

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

THIS PRACTICE DIRECTION SUPPLEMENTS RULE 5.5

Scope

- 1.1 This practice direction provides for parties to claims in specified courts to –
 - (a) communicate with the court by e-mail; and
 - (b) file specified documents by e-mail.
- 1.2 A specified court is a court or a court office which has published an e-mail address for the filing of documents on the court service website www.courtservice.gov.uk ('the site').
- 1.3 This practice direction does not allow communication with the court or the filing of documents by e-mail in proceedings to which the Civil Procedure Rules do not apply.

Communications and documents which may be sent by e-mail

- 2.1 Subject to paragraph 2.3, a party to a claim in a specified court may send a specified document to the court by e-mail.
- 2.2 A specified document is a document listed on the site as a document that may be sent to or filed in that court by e-mail.
- 2.3 A party must not use e-mail to take any step in a claim for which a fee is payable.
- 2.4 If –
 - (a) a fee is payable on the filing of a particular document; and
 - (b) a party purports to file that document by e-mail,the court shall treat the document as not having been filed.
- 2.5 Paragraphs 2.3 and 2.4 do not apply to applications issued at Preston County Court under the PREMA pilot scheme.

(Rule 6.2(1)(e) permits service by e-mail in accordance with the relevant practice direction. Paragraph 3 of the Practice Direction accompanying Part 6 sets out the circumstances in which a party may serve a document by e-mail)

Technical specifications of e-mail

- 3.1 The e-mail message must contain the name, telephone number and e-mail address of the sender and should be in plain text or rich text format rather than HTML.

- 3.2 Correspondence and documents may be sent as either text in the body of the e-mail, or as attachments, except as mentioned in paragraph 3.3.
- 3.3 Documents required to be in a practice form must be sent in that form as attachments.
- 3.4 Court service forms may be downloaded from the site.
- 3.5 Attachments must be sent in a format supported by the software used by the specified court to which it is sent. The format or formats which may be used in sending attachments to a particular specified court are listed on the site.
- 3.6 An attachment which is sent to a specified court in a format not listed on the site as appropriate for that court will be treated as not having been received by the court.
- 3.7 The length of attachments and total size of e-mail must not exceed the maximum which a particular specified court has indicated that it can accept. This information is listed on the site.

Filing of documents by e-mail

- 4.1 Where a party files a document by e-mail, he must not send a hard copy of that document to the court.
- 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 electronically on the e-mail as it is received.
- 4.4 If an e-mail is received after 4 p.m –
 - (a) the e-mail will be treated as received; and
 - (b) any documents attached to the e-mail will be treated as filed, on the next day the court office is open.
- 4.5 The party sending the e-mail is responsible for ensuring that a document attached to the e-mail is filed within any relevant time limits.
- 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.
- 4.7 The court will normally reply by e-mail to any messages sent by e-mail.
- 4.8 Parties are advised not to send by e-mail any correspondence or documents of a confidential or sensitive nature, as security cannot be guaranteed.
- 4.9 If a document sent by e-mail requires urgent attention, the sender should contact the court by telephone.

Statement of truth in documents filed by e-mail

- 5.1 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 using the Part 8 procedure.
- 5.2 Rule 22.1(6) requires a statement of truth to be signed. Where a party wishes to file a document containing a statement of truth by e-mail that party should retain the document containing the original signature and file with the court a version of the document satisfying one of the following requirements –
 - (a) the name of the person who has signed the statement of truth is typed underneath the statement;
 - (b) the person who has signed the statement of truth has applied a facsimile of his signature to the statement in the document by mechanical means; or
 - (c) the document that is filed is a scanned version of the document containing the original signature to the statement of truth.