH  
DX: 702885 Northampton 7

By heading to the 'My documents' section on the claim overview page you will be able to download the court form, list of documents for court and evidence that is required by the court. This is what will need to be posted to the court to start your proceedings.

Documents

Documents added

[OIC-05-22-3117\\_CourtFormRTASCL\\_16-05-2022 09-59.pdf](#)

Court Form

Uploaded by Official Injury Claim

16/05/2022

[OIC-05-22-3117\\_ListOfDocumentsForCourt\\_16-05-2022 09-59.pdf](#)

List of Documents for Court

Uploaded by Official Injury Claim

16/05/2022

The claim will now be closed in the portal whilst the court proceedings take place.

What you need to do

You have made the decision to go to court due to your disagreement with the liability response made by the compensator. The claim will now be treated as closed as the court decision is dealt with outside of the portal. You can access all documentation via the My documents link below. If the court finds in your favour, either in full or in part, You or the compensator has the ability to reopen the claim and you will be able to continue your claim through the portal.