

New Functionality

Limitation

September 2024

OFFICIAL
INJURY
CLAIM

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Section 1: Summary

According to the PAP, a claim for compensation for personal injuries following a road traffic accident, court proceedings must be issued within a 3 year time period (also known as the limitation time period). The limitation time period is calculated based on the following condition –

- a. If the claimant was above 18 years of age at the time of the accident, then the 3-year time period is calculated from the date of the accident.
- b. If the claimant was below 18 years of age at the time of the accident (i.e., the claimant was a minor), then the 3-year time period is calculated from the day the claimant turns 18.

If the claimant does not start court proceedings within the limitation time period, they may lose their right to claim for a compensation. However, if the claimant is approaching the end of the limitation period, then they should start court proceedings for limitation in order to protect their right to the claim.

As part of the new functionality, the claimant will now be able to start court proceedings for limitation using both portal and API.

Section 2: Scenarios for Limitation

The claim can reach or pass its limitation period because of either of the following –

- The claimant did not create the claim until they are approaching (6 months from) or are already past the limitation period.
- The claim was created with sufficient time but due to delays in processing, the limitation period is either approaching or has passed.

The claimant may face the following scenarios with respect to limitation –

- The claimant can start court proceedings for limitation if they believe that the 3-year period will end while their claim is still in progress.
- If the claimant has passed the 3-year period, then the claimant would still be allowed to go to court for limitation, but the position of the claim will then be determined by the court.
- If the claimant has already started court proceedings for another reason, then they no longer need to go to court for limitation.
- If the claimant starts the court journey for limitation before the liability has been provided by the compensator, then in this scenario, the compensator will provide the insurer capacity and defendant's address as part of the confirm court pack list flow.
- If the claimant starts the court journey for limitation after the liability has been provided by the compensator, then the compensator can confirm the insurer capacity and provide the defendant's address if not provided earlier.

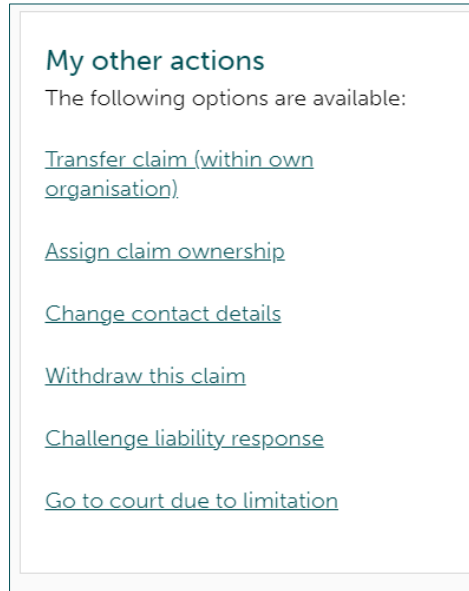
- In the scenario where no defendant address is provided till the end, the compensator will be named as the defendant in the court form.

Section 3: Important information related to the Limitation court journey

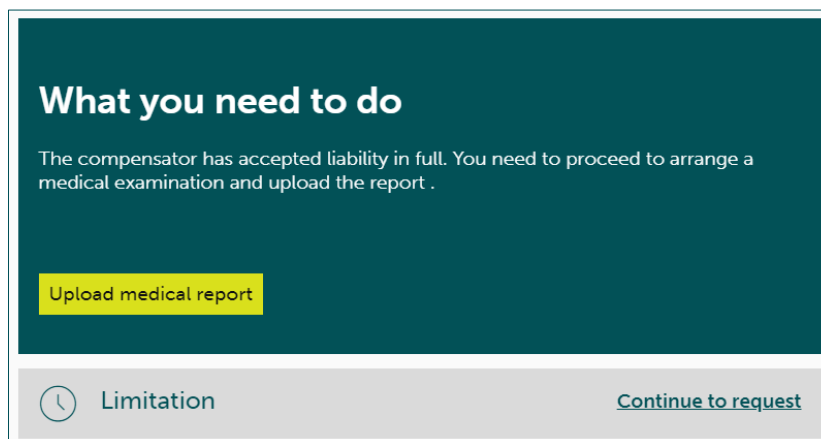
- The Go to court due to limitation link will be available under My other actions section on the claim overview screen when -
 - o 6 months or less for the limitation period to end.
 - o The claimant has not previously started court proceedings and entered a court claim number on the claim.
 - o The claimant has not already gone to court for limitation.
- The compensator's role in the limitation court journey is like other court journeys and involves the following -
 - o The court pack list to be reviewed by the compensator/TPA.
 - o The insurer capacity to be provided/confirmed as part of the court journey.
 - o Defendant address to be provided if required.
 - o Address for service to be provided if required.
- The claimant can start the court journey for limitation once the claim has been submitted and has 6 months or less remaining for the expiration of the limitation period.
- The Court Pack list for limitation will contain the SCNF document and the Compensator's response document (if available).
- The limitation court journey is a parallel process and can be initiated and processed parallelly with processing of the main OIC case.
- Claimant can go to court at any time during the claim journey unless the claimant has already started court proceedings for another court application and a court claim number has been entered on the claim.
- If the limitation court journey is initiated before compensator provides liability, then insurer capacity would be provided by the compensator during the confirm court pack list flow and the details on the court form will be available according to the insurer capacity.
- If the compensator has provided the liability and insurer capacity is available, then defendant's name and address will be populated on the court form as per the insurer capacity.
- If no defendant address is available, then the compensator will be named as the defendant on the court form.
- For limitation court journey, Court Form O is generated.

