



# Limitation

Support Guide

10-31-2023

OFFICIAL  
INJURY  
CLAIM

# Limitation

## Support Guide

When you make a claim for compensation for personal injuries following a road traffic accident, court proceedings must be issued within a 3-year period (also known as the limitation period). The limitation period is calculated based on the following conditions:

- If you were above 18 years of age at the time of the accident, then the 3-year period is calculated from the date of the accident.
- If you were below 18 years of age at the time of the accident, then the 3-year period is calculated from the date you turn 18.

If you do not start court proceedings within the limitation period, you may lose your right to claim for compensation. Therefore, if you are approaching the end of the limitation period, you should start court proceedings for limitation to protect your right to claim.

If you are submitting your claim with less than 6 months until your limitation period finishes, then you will receive the below message when entering the accident date onto the portal:

**Important information you should be aware of**

 You are approaching a primary limitation period. Your claim can still proceed but you should consider if there is a need to start a claim at court if not already done.

For more information [read the FAQ section on the Official Injury Claim website.](#)

If the 3-year limitation has already expired when you are entering the claim onto the portal, you will receive the below message when selecting the accident date. You will still be able to enter the claim onto the portal and will be able to trigger the limitation court journey in the portal. The position of your claim will then be determined by the court.

**Important information you should be aware of**

 As this accident happened more than three years ago, you may have triggered a primary limitation period. The compensator will decide if they wish to raise limitation as a defence when considering the claim.

You may need to start a claim at court if not already done. For help about that go to the [FAQ section of the OIC website](#)

When there is only 6 months left until the end of your limitation period you will start to see warning messages at the top of your claim overview page. The messages will update when you have 3 months remaining, when you have 1 month remaining and when your limitation period has ended.

 01/09/2023 : It is now 2 years and 6 months since the accident. Review your messages for further information about the limitation period.

Alongside this banner on the claim overview page, you will receive system messages which can be viewed under the 'My messages' section. New messages will also be generated when you have 6 months remaining, 3 months remaining, 1 month remaining and at the end of your limitation period.

### Official Injury Claim

Warning

**You are approaching the primary limitation period. Your claim can still continue but you may need to start court proceedings if not already done.**

The law states that in a claim for compensation for injuries, court proceedings must normally be brought (that is, started) no later than 3 years from the date of the accident. If the claimant does not start court proceedings within 3 years, they may lose their right to bring a claim.

For more information read the [Help-hub section on the Official Injury Claim website.](#)

### Official Injury Claim

Warning

**You have reached the 3 year initial time limit for starting proceedings. Your claim on the portal can still proceed, but you may need to start a claim at court if you have not already done so. This needs to be done outside of the portal and you may need to seek advice. There are various sources of advice you could use. These include your own insurer or legal adviser, although you may need to pay for a legal adviser's services.**

From the point that there is only 6 months until the end of your limitation period, you will have the option to 'Go to court due to limitation' under 'My other actions' on the Claim Overview page.

### My other actions

The following options are available:

[Change contact details](#)

[Withdraw this claim](#)

[Go to court due to limitation](#)

You will need to select the reason for going to court as 'Starting due to limitation' by selecting the tick box.

## Confirm you want to start court proceedings

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

You have indicated you want to go to court.

The reason for going to court \*

Starting due to limitation

[Continue](#) [Cancel](#)

If you have already initiated a court journey on your claim before choosing to go to court for limitation, you will be asked if you have started court proceedings.

## Tell us about your previous court proceedings

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

You have previously selected "Go to court" and created a Court Pack list and Court Form. You must confirm whether you then started proceedings at court or resolved the matter with the compensator without sending the papers and fee to the court.

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

▼ [View details](#)

31/10/2023- A Court Pack and Court Form were created.

Did you start court proceedings? \*

Yes  No

[Continue](#) [Cancel](#)

If you did not start court proceedings, you will need to advise of the reasons for this. You will then be able to continue with your limitation court journey as normal.

Did you start court proceedings? \*

Yes  No

Reasons \*

Remaining: 500 characters

As you did not start proceedings after creating the court documents last time, this application will be treated as the first application to court.

[Continue](#) [Cancel](#)

If you did start court proceedings, you will be asked to provide the date the claim was issued and the court claim number. This should be on your documentation from the court.

Did you start court proceedings? \*

Yes  No

You should have received a Notice of Issue from the Court showing the date the court claim was issued and the court claim number. Enter these details below.

If you have not received a Notice of Issue you may be able to obtain this information either by contacting the Civil National Business Centre, or if you are unable to do so, by messaging the compensator and asking them for the information.

Date the court claim was issued

Day      Month      Year

--      --      --

Court claim number \*

[Continue](#) [Cancel](#)

As you have already started court proceedings you will not need to go to court for limitation and the limitation journey will end here. You will be able to progress your claim as normal.

## Confirm that you have started court proceedings

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Since court proceedings have started for your previous court application, you will no longer be able to go to court for limitation.

