

PRACTICE DIRECTION 5B

ELECTRONIC COMMUNICATION AND FILING OF DOCUMENTS

This Practice Direction supplements rule 5.5

General

- 1.1** Section I of this practice direction provides for parties to claims in specified courts to –
 - (1) communicate with the court by e-mail; and
 - (2) file specified documents by e-mail.
- 1.2** Section II of this practice direction provides for parties to claims in specified courts to file specified documents electronically via an online forms service.
- 1.3** Section III of this practice direction contains general provisions which apply to both Section I and Section II.
- 1.4** This practice direction does not allow –
 - (1) communication with the court or the filing of documents by email; or
 - (2) use of the online forms service,

in proceedings to which the Civil Procedure Rules do not apply.

SECTION I – COMMUNICATION AND FILING OF DOCUMENTS BY E-MAIL

Interpretation

- 2.1** For the purposes of this Section –
 - (1) a specified court is a court or court office which has published an e-mail address for the filing of documents on the Court Service website www.courtservice.gov.uk ('the Court Service website'); and
 - (2) a specified document is a document listed on the Court Service website as a document that may be sent to or filed in that court by e-mail.

Communications and documents which may be sent by e-mail

- 3.1** Subject to paragraph 3.2, a party to a claim in a specified court may send a specified document to the court by e-mail.
- 3.2** Subject to paragraph 3.2A, a party must not use e-mail to take any step in a claim for which a fee is payable.
- 3.2A** A party may make an application using e-mail in the Preston Combined Court, where he is permitted to do so by PREMA (Preston E-mail Application Service) User Guide and Protocols.
- 3.3** Subject to paragraph 3.3A and paragraph 15.1A of Practice Direction 52, 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.

- 3.3A** A party may file by email an application notice in the Preston Combined Court where permitted to do so by PREMA (Preston E-mail Application Service) User Guide and Protocols.

(Paragraph 15.1A of Practice Direction 52 provides for filing by email an appeal notice or application notice in proceedings in the Court of Appeal, Civil Division.)

(Rules 6.3(1)(d) and 6.20(1)(d) permit service by e-mail in accordance with the relevant practice direction. Rule 6.23(6) and paragraph 4 of Practice Direction 6A set out the circumstances in which a party may serve a document by e-mail.)

Technical specifications of e-mail

- 4.1** 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.
- 4.2** Correspondence and documents may be sent as either text in the body of the e-mail, or as attachments, except as mentioned in paragraph 4.3.
- 4.3** Documents required to be in a practice form must be sent in that form as attachments.
- 4.4** Court forms may be downloaded from the Court Service website.
- 4.5** 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 Court Service website.
- 4.6** An attachment which is sent to a specified court in a format not listed on the Court Service website as appropriate for that court will be treated as not having been received by the court.
- 4.7** 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 Court Service website.
- 4.8** Where proceedings have been commenced, the subject line of the e-mail must contain the following information –
- (1)** the case number;
 - (2)** the parties' names (abbreviated if necessary); and
 - (3)** the date and time of any hearing to which the e-mail relates.

SECTION II – ONLINE FORMS SERVICE

Scope and interpretation

- 5.1** Reference to an online forms service is reference to a service available at www.courtservice.gov.uk ('the forms website'). The forms website contains certain documents which a user may complete online and then submit electronically to a specified court.
- 5.2** For the purposes of this Section –
- (1)** a specified court is a court or court office listed on the Court Service website as able to receive documents filed electronically via the online forms service; and
 - (2)** a specified document is a document which is available for completion on the forms website.

(Paragraph 15.1B of Practice Direction 52 provides for certain notices to be filed electronically at the Court of Appeal, Civil Division using the online forms service on the Court of Appeal, Civil Division website)

Filing of documents online

- 6.1** A party to a claim in a specified court may send a specified document to the court using the online forms service.
- 6.2** A party may use the online forms service to take a step in a claim for which a fee is payable. The fee must be paid, using the facilities available at the online forms service, before the application, or other document attracting a fee, is forwarded to the specified court.
- 6.3** The online forms service will assist the user in completing a document accurately but the user is responsible for ensuring that the rules and practice directions relating to the document have been complied with. Transmission by the service does not guarantee that the document will be accepted by the specified court.

SECTION III – GENERAL PROVISIONS

Interpretation

- 7** In this Section –
 - (1)** filing or sending a document ‘electronically’, means filing or sending it in accordance with Section I or Section II; and
 - (2)** a reference to ‘transmission’ means, unless the context otherwise requires –
 - (a)** in relation to Section I, the e-mail sent by the party to the court; and
 - (b)** in relation to Section II, the electronic transmission of the form by the online forms service to the court.

Provisions relating to the filing of documents electronically

- 8.1** Where a party files a document electronically, he must not send a hard copy of that document to the court.
- 8.2** A document is not filed until the transmission is received by the court, whatever time it is shown to have been sent.
- 8.3** The time of receipt of a transmission will be recorded electronically on the transmission as it is received.
- 8.4** If a transmission is received after 4pm –
 - (1)** the transmission will be treated as received; and
 - (2)** any document attached to the transmission will be treated as filed,

on the next day the court office is open.
- 8.5** A party –
 - (1)** sending an e-mail in accordance with Section I; or
 - (2)** using the online forms service in accordance with Section II,
is responsible for ensuring that the transmission or any document attached to it is filed within any relevant time limits.

8.6 The court will normally reply by e-mail where –

- (1) the response is to a message transmitted electronically; and
- (2) the sender has provided an e-mail address.

8.7 Parties are advised not to transmit electronically any correspondence or documents of a confidential or sensitive nature, as security cannot be guaranteed.

8.8 If a document transmitted electronically requires urgent attention, the sender should contact the court by telephone.

8.9 A document that is required by a rule or practice direction to be filed at court is not filed when it is sent to the judge by e-mail.

Statement of truth in documents filed electronically

9 Where a party wishes to file a document containing a statement of truth electronically, 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 –

- (1) the name of the person who has signed the statement of truth is typed underneath the statement;
- (2) 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
- (3) the document that is filed is a scanned version of the document containing the original signature to the statement of truth.