

Notice of Issue

(Practice Direction 8B – Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents)

To the claimant[’s solicitor]

Name of court	
Claim no.	
Claimant (including ref.)	
Defendant (including ref.)	
Issue Fee	

Your Part 8 claim was issued on

/ /

The court sent it to the defendant by first class post on
and it will be deemed served on

/ / / /

The defendant has until

/ / to reply.

You must tell the court immediately if your claim is settled or discontinued.

Notes for guidance

Service of the claim form

The claim form must be served on the defendant within 4 months of the date of issue (6 months if you are serving outside England and Wales). You may be able to extend the time for serving the claim form but the application to the court for such an extension must generally be made before the 4 month or 6 month period expires.

Stay of proceedings only (paragraph 16.2 of Practice Direction 8B)

where a stay has been granted:

- a copy of the order imposing the stay must be served with the claim form;
- where the parties have complied with the RTA Protocol but have been unable to reach agreement and you now wish to start proceeding under Practice Direction 8B you must make an application to lift the stay and request directions;
- where your claim does not continue under the RTA protocol and you wish to start proceedings under Part 7, you must apply to the court to lift the stay and request directions.

All other claims under Practice Direction 8B:

Replying to the claim form

- The defendant must file an acknowledgment of service with the court within 14 days of service of the claim form. At the same time, the defendant must serve copies on you and all other parties;
- The defendant may not file any written evidence - except as provided in paragraph 8.2 and 11.3 of Practice Direction 8B.

The defendant may

- contest your claim;
- contest the amount of damages;
- contest an order for damages;
- dispute the court’s jurisdiction.
- object to your using this procedure and set out their own reasons;

What happens next

The court file will be referred to a judge for directions for determination of the claim on filing of the acknowledgment of service, or on the expiry of time for filing the acknowledgment of service.

Failure to reply

If an acknowledgment of service is not filed, the defendant may attend a hearing in the claim, but may not take part at the hearing unless the court gives permission.

The court office at _____ is open between 10 am and 4 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: _____ Fax: _____