Section 4: Portal Changes for Limitation

- Go to court due to limitation link in My other actions –



- Open limitation subcase –



- Limitation subcase review screen **for claimant** -

Limitation

Portal reference
OIC-06-23-1

Request date
01/06/2023

What you need to do

You need to Select documents your client wants to send to court for their limitation request.

Select documents

Close

- **Limitation subcase review screen for compensator** -

Limitation

Portal reference
OIC-07-24-3090

Request date
17/07/2024

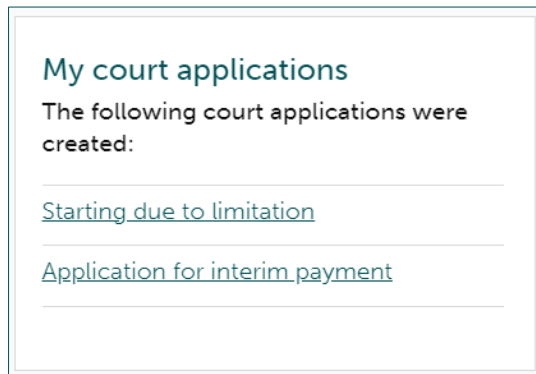
What you need to do

The claimant has selected documents for court that you need to review. Select View more details and follow the instructions.

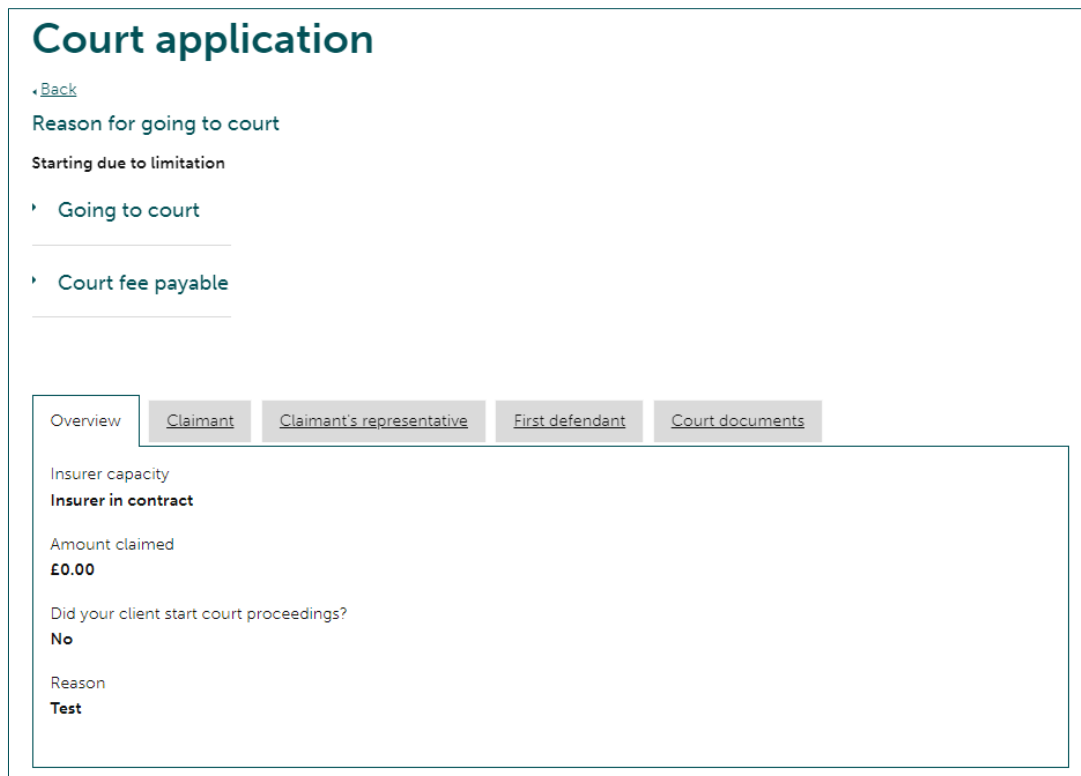
View more details

(The gray box text and action button are dependent on the status of the limitation subcase)

- Limitation court details link in My court applications –



- Overview screen for details of completed limitation court journey



Section 4.1: Statuses for Limitation

1. Pending-LimitationCourtList –

Trigger point – A claimant has confirmed they want to go to court over for limitation and need to select document for court pack.

Action button – Select documents (Claimant)

Description – At this status, the claimant needs to select and confirm documents for court.

2. Pending-LimitationListReview –

Trigger point – The claimant has selected the documents for the Court Pack, and they are pending with the compensator for review.

Action button – View more details (Compensator)

Description – At this status, the compensator needs to review the court pack list, provide/confirm on the insurer capacity and can choose to provide the defendant's address.

3. Pending-LimitationListAccept –

Trigger point – The compensator has accepted the Court Pack, and the case is with the claimant to provide additional details for court

Action button – View more details (Claimant)

Description – The claimant needs to complete the relevant details to create the court form.

4. Pending-LimitationListAmend –

