

90th UPDATE – PRACTICE DIRECTION AMENDMENTS

The new Practice Direction and the amendments to the existing Practice Directions 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 are approved by the Lord Chancellor.

The amendments to the existing practice directions, below, come into force on the day after the date upon which this instrument is signed by the Minister, except—	
(a) in relation to the amendments to Practice Direction 8A, which come into force on the date on which the Drug Dealing Telecommunication Restriction Orders Regulations 2017 come into force; and	
(b) in relation to references to the Llangefni County Court hearing centre which come into force on 9 August 2017.	
Practice Direction 2C – Starting Proceedings in the County Court	
Practice Direction 8A – Alternative Procedure for Claims	
Practice Direction 26 – Case Management – Preliminary Stage	
Practice Direction 45 – Fixed Costs	
Practice Direction 47 – Procedure For Detailed Assessment Of Costs and Default Provisions	
Practice Direction 51R – Online Court Pilot	
Practice Direction 52B – Appeals in the County Court and High Court	
Practice Direction 75 – Traffic Enforcement	
Schedule – Practice Direction 51R – Online Court Pilot	

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

Lord Chancellor
Ministry of Justice

Date: 8th August 2017

PRACTICE DIRECTION 2C – STARTING PROCEEDINGS IN THE COUNTY COURT

1) In the Schedule to the Practice Direction (County Court Directory) omit the entries for the following County Court hearing centres—

- a) Bolton;
- b) Bury;
- c) Kendal;
- d) Kettering;
- e) Llangefni;
- f) Oldham; and
- g) Woolwich,

and any references to these hearing centres where they appear in the fifth column of the table.

PRACTICE DIRECTION 8A – ALTERNATIVE PROCEDURE FOR CLAIMS

1) In the table of contents, after the entry for paragraph 22.1, insert—

“Proceedings under the Telecommunications Restriction Orders (Custodial Institutions) (England and Wales) Regulations 2015	Para 23.1
Proceedings under the Drug Dealing Telecommunication Restriction Orders Regulations 2017	Para 24.1”

2) In the table below paragraph 9.4, at the end of the table insert the following entry—

“Type of claim or application	Paragraph of Section C	Division	Schedule Rule
Proceedings under the Drug Dealing Telecommunications Restriction Orders Regulations 2017	Paragraph 24	N/A (County Court)	N/A”

3) After paragraph 23.7 insert—

“Proceedings under the Drug Dealing Telecommunication Restriction Orders Regulations 2017

24.1 This paragraph applies to proceedings under The Drug Dealing Telecommunication Restriction Orders Regulations 2017 (“the DDTRO Regulations”); and references in this paragraph to a regulation by number alone are to a regulation in the DDTRO Regulations.

24.2 An application under regulation 3(1) for a Drug Dealing Telecommunication Restriction Order (“DDTRO”) must be made at one of the following County Court hearing centres:

- Clerkenwell and Shoreditch
- Manchester
- Liverpool
- Birmingham
- Newcastle
- Bristol.

24.3 The court must when it issues the claim form fix a date for hearing of the application for a DDTRO, which must unless the court orders otherwise be no later than 21 days after the date of issue.

24.4 In accordance with regulation 4(2), an application for a DDTRO must be made and heard without notice of the application or hearing having been given to an affected person or their legal representative and be heard and determined in the absence of an affected person or their legal representative.

24.5 Rule 5.4B (supply of court documents to a party) applies subject to any order made by the court under regulation 9(1) of the DDTRO Regulations.

24.6 Unless the court orders otherwise, rule 5.4C (supply of court documents to a non-party) does not apply to any proceedings to which this paragraph applies.

24.7 In accordance with regulation 9(4), an application for a non-disclosure order may be determined in advance of, or at the same time as, a DDTRO application or appeal.

24.8. In accordance with regulation 9(7), if the claimant indicates in the claim form that the claimant is also applying for a non-disclosure order under regulation 9 of the DDTRO Regulations, the claimant's evidence in respect of the DDTRO application must not be served until the court has determined the non-disclosure application. If the non-disclosure application is not granted, the court must give the claimant an opportunity to withdraw the DDTRO application. If the non-disclosure application is not granted and the claimant withdraws the claim, then the court must return the DDTRO claim form, and any documents submitted in connection with the DDTRO application, to the claimant.”.

