



Limitation

Support Guide

9-24-2024

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

[◀ Back](#)

*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

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"/>	OIC-10-23-13001_SCNF_31-10-2023 1 0-11.pdf	<small>Add date</small> 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](#)

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

The limitation case will now go to the Compensator who will review the document you have selected for court. The Compensator cannot remove any documents you have selected but can add additional documents that have been excluded.

Limitation

Portal reference
OIC-09-24-10004

Request date
24/09/2024

What you need to do

The compensator is reviewing the documents you selected for court. You do not need to do anything else at this stage.

Return to Claim overview

Once the Compensator has reviewed the documents selected and made a decision the limitation case will return to you. The limitation case will run alongside your claim, and you can still progress your claim whilst the process of going to court for limitation is ongoing. To access the limitation case and proceed, you will need to select 'Continue to request' in the grey box on the 'Claim overview' screen.

Claim overview

<small>Accident date</small> 16/12/2021-18:18	<small>Created date</small> 24/09/2024	<small>Compensator that owns your claim</small> Marshall Insurers
<small>Portal reference</small> OIC-09-24-10004	<small>Address</small> 123 pinewood close Bletchely Hands Milton Keynes United Kingdom MK34RT 65453553	
<small>Claim submitted date</small> 24/09/2024		
<small>Deadline for liability response</small> 27/09/2024		

What you need to do

The compensator is reviewing details of the accident. You do not need to do anything at this stage.

🕒 **Limitation**
Continue to request

- Application Submitted
- Investigation
- Medical
- Offer
- Claim Closed

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This will open the limitation case where you can continue with court proceedings. You will need to select 'View more details' to review the compensator's response to the court pack and finish the next steps of the court process.

Limitation

Portal reference
OIC-09-24-10004

Request date
24/09/2024

What you need to do

The compensator has reviewed your court documents. Select View more details and review their response. You need to complete the remaining details required to create your court form. Select View more details to proceed.

[View more details](#)

[Return to Claim overview](#)

On the next screen you will see the Compensator's response after reviewing the documents you have selected for court. In the below screenshot the Compensator has agreed with the documents selected. If they have not agreed with the documents, you will be able to see the documents they have added but will not be able to dispute these. You will need to select 'Continue' where you will go on to answer some more questions to populate your court form.

Confirmation of Court Pack list

The compensator has agreed with the documents you selected for the Court Pack.

Court Pack list

1 document

Small claim notification form _____
[OIC-09-24-10004_SCNF_24-09-2024 11-10.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

[◀ Back](#)

*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 *

or [Enter address manually](#)

If you do not have the address, the paperwork produced for court will show the defendant as the compensator rather than the responsible driver.

Defendant's details

[◀ Back](#)

*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

Since no defendant address has been provided, the compensator will be named as defendant on the court form.

Marshall Insurers

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

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.

Continue
Save and Exit

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