

Claims Portal Ltd Behaviour Committee Guidance

Reference:	BCG3 <i>The content of this guidance note is a recommendation and not intended to be binding on the parties.</i>
Details of the Issue: Credit Hire claims and inclusion in the Pre Action Protocol and Portal.	
Details of Behaviour	
Behaviour Issue:	This issue relates to the refusal to use the Pre Action Protocol and Portal for claims involving an element of Credit Hire.
Outcome: <small>The outcome of the Behaviour Committee's considerations will be in the form of general guidance which is not intended to be binding on the parties but which will be published by Claims Portal Ltd.</small>	The Committee believes that it is clear that claims involving personal injury and vehicle related damage should not be excluded from the process as a matter of course. In any event, it is helpful to insurers that the Claim Notification Form is completed and sent at the outset, even if the claim legitimately exits the process later.
Action:	The Behaviour Committee have made their view clear on the inclusion of claims involving Credit hire and have written to the parties accordingly.

Related Documents / Information

1. Copy text of letter by the Behaviour Committee.

Following receipt of a complaint (ref: xxxxx) about your firm the matter was considered at the Claims Portal Behaviour Committee in May. This Committee has a balance to reflect the views of insurers and claimant representatives. It is clear from correspondence that <xxxx> Solicitors are refusing to enter claims involving personal injury and credit hire into the Low Value Personal Injury Claims in Road Traffic Accidents process.

The Committee believes that it is clear that claims involving personal injury and vehicle related damage should not be excluded from the process as a matter of course. In any event, it is helpful to insurers that the CNF is completed and sent at the outset, even if the claim legitimately exits the process later. The reference to the voluntary ABI General Terms of Agreement is not relevant.

We note that failure to use the process can lead to a court order limiting costs to "no more than" fixed costs under the process (Rule 45.29). Whilst we would not presume to try and interfere with the courts' exercise of their discretion, we hope that the courts will apply Rule 45.29 in such a way that this behaviour is discouraged and such claims are entered into the process in future.

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