PRACTICE DIRECTION 26 – CASE MANAGEMENT – PRELIMINARY STAGE

- 1) In paragraph 10.4, after “Wandsworth, Willesden”, omit “, Woolwich”.

PRACTICE DIRECTION 45 – FIXED COSTS

- 1) In paragraph 2.6, for the words “Wandsworth, Willesden and Woolwich”, substitute “Wandsworth and Willesden”.

PRACTICE DIRECTION 47 - PROCEDURE FOR DETAILED ASSESSMENT OF COSTS AND DEFAULT PROVISIONS

- 1) In paragraph 4.2(1), for “Wandsworth, Willesden and Woolwich”, substitute “Wandsworth and Willesden”.

PRACTICE DIRECTION 51R – ONLINE COURT PILOT

- 1) After Practice Direction 51Q – the County Court Legal Advisers Pilot Scheme, insert new Practice Direction 51R – Online Court Pilot as set out in the Schedule to this Update.

PRACTICE DIRECTION 52B – APPEALS IN THE COUNTY COURT AND HIGH COURT

- 1) In Table A, in the second column, omit the entries for the following courts (and the corresponding appeal centres opposite those entries in the third column)—
 - a) Kettering;
 - b) Bolton;
 - c) Bury;
 - d) Kendal;
 - e) Oldham;
 - f) Llangefni; and
 - g) Woolwich.

PRACTICE DIRECTION 75 – TRAFFIC ENFORCEMENT

- 1) In paragraph 1.1—
 - a) for sub-paragraph (8), substitute—

“(8) “the Civil Enforcement of Road Traffic Contraventions (Wales) Regulations” means the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013;” and
 - b) for sub-paragraph (10), substitute—

“(10) “the Representations and Appeals (Wales) Regulations” means the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (Wales) Regulations 2013;”.
- 2) For paragraph 1.2(9), substitute—

“(9) increased penalty charges provided for in charge certificates issued under regulation 20 of the Civil Enforcement of Road Traffic Contraventions (Wales) Regulations;”.
- 3) In paragraph 1.3—
 - a) for sub-paragraph (2)(g), substitute—

“(g) a charge certificate issued under regulation 20 of the Civil Enforcement of Road Traffic Contraventions (Wales) Regulations; or”; and

b) for sub-paragraph (3)(i), substitute—

“(i) regulation 21 of the Civil Enforcement of Road Traffic Contraventions (Wales) Regulations;”.

4) For paragraph 4.1(1)(f), substitute—

“(f) regulations 22(4) and 22(5)(d) of the Civil Enforcement of Road Traffic Contraventions (Wales) Regulations;”.

5) For paragraph 5.1(2)(b), substitute—

“(b) regulation 22(3) of the Civil Enforcement of Road Traffic Contraventions (Wales) Regulations;”.

PRACTICE DIRECTION 84 – ENFORCEMENT BY TAKING CONTROL OF GOODS

1) In paragraph 2.2, for “Oldham” substitute “Manchester”.

