

PRACTICE DIRECTION – PILOT SCHEME FOR MONEY CLAIM ONLINE

GENERAL

- 1.1 This practice direction provides for a pilot scheme ('Money Claim Online') to operate from 17th December 2001 to 31st January 2004.
- 1.2 This practice direction enables 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.
- 1.3 This practice direction also enables defendants and their representatives –
 - (1) to file electronically –
 - (a) an acknowledgment of service;
 - (b) a part admission;
 - (c) a defence; or
 - (d) a counterclaim (if filed together with a defence).
 - (2) to view an electronic record of the progress of the claim.
- 1.4 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 one which is filed electronically in accordance with this practice direction) is Northampton County Court, St Katharine's House, 21–27 St Katharine's Street, Northampton, NN1 2LH, DX 702885 Northampton 7, fax no. 0845 6015889.

SECURITY

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 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 1.2 or 1.3.

FEES

- 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 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 CLAIMS WHICH MAY BE STARTED USING MONEY CLAIM ONLINE

- 4. A claim may be started using Money Claim Online if it meets all 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 or www.moneyclaim.gov.uk.
- 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 form shall have printed on it a unique customer identification number or a password by which the defendant may access the claim on the Court Service website.
- 5.8 The claim form shall be deemed to be served on the fifth day after the claim was issued irrespective of whether that day is a business day or not.
- 5.9 Where a 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.

ONLINE RESPONSE

- 6.1 A defendant wishing to file –
 - (1) an acknowledgment of service of the claim form under CPR Part 10;

- (2) a part admission under CPR 14.5;
- (3) a defence under CPR Part 15; or
- (4) a counterclaim (to be filed together with a defence),

may, instead of filing a written form, do so by completing and sending the relevant online form at www.courtservice.gov.uk/mcol or www.moneyclaim.gov.uk.

6.2 Where a defendant files an online form –

- (1) he must not send a hard copy in addition;
- (2) the form is not filed until it is received by the court, whatever time it is shown to have been sent;
- (3) an online form received after 4 p.m. will be treated as filed on the next day the court office is open; and
- (4) where a time limit applies, it remains the responsibility of the defendant to ensure that the online form is filed in time.

ACKNOWLEDGMENT OF SERVICE

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

ADMISSION

- 8.1 Attention is drawn to CPR Part 14 and its practice direction which contain rules about admissions.

DEFENCE

- 9.1 Attention is drawn to CPR Part 15 and its practice direction which contain rules about defences.

COUNTERCLAIM

- 10.1 Where a counterclaim is filed using an online form, any fee payable shall be taken by the court to which the claim is transferred under paragraph 14.1.
- 10.2 Attention is drawn to CPR Part 20 and its practice direction, which contain provisions about counterclaims.

STATEMENT OF TRUTH

- 11.1 CPR Part 22 requires any statement of case to be verified by a statement of truth. This applies to any online forms.
- 11.2 The statement of truth in an online statement of case 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.

11.3 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.

SIGNATURE

12.1 Any provision of the CPR which requires a document to be signed by any person is satisfied by that person entering his name on an online form.

REQUEST FOR JUDGMENT OR ISSUE OF WARRANT

13.1 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 or served an admission of the whole of the claim in accordance with CPR 14.4,

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 or www.moneyclaim.gov.uk.

13.2 Where –

- (1) judgment has been entered following a request under paragraph 13.1; 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 or www.moneyclaim.gov.uk.

(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.)

- 13.3 A request under paragraph 13.1 or 13.2 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

- 14.1 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 14.12, 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.
- 14.2 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 14.1 arises,
- the court will transfer the claim to the county court for the district in which the claimant's address for service on the claim form is situated.

VIEWING THE CASE RECORD

- 15.1 A facility will be provided for parties or their representatives to view an electronic record of the status of claims started using Money Claim Online.
- 15.2 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.