



PUMP COURT

CHAMBERS

Small Claims and the New Protocol for PI

Small Claims

Rebekah Batt



Small Claims (1)

- The normal track for claims with a value of **less than** £10,000 and value of personal injuries is:
 - **Less than** £5,000 if arising from RTA;
 - **Less than** £1,000 if arising from an RTA and 26.6A applies;
 - **Less than** £1,500 in any other claim
- CPR Part 27
- Several parts of the CPR are **expressly disapplied** from Small Claims (Set out at 27.2)

Small Claims (2)

- Hearings:
 - Preliminary hearings
 - Conduct of hearings
 - Non-attendance at final hearings
- Costs:
 - CPR 27.14

New Protocol for PI Small Claims (1)

- Also known as ‘The RTA Small Claims Protocol’
- Key features
- Applies to accidents on/ after 31 May 2021 where:
 - C has suffered personal injuries (including whiplash) because of RTA **and**
 - Amount claimed for injuries < £5,000 **and**
 - Value of the overall claim is < £10,000.
 - NB: value does **not** include ‘*non-protocol vehicle costs*’ e.g. credit hire
 - Some exclusions

New Protocol for PI Small Claims (2)

- Protocol can cease to apply to a claim
- Entering a claim on the Portal **does not** count as starting court proceedings for the purposes of limitation
- Mandatory search of 'askCUE' PI database

New Protocol for PI Small Claims (3)

- Liability:
 - Court may decide not to allow new evidence to be produced
 - **TIME LIMITS** – missing the deadline for a response results in admission in default
 - A claim can leave the portal and go back in
 - Lack of full admission does **not** mean the claim automatically falls out

New Protocol for PI Small Claims (4)

- Quantum:
 - **MORE TIME LIMITS**
 - If it is disputed that the accident caused any injury, this must be reiterated
 - Offers must be broken down
 - Medical reports are required in claims including whiplash injuries before offers can be made – offers before medical reports for non-whiplash cases will be outside the portal



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