# Go to Court - Liability

Support Guide

OFFICIAL NJURY CLAIM

10-19-2022



## **Go to Court - Liability**

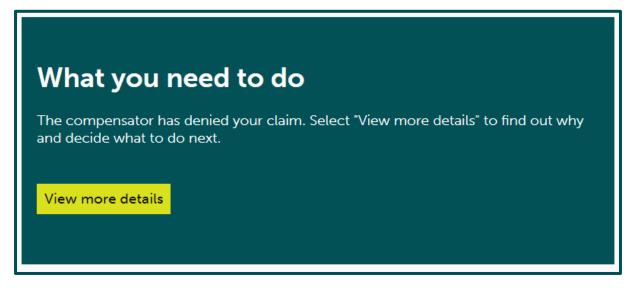
#### Support Guide

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
<u>Continue</u>	

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





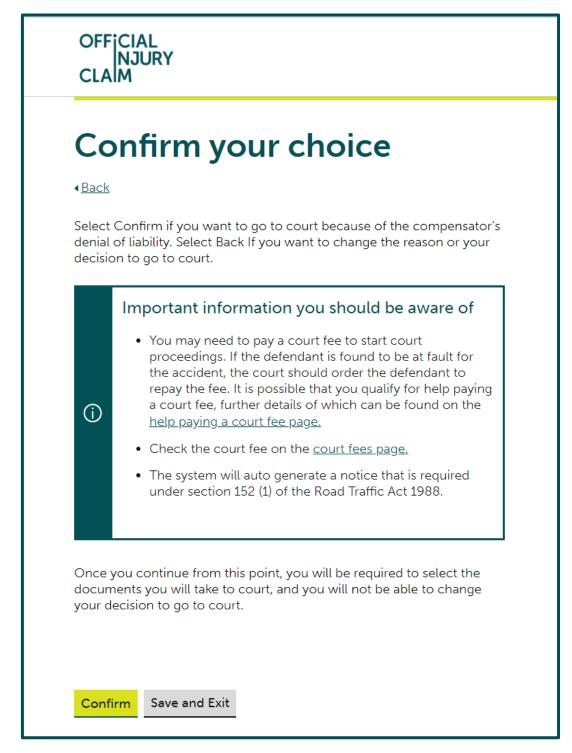
When the Compensator has denied liability on your claim you will have the option to go to court. You can also accept the denial and close your claim or challenge the Compensator through the portal. You can only challenge their decision through the portal 3 times. If you are still unhappy with their decision 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'.

OFFICIAL NJURY CLAIM	Account Management Logout
The compensator denied liability for your claim	Key information — • What does denial mean?
The compensator has denied liability for your claim.	
Compensator's original liability response	What does compensator mean?
<u>View details</u>	• How many challenges can I make?
To continue with your claim you can :	How are court proceedings conducted?
Accept denial If you accept the compensator's denial of liability, the claim will close. You will not receive compensation.	
<b>Challenge denial</b> 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* <ul> <li>Accept denial</li> <li>Challenge denial</li> <li>Go to court</li> </ul>	
Continue Save and Exit	



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.





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

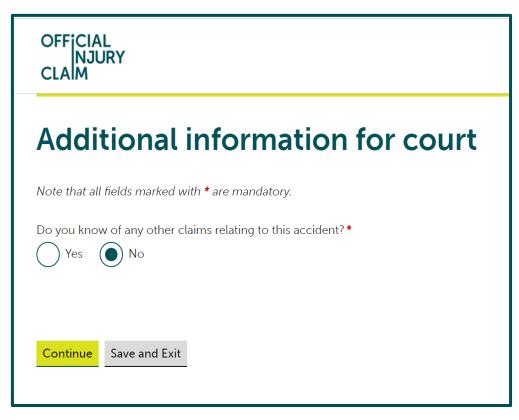
This is notice required under section 152 (1) of the Road Traffic Act 1988 of the Claimants intention to commence proceedings.

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.

OFFICIAL NJURY CLAIM
Additional information for court
Note that all fields marked with <b>*</b> are mandatory.
Do you know of any other claims relating to this accident? *
Do you know of any court proceedings started by any other party involved in this accident?
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'.





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'.

