

MOJ Update

Portal problems prompt MASS to suggest posting hard copy CNFs

MASS has taken the bold step of advising its members to submit Claims Notification Forms by post as a means of last resort, if it has not been possible to submit them via the portal or another secure electronic means.

Unfortunately, they have not defined the parameters or time limits that would give guidance as to when all other options can be described as exhausted, so insurers should be alert to this development, particularly if they have not registered on the portal. Access to justice is one of the fundamental tenets behind the process reform and events over recent weeks are, in some cases, conspiring against this.

Jennifer Bourne of the ABI, on hearing of this development, said, "The vast majority of Insurers are using the portal as the method of communication, so claimants should contact them via the portal. Email is not guaranteed secure and therefore insurers will not be able to respond if the CNF is sent in this way as they cannot guarantee secure transmission. Claimant representatives are likely to be in breach of the DPA if they send a CNF by email".

At time of writing, no response has been made by Ministry of Justice.

What should insurers do – accept notice by post or email?

Only as a matter of exceptional last resort should you accept service by post. Firstly, ensure that your organisation is registered on the portal. As a contingency, you may want to set up a Low Value Motor Claims hotline for defendant advisors and if there is a significant problem with the technology, set up a back up plan to allow CNF to be received, with the ultimate fall back position of ensuring post room staff are aware of what a printed CNF looks like and what to do with it.

For more information, please speak with Bavita Rai on 0121 200 3499...

Birmingham Leicester Liverpool London Manchester

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