

## **91<sup>st</sup> UPDATE – PRACTICE DIRECTION AMENDMENTS**

The new practice direction supplementing the Civil Procedure Rules 1998 is 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 Dominic Raab MP, Minister of State for Justice, by the authority of the Lord Chancellor.

Practice Direction 51S – The County Court Online Pilot comes into force on 12<sup>th</sup> September 2017.

The Right Honourable Sir Terrence Etherton  
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

Dominic Raab MP  
Minister of State for Justice  
Ministry of Justice

Date: 31 August 2017

### **PRACTICE DIRECTION 51S – THE COUNTY COURT ONLINE PILOT**

- 1) After Practice Direction 51R – The Online Court Pilot, insert new Practice Direction 51S as set out in the Schedule to this Update.

### **SCHEDULE**

#### **“PRACTICE DIRECTION 51S – THE COUNTY COURT ONLINE PILOT”**

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### **SECTION 1 – DEFINITIONS**

1. In this practice direction –
  - 1.1. “all proceedings order” means an “all proceedings order” under section 42(1A) of the Senior Courts Act 1981;
  - 1.2. “CCMCC” means the County Court Money Claims Centre;
  - 1.3. “civil proceedings order” means a “civil proceedings order” under section 42(1A) of the Senior Courts Act 1981;
  - 1.4. “online claim form” means form OCCN1 found on the County Court Online website that is the form that the legal representative must use to make the claim if the claim is to be filed using County Court Online;
  - 1.5. “the County Court Online website” means the website that hosts County Court Online and that can be found at the following website address:  
[www.moneyclaim.hmcts.reform.net](http://www.moneyclaim.hmcts.reform.net).

### **SECTION 2 - SCOPE OF THE PILOT**

2. The purpose of this practice direction is to establish a pilot, to be called “County Court Online”, to test a procedure that will enable legal representatives to file claims online at the CCMCC, using the County Court Online website, and for the claims to be issued to those legal representatives online, for the claimant then to serve. The pilot will be run on an invitation-only basis. The legal representatives invited to use the pilot to file claims will be drawn from legal representatives who would otherwise file claims at the CCMCC. As the County Court Online website undergoes development, the technical capacity of the system will widen and so, while some types of suitable claims may not be invited for inclusion in the pilot at the outset, they may be invited for inclusion as the system develops. The pilot is to run from 12 September 2017 to 30 November 2019. The pilot applies in the County Court.
3. Claims filed using County Court Online will be issued electronically in the CCMCC.
4. Her Majesty’s Courts and Tribunal Service may invite legal representatives to use County Court Online as an alternative process for filing a claim, and may only invite any particular legal representative to use the pilot if the claim that they have been instructed to file is suitable for it.
5. A claim is only suitable for the pilot if all the following conditions are met–
  - 5.1. the claim is a claim for a specified or unspecified sum of money;
  - 5.2. the claim would not ordinarily follow the Part 8 procedure;
  - 5.3. the claim is not being brought under the Consumer Credit Act 1974;
  - 5.4. the claimant is aged 18 years or older;
  - 5.5. the claimant is not a protected party;
  - 5.6. the legal representative’s postal address for service is within the United Kingdom;
  - 5.7. the legal representative has an email address which can be used for the case;
  - 5.8. the fee for issuing the claim is paid in full, except if, and in so far as, it has not been remitted, in sterling and using a valid debit or credit card;
  - 5.9. the claim is conducted in English;
  - 5.10. the claimant does not have in force against them–
    - 5.10.1. a civil proceedings order;
    - 5.10.2. an all proceedings order; or
    - 5.10.3. a civil restraint order;
  - 5.11. the claimant believes that the defendant–
    - 5.11.1. has a postal address for service within England and Wales;
    - 5.11.2. is aged 18 years or older;
    - 5.11.3. is not a “protected party”; and

- 5.11.4. is not the Crown.
6. If the legal representative is invited to use County Court Online and the legal representative agrees to do so, this practice direction applies. Where provisions in this practice direction conflict with other provisions in the rules or other practice directions, this practice direction takes precedence until the claim has been served. Once the claim has been served, this practice direction will no longer apply.

### **SECTION 3 – STARTING A CLAIM**

#### Filing a claim

7. In order to file a claim using County Court Online, the legal representative must–
- 7.1. complete the online claim form;
  - 7.2. to the extent that the fee has not been remitted, pay the appropriate fee that is prescribed in the Civil Proceedings Fees Order 2008; and
  - 7.3. submit the completed online claim form to the court using the County Court Online website.
8. The legal representative completes the online claim form by completing all parts of the form that are relevant to the claim.
9. The court must notify the legal representative when it receives the submitted online claim form.
10. The court must keep a record of when it receives a claim filed using County Court Online.

#### Issue and service of an online claim form

11. When the court receives a submitted online claim form from a legal representative, it must–
- 11.1. issue the claim;
  - 11.2. notify the legal representative when the online claim form has been issued and what the date of issue is; and
  - 11.3. electronically return the issued online claim form to the legal representative.
12. The claimant must serve the online claim form on the defendant.

### **SECTION 4 – CONFIRMING THAT THE CONTENTS OF ONLINE CLAIM FORMS ARE TRUE**

13. When the legal representative submits an online claim form, the form must include the following statement of truth signed by the legal representative:  
“The claimant believes that the facts stated in this claim form are true.”.

14. A statement of truth is signed by the legal representative entering their name in the required field in the online claim form.
15. If the legal representative signs a statement of truth in a document without an honest belief in the truth of what is contained in the document, proceedings for contempt of court may be brought against that person.  
(Section 6 of Part 81 contains rules about committing someone to prison for contempt of court.)

**SECTION 5 – SUBMITTING ONLINE CLAIM FORMS AT COURT – TIMING OF SUBMITTING AND RESPONSIBILITY FOR SUBMITTING ON TIME**

16. If the County Court Online website is functioning normally so that it can receive forms, and the court receives an online claim form after 4 p.m., that form is treated as submitted the following day.
17. If–
  - 17.1. the County Court Online website is malfunctioning and cannot receive forms;
  - 17.2. that malfunction starts before but continues beyond 4 p.m. on a particular day; and
  - 17.3. that malfunction alone prevents a legal representative from being able to submit an online claim form within a time limit imposed by the Civil Procedure Rules or by the court,  
a judge must give directions to alter the time limit for submitting that form, so that the time limit does not expire until after the website is again functioning normally. The judge’s directions may be expressed to apply to a specific claim, or may apply more generally, for example to any number of claims, or to claims of a particular type.
18. If a time limit imposed by the Civil Procedure Rules or the court expires on a day when the CCMCC is closed, an online claim form is still submitted on time if it is submitted on the next day the court office is open.
19. Where any time limit applies (whether imposed by the Civil Procedure Rules or in any other way) it is the relevant party’s responsibility to ensure that a form or document is submitted on time.  
(Practice Direction 2A paragraph 3.2 sets out the days when court offices (including the CCMCC) are closed.)”.