SCHEDULE

“PRACTICE DIRECTION 51R – ONLINE COURT PILOT

CONTENTS OF THIS PRACTICE DIRECTION

Title	Paragraph number
SECTION 1 – Definitions	Paragraph 1
SECTION 2 – Scope of the pilot	Paragraphs 2 to 6
SECTION 3 – Starting an online claim	
Starting an online claim	Paragraphs 7 to 10
Making changes to the claim form	Paragraphs 11 to 13
Issue and service of the claim by the court	Paragraphs 14 to 18
SECTION 4 – Defendant’s response online - general	Paragraphs 19 to 27
SECTION 5 – Defendant’s response online – defendant only defends the whole of the claim, and makes no other response	
Defendant’s response online: defendant only defends the whole of the claim, and makes no other response, but is also willing to mediate or negotiate	Paragraphs 28 to 38
Defendant’s response online: defendant only defends the whole of the claim, and makes no other response, but is not willing to mediate or negotiate	Paragraph 39
Defendant’s response online: what happens where the court must send the claim out of the online court because of unwillingness or failure to mediate or for breach of settlement agreement	Paragraphs 40 to 42
SECTION 6 – Defendant’s response online – defendant responds other than only to defend the whole of the claim (alternative responses)	Paragraphs 43 and 44
SECTION 7 – Defendant’s response on paper	Paragraphs 45 to 58
SECTION 8 – Consequences of the defendant failing to respond on time	
Consequences of the defendant failing to respond to the court on time: judgment in default	Paragraphs 59 to 61
What happens when the defendant does not respond, and the claimant does not take further action against the defendant, for 6 months	Paragraphs 62 to 65

SECTION 9 – Confirming that the contents of claim forms, response forms and paper response forms are true (statements of truth)	Paragraphs 66 to 69
SECTION 10 – Submitting documents at court – timing of submitting and responsibility for submitting on time	Paragraphs 70 to 73
SECTION 11 – Procedure where the parties make an application to the court not covered by the Online Court	Paragraphs 74 and 75
SECTION 12 – Parties or the court requiring the claim to be sent out of the Online Court	
The claimant or defendant no longer wishes to take part in the Online Court	Paragraph 76
Court considers that a claim is not – or is no longer – suitable for the Online Court	Paragraph 77
SECTION 13 – Process for sending a claim out of the Online Court where no other provision applies	Paragraphs 78 to 82

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. “alternative response” has the meaning given by paragraph 43;
 - 1.3. “CCBC” means the County Court Business Centre;
 - 1.4. “civil proceedings order” means a “civil proceedings order” under section 42(1A) of the Senior Courts Act 1981;
 - 1.5. “civil restraint order” means an order restraining a party from –
 - 1.5.1. making any further applications in current proceedings (a limited restraint order);
 - 1.5.2. issuing certain claims or making certain applications in specified courts (an extended civil restraint order); or
 - 1.5.3. issuing any claim or making any application in specified courts (a general restraint order);
 - 1.6. “claimant” means the person who makes an online claim against another person;
 - 1.7. “contact details” means a party’s email address and/or telephone number;
 - 1.8. “the defendant” means the person that the claimant is making the claim against;
 - 1.9. “directions” means an order by the court dealing with procedural matters,

for example an order setting out the dates by which certain steps must be taken;

- 1.10. “HMCTS” means Her Majesty’s Courts and Tribunals Service;
- 1.11. “legal adviser” has the meaning given in paragraph 1.2(b) of Civil Procedure Rules Practice Direction 51Q – the County Court Legal Advisers Pilot Scheme;
- 1.12. “legal representative” has the meaning given in Civil Procedure Rule 2.3(1);
- 1.13. “online claim” is a claim that is allowed by paragraph 5 of this practice direction to be brought using the Online Court process;
- 1.14. “online claim form” means form OCN1 found on the Online Court website that is the form that the claimant must use to make an online claim;
- 1.15. “the Online Court website” means the website that hosts the Online Court and that can be found at the following website address:
www.moneyclaim.hmcts.reform.net;
- 1.16. “paper response form” means Form OCPN9A – Admission (specified amount), or Form OCPN9B – Defence and Counterclaim (specified amount), that is sent in paper copy to a defendant who is unable to respond to the claim using the Online Court website, which that defendant must use to respond on paper instead;
- 1.17. “protected party” has the meaning given in Civil Procedure Rule 21.1(2);
- 1.18. “response form” means the relevant form that a defendant who is able to use the Online Court website must use to provide the detail of their response to the claim and as set out in Table A to paragraph 21;
- 1.19. “stay”, in relation to proceedings, means an order of the court that stops the proceedings from progressing, apart from taking any steps allowed by the Civil Procedure Rules including this practice direction or allowed by the terms of the stay. If the stay is “lifted” by the court, it means that the proceedings are allowed to resume.