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 police report Any photographs 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
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
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Any other documents uploaded by the compensator, including witness statements, photos, sketch plan, dashcam or video clips
statements, photos, sketch plan, dashcam or video clips
The list of documents associated with the claim has been generated by
<ul><li>your own upload</li><li>the compensator or a medical expert</li><li>the portal</li></ul>
To view or upload further documents select Save and Exit and go to "M documents" on your claim overview page. Once you are satisfied that a required documents have been uploaded, come back to this page and select Continue.



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.

CLAIM		
Docume	ents for court	
<u>Back</u>		
our Court Pack will I	be created from the documents you select for court.	
	Continue, you must upload any further evidence you w ay decide not to consider new evidence if it is provide eedings.	
<u>Glossary of docum</u>	mpleted select Continue. ent 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.	
	Any documents or data the defendant has	
Defendant's Documents	uploaded in support of their defence. These include witness statements, police report, photographs, sketch plans, dashcam or video clips.	
	include witness statements, police report,	
Documents Defendant's	include witness statements, police report, photographs, sketch plans, dashcam or video clips. A document setting out the defendant's version of events, if provided, supported by the defendant's	



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'.

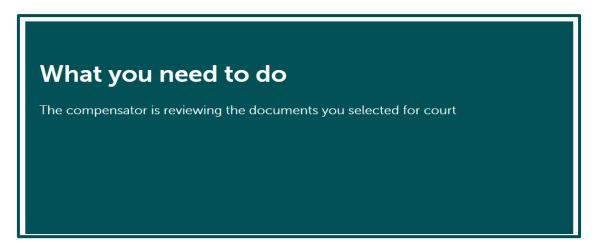




On the next screen you will need to review the answers you have provided so far and the documents you have selected. If you are happy with these, select 'Confirm and Send'. You should only select 'Confirm and Send' if you are satisfied you have selected all the documents required by the court as listed 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.

Check answers and	d documents
< <u>Back</u>	
Check your answers and that all the documents Pack have been included. Once you are satisfiec Send. If you want to make amendments select C	I select Confirm and
• Additional information for court	Change
Documents for court	Change
What happens next	
The compensator will review the selected docur working days if any changes are required.	ments and advise within 5
Select Confirm and Send to confirm you have:	
<ul> <li>completed the Court Pack list</li> </ul>	

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.



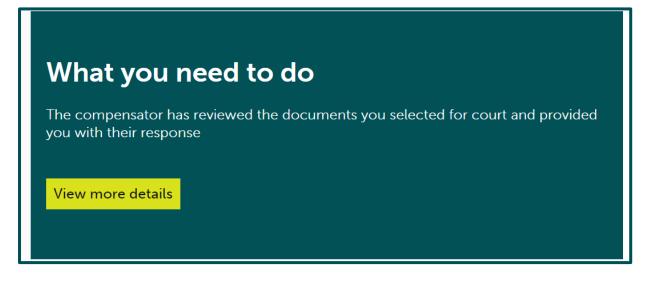


Once the Compensator has reviewed the documents selected and made a decision the claim will return to you.

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).





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.

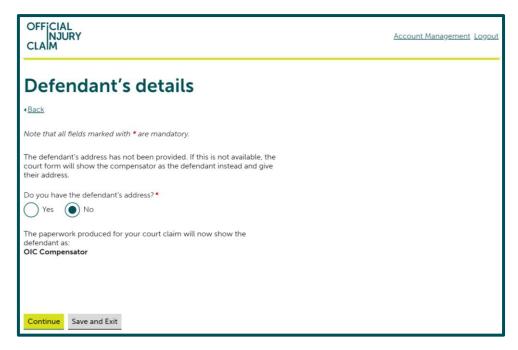
OFFICIAL NJURY CLAIM	
<b>Confirmation of Court Pack list</b> The compensator has agreed with the documents you selected for the Court Pack.	
Court Pack list 3 documents	
Defendant's Version of Events          Defendants version of events         Claimant	
Compensator's Response	
Small Claim Notification Form OIC-05-22-3117_SCNF_12-05-2022 10-26.pdf Claimant </td <td></td>	
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.

