

PRACTICE DIRECTION 7E

MONEY CLAIM ONLINE

This Practice Direction supplements CPR Part 7

GENERAL

- 1.1** This practice direction provides for a scheme in which, in the circumstances set out in this practice direction, a request for a claim form to be issued and other specified documents may be filed electronically ('Money Claim Online').
- 1.2** This practice direction enables claimants –
- (1) to start certain types of county court claims by requesting the issue of a claim form electronically via Her Majesty's Courts Service website; and
 - (2) where a claim has been started electronically –
 - (a) to file electronically a request for –
 - (i) judgment in default;
 - (ii) judgment on acceptance of an admission of the whole of the amount claimed; or
 - (iii) the issue of a warrant of execution; and
 - (b) to view an electronic record of the progress of the claim.
- 1.3** This practice direction also enables defendants –
- (1) to file electronically –
 - (a) an acknowledgment of service;
 - (b) a part admission;
 - (c) a defence; or
 - (d) a counterclaim (if filed together with a defence); and
 - (2) to view an electronic record of the progress of the claim.
- 1.4** Claims started using Money Claim Online will be issued by Northampton County Court and will proceed in that court unless they are transferred to another court. The address for filing any document, application or request (other than one which is filed electronically in accordance with this practice direction) is Northampton County Court, St Katharine's House, 21-27 St Katharine's Street, Northampton, NN1 2LH, DX 702885 Northampton 7, fax no. 0845 6015889.

SECURITY

- 2** Her Majesty's Courts Service will take such measures as it thinks fit to ensure the security of steps taken or information stored electronically. These may include requiring users of Money Claim Online –
- (1) to enter a customer identification and password;
 - (2) to provide personal information for identification purposes; and
 - (3) to comply with any other security measures,
- before taking any of the steps mentioned in paragraph 1.2 or 1.3.

FEES

- 3.1** Where this practice direction provides for a fee to be paid electronically, it may be paid by –
- (1)** credit card;
 - (2)** debit card; or
 - (3)** any other method which Her Majesty's Courts Service may permit.
- 3.2** A step may only be taken using Money Claim Online on payment of the prescribed fee. The Civil Proceedings Fees Order 2008 provides that a party may, in certain circumstances, be entitled to a remission or part remission of a fee prescribed by that Order. Her Majesty's Courts Service website contains guidance as to when this entitlement might arise.
- 3.3** A claimant who wishes to apply for a remission or part remission of fees must not use Money Claim Online and must file the claim form at a court office.

TYPES OF CLAIMS WHICH MAY BE STARTED USING MONEY CLAIM ONLINE

- 4** A claim may be started using Money Claim Online if it meets all the following conditions –
- (1)** the only remedy claimed is a specified amount of money –
 - (a)** less than £100,000 (excluding any interest or costs claimed); and
 - (b)** in sterling;
 - (2)** the procedure under Part 7 is used;
 - (3)** the claimant is not –
 - (a)** a child or protected party; or
 - (b)** funded by the Legal Services Commission;
 - (4)** the claim is against –
 - (a)** a single defendant; or
 - (b)** two defendants, if the claim is for a single amount against each of them;
 - (5)** the defendant is not –
 - (a)** the Crown; or
 - (b)** a person known to be a child or protected party; and
 - (6)** each party's address for service is within England and Wales.

(‘Protected party’ has the same meaning as in rule 21.1(2).)

STARTING A CLAIM

- 5.1** A claimant may request the issue of a claim form by –
- (1)** completing and sending an online claim form; and
 - (2)** electronically paying the appropriate issue fee, at www.hmcourts-service.gov.uk/onlineservices/mcol.
- 5.2** Detailed particulars of claim must either be –
- (1)** included in the online claim form but must be limited in size to not more than 1080 characters (including spaces); or
 - (2)** served and filed by the claimant separately from the claim form in accordance with paragraph 6 but the claimant must –
 - (a)** state that detailed particulars of claim will follow; and
 - (b)** include a brief summary of the claim,

in the online claim form in the section headed 'particulars of claim'.

- 5.2A** The requirement in paragraph 7.3 of Practice Direction 16 for documents to be attached to the particulars of contract claims does not apply to claims started using an online claim form, unless the particulars of claim are served separately in accordance with paragraph 5.2 of this practice direction.
- 5.3** When an online claim form is received by the Money Claim Online website, an acknowledgment of receipt will automatically be sent to the claimant. The acknowledgment of receipt does not constitute a notice that the claim form has been issued.
- 5.4** When the court issues a claim form following the submission of an online claim form, the claim is 'brought' for the purposes of the Limitation Act 1980 and any