

PRACTICE DIRECTION – PILOT SCHEME FOR COMMUNICATION AND FILING OF DOCUMENTS BY E-MAIL

THIS PRACTICE DIRECTION SUPPLEMENTS RULE 5.5

Scope of this Practice Direction

- 1.1 This practice direction provides for a pilot scheme to operate from 2nd December 2002 to 31st January 2004 permitting parties to claims in specified county courts to –
 - (1) communicate with the court by e-mail, and
 - (2) file specified documents by e-mail.
- 1.2 This practice direction initially applies only to claims in Walsall County Court. (The practice direction may later be extended to apply to other county courts.)
- 1.3 This practice direction does not apply to family proceedings, adoption proceedings or insolvency proceedings.

Communications and documents which may be sent by e-mail

- 2.1 A party must not use e-mail to take any step in a claim which requires a fee to be paid for that step. If a party sends by e-mail a document for which a fee is payable upon filing, the document will be treated as not having been filed.
- 2.2 Parties to claims in a court to which this practice direction applies may send to the court by e-mail –
 - (1) general correspondence and enquiries;
 - (2) notice by solicitor of acting;
 - (3) notice of change of address;
 - (4) any of the following documents –
 - (a) acknowledgment of service;
 - (b) admission, other than one under rule 14.4;
 - (c) defence, provided that no counterclaim is made;
 - (d) reply to defence;
 - (e) allocation questionnaire, provided that no fee is payable by the party filing the questionnaire;
 - (f) pre-trial check list (listing questionnaire), provided that no fee is payable by the party filing the check list;
 - (g) certificate of service;

- (h) request for judgment in default or upon admission;
 - (i) claimant's response to notice of admission under rule 14.5(3) or rule 14.7(3);
 - (j) claimant's response to notice under rule 15.10, where defence is that money claimed has been paid;
 - (k) notice of discontinuance, provided that the claimant does not require permission to discontinue, and is not required to attach to the notice the consent of another party;
 - (l) notice of change of solicitor.
- 2.3 Where a party files a document by e-mail he must still comply with any rule or practice direction requiring the document to be served on any other person.
- 2.4 Nothing in this practice direction requires any person to accept service of a document by e-mail.

Form and contents of e-mail

- 3.1 The subject line of the e-mail must contain –
- (1) the claim number;
 - (2) the title of the claim (abbreviated if necessary);
 - (3) the subject matter (e.g. defence); and
 - (4) if the message relates to a hearing, the date and time of the hearing.
- 3.2 The message must contain the name, telephone number and e-mail address of the sender. The court will normally send any reply to messages by e-mail.
- 3.3 Correspondence and documents may be sent either as text or attachments, except that documents required to be in a practice form must be sent in that form as attachments. Court forms may be downloaded from the Court Service website www.courtservice.gov.uk.
- 3.4 Attachments must be in one of the following formats –
- (a) Rich Text Format as (.rtf) files
 - (b) Plain/Formatted Text as (.txt) files
 - (c) Hypertext documents as (.htm) files
 - (d) Microsoft Word viewer/reader (.doc) in Word97 format
 - (e) Adobe Acrobat as (.pdf) minimum viewer version 4
 - (f) Lotus Notes Web Access (.nsf).
- 3.5 Parties are advised not to send by e-mail any correspondence or documents of a confidential or sensitive nature, as security cannot be guaranteed.

- 3.6 If a document sent by e-mail requires urgent attention, the sender should contact the court by telephone.

Filing of documents by e-mail

- 4.1 Where a party files a document by e-mail, he must not send a hard copy in addition.
- 4.2 A document is not filed until the e-mail is received by the court, whatever time it is shown to have been sent.
- 4.3 The time of receipt of an e-mail will be recorded.
- 4.4 If an e-mail is received after 4 p.m. it will be treated as filed on the next day the court office is open.
- 4.5 Where a time limit applies, it remains the responsibility of the party to ensure that the document is filed in time.
- 4.6 The court will send an automatic acknowledgment when an e-mail is received. The acknowledgment is merely to confirm receipt and does not indicate that a filed document has been accepted. If no acknowledgment of an e-mail is received, the sender should assume that the court has not received it and should send the e-mail again, or file the document by another means.

Statement of truth in document filed by e-mail

- 5.1 CPR Part 22 requires certain documents to be verified by a statement of truth. These include a statement of case, and an acknowledgment of service in a claim begun by way of the Part 8 procedure.
- 5.2 Rule 22.1(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 a document filed by e-mail. However, the statement of truth must still be signed in any copies of the document which are served on other parties.
- 5.3 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) rule 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.