SECTION 2 - SCOPE OF THE PILOT

2. The purpose of this practice direction is to establish a pilot to test an online claims process, called “the Online Court”. The pilot will be run on an invitation-only basis. The claimants invited to use the pilot to make their claim will be drawn from claimants who would otherwise make their claim through the main

Money Claim Online system. The pilot is to run from 7th August 2017 to 30th November 2019. The pilot applies in the County Court.

3. As with other Money Claim Online claims, claims started using the Online Court will be issued in the County Court Business Centre (“CCBC”) and will proceed at the CCBC under the pilot unless they are sent out of the pilot. (If a claim is sent out of the pilot and sent to the CCBC, the claim will be handled at the CCBC, but outside the pilot.) Normally, documents should be submitted to the court electronically using the Online Court website. However, if this is not possible, the address for submitting documents in paper copy is: the Online Court, County Court Business Centre, St Katharine’s House, 21-27 St. Katharine’s Street, Northampton, NN1 2LH, DX 702885 Northampton 7.
4. “HMCTS” (as defined) may invite claimants to use the Online Court as an alternative process for making a claim, and may only invite any particular claimant to use the pilot if their claim 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 amount of money not exceeding £10,000 including interest;
 - 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. if the claimant has brought any other claims using the Online Court, those claims have finished going through the pilot;
 - 5.5. the claim is not for personal injury;
 - 5.6. there is only one claimant making the claim, and the claimant informs the court that there is only one defendant;
 - 5.7. the claimant is aged 18 years or older;
 - 5.8. the claimant is not a “protected party” (as defined);
 - 5.9. the claimant’s postal address for service is within the United Kingdom;
 - 5.10. the claimant has an email address which can be used for the case;
 - 5.11. the fee for issuing the claim is paid in full, in sterling and using a valid debit or credit card;
 - 5.12. the claim is conducted in English;
 - 5.13. the claimant does not have in force against them –
 - 5.13.1. a “civil proceedings order” (as defined);
 - 5.13.2. an “all proceedings order” (as defined); or
 - 5.13.3. a “civil restraint order” (as defined);
 - 5.14. the claimant believes that the defendant–
 - 5.14.1. will not be getting help with defending the claim from a “legal representative” (as defined);

- 5.14.2. has a postal address for service within England and Wales;
 - 5.14.3. is aged 18 years or older;
 - 5.14.4. is not a “protected party”; and
 - 5.14.5. is not the Crown.
6. If the claimant is invited to use the Online Court and the claimant 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 is sent out of the pilot. Once the claim is sent out of the pilot, this practice direction will no longer apply. The rest of the rules and practice directions, however, will continue to apply to the claim, along with any changes to the rules or other practice directions made by this practice direction or orders made by the court to enable the claim to be sent out of the pilot successfully.

SECTION 3 – STARTING A CLAIM

Starting an online claim

7. In order to make an online claim against another person, the claimant must –
- 7.1. complete form number OCN1 found on the Online Court website (“the online claim form”);
 - 7.2. 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 Online Court website.
8. The claimant completes the online claim form by completing all parts of the form that are relevant to their claim and in particular by –
- 8.1. setting out all the details about their claim that they want to rely on to support their claim; and
 - 8.2. listing any documents or other evidence that they may want to rely on to support their claim.
9. The court must notify the claimant when it receives the submitted online claim form.
10. The court must keep a record of when it receives an online claim.

Making changes to the claim form

11. After the claim form has been submitted, the claimant may change their email address or telephone number (“contact details”), by contacting the court using

- the email address on the Online Court website, and requesting that their contact details be changed.
12. If the court receives a request from the claimant to change the claimant's contact details, the court must make those changes.
 13. If the claimant wants to amend their claim other than to change their contact details after their claim form has been submitted, the claimant must make an application to the court in accordance with Part 23. If the court receives such an application, it must send the claim out of the Online Court.

Issue and service of the claim by the court

14. When the court receives a submitted claim form from the claimant, it must issue the claim.
15. The court must notify the claimant when the online claim form has been issued and what the date of issue is.
16. The court must serve the claim on the person identified on the claim form as the defendant, being the person that the claimant is making the claim against ("the defendant").
17. The court serves the claim on the defendant by sending a paper version of the completed online claim form to the defendant at the postal address given for the defendant.
18. At the same time that the court serves the claim form on the defendant, it must also notify them as to what the date of issue is.

