

Claims Portal Ltd Behaviour Committee Guidance

Reference:	BCG6 <i>The content of this guidance note is a recommendation and not intended to be binding on the parties.</i>
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Details of the Issue: Settlements at Stage 2 and 3

Details of Behaviour

Behaviour Issue:	This matter concerns settlements that take place after the end of Stage 2 where a Stage 3 court proceedings pack has been prepared, but not issued.
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 Behaviour Committee takes the view that if settlement is not reached by the end of the 35 day* period under Stage 2 and a stage 3 pack is prepared, but then settles later as a result of an increased offer, Stage 3 costs for a paper hearing at £250 should be paid by the Insurer.</p> <p>The Behaviour Committee confirm that they are clear in the view that claimant representatives must wait for the 35 day* period to expire, before exiting the Portal to proceed to Stage 3. This position has the support of APIL, MASS & the TUC.</p> <p>It has been brought to our attention that at a hearing on the 15th April 2013 a Judge felt that the current rules did not allow him discretion to award costs when the claimant representative had not issued Stage 3 prior to agreeing a settlement.</p> <p>(*or longer if extended by agreement)</p>
Action:	<p>This guidance is not enforceable. Neither would the Behaviour Committee wish to and cannot usurp the function of the Court.</p> <p>If you are aware of further developments, please let the Behaviour Committee know by emailing: helpdesk@rapidclaimsettlement.org.uk</p>

Related Documents / Information

1. Copy text of letter sent as a response to the identified issue:

Following receipt of a complaint (ref: xxxxxx) from your company the matter has been considered at the Claims Portal Behaviour Committee. This Committee has a balance to reflect the views of insurers and claimant representatives.

The Behaviour Committee refers you to general guidance on this point at the page link below – document BCG6 - Settlements at Stage 2 and Stage 3 <https://www.claimsportal.org.uk/about/behaviour-committee/>

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