Trigger point – The compensator has amended the Court Pack, and the case is with the claimant to provide additional details for court

Action button – View more details (Claimant)

Description – The claimant needs to complete the relevant details to create the court form.

5. Resolved-CourtLimitation –

Trigger point – A claimant has completed the process to go to court over limitation and court form has been created.

Description – The limitation sub case is now closed, and no action is pending on the sub case.

6. Resolved-Removed –

Trigger point – Compensator/TPA withdraws the claim.

Description – When Compensator/TPA withdraws the claim, the limitation subcase gets resolved with this status.

7. Resolved-Withdrawn –

Trigger point - Claimant withdraws the claim or claim is getting resolved with a status other than the ones mentioned above.

Description – When claimant withdraws the claim or claim gets resolved with a status other than the ones mentioned above, the limitation subcase gets resolved with this status.

Section 4.2: Time limited reminders, screen messages and screen banners

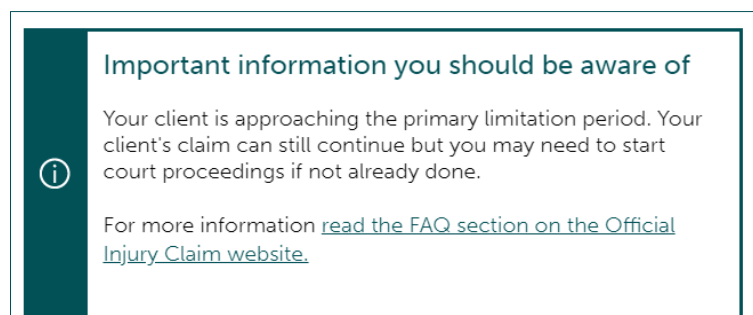
Note – The time limited reminders and screen banners would not be shown if the claimant has either previously gone to court for limitation or gone to court for other reasons and a court claim number has been entered on the claim.

The claimant would see time limited reminders (system generated messages), screen messages (during claim creation on accident details screen) and screen banners for limitation according to the following timeline –

1. 6 months remaining to expiry of limitation period.
2. 3 months remaining to expiry of limitation period.
3. 1 month remaining to expiry of limitation period.
4. At expiration of limitation period
5. 3 months after expiration of limitation period

Section 4.2.1: Examples

Screen message when claimant (Pro user) is 6 months or less from the expiry of limitation period –



In system message for claimant (Unrepresented claimant) when limitation period has expired –

Official Injury Claim 01/06/2023 13:14

Warning

You are past the 3 year anniversary of the accident for which you are making a claim.

