

# THE RTA SMALL CLAIMS PROTOCOL



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## WHAT TO LOOK OUT FOR

Click on the below sections for more information

### PD27B

#### Overview

- Completely new post-issue procedure for claims which have been through the portal.
- Major disputes: liability, non-protocol vehicle costs, uplift, go to an oral hearing similar to small claims track now, with directions stage.
- Quantum only without non-protocol vehicle costs or uplift go straight to a hearing more like stage 3/PD8B now.
- Procedural claims - interim payment, non-payment, dispute over disbursements, will go straight to a paper determination without a hearing.

#### Other features:

- No pleadings
- Acknowledgement of service is a very important document for compensator. Basis for court considering directions when there are no pleadings. If not completed in time, compensator won't be able to rely on defendant's evidence in court pack without applying for relief from sanctions. If no liability dispute, compensator can complete rather than legal rep
- On both liability and quantum the emphasis is on cases being decided based only on the evidence already exchanged in the court pack. Both sides can ask the court for permission to rely on other evidence not in the court pack: the claimant does this in the court form and the compensator must use the acknowledgment of service.

#### Costs - Treated as allocated to SCT on issue, important for costs position

- Cases which exit portal or PD (fraud etc) go into fixed recoverable costs in section IIIA of Part 45 (scales according to value and stage), unless they are multi-track

### HOW PD27B IS STRUCTURED

PD27B has 11 sections. Section 1 contains the rules for where and how to start proceedings, medical reporting and costs and 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), see table 27.1

Each follows a similar structure, covering: application of the section, how to start a claim, court pack, service, acknowledgment of service, directions/evidence if applicable and conduct of the hearing. Words shown in bold are defined in Appendix A (same definitions as in the Protocol), Appendix B will contain standard directions made by the court but is still being finalised.



### IN AND OUT OF THE PORTAL

Claims can leave the Portal to go to court and then go back into the Portal for the remaining stages. This is what happens on liability: at the end of section 2, the court makes an order in terms of the liability if any on the defendant and then stays the proceedings if the defendant is liable in part or in full. Either party can then record the outcome on the portal and the claim then moves to the medical stage.

Starting proceedings for limitation or for interim payment doesn't stop the portal process at all. The steps taken on the portal will automatically trigger a s152 notice in the system which is the warning the case is going to court.