SECTION 4 – DEFENDANT'S RESPONSE ONLINE – GENERAL

19. If the defendant decides to respond to the claim and is able to do so online, they must contact the court within 19 days after the date of issue of the claim form and confirm –
 - 19.1. that they wish to respond; and
 - 19.2. whether they can provide details of their response within 19 days after the date of issue of the claim form.
- For example, if the court issued the online claim form on 3rd March, the defendant would have to contact the court on or before 22nd March.
20. The defendant must contact the court using the Online Court website.
 21. The defendant must provide the detail of their response to the court by completing and submitting the appropriate form ("response form") depending on the nature of their response, as set out in Table A and accessible via the

TABLE A

Nature of response	Appropriate response form to use	How to submit response form (electronically via the Online Court website, or in paper copy to the Online Court postal address set out in paragraph 3)
Defend the whole of the claim	Form OCON9B Defence and Counterclaim (specified amount)	Electronically, using the Online Court website
Defend part of the claim/admit part of the claim	Form OCON9A Admission (specified amount) and OCON9B Defence and Counterclaim (specified amount)	Electronically, using the Online Court website.
Defence and counterclaim	Form N9B	Paper copy to the Online Court postal address
Defence and notice of additional claim	Form N9B Defence and Counterclaim (specified amount)	Paper copy to the Online Court postal address
Defence and additional claim	Form N9B Defence and Counterclaim (specified amount)	Paper copy to the Online Court postal address
Admission	Form OCON9A Admission (specified amount)	Electronically, using the Online Court website.

Admission with request to pay later or by instalments	Form OCON9A Admission (specified amount)	Electronically, using the Online Court website.
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22. The defendant must use the appropriate response form from the Online Court website.
23. The defendant must submit their completed response form using the method set out in Table A.
24. The defendant must submit the completed response form so that it is received by the court within 19 days after the date of issue of the online claim form, unless they have notified the court that they cannot provide details of their response within that time. For example, if the court issued the online claim form on 3rd March and the defendant had not notified the court that they needed longer to provide the details of their response, the defendant would have to submit the completed response form to the court on or before 22nd March.
25. If the defendant has notified the court that they need more than that 19 days to provide details of their response, the defendant must submit their completed response form so that it is received by the court within 33 days after the date of issue. For example, if the court issued the online claim form on 3rd March, the defendant would have to submit the completed response form to the court on or before 5th April.
- (Section 10 states that if the court receives a form or document after 4 p.m., it is treated as received the following day.)
26. The court must tell the claimant –
- 26.1. when it receives the defendant’s confirmation of their intention to respond to the claim; and
 - 26.2. when it receives the defendant’s response form.
27. If the defendant does not confirm to the court that they wish to respond to the claim and/or does not submit the relevant response form to the court on time, the claimant may request a default judgment from the court, and paragraphs 59 to 61 will apply.

SECTION 5 – DEFENDANT’S RESPONSE ONLINE – DEFENDANT ONLY
DEFENDS THE WHOLE OF THE CLAIM, AND MAKES NO OTHER RESPONSE

Defendant's response online: defendant only defends the whole of the claim and makes no other response, but is also willing to mediate or negotiate