OFFICIAL NJURY CLAIM	Account Management Logout
Defendant's details	
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? •	
Postcode • Enter UK Postcode Find address	
or <u>Enter address manually</u>	
Continue Save and Exit	

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



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 <u>this link</u> 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.

OFFICIAL NJURY CLAIM
Going to court
< <u>Back</u>
Note that all fields marked with <b>*</b> 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?*
Salford
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
Continue Save and Exit



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.

OFFICIAL NJURY CLAIM			Account Management Logout	
Select your witne	sses		Key information -	
< <u>Back</u>			• How do I select witnesses?	
Note that all fields marked with * are mandate	ory.			
You must select all those witnesses who will g behalf.	give evidence on	your		
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 a before the hearing.	ny additional wit	nesses		
Your details:				
Title Mr.	First name	Test		
Middle name ——	Last name	Test		
Select witnesses you want to includ	le			
Besides you, no witnesses have been added to	o the claim yet.			
Add witness				
Continue Save and Exit				

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	
Name of the witness*	<u>Remove</u>
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'.

OFFICIAL NJURY CLAIM	Account Management Logout
Court pack evidence	Key information —
< <u>Back</u> Note that all fields marked with <b>*</b> are mandatory.	How do I check for any missing court documents?
You have selected the documents that you want to include in the Court Pack.	What is 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	



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? *				
The reason that the evidence was not produced previously is as follows: *				
Remaining: 1080 characters				
How do you summarise the evidence? *				
Remaining: 1080 characters				
l 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 <u>Guide to Making a</u> <u>Claim</u>.

Сс	ourt fee payable	
Back		
Note t	that all fields marked with <b>*</b> are mandatory.	
A cour	rt fee is payable on the value of the claim.	
of you	compensator has not made an offer, you should assess the value ir claim taking into consideration any damages for injury and any losses.	
	should be realistic about the value of your claim as this sets the ount you will have to pay as a court fee.	
Comp	olete the following.	
f     f	stal claim value is not more than: * 3300 3500 31,000 33,000 35,000 30,000 30,000 30,000 31,500 32,000 32,000 35,0	
í	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.	

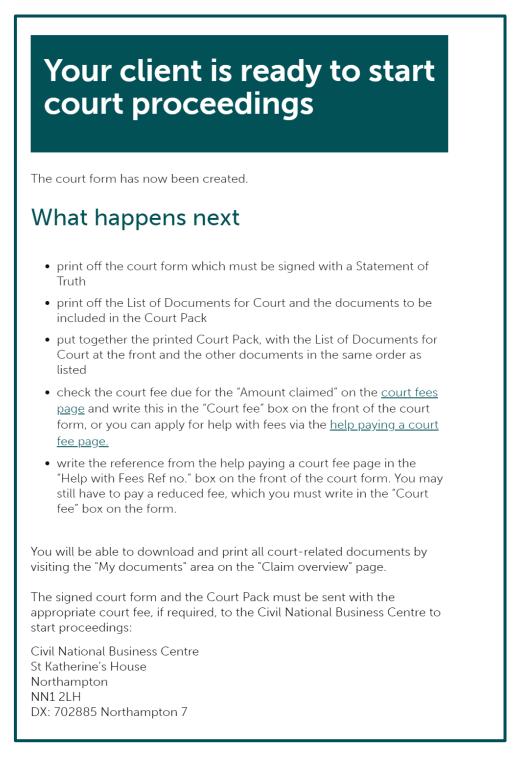


You will then need to review your answers and click 'Confirm and Send' if you are happy with them.

C	neck your an	swers	
∢ <u>Back</u> Confi	s rm that the following informatior	n is correct.	
lf you	want to change anything, select	the Change link.	
	you are satisfied, select Confirm eated.	and Send and your court form will	
	s information will be shown on yo lier parts of your claim.	our court form together with informa	ation fror
• G	oing to court	Change	
• S	elect your witnesses	Change	
• c	ourt Pack evidence	<u>Change</u>	
• c	ourt fee payable	<u>Change</u>	
	Important information y	ou should be aware of	
	<ul> <li>The portal will automatication are relevant to your claim</li> </ul>	ally complete the sections that	
(j)		intain any information because it	
	is not relevant to your cla by hand or otherwise to t	im. You should not add anything hose sections.	



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.





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	$\times$						
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.