

**PRE-ACTION PROTOCOL FOR PERSONAL INJURY CLAIMS BELOW THE SMALL
CLAIMS LIMIT IN ROAD TRAFFIC ACCIDENTS**

AND

PRE-ACTION PROTOCOL FOR JUDICIAL REVIEW

The Master of the Rolls as Head of Civil Justice approves the amendments to—

- (a) the Pre-Action Protocol for Personal Injury Claims Below the Small Claims Limit in Road Traffic Accidents; and
- (b) the Pre-Action Protocol for Judicial Review.

The amendments made by this instrument to the Pre-Action Protocol for Personal Injury Claims Below the Small Claims Limit in Road Traffic Accidents come into force on 1st December 2021.

The amendments made by this instrument to the Pre-Action Protocol for Judicial Review come into force the day after this instrument is approved.

Signed by:

The Right Honourable Sir Geoffrey Vos

Master of the Rolls

Date: 3rd November 2021

**THE PRE-ACTION PROTOCOL FOR PERSONAL INJURY CLAIMS BELOW THE SMALL
CLAIMS LIMIT IN ROAD TRAFFIC ACCIDENTS**

1) In paragraph 1.2, in sub-paragraph (9), for paragraph (b), substitute—

“(b) the organisation or business whose insurance or self-insured status covers the **defendant** for the **claim**.”.

2) In paragraph 4.5—

a) in sub-paragraph (1)—

- i) at the end of paragraph (e) omit “or”; and
- ii) after paragraph (e) insert—

“(ea) all of the following apply—

- (i) an **RTA insurer**, the **MIB** or its agent responds as **compensator**;
- (ii) no address is provided for the **defendant** by either party; and
- (iii) the **claimant** prepares the court form by following the steps set out in paragraphs 12.7(1) and 12.7(2) below; or”; and

b) after sub-paragraph (2) insert—

“(2A) Where paragraph (1)(ea) applies, the **claimant** may refer to the absence of an address for the **defendant** as a factor to be taken into consideration in deciding whether the case is no longer suitable for the small claims track.”.

3) In paragraph 4.6—

- a) in sub-paragraph (3), for “issue” substitute “start court”; and
- b) after sub-paragraph (3) insert—

“(4) Where paragraph 4.5(1)(ea) applies, the **claimant** may start court proceedings unless the claim is one to which the Untraced Drivers' Agreement 2017 or any subsequent or supplementary Untraced Drivers' Agreements apply.”.

4) In paragraph 6.7, in sub-paragraph (5), for “paragraph 6.15” substitute “paragraphs 6.15 or 8.9A”.

5) After paragraph 8.9 insert—

“8.9A

(1) Where the **compensator**—

(a) disputes in their response on liability that the **accident** caused any injury under paragraph 6.6(1)(d); but

(b) does not notify the **claimant** under paragraph 8.9(2) within 20 days that they continue to dispute that the **accident** caused any injury, the **claim** is then treated under this Protocol as one where there has been an **admission of liability in full** or **admission of liability in part** (as appropriate) by the **compensator** and this Protocol will continue to apply.

(2) Paragraph (1) above includes any **claim** where, after disputing that the **accident** caused any injury under paragraph 6.6(1)(d), the **compensator** makes an offer under this section to include **damages for injury**.

(3) Where paragraph (1) applies the **Portal** will generate a new Compensator’s Response form to replace the previous version, showing the **admission of liability in full** or **admission of liability in part**.

(4) Paragraph 6.7 applies to any **claim** where liability is taken to have been admitted under paragraph (1) above.”.

6) In paragraph 12.6, in sub-paragraph (6), for “Portal”, substitute “**Portal** and save where paragraph 12.8 applies”.

7) In paragraph 12.8—

a) for “Where the **MIB**”, substitute “(1) Subject to paragraph (2) below, where the **MIB**”; and

b) after what is now sub-paragraph (1), insert—

“(2) Where no address for the **defendant** has been provided by either party by the time the **claimant** completes the step set out at paragraph 12.7(2) above, this Protocol will no longer apply to the **claim**.”.

THE PRE-ACTION PROTOCOL FOR JUDICIAL REVIEW

1) In Annex A, in Section 2, in the fifth bullet point to that Section, for the address specified for Her Majesty’s Revenue and Customs substitute—

“General Counsel and Solicitor to Her Majesty’s Revenue and Customs,

HM Revenue and Customs,
14 Westfield Avenue,
Stratford,
London E20 1HZ".