

A Guide to Practice Direction 27B – A guide for claimants

Overview:

English civil law is governed by the Civil Procedure Rules. Some Rules are supported by Practice Directions, which help to guide how the Rules should be applied. Certain legal matters also involve Pre-Action Protocols, for example the Pre-Action Protocol for Personal Injury Claims below the Small Claims Limit in Road Traffic Accidents (the RTA Small Claims Protocol), which encourage opposing parties to negotiate before going to court. Other Guides exist for specific procedures.

This Practice Direction (PD27B) is intended to provide as streamlined and straightforward a process as possible for low value personal injury claims arising from road traffic accidents (RTAs). Each party will have already set out their case clearly through the Official Injury Claims portal (portal) during the pre-issue process applying the RTA Small Claims Protocol. As the claimant, you are guided to the pack of documents needed by the court and you can download them from the portal to start your court claim. This should help to speed up the process and limit court time, by ensuring the court has all the necessary documents and evidence available.

The portal process helps the parties to exchange all of the relevant information before court proceedings are needed. PD27B therefore restricts the rights of either party to add new evidence after the portal process has ended.

The Court Tracks

All claims under PD27B should be suitable for the “small claims track”. The court decides on the appropriate track based mainly on the value of the claim.

Small claims track is for low value less complicated claims with a value of up to £10,000 and where the value of the claim for injury following a RTA is no more than £5,000.

Fast track is for claims of a value above the small claims track up to £25,000

Multi track is for more complex claims with a value of over £25,000.

How PD27B is structured:

PD27B has 11 sections. Section 1 is relevant to all cases. Sections 2-11 set out the procedure for each type of case (i.e. different reason for going to court). Table 27.1 in PD27B (repeated at the end of this guide in Annex A) makes it clear which section is relevant for which type of case.

Examples:	Relevant sections of Practice Direction which apply to your claim:
If you want to start a claim because liability has been denied in your case.	Sections 1 & 2
If you want to start a claim to ask the court for an interim	Sections 1 & 7

payment.	
If you need to start a claim before the 3 year limitation date passes.	Sections 1 & 9

Each of sections 2-11 contains all the paragraphs you need, so you just need to look at section 1 and the section in 2-11 relevant to your case. Similarly, it is only necessary for you to read the sections of this guide which cover section 1 and the type of case that you are bringing.

PD27B also has 3 appendices. Appendix A sets out the definitions - words shown in **bold** where they are used. Appendix B sets out the standard orders (known as directions) that the court is likely to make in cases which go to a full hearing under sections 2, 4, 5 or 6. Appendix C repeats the tables of documents needed for the Court Pack.

Moving from the portal to court process:

There are various points as the portal claim progresses where you may want to move from the portal into court. Whether you are starting a court claim for the first time, or have already started a court claim, the same process is followed.

The portal will guide you through the process of putting together the documents needed and the creation of the relevant court form.

There are 4 different court forms. The portal will select which court form is needed, based on your reason for going to court.

The portal helps you to create the Court Pack and the court form you need. It will also direct you to guidance on court fees and how you can apply for help with paying a court fee.

The Sections

Section 1 – general provisions

These are provisions that may be relevant to each of the case types (reasons for going to court) in sections 2 to 11. The first three provisions of section 1 explain where PD27B applies, the appendices and which sections are relevant to which case types. The table below summarises the remaining provisions in section 1:

Para.	Subject	detail
1.4	Starting proceedings	Which of the four court forms is required and where the forms should be sent.
1.5	Allocation	All PD27B claims will be treated as allocated to the small claims track as soon as court proceedings start
1.6 & 1.7	Motor Insurers' Bureau (MiB) & RTA insurer	Provides for the addition of the MiB or RTA insurer as a second defendant in certain situations
1.8	Exit from	By reason of value, complexity, allegations of fraud or

	process as outlined in PD27B	fundamental dishonesty or causation issues (in which case the claim must be allocated to a different track) or if the court concludes there is good reason
1.9	Portal admissions	Admission is binding in claims made by the claimant using the PD, with the option to seek permission to withdraw the admission
1.10	Statement of Truth	The requirement for a statement of truth on the court form and any acknowledgement of service is outlined.
1.11 & 1.12	Medical Reports	Set out the rules around first and further medical reports under PD27B
1.13	Limited costs recovery	Applies Civil Procedure Rule 27.14, which sets out the costs recoverable in a small claims track case, with 1 modification in PD27B in respect of the cost of a police report.
1.14	Costs – Experts fees	Sets out the limits on experts’ fees that the court may award where your claim is successful.
1.15	Character Limits	Explains the character limits in place and how to upload additional information to the portal if needed.