28. Paragraphs 29 to 38 apply if the defendant –
 - 28.1. responds online to the court on time;
 - 28.2. wishes only to defend the whole of the claim and makes no other response; and
 - 28.3. has notified the court that they are willing to mediate or are willing to negotiate further.
29. If, before the court receives the response form, the claimant has also told the court that they are willing to mediate or negotiate further, the court must “stay” the proceedings (as defined) for 28 days. The 28 day period is calculated from and including the date that the response form is received by the court. 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.
30. If before the court receives the response form, the claimant has not told the court that they are willing to mediate or negotiate further, the court must ask the claimant whether they are willing to mediate or negotiate.
31. If, within 5 days after the date of the court's enquiry, the claimant tells the court that they agree to mediate or negotiate further, the court must stay the proceedings for 28 days. The 28 day period is calculated from and including the date that the court receives the claimant's response to their enquiry. The court must also refer the matter to the Mediation Service if appropriate and tell the parties that the matter has been referred.
32. If, during the stay of proceedings, a party would like the proceedings to resume, the party must contact the court via the Online Court website, and ask the court to “lift” the stay (as defined).
33. If the court receives a request to lift the stay of proceedings, the court must –
 - 33.1. notify the other party that a request has been received; and
 - 33.2. send the claim out of the Online Court.
34. The claimant must tell the court if a settlement is reached. The claimant must also tell the court if the parties have agreed that the claim can be discontinued or dismissed.
35. If the 28 day stay of proceedings ends without the claimant telling the court that a settlement has been reached, the court must send the claim out of the Online Court.
36. If a settlement is reached within the 28 days, but the parties have not agreed that the claim can be dismissed or discontinued, the court must stay the proceedings. When it stays the proceedings, the court must also enable either

- or both parties to return to the court if the settlement breaks down, by giving permission for the parties to apply for –
- 36.1. judgment to be given for the unpaid balance of the outstanding sum of the settlement agreement; or
 - 36.2. the claim to be resumed for a hearing of the full amount of the claim.
37. If the court receives an application for judgment or for the claim to be resumed, the court must send the claim out of the Online Court.
38. If the claimant does not respond on time to the court's enquiry about mediation or further negotiation, or responds but with a refusal to mediate or negotiate, the court must send the claim out of the Online Court.

Defendant's response online: defendant only defends the whole of the claim and makes no other response, but is not willing to mediate or negotiate

39. If the defendant –
- 39.1. responds online to the court on time;
 - 39.2. wishes only to defend the whole of the claim and makes no other response; and
 - 39.3. has not notified the court that they are willing to mediate or negotiate further,
- the court must send the claim out of the Online Court.

Defendant's response online: what happens where the court must send the claim out of the Online Court because of unwillingness or failure to mediate or for breach of the settlement agreement

40. Paragraphs 41 and 42 apply if the defendant has submitted a response online defending the whole of the claim and the court has to send the claim out of the Online Court under the following provisions –
- 40.1. paragraph 33 (court receives a request to lift a stay of proceedings);
 - 40.2. paragraph 35 (28 day stay expires without parties notifying the court they have reached a settlement);
 - 40.3. paragraph 37 (the court receives an application for judgment on a claim that has been stayed, or for the claim to be resumed);
 - 40.4. paragraph 38 (the claimant fails to tell the court whether they are willing to mediate or negotiate, or refuses to mediate or negotiate);
 - 40.5. paragraph 39 (the defendant does not indicate that they are willing to mediate);
41. The court must send the claim out of the Online Court to the "CCBC" (as

- defined). The court must inform the claimant and defendant that the claim has been sent out of the Online Court, and explain why the claim has been sent out.
42. Once the claim has been sent out of the Online Court, this practice direction will no longer apply but the rest of the Civil Procedure Rules and practice directions will continue to apply with the following changes –
- 42.1. rule 26.3 (provisional allocation of a case to a case track in the court, and directions questionnaires) will apply as if the defendant files the defence when the CCBC receives the defendant's response form from the Online Court; and
- 42.2. rules 26.4 and 26.4A do not apply.

SECTION 6 – DEFENDANT'S RESPONSE ONLINE – DEFENDANT RESPONDS OTHER THAN ONLY TO DEFEND THE WHOLE OF THE CLAIM (ALTERNATIVE RESPONSES)

43. Paragraph 44 applies if the defendant submits a response form, but the response is other than only to defend the whole of the claim, for example the defendant responds to defend part of the claim but admit the other part of the claim, or the defendant counterclaims or brings another additional claim under Part 20 of the Civil Procedure Rules. Such a response is referred to as an "alternative response".
44. If the court receives an alternative response, the court must send the claim out of the Online Court to the CCBC.