You may need to start court proceedings immediately 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.

Screen banner when it is 6 months remaining for the expiration of limitation period –

i 21/06/2023 : It is now 2 years and 6 months since the accident. Review your messages for further information about the limitation period.

Claim overview

<p>Accident date 21/12/2020-10:40</p> <p>Compensator reference number 8020</p> <p>Claim submitted date 21/06/2023</p>	<p>Created date 21/06/2023</p> <p>Portal reference OIC-06-23-8020</p>	<p>Compensator that owns your claim Alliance Insurance company</p> <p>Address 107 High Street United Kingdom BA133BN 123123123</p> <p>Email tanvi.runwal@cognizant.com</p> <p>Your claim is being handled by Compensator</p>
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Note – If the claimant has already started court proceedings for any other court applications and a court claim number has been entered on the claim OR the claimant has already gone to court for limitation, then the in-system messages and banners for limitation would no longer be generated.

Section 4.3: Changes in Court form

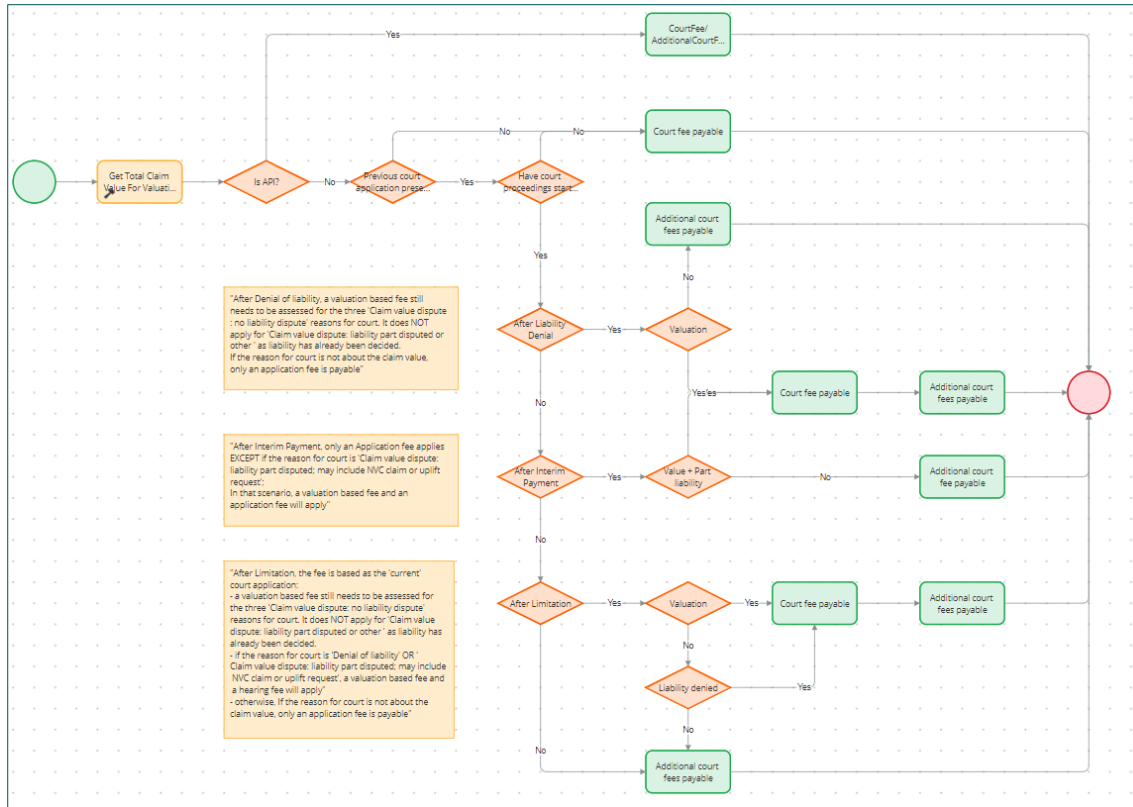
- For the court form generated for limitation court journey, Section E (Starting a claim due to limitation) checkboxes will be checked.
- The defendants will be named in accordance with the insurer capacity, i.e. –
 - o For RTA Insurer, Article 75 on behalf of MIB and MIB, the driver will be named as the first defendant; the compensator or the compensator c/o MIB will be named as second defendant.
 - o For Insurer in contract and Other, only a single defendant will be named on the court form.
- If defendant address is not available i.e., then only the compensator will be named as defendant.
- If the address for service details is available, they will be populated under the Defendant's name and address for service including postcode box.
- For the limitation court journey, the Amount claimed on Court Form O should be set to the value assessed by the claimant.
- Sample court form for limitation –