Section 2: Liability Dispute Only – Liability Denied in Full

(form names ending in L)

Once the court has sent the claim form, Court Pack and any other papers to the defendant, it will send you a notice of issue. This will confirm the date of service and when the next steps are to be taken by the defendant.

The defendant has 14 calendar days to file an acknowledgment of service. Once the 14 days have passed, the court will give directions for the hearing. Those directions will usually be the standard directions set out in Appendix B, although the court may choose to give other directions.

The directions will set out the steps that the parties are required to take and by when, and will usually set a date for the hearing. You and your witnesses will always need to attend at a hearing when liability is in dispute.

After the hearing, the Court will make an order in one of the following terms:

- liability found in full against the defendant (ie – in your favour as the claimant);
- liability found in part against the defendant, specifying the percentage liability of the defendant; (i.e. only partly in your favour as the claimant) or
- liability not found against the defendant. (i.e. not in your favour as the claimant)

Where liability is found in full or in part, the court will stay the claim (put it on hold), and the case will return to the portal to progress through to obtaining medical evidence. One of the

parties will need to update the portal with the outcome on liability, so it is important that you keep a careful note. The court will normally also order the defendant to pay the court fee.

Where liability is not found against the defendant, it means the court has judged that the defendant is not at fault, and the claim is at an end.

Section 3 -Assessing the value of the claim: no liability dispute, no claim for non-protocol vehicle costs or uplift request.

(form names ending in Q)

Once the court has sent the claim form, Court Pack and any other papers to the defendant, it will send you a notice of issue. This will confirm the date of service and when the next steps are to be taken by the defendant.

The defendant has 14 calendar days to file an acknowledgment of service. Once the 14 days have passed, the court will notify you of the date of the hearing or the date it will make a decision without a hearing. The court will consider the Court Pack and hear any oral evidence that it has allowed, and will then decide on the value of your claim.

Where the court decides on the value of your claim, it will also decide whether and how much the defendant should pay for any fees and disbursements that you have incurred.

Section 4 – Assessing the value of the claim: liability admitted in part but remains in dispute (including where non-protocol vehicle costs and/or an uplift are claimed in such cases)

(form names ending in D)

Once the court has sent the claim form, Court Pack and any other papers to the defendant, it will send you a notice of issue. This will confirm the date of service and when the next steps are to be taken by the defendant.

The defendant has 14 calendar days to file an acknowledgment of service. Once the 14 days have passed, the court will give directions for the hearing. Those directions will usually be the standard directions set out in Appendix B, although the court may choose to give other directions.

The directions will set out the steps that the parties are required to take and by when, and will usually set a date for the hearing. You and your witnesses will always need to attend at a hearing when liability is in dispute.

- After the hearing, the Court will make an order in one of the following terms: liability found in full against the defendant (ie – in your favour as the claimant);
- liability found in part against the defendant, specifying the percentage liability of the defendant; (i.e. only partly in your favour as the claimant) or
- liability not found against the defendant. (i.e. not in your favour as the claimant)

Where liability is found in full or in part, the court will value the claim and order payment for your losses, including for the court fee and any other fees and disbursements you have incurred.

Where liability is not found against the defendant, it means the court has judged that the defendant is not at fault, and the claim is at an end.

Section 5 - Assessing the value of the claim: liability not in dispute and the claim includes non-protocol vehicle costs (and an uplift where claimed in such cases)

(form names ending in D)

Once the court has sent the claim form, Court Pack and any other papers to the defendant, it will send you a notice of issue. This will confirm the date of service and when the next steps are to be taken by the defendant.

The defendant has 14 calendar days to file an acknowledgment of service. Once the 14 days have passed the court will give directions for the hearing. Those directions will usually be the standard directions set out in Appendix B, although the court may choose to give other directions.

The directions will set out the steps that the parties are required to take and by when and usually set a date for the hearing, which you will need to attend, unless the court directs otherwise.

The court will value all parts of your claim, including non-protocol vehicle costs and any claim for uplift. It will make an order for payment for your losses, including for the court fee and any other fees and disbursements you have claimed.

Section 6 - Assessing the value of the claim: liability not in dispute and the claimant applies for an uplift (no claim for non-protocol vehicle costs)

(form names ending in D)

Once the court has sent the claim form, Court Pack and any other papers to the defendant, it will send you a notice of issue. This will confirm the date of service and when the next steps are to be taken by the defendant.