[Confirm](#) [Cancel](#)

You will then need to confirm your decision to start court proceedings. This page contains some important information around the fees that may need to be paid to go to court. There is a [link](#) that will take you to a page that sets out the amount that needs to be paid for different court journeys and a [link](#) to get help paying a court fee.

## Check your decision to start court proceedings

[← Back](#)

You have indicated you want to go to court.

If this is correct select Confirm. You will be required to select the documents you will send to court. Court fees will apply.

Select Back if you want to change your decision to go to court.

| You will not be able to change your decision to go to court once you select Confirm.

**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.

The reason for going to court  
**Starting due to limitation**

Confirm Cancel

The next screen sets out the documentation that is required by the court. For a limitation case this is only the Small Claim Notification Form. This is generated by the system when you submit your claim.

## Preparing for court

The documents you require are listed in Table D.

Reason for going to court  
**Starting due to limitation**

**Table D - limitation**

**Documents and Evidence**

The Small Claim Notification Form
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Continue Save and Exit

You will need to select for the Small Claim Notification Form to be included in the court pack by selecting the tick box on the screen below.

## Documents for court

[◀ Back](#)

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

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

▼ **Small claim notification form**

<input type="checkbox"/>	<a href="#">OIC-10-23-13001_SCNF_31-10-2023 1 0-11.pdf</a>	Add date 31 Oct 2023
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Continue
Save and Exit

On the next screen you will need to confirm that you have included the document in the court pack.

## Check documents for court

[◀ Back](#)

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

▶ Documents for court [Change](#)

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### What happens next

Select Confirm to confirm you have:

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

Confirm
Save and Exit

As there is only one document in the court pack, the list of documents for court will not need to be reviewed by the compensator on your claim. The portal should automatically give you confirmation that the court pack has been accepted. You will need to select continue to answer a series of questions used to populate your court form.

## Confirmation of Court Pack list

You have added the following documents for the Court Pack.

**Court Pack list**

**1 document**

Small claim notification form

[OIC-10-23-13001\\_SCNF\\_31-10-2023 10-11.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

On the next screen, you will be asked if you have the defendant's address. The defendant will be the driver who you feel is responsible for the accident. If either you or the compensator have already provided the defendant's address during the claim journey, then you will not see this screen. If this has not already been provided, you will need to provide their address at this point to proceed.

## Defendant's details

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

The court proceedings will show the driver as defendant.

The driver's address has not been provided. If you have their address, you should add it now.

Do you have the defendant's address? \*

Yes  No

Postcode \*

Find address

or [Enter address manually](#)

Continue
Save and Exit

If you cannot provide an address for the defendant, you will not be able to proceed past this point. Your claim would leave the portal at this point, and you would need to seek legal advice.

Do you have the defendant's address? \*

Yes  No

The claim will now exit the portal because no address has been provided by either party for the driver. No court form will be created.

You should seek legal advice before starting court proceedings. The cost of advice may be recoverable, your legal adviser will explain the position on costs to you. You can access all documentation to show your legal adviser via the "My documents" section of the "Claim overview" page.

You will be asked to confirm that you do not have the responsible driver's address. Once you have selected 'Confirm and Send' on this screen your claim will be closed.

## Check your answers

[◀ Back](#)

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.

▼ **Defendant's details** [Change](#)

Do you have the defendant's address?  
**No**

The claim will now exit the portal because no address has been provided by either party for the driver. No court form will be created.

You should seek legal advice before starting court proceedings. The cost of advice may be recoverable, your legal adviser will explain the position on costs to you. You can access all documentation to show your legal adviser via the "My documents" section of the "Claim overview" page.

**Confirm and Send** Save and Exit

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.

## Going to court

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

All court claims must be started at the Civil National Business 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

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](#)

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](#).

## 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.

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

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

**i** 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 check the answers you have provided to ensure you are happy with them before proceeding. If you need to make any changes, select 'Change' next to the section you wish to update. If you are happy with your answers, select 'Confirm and Send'. Once you have selected 'Confirm and Send', you cannot go back and make any changes.

## Check your answers

[← Back](#)

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.

- ▶ **Defendant's details** [Change](#)
- ▶ **Going to court** [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.

## You are ready to start court proceedings

The court form has now been created.

### What happens next

- print off the court form, attach any additional evidence you have listed in the form and sign the 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 a cheque for the 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

The cheque must be for the figure you have written in the "Court fee" box on the front page of the court form. The cheque should be made payable to "HM Courts and Tribunals Service".

[Return to Claim overview](#)

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 added

### [OIC-10-23-13001\\_CourtFormRTASCO\\_31-10-2023 11-52.pdf](#)

Court form

Uploaded by Official Injury Claim

31/10/2023

### [OIC-10-23-13001\\_ListOfDocumentsForCourt\\_31-10-2023 11-52.pdf](#)

List of documents for court

Uploaded by Official Injury Claim

31/10/2023