OIC-06-23-8022_Co
urtFormRTASCO_21-(

Section 4.4: Court fee payable and additional court fee payable screen changes

Section 4.4.1: Updated process flow for Court Fee Payable for OIC case



- For the limitation court journey, the claimant will be asked to provide a valuation for the total claim value based on which the court fees will be payable at court.
- If the claimant is going to court again after going to court for limitation, then –
 - o If it's for a valuation scenario or a liability denied scenarios – The claimant will be presented with both the Court fee payable and the Additional court fee payable screens.
 - o If it's for interim payment or nonpayment reason for going to court – The claimant will be presented with only the Additional court fee payable screen.
- The type of court fees applicable for a court scenario occurring after limitation court journey is as per the table shown below

Fees			
Section of PD27B and type of dispute	Value based issue fee	Application fee	Additional hearing fee (payable later)
2 - Liability dispute only: liability denied in full	✓	×	✓
3 - Claim value dispute: no liability dispute, no NVC claim or uplift request	✓	×	×
4 - Claim value dispute: liability part disputed; may include NVC claim or uplift request	✓	×	✓
5 - Claim value dispute: liability not disputed; NVC claim; may include uplift request	✓	×	×
6 - Claim value dispute: liability not disputed; no NVC claim; includes uplift request	✓	×	×
7 - Claim for interim payment	×	✓	×
8 - Non-payment of agreed interim payment	×	✓	×
9 - Starting due to limitation	✓	×	×
10 - Dispute over fees for medical reports or other disbursements	×	✓	×
11 - Non-payment of agreed settlement sum	×	✓	×

First application	If you are making a second application to court under one or more of the procedures in PD27B			
	2 or 4	3, 5 or 6	7 or 8	10 or 11
If your first application was made under section 2 of PD27B (Liability)	Not available	Application fee Possibly also a top-up value-based issue fee#	Application fee only	Application fee only
If your first application was made under sections 7 or 8 of PD27B (Interim Payment)	Value-based issue fee and hearing fee (for section 4 cases only)	Application fee only	Application fee only	Application fee only
If your first application was made under section 9 of PD27B (Limitation)	Hearing fee Possibly also a top-up value-based issue fee#	Application fee Possibly also a top-up value-based issue fee#	Application fee only	Application fee only

If a claimant has already paid a value-based issue fee under sections 2, 4 or 9 when they started their claim and the value of your claim has now increased, they will also need to pay a "top-up" to the correct value-based fee.

Section 4.4.2: Changes in Confirm Insurer Capacity flow

If limitation is the first court journey on the claim and post that, the claimant decides to go to court again for another reason, then in that case the compensator will be presented with the Confirm insurer capacity screen as part of the second court journey again.

Section 4.4.3: Examples of limitation cases

Example 1 – The claimant was above the age of 18 at the time of the accident and the accident happened on 10th April 2020, then the limitation period will start from 10th October 2022 (i.e., 2 years and 6 months from the date of the accident) and limitation period will expire on 10th April 2023 (i.e., on completion of 3 years from the date of accident).

Example 2 – The claimant was below the age of 18 at the time of accident (i.e., claimant was a minor). The claimant was born on 10th April 2002 and the accident happened on 9th November 2019 (claimant's age was 17 at the time of accident). The limitation period will start from 10th April 2020 (i.e., when the claimant turns 18) and will end at 10th April 2023 (i.e. 3 years after the claimant turned 18).

Section 4.5: Inflight scenarios

For inflight cases where the claim will reach the limitation period and the claimant has not previously started court proceedings for any other court application, the Go to court due to limitation link will be available and claimant can go to court for limitation.

If the Limitation case journey was in progress for any inflight case, then the claimant will need to start the limitation court journey from the beginning where they would need to select documents for court, and it will then be sent to the compensator for review. The flow will begin again from the Limitation case status "Pending-LimitationCourtList".