The defendant has 14 calendar days to file an acknowledgment of service. Once the 14 days have passed the court will give directions for the hearing. Those directions will usually be the standard directions set out in Appendix B, although the court may choose to give other directions.

The directions will set out the steps that the parties are required to take and by when and usually set a date for the hearing, which you will need to attend, unless the court directs otherwise.

The court will value all parts of your claim, including any claim for uplift. It will make an order for payment of your losses, including for the court fee and any other fees and disbursements you have claimed.

Section 7 – Application for Interim Payment

(form names ending in O)

Once the court has sent the claim form, Court Pack and any other papers to the defendant, it will send you a notice of issue. This will confirm the date of service and when the next steps are to be taken by the defendant.

The defendant has 14 calendar days to file an acknowledgment of service. The court will not usually set a hearing date and will decide whether to order that an interim payment is made. The court will inform you of its decision.

The Court may decide a hearing is necessary and you will be provided with at least 21 calendar days' notice of any hearing date.

Once the court has decided on the interim payment, it will make an order confirming the decision. It will then stay the court proceedings (put them on hold) whilst the parties continue the claim through the portal as appropriate.

Section 8 – Non-payment of agreed interim payment

(form names ending in O)

Once the court has sent the claim form, Court Pack and any other papers to the defendant, it will send you a notice of issue. This will confirm the date of service and when the next steps are to be taken by the defendant.

The defendant has 14 calendar days to file an acknowledgment of service. The court will not usually set a hearing date and will decide whether to make the order for payment of the agreed interim amount. You and the defendant will both receive a copy of the order as notice of its decision. Once you have the order, the compensator must pay you within the period stated in the court order. If they fail to do so, you can take enforcement proceedings.

Once the court has made an order, it will stay the court proceedings (put them on hold) whilst the parties continue the claim through the portal as appropriate.

Section 9 – Starting due to Limitation

(form names ending in O)

In this section only, you will need to complete the Court Pack, without having to agree it first with the compensator. You should just print it off and send it to the court. You will still need to send it to the compensator at the same time, so they know that you have started proceedings.

On receipt of the court form, the court must order that the claim is stayed (put on hold) so that you can complete the process through the portal. If you need to go to court for any other reason at a later stage in the process, the court will lift the stay when you send the further relevant court form.

Section 10 – Dispute over medical report fees or other disbursements

(form names ending in O)

This procedure is only used where the value of your claim has been agreed in the portal and there a dispute about the fees or other disbursements you have claimed.

Once the court has sent the claim form, Court Pack and any other papers to the defendant, it will send you a notice of issue. This will confirm the date of service and when the next steps are to be taken by the defendant.

The defendant has 14 calendar days to file an acknowledgment of service. The court will not usually set a hearing date and will decide whether to make the order requested and will send you notice of their decision.

The Court may decide a hearing is necessary and you will be provided with at least 21 calendar days' notice of any hearing date.

The Court will decide what fees or other are to be paid and make an order for payment.

Section 11 – Non-payment of agreed settlement sum

(form names ending in O)

Once the court has sent the claim form, Court Pack and any other papers to the defendant, they will send you a notice of issue. This will confirm the date of service and when the next steps are to be taken by the defendant.

The defendant has 14 calendar days to file an acknowledgment of service. The court will usually not set a hearing date and will decide whether to make the order for payment and will send you and the defendant an order as notice of its decision. Once you have the order, the compensator must pay you within the period stated in the court order. If they fail to do so you can start enforcement proceedings.

Annex A

Table 27.1 (from Practice Direction 27.B)

Type of case	Section of Practice Direction which applies
Liability dispute only – liability denied in full	Section 2
Assessing the value of the claim: liability not in dispute, no claim for non-protocol vehicle costs or uplift	Section 3
Assessing the value of the claim: liability admitted in part but remains in dispute (including where non-protocol vehicle costs and/or an uplift are claimed in such cases)	Section 4
Assessing the value of the claim: liability not in dispute and the claim includes non-protocol vehicle costs (and an uplift where claimed in such cases)	Section 5
Assessing the value of the claim: liability not in dispute and the claimant applies for an uplift (no claim for non-protocol vehicle costs)	Section 6
Application for interim payment	Section 7
Non-payment of agreed interim payment	Section 8
Starting proceedings due to limitation	Section 9
Dispute over fees for medical reports or other disbursements	Section 10
Non-payment of agreed settlement sum	Section 11