

130th UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendments in relation to Practice Directions 51R and 51S supplementing the Civil Procedure Rules 1998 are made by the Master of the Rolls under the powers delegated to him by the Lord Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and is approved by Lord Wolfson of Tredegar, QC, Parliamentary Under-Secretary of State for Justice, by the authority of the Lord Chancellor.

The amendments made by this Update come into force on 24 May 2021 and apply in relation to all claims submitted to the court on or after 11.00 a.m. on that date.

The Right Honourable Sir Geoffrey Charles Vos

Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

Lord Wolfson of Tredegar, QC

Parliamentary Under-Secretary of State for Justice

Ministry of Justice

Date: 4th May 2021

PRACTICE DIRECTION 51R – ONLINE CIVIL MONEY CLAIMS PILOT

- 1) In the Table of Contents –
 - a) omit the entry for paragraph 6.7; and
 - b) after the entry for paragraph 16.1, insert –

“

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|---|-----------------|
| SECTION 16A – Court may refer matters to a judge or legal adviser | |
| Court may refer matters to a judge or legal adviser | Paragraph 16A.1 |

”

- 2) In paragraph 2.1(1), for “30th November 2021” substitute “30th November 2023”.
- 3) For paragraph 6.1(2), substitute “Sub-section B applies if, before or at the same time that the response form has been received by the court, the defendant has indicated to the court that they do not wish to opt out of mediation.”.
- 4) Omit the words in parentheses following paragraph 6.1(2).
- 5) Omit paragraph 6.1(7) including the words in parentheses that follow that paragraph.
- 6) In paragraph 6.2(5) after the words “must also”, for “tell” substitute “indicate to”.
- 7) For paragraph 6.2(5A) substitute –

“(5A) If the claimant has also not opted out of mediation –

(a) the court must “stay” the proceedings (as defined) for 28 days, to allow for mediation, and the 28-day period is calculated from and including the date that the response from the claimant is received by the court; and

(b) the court must also refer the matter to the Small Claims Mediation Service if appropriate and tell the parties that the matter has been referred.”.

- 8) Omit the heading to paragraph 6.7.
- 9) Omit paragraph 6.7.
- 10) After paragraph 10.1(9A), insert –

“(9B) At the same time that the defendant submits the completed paper response form, the defendant must also indicate to the court if they wish to opt out of mediation.”.

- 11) In paragraph 10.3(1) –

- a) for “with the following modifications -” substitute “except for paragraph 6.1(1).”;
and
- b) omit the subparagraphs (a) to (c).

12) In paragraph 11.1(1), after “default” insert “unless subparagraph (2A) applies”.

13) After paragraph 11.1(2) insert –

“(2A) If there is a moratorium in place under the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020, so that a claimant needs the court’s permission to apply for a default judgment, the claimant must make an application to the court in accordance with Civil Procedure Rules Part 23. If the court receives such an application, it must send the claim out of Online Civil Money Claims.”.

14) After paragraph 16.1 insert –

“SECTION 16A – COURT MAY REFER MATTERS TO A JUDGE OR LEGAL ADVISER

Court may refer matters to a judge or legal adviser

16A.1 At any time, the court may refer any matter relating to a claim to a judge or a “legal adviser” (as defined) if appropriate for an order, or directions as to how the claim or matter is to be handled. The directions may include that the claim be sent out of Online Civil Money Claims. It will only be appropriate for a legal adviser to consider a particular matter if a provision elsewhere in the Civil Procedure Rules enables them to consider matters of that type.”.

Practice Direction 51S – The County Court Online Pilot

15) In paragraph 2, for “30 November 2021” substitute “30 November 2022”.