Section 4.6: Archival of claims after 3 months of expiration of limitation time period

If 3 months has passed since the expiration of the limitation time period on a claim and the claimant has not gone to court (for limitation or for any other go to court reason), then the claim will be archived with the claim status – "Resolved-NoCourtLimitation" and the claimant will no longer be able to progress with the claim on the portal. In case a claimant wishes to reopen their claim after it has been archived, they need to reach out to the PSC team and the PSC team can then decide and reopen the claim accordingly.

Section 5.1: Go to court due to limitation

To start the court proceedings for Limitation in API, the Pro-user/CMC user needs to use “Go to court due to limitation” API call. This API call will be applicable as per the scenarios mentioned in Important information related to the Limitation court journey section.

If a previous court form is present on the claim, then “clientStartCourt” field is applicable in Go to court due to limitation” API call,

If “clientStartCourt” is answered as

- “TRUE” and required fields are sent then on submitting this API call error status code 400 will be sent with the message: "Your client will no longer be able to go to court for limitation, as court proceedings have started for your client's previous court application."
- “FALSE” then on completing the API call successfully the Limitation sub case will be created and limitationClaimID will be sent in the response message of the API call

When previous court form is not present on the claim, then on completing the “Go to court due to limitation” API call successfully the Limitation subcase will be created.

When the limitation subcase is created the limitation case will move to the status “Pending-LimitationCourtList”.

The compensator will receive the court pack list for review which will have either SCNF or both SCNF & Compensator response form depending upon whether the limitation court process has been started before or after liability.

Compensator will accept or reject the court pack list and once the court pack list will be finalized it will move to either Pending-LimitationListAccept or Pending-LimitationListAmend based on the compensator decision

Section 5.2: Get limitation case details

To retrieve the details of the limitation subcase the “Get limitation case details” API call will be used.

It will provide the details of the current status of the limitation subcase, Compensator details for court proceedings, previous court proceedings, court pack details, Claimant Representative details, court fee payable details, Go to Cort details, Defendant Address details, Defendant’s Organization details, Second Defendant details, Current Defendant Legal Details and Second defendant's address for service details.

Section 5.3: Limitation Status

Section 5.3.1: Pending-LimitationCourtList

- When the Limitation case moves to Pending-LimitationCourtList status, the API Pro-user/CMC user will get the assignment using Get Assignments by case ID or Get Assignments as “Select the documents your client wants to take to court for limitation request.”
- After this the API Pro-user/CMC user needs to complete “Pro User Court Document List” API call so that they can view “Court pack list available” in the “Get Limitation case details API call.
- The API Pro-user/CMC user can now post the documents required for the Limitation court journey through “Post Documents to Court List” API call.
- Once “Post Documents to Court List” API call is completed successfully the Limitation claim will move to “Pending-LimitationListReview” status.

Section 5.3.1: Pending-LimitationListReview

- When the Limitation case moves to Pending-LimitationListReview status, the Compensator/TPA user will get the assignment using Get Assignments by case ID or Get Assignments as “Review documents claimant has selected for court.”
- After this the API Compensator/TPA needs to complete “Compensator Agree Court List” (if they agree with the court pack list) or “Compensator Reject Court List and Compensator Modify Post Doc List” (if they reject and amend the court pack list
- The API Pro-user/CMC user can now post the documents required for the Limitation court journey through “Post Documents to Court List” API call.
- Once compensator/TPA takes a decision on the court pack list, then they have to post the Confirm Insurer Capacity With Defendant/Confirm Insurer Capacity Without Defendant API call to select the insurer capacity.
- Once insurer capacity is selected, the status will move to Pending-LimitationListAccept/Pending-LimitationListAmend based on compensator’s decision on court pack list

Section 5.3.2: Pending-LimitationListAccept/Pending-LimitationListAmend

- When the Limitation case moves to Pending-LimitationListAccept/Pending-LimitationListAmend status, the API Pro-user/CMC user will get the assignment using Get Assignments by case ID or Get Assignments as “Compensator has responded to your documents selected for court and provided a response, confirm this decision.”
- If a previous court form is already present on the claim , then API Pro-user/CMC user need to use “GTC Direct” and “Court fee payable for limitation” API call

- If a previous court form is not present on the claim and the defendant address has been shared before then, API Pro-user/CMC user need to use “GTC without defendant” and “Court fee payable for limitation” API call
- If a previous court form is not present on the claim and the defendant address was not shared before, then API Pro-user/CMC user need to use “GTC with defendant” and “Court fee payable for limitation” API call.

