

# PRACTICE DIRECTION: PILOT SCHEMES FOR MONEY CLAIMS ONLINE

## GENERAL

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- 1.1 This practice direction provides for a pilot scheme ('Money Claim Online') to operate from 17th December 2001 to 16th June 2003 enabling claimants and their representatives–
- (1) to start certain types of county court claims by requesting the issue of a claim form electronically via the Court Service website; and
  - (2) where a claim has been started electronically –
    - (a) to file electronically a request for –
      - (i) judgment in default;
      - (ii) judgment on acceptance of an admission of the whole of the amount claimed; or
      - (iii) the issue of a warrant of execution; and
    - (b) to view an electronic record of the progress of the claim.
- 1.2 Claims started using Money Claim Online will be issued by Northampton County Court and will proceed in that court unless they are transferred to another court. The address for filing any document, application or request (other than a request which is filed electronically in accordance with this practice direction) is Northampton County Court, St Katherine's House, 21–27 St Katherine's Street, Northampton, NN1 2LH, DX 702885 Northampton 7, fax no. 0845 6015889.

## SECURITY

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2. The Court Service will take such measures as it thinks fit to ensure the security of steps taken or information stored electronically. These may include requiring users of Money Claim Online –
- (1) to enter a customer identification (id) and password;
  - (2) to provide personal information for identification purposes; and
  - (3) to comply with any other security measures,
- before taking any of the steps mentioned in paragraph 1.1.

## FEES

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- 3.1 Where this practice direction provides for a fee to be paid electronically, it may be paid by –
- (1) credit card;
  - (2) debit card; or

(3) any other method which the Court Service may permit.

- 3.2 A step may only be taken using Money Claim Online on payment of the prescribed fee. The County Court Fees Order 1999 provides that the parties may, in certain circumstances, be exempt from payment of fees, or may be entitled to apply for fees to be remitted or reduced. The Court Service website contains guidance as to when this entitlement arises. A claimant who wishes to claim exemption from payment of fees, or to apply for remission or reduction of fees, may not use Money Claim Online and should issue his claim at a court office.

## **TYPES OF CLAIM WHICH MAY BE STARTED USING MONEY CLAIM ONLINE**

4. A claim may be started using Money Claim Online if it meets all of the following conditions –
- (1) the only remedy claimed is a specified amount of money –
    - (a) less than £100,000 (excluding any interest or costs claimed); and
    - (b) in sterling;
  - (2) the procedure under Part 7 of the Civil Procedure Rules (“CPR”) is used;
  - (3) the claimant is not –
    - (a) a child or patient; or
    - (b) funded by the Legal Services Commission;
  - (4) the claim is against –
    - (a) a single defendant; or
    - (b) two defendants, if the claim is for a single amount against each of them;
  - (5) the defendant is not –
    - (a) the Crown; or
    - (b) a person known to be a child or patient; and
  - (6) the defendant’s address for service is within England and Wales.

## **STARTING A CLAIM**

- 5.1 A claimant may request the issue of a claim form by –
- (1) completing and sending an online claim form; and
  - (2) electronically paying the appropriate issue fee, at [www.courtservice.gov.uk/mcol](http://www.courtservice.gov.uk/mcol).
- 5.2 The particulars of claim –

- (1) must be included in the online claim form and may not be filed separately; and
  - (2) must be limited in size to not more than 1080 characters (including spaces).
- 5.3 Paragraph 7.3 of the practice direction supplementing Part 16 (statements of case), which requires documents to be filed with the particulars of claim in contract claims, does not apply to claims started using an online claim form.
- 5.4 When an online claim form is received by the Money Claim Online website, an acknowledgment of receipt will automatically be sent to the claimant. The acknowledgment of receipt does not constitute a notice that the claim form has been issued.
- 5.5 When the court issues a claim form following the submission of an online claim form, the claim is 'brought' for the purposes of the Limitation Act 1980 and any other enactment on the date on which the online claim form is received by the court's computer system. The court will keep a record, by electronic or other means, of when online claim forms are received.
- 5.6 When the court issues a claim form, it will –
  - (1) serve a printed version of the claim form on the defendant; and
  - (2) send the claimant notice of issue by post.
- 5.7 The claim shall be deemed to be served the fifth day after the claim was issued irrespective of whether that day is a business day or not.
- 5.8 Where the period of time within which an acknowledgment of service or a defence must be filed ends on a day when the court is closed, the defendant may file his acknowledgment or defence on the next day that the court is open.

## **ACKNOWLEDGMENT OF SERVICE**

- 6.1 A defendant wishing to acknowledge service of the claim form may, in the alternative to filing a written acknowledgment of service in Form N9, do so by –
  - (1) telephoning the Money Claim Online customer help desk on 0845 6015935; or
  - (2) sending an e-mail to [customerservice.mcol@courtservice.gsi.gov.uk](mailto:customerservice.mcol@courtservice.gsi.gov.uk).
- 6.2 A defendant who acknowledges service by telephone or e-mail must provide the following information –
  - (1) the defendant's –
    - (a) name; and
    - (b) address for service (if different from that on the claim form);
  - (2) the claim number;

- (3) the name of the claimant (including any reference on the claim form);
- (4) if the defendant is a firm or company, the position or office held by the person acknowledging service on its behalf; and
- (5) whether the defendant intends to –
  - (a) defend all the claim;
  - (b) defend part of the claim; or
  - (c) contest the jurisdiction of the court.

