

Claims Portal Ltd Behaviour Committee Guidance

Reference:	BCG4 <i>The content of this guidance note is a recommendation and not intended to be binding on the parties.</i>
Details of the Issue: Concertina Collisions and the Pre Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents	
Details of Behaviour	
Behaviour Issue:	This matter concerns the refusal to use the Pre Action Protocol for Low Value Personal Injury claims in Road Traffic Accidents and Portal for claims involving concertina collision.
Outcome: <small>The outcome of the Behaviour Committee's considerations will be in the form of general guidance which is not intended to be binding on the parties but which will be published by Claims Portal Ltd.</small>	<p>The Committee believes that it is clear that claims involving personal injury arising from a "concertina collision" should not be excluded or removed from the process (and the portal) as a matter of course. In any event, it is helpful to insurers that the CNF is completed and sent at the outset, even if the claim legitimately exits the process later.</p> <p>The Behaviour Committee believe that it is appropriate to lodge a CNF identifying one potential defendant. That defendant should be the one most at fault according to the assessment of the claimant's representative. A default position may be that the potential defendant is the driver of the car that struck the claimant's car.</p>
Action:	The Behaviour Committee have made their view clear on the inclusion of claims involving concertina collisions and have written to the parties accordingly.

Related Documents / Information

1. Copy text of letter by the Behaviour Committee.

Following receipt of a complaint (ref: xxxxx) about your firm the matter was considered at the Claims Portal Behaviour Committee in May. This Committee has a balance to reflect the views of insurers and claimant representatives. We understand that xxxxxx Solicitors are refusing to enter claims into or removing claims involving a "concertina collision" from the Low Value Personal Injury Claims in Road Traffic Accidents process.

The Committee believes that it is clear that claims involving personal injury arising from a "concertina collision" should not be excluded or removed from the process (and the portal) as a matter of course. In any event, it is helpful to insurers that the CNF is completed and sent at the outset, even if the claim legitimately exits the process later.

We believe that it is appropriate to lodge the CNF identifying one potential defendant. That defendant should be the one most at fault according to the assessment of the claimant's representative. A default position may be that the potential defendant is the driver of the car that struck the claimant's car.

We note that failure to use the process can lead to a court order limiting costs to “no more than” fixed costs under the process (Rule 45.29). Whilst we would not presume to try and interfere with the courts’ exercise of their discretion, we hope that the courts will apply Rule 45.29 in such a way that this behaviour is discouraged and such claims are entered into the process in future.

Date Published:	01/10/2011
------------------------	------------