

Pre-Action Protocol for Low Value Personal Injury (Employers' Liability & Public Liability) Claims

Stage 1 Process – Overview

The new Pre-Action Protocol for Low Value Personal Injury (Employers' Liability & Public Liability) Claims came into effect on the 31 July 2013 and applies where:

- 1) Either:
 - a) the claim arises from an accident occurring on or after 31 July 2013; or
 - b) in a disease claim, no letter of claim has been sent to the Defendant before 31 July 2013;
- 2) The claim includes damages in respect of personal injury;
- 3) The Claimant values the claim at not more than £25,000.00 but not less than £1,000.00 (the Small Claims Track limit)

What is the Low Value Personal Injury Claims Protocol?

The Protocol describes the behaviour the Court expects of the parties prior to the start of proceedings where a Claimant claims damages valued at no more than £25,000.00 in an employers' liability claim or in a public liability claim. **The Civil Procedure Rules 1998 enable the court to impose costs sanctions where this Protocol is not followed.**

What will the Policyholder receive?

You, the Policyholder, will receive, either electronically or by post, a Claim Notification Form ("CNF"). *The Claimant's solicitor will give an e-mail address for contact in the CNF. **All written communications not required by the Protocol must be sent by e-mail.***

What must the policyholder do?

The Defendant (i.e. you, the Policyholder) must send to the Claimant an electronic acknowledgment the next day after receipt of the CNF.

Additionally, you must send the CNF to us at the same time and advise the Claimant that you have done so.

What must the Insurer and the claimant do?

We, as your Insurer, must send to the Claimant's Solicitors an electronic acknowledgment the next day after we receive the CNF. The Claimant's solicitor must then submit the CNF to the insurer via "the Portal" as soon as possible. The Portal is the electronic platform by which the claimant's solicitors and the Insurers communicate in Low Value Protocol cases.

We must tell the claimant's solicitor whether or not liability is admitted. We do this by completing the 'Response' section of the CNF ("the CNF response") and send it to the Claimant:

- In the case of an employers' liability claim, within 30 days of the CNF and/or Defendant Only CNF being submitted; and
- In the case of a public liability claim, within 40 days of the CNF and/or Defendant Only CNF being submitted.
- These time frames begin as soon as the CNF is sent to the Policyholder.

Important summary action Points for Policyholders

In accordance with the Pre-Action Protocol for Low Value Personal Injury (Employers' Liability and Public Liability) Claims, if the Claimant sends a CNF to the Policyholder direct:

- The Policyholder must send to the Claimant an email acknowledgement no later than the next day after receipt of the CNF;
- Forward the CNF to Syndicate 2525 by email (claims@syndicate2525.co.uk) at the same time, and;
- Advise the Claimant that they have done so.
- REMEMBER the 30 or 40 day timeframes begin when the CNF is sent to the Policyholder.

Whereas, you should refer to the Protocol in its entirety, Syndicate 2525 hope that this overview will provide you with guidance on how to respond on receipt of a Claim Notification Form ("CNF") and what timescales apply during Stage 1 of the Pre-Action Protocol for Low Value Personal Injury (Employers' Liability & Public Liability) Claims.