Section 5.4: Court fee payable for limitation

This endpoint is to provide the court fee payable details for the limitation court journey. In Limitation the API Pro-user/CMC user needs to provide the total claim value in the field “totalClaimValue”.

Once the “Court fee payable for limitation” API call is completed successfully, the Court form ‘O’ and List of documents for court will be generated.

The Limitation subcase will move to the status – “Resolved-CourtLimitation”.

Section 5.5 : Changes in existing API calls due to Limitation

- In Get Assignments/Get Assignments by case ID the assignments Complete the remaining details required to create your client's court form included for Limitation have been mentioned above for Pending-LimitationCourtList,Pending-LimitationListAccept and Pending-LimitationListAmend status.
- In Compensator Agree Court List, Compensator Modify Court Doc List and Compensator Reject Court List API calls, the claim ID allowed values and the NOTES have been updated
- In Confirm Insurer Capacity With Second Defendant and Confirm Insurer Capacity Without Second Defendant API calls, the Claim ID allowed value, NOTES and integration business validation rules have been updated.
- Get Limitation Case details API call will provide the details of the current status of the limitation subcase, Compensator details for court proceedings, previous court proceedings, court pack details, Claimant Representative details, court fee payable details, Go to Cort details, Defendant Address details, Defendant’s Organization details, Second Defendant details, Current Defendant Legal Details and Second defendant's address for service details.
- In GTC With Defendant API call, business validation has been updated for defendant.haveDefendantAddress attribute.
- In Post Documents to Court List NOTES section has ben updated

NOTE – After the limitation claim moves to “Pending-LimitationListAccept/Pending-LimitaionListAmend” status and when court form already exists on the claim then “GTC Direct” API call must be used. When court form does not exist on the claim and defendant address is present on the claim then “GTC without Defendant” API call must be used else “GTC with Defendant” API call should be used.

Section 5.6 : Subsequent Court journeys after Limitation

When going to court for other reason after going to court for Limitation, the court fee payable will be applicable as mentioned in the “Court fee payable and additional court fee payable screen changes” section.

T2: Subsequent Court Journey for Go to										
Case Type	Previous Application Present	Has Court Proceedings Started ?	After GTC for Limitation	After Liability Detail	After Interim Payment	GTC Reason	Court fees payable screen	Additional court fees payable screen	Claim Threshold Acknowledge checkbox	Additional Claim Threshold Acknowledge checkbox
DC	Y	N	N/A	N/A	N/A	N/A	N	N	Y	N
DC	Y	Y	N/A	Y	N/A	Scenario 3/Scenario 3/Scenario 4	Y	Y	Y	N
DC	Y	Y	N/A	Y	N/A	NOT (Scenario 3/Scenario 3/Scenario 4)	N	Y	N	Y
DC	Y	Y	N/A	N	Y	Scenario 2	Y	Y	Y	N
DC	Y	Y	N/A	N	Y	NOT (Scenario 2)	N	Y	N	Y
LIM	Y	N	N	Y	N/A	Scenario C3	Y	N	Y	N
LIM	Y	N	N	Y	N/A	Scenario C5	Y	N	Y	N
DC	Y	Y	Y	N	N	Scenario C1/Scenario C2	Y	Y	Y	N
DC	Y	Y	Y	N	N	Scenario C3/Scenario 3/Scenario 4	Y	Y	Y	N
DC	Y	Y	Y	N	N	NOT (Scenario 3/Scenario 3/Scenario 4)	N	Y	N	Y
IP	Y	Y	Y	N/A	N/A	Scenario 1/Scenario 2	N	Y	N	Y
IP	N	N/A	N/A	N/A	N/A	N/A	Y	N	Y	N
IP	Y	N	N/A	N/A	N/A	N/A	Y	N	Y	N
IP	Y	Y	N/A	N/A	N/A	N/A	N	Y	N	Y

Fig – T2: Subsequent Court Journey for Go to Court

The above table provides the details when the API fields “claimThresholdAcknowledge” or “additionalClaimThresholdAcknowledge” will be applicable for the subsequent court journeys in the corresponding API call based on the reason for going to court.