

PRACTICE DIRECTION

PRODUCTION CENTRE

This Practice Direction supplements CPR rule 7.10

GENERAL

1.1 In this Practice Direction –

‘the Centre’ means the Production Centre;

‘Centre user’ means a person who is for the time being permitted to start a claim through the Centre, and includes a legal representative acting for such a person;

‘officer’ means the court officer in charge of the Centre or another officer of the Centre acting on the former’s behalf;

‘national creditor code’ means the number or reference allotted to a Centre user by the officer;

‘Code of Practice’ means any code of practice which may at any time be issued by Her Majesty’s Courts Service relating to the discharge by the Centre of its functions and the way in which a Centre user is to conduct business with the Centre; and

‘data’ means any information which is required to be given to the court or which is to be contained in any document to be sent to the court or to any party.

1.2 For any purpose connected with the exercise of its functions, the Centre will be treated as part of the office of the court whose name appears on the claim form to which the functions relate, or in whose name the claim form is requested to be issued, and the officer will be treated as an officer of that court.**1.3**

- (1) The functions of the Centre include the provision of a facility which, through the use of information technology, enables a Centre user to have claim forms issued and served, whether or not those claim forms are to be treated as issued in the Northampton County Court or in another county court.
- (2) If a Centre user files claim forms in the name of Northampton County Court, the functions of the Centre also include –
 - (a) the handling of defences and admissions;
 - (b) the entry of judgment in default, on admission, on acceptance, or on determination;
 - (c) the registration of judgments;
 - (d) the issue of warrants of execution;
 - (e) where the defendant is an individual, the transfer to the defendant’s home court of any case that is to continue following the filing of a defence or where a hearing is required before judgment; or, where the defendant is not an individual, the transfer to the court for the area of the claimant’s, or where legally represented, the claimant’s legal representative’s address; and
 - (f) the transfer to the defendant’s home court of any case for the questioning of the defendant pursuant to an order for information under Part 71 or where enforcement of a judgment (other than by warrant of execution, charging order or third party debt order) is to follow.

1.4

- (1) Where the officer is to take any step, any rule or practice direction which requires a document to be filed before such step is taken will be treated as complied with if the data which that

document would contain are delivered to the Centre in computer readable form in accordance with the Code of Practice.

- (2) Data relating to more than one case may be included in a single document or delivery of data.
- (3) Rules 6.4(3) and 6.21(4)(copies of documents to be served by the court) do not apply to any document which is to be produced by electronic means from data supplied by a Centre user.
- (3A) The requirement in paragraph 7.3 of practice direction 16 (statements of case) for documents to be attached to the particulars of contract claims does not apply to claims to be issued by the Centre, unless the particulars of claim are served separately in accordance with paragraph 5.2 of this practice direction.
- (4) The practice direction supplementing Part 22 (statements of truth) is modified as follows –
 - (a) a single statement of truth may accompany each batch of requests to issue claim forms and may be in electronic form;
 - (b) the form of such a statement must be: ‘I believe that the facts stated in the attached claim forms are true.’; and
 - (c) the signature of the appropriate person (as to which see paragraph 3 of the practice direction supplementing Part 22) may be in electronic form.

CLAIMS WHICH MAY NOT BE ISSUED THROUGH THE CENTRE

- 2.1 The Centre will not issue any claim form which is to be issued in the High Court.
- 2.2 The Centre will only issue a claim form if the claim is for a specified sum of money less than £100,000.
- 2.3 The Centre will not issue any of the following types of claim –
 - (1) a claim against more than two defendants;
 - (2) a claim against two defendants where a different sum is claimed against each of them;
 - (3) a claim against the Crown;
 - (4) a claim for an amount in a foreign currency;
 - (5) a claim where either party is known to be a child or protected party within Part 21;
 - (6) a claim where the claimant is a legally assisted person within the meaning of the Legal Aid Act 1988;
 - (7) a claim where the defendant’s address for service as it appears on the claim form is not in England and Wales;
 - (8) a claim which is to be issued under Part 8.

CENTRE USERS

- 3.1 Only a Centre user may start or conduct claims through the Centre.
- 3.2 The officer may permit any person to be a Centre user.
- 3.3 The officer may withdraw the permission for any person to be a Centre user.
- 3.4 A Centre user must comply with the provisions of the Code of Practice in dealing with the Centre.
- 3.5 The officer will allot a national creditor code to each Centre user.

THE CODE OF PRACTICE

- 4.1** The Code of Practice will contain provisions designed to ensure that the Centre can discharge its functions efficiently, and it may in particular provide for –
- (1) the forms of magnetic media that may be used;
 - (2) the circumstances in which data may or must be supplied in magnetic form;
 - (3) the circumstances in which data may or must be supplied in a document and the form that such a document must take;
 - (4) how often data may be supplied;
 - (5) the numbering of cases and data relating to cases;
 - (6) data to be given to the Centre by the Centre user about cases which have been settled or paid or are otherwise not proceeding; and
 - (7) accounting arrangements and the method of payment of fees.
- 4.2** Her Majesty's Courts Service may change the Code of Practice from time to time.

OTHER MODIFICATIONS TO THE CIVIL PROCEDURE RULES

Powers of the officer to make orders

- 5.1** The officer may make the following orders –
- (1) an order to set aside a default judgment where, after that judgment has been entered, the claim form is returned by the Post Office as undelivered;
 - (2) an order to set aside a judgment on application by a Centre user;
 - (3) an order to transfer a case to another county court for enforcement or for a judgment debtor to attend court for questioning pursuant to an order for information under CPR Part 71.

Filing separate particulars of claim

- 5.2**
- (1) Subject to the sub-paragraphs below, the claimant may serve and file particulars of claim separately from the claim form but the claimant must in the claim form –
 - (a) state that the particulars of claim will follow; and
 - (b) include a brief summary of the claim.
 - (2) Where the claimant serves the particulars of claim separately from the claim form pursuant to sub-paragraph (1), the claimant must –
 - (a) serve the particulars of claim in accordance with rule 7.4(1)(b); and
 - (b) file a certificate of service in form N215 at the Centre within 14 days of service of the particulars of claim on the defendant.
 - (3) The claimant must file the particulars of claim at the court to which the proceedings are transferred under paragraph 1.3(2)(e) within 7 days of service of the notice of transfer.
 - (4) Where the proceedings are not transferred under paragraph 1.3(2)(e) and remain at the Centre, the claimant is not required to file the particulars of claim unless ordered to do so.

Procedure on the filing of a defence

- 5.3**
- (1) This paragraph applies where a Centre user has started a claim in the Northampton County Court and the defendant has filed a defence to the claim or to part of the claim.

- (2) On the filing of the defence the officer will serve a notice on the Centre user requiring the Centre user to state within 28 days whether the claim is to proceed.
- (3) If the Centre user does not notify the officer within the time specified in the notice that the claim is to proceed, the claim will be stayed, and the officer will notify the parties accordingly.
- (4) The proceedings will not be transferred as provided by paragraph 1.3(2)(e) until the Centre user notifies the officer that the claim is to continue.