6.3 CPR 10.5(1)(a) does not apply where the defendant acknowledges service by telephone or e-mail.

(Attention is drawn to CPR Part 10 and its practice direction which contain rules about acknowledgment of service.)

## DEFENCE

7.1 A defendant may file a defence –

- (1) by delivering it by post or otherwise, to the court office at the address in paragraph 1.2; or
- (2) provided that it does not include a counterclaim, by sending it by e-mail to [customerservice.mcol@courtservice.gsi.gov.uk](mailto:customerservice.mcol@courtservice.gsi.gov.uk).

7.2 A defence filed by e-mail must contain the following information:

- (1) the claim number;
- (2) the names of the claimant and the defendant;
- (3) if the defendant has not already filed an acknowledgment of service, his address for service;
- (4) whether the defendant disputes –
  - (a) the whole of the claim; or
  - (b) part of the claim, and if so how much;
- (5) whether the defendant disputes the claim because he has already paid it and, if so –
  - (a) how much he paid to the claimant; and
  - (b) details of when, where and how he paid it; and
- (6) the grounds for defence.

(CPR 16.5, and paragraphs 10 to 13 of the practice direction accompanying CPR Part 16, contain requirements about the contents of the defence.)

## STATEMENT OF TRUTH

- 8.1 CPR Part 22 requires any statement of case to be verified by a statement of truth. This applies to an online claim form and a defence filed by e-mail.
- 8.2 The statement of truth in an online claim form or defence filed by e-mail must be in the form –
  - “[I believe][The claimant believes] that the facts stated in this claim form are true.”; or
  - “[I believe][The defendant believes] that the facts stated in this defence are true.
 as appropriate.
- 8.3 CPR 22.6 (which requires a statement of truth to be signed by the person making it) is satisfied by that person typing his name underneath the statement of truth in an online claim form or a defence filed by e-mail.
- 8.4 Attention is drawn to –
  - (1) paragraph 3 of the practice direction supplementing CPR Part 22 which provides who may sign a statement of truth; and
  - (2) CPR 32.14, which sets out the consequences of making, or causing to be made, a false statement in a document verified by a statement of truth, without an honest belief in its truth.

## REQUEST FOR JUDGMENT OR ISSUE OF WARRANT

- 9.1 If, in a claim started using Money Claim Online –
  - (1) the claimant wishes to apply for judgment in default in accordance with CPR Part 12; or
  - (2) the defendant has filed an admission of the whole of the claim,
 the claimant may request judgment to be entered in default or on the admission (as the case may be) by completing and sending an online request form at [www.courtservice.gov.uk/mcol](http://www.courtservice.gov.uk/mcol).
- 9.2 Where –
  - (1) judgment has been entered following a request under paragraph 9.1; and
  - (2) the claimant is entitled to the issue of a warrant of execution without requiring the permission of the court,
 the claimant may request the issue of a warrant of execution by –
  - (a) completing and sending an online request form; and
  - (b) electronically paying the appropriate fee,

at [www.courtservice.gov.uk/mcol](http://www.courtservice.gov.uk/mcol).

(Order 26 of the County Court Rules ('CCR') contains rules about warrants of execution. Among other matters, CCR Order 26 rule 1 contains restrictions on when a warrant of execution may be issued if the court has made an order for payment of a sum of money by instalments, and CCR Order 26 rule 5 sets out certain circumstances in which a warrant of execution may not be issued without the permission of the court.)

- 9.3 A request under paragraph 9.1 or 9.2 will be treated as being filed –
- (1) on the day the court receives the request, if it receives it before 10 a.m. on a working day; and
  - (2) otherwise, on the next working day after the court receives the request.

## TRANSFER OF CLAIM

- 10.1 Where the defendant is an individual and Northampton County Court is not his home court, the court will transfer the claim to the defendant's home court –
- (1) under CPR 13.4, if the defendant applies to set aside or vary judgment;
  - (2) under CPR 14.2, if there is to be a hearing for a judge to determine the time and rate of payment;
  - (3) under CPR 26.2, if a defence is filed to all or part of the claim; or
  - (4) if either party makes an application which cannot be dealt with without a hearing.
- 10.2 Where the defendant is not an individual, if –
- (1) the claimant's address for service on the claim form is not within the district of Northampton County Court; and
  - (2) one of the events mentioned in paragraph 10.1 arises,
- the court will transfer the claim to the court for the district in which the claimant's address for service on the claim form is situated.

## VIEWING THE CASE RECORD

- 11.1 A facility will be provided for claimants or their representatives to view an electronic record of the status of claims started using Money Claim Online.
- 11.2 The record of each claim will be reviewed and, if necessary, updated at least once each day until the claim is transferred from Northampton County Court, or until a party files a defence, a part admission, or an application notice requiring a hearing.