SECTION 7 – DEFENDANT'S RESPONSE ON PAPER

45. If the defendant wants to respond to the claim but is unable, for any reason, to do so online, the defendant must contact the court within 19 days after the date of issue of the claim form and confirm that they want to respond. For example, if the court issued the online claim form on 3rd March, the defendant would have to contact the court on or before 22nd March.
46. The defendant may contact the court by telephone, using the HMCTS (as defined) helpline telephone number printed on the claim form.
47. If the defendant has confirmed to the court that they are unable to use the Online Court, the court must send the defendant a paper copy of each of the following forms –
- 47.1. Form OCPN9RP – Acknowledgment of Service; and

- 47.2. Form N9A – Admission or Form N9B – Defence and Counterclaim, as appropriate (“paper response form”).
48. When the court sends the acknowledgment of service and paper response form to the defendant, it must also tell the defendant of the date that it sent out those forms.
49. The court must tell the claimant –
- 49.1. if the defendant is unable to use the Online Court; and
- 49.2. the date that it sent the paper forms to the defendant.
50. The defendant must submit to the court, on time, the completed acknowledgment of service form.
51. The acknowledgment of service form will be submitted on time if the court receives it within 19 days after the date that the court first sent the form to the defendant. For example, if the court sent the acknowledgment of service form to the defendant on 3rd March, the defendant would have to complete the form and send it back to the court so it was received by the court on or before 22nd March.
52. The defendant must also submit to the court a completed paper response form which must be received by the court within that 19 day period, unless the defendant has, on the acknowledgment of service form, already asked for more time to submit the response form to the court.
53. If the defendant has already asked for more time, the defendant must still submit the completed paper response form on time so that the court receives the form within 33 days after the date that the court sent the paper response form to the defendant. For example, if the court sent the paper response form to the defendant on 3rd March, the defendant would have to complete the form and submit it to the court so that it was received by the court on or before 5th April.
54. The court must tell the claimant –
- 54.1. when it receives the defendant’s acknowledgment of service; and
- 54.2. when it receives the defendant’s paper response form.
55. If the defendant does not submit the completed acknowledgment of service or paper response form to the court on time, the claimant may apply to the court for default judgment and paragraphs 59 to 61 will apply.
56. If the defendant does submit the completed acknowledgment of service and paper response form on time, the court must send the claim out of the Online Court to the CCBC.
57. The court must let the claimant and defendant know that the claim has been sent out of the Online Court and explain why the claim has been sent out.

58. When the court sends the claim to the CCBC –

58.1. this practice direction will no longer apply to the claim; but

58.2. the rest of the Civil Procedure Rules and other practice directions will continue to apply with the following change: rule 26.3 (provisional allocation of a case to a case track in the court, and directions questionnaires) will apply as if the defendant filed the defence when the CCBC received the defendant's paper response form from the Online Court.

SECTION 8 – CONSEQUENCES OF THE DEFENDANT FAILING TO RESPOND ON TIME

Consequences of the defendant failing to respond to the court on time: judgment in default of responding

59. If the defendant does not, on time, contact the court, submit an acknowledgment of service (if appropriate) and submit to the court a completed response form or completed paper response form, the claimant may request that the court make a judgment in default.
60. The claimant may request a judgment in default by completing and submitting form OCON205A ("judgment in default form") online via the Online Court website.
61. If the court receives a judgment in default form, the court must send the claim out of the Online Court to the CCBC.

What happens when the defendant does not respond, and the claimant does not take further action against the defendant, for 6 months

62. If 6 months have passed since the court issued the claim and in that time –
- 62.1. the defendant has not responded to the claim; and
- 62.2. the claimant has not applied for a default judgment or summary judgment,
- the court must "stay" the proceedings (as defined).
63. If the proceedings have been stayed, any party may make an application to the court using form N244 Application notice to "lift" the stay (as defined) so that the proceedings on the claim can resume.
64. An application to lift the stay must be made using the procedure set out in Civil Procedure Rules Part 23.

65. If the court receives an application to lift the stay, the court must –
- 65.1. notify the other party that the application has been received; and
 - 65.2. send the claim out of the Online Court.

**SECTION 9 – CONFIRMING THAT THE CONTENTS OF CLAIM FORMS,
RESPONSE FORMS AND PAPER RESPONSE FORMS ARE TRUE
(STATEMENT OF TRUTH)**

66. When the claimant submits a claim form, the form must include the following statement of truth signed by the claimant:
“I believe that the facts stated in this claim form are true.”
67. When the defendant submits a response form or paper response form (as appropriate), the form must include the following statement of truth signed by the defendant:
“I believe that the facts stated in this response form are true.”
68. A statement of truth is signed by that person entering their name in the required field in the online form or manually signing at the appropriate place on a paper form.
69. If the claimant or defendant 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 10 – SUBMITTING DOCUMENTS AT COURT– TIMING OF
SUBMITTING, AND RESPONSIBILITY FOR SUBMITTING ON TIME**

70. If the Online Court website is functioning normally so that it can receive forms and documents, and the court receives a form or document after 4 p.m., that form or document is treated as submitted the following day.
71. If –
- 71.1. the Online Court website is malfunctioning and cannot receive forms and/or documents;
 - 71.2. that malfunction starts before but continues beyond 4 p.m. on a particular day; and
 - 71.3. that malfunction alone prevents a person from being able to submit a form or document within a time limit imposed by this practice direction or in “directions” (as defined),

a judge must give directions to alter the time limit for submitting that form or document, 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.

72. If a time limit imposed by this practice direction or in directions expires on a day when the CCBC is closed, a form or document is still submitted on time if it is submitted on the next day the court office is open.

73. Where any time limit applies (whether imposed by this practice direction or in any other way) it is the relevant party's responsibility to ensure that a form or document is submitted on time.

(Civil Procedure Rule Practice Direction 2A paragraph 3.2 sets out the days when court offices (including the CCBC) are closed.)

SECTION 11 – PROCEDURE WHERE THE PARTIES MAKE AN APPLICATION TO THE COURT NOT COVERED BY THE ONLINE COURT

74. If the claimant or defendant wants to make an application to the court which is not catered for by this practice direction, that party must notify the court.

75. When the court receives any such application, the application must be considered by a judge or a "legal adviser" (as defined), if appropriate, who must give directions as to how the application is to be handled. The directions may include that the claim be sent out of the Online Court. It will only be appropriate for a legal adviser to consider a particular application if a provision elsewhere in the Civil Procedure Rules enables them to consider applications of that type.

SECTION 12 – PARTIES OR THE COURT REQUIRING THE CLAIM TO BE SENT OUT OF THE ONLINE COURT

The claimant or defendant no longer wishes to take part in the Online Court

76. If the claimant or defendant no longer wishes to take part in the Online Court, they may request that the court sends the claim out. If the court receives such a request, it must refer the matter to a judge. The judge must then direct that the claim be sent out of the Online Court.

Court considers that a claim is not - or is no longer - suitable for the Online Court

77. Where a claim has not already been sent out of the Online Court but the court, at any stage, concludes that the claim is not suitable for the Online Court, or is no longer suitable for it, the judge must send the claim out.

**SECTION 13 – PROCESS FOR SENDING A CLAIM OUT OF THE ONLINE COURT
WHERE NO OTHER PROVISION APPLIES**

78. If –

78.1. a provision of this practice direction requires the court or a judge to send a claim out of the Online Court; or

78.2. under “directions” (as defined) a claim is to be sent out of the Online Court,

then this Section sets out the process for sending the claim out. If, however, another provision applies to a particular claim and sets out the whole or part of the process for sending out, that provision prevails to the extent that it is inconsistent with this Section.

79. A judge must decide where to send a claim that is being sent out.

80. To ensure that a claim is sent out of the Online Court successfully, the court may give directions (as defined) about how the claim is to be sent out, which may include changing how any of the Civil Procedure Rules or any of the other practice directions will apply to the claim.

81. If the court sends a claim out of the Online Court, the court must inform the claimant and defendant of this and must –

81.1. explain why the claim has been sent out; and

81.2. set out any directions given by the court.

82. Once the court sends the claim out of the Online Court, this practice direction will no longer apply to the claim, but the rest of the Civil Procedure Rules and other practice directions will continue to apply, with any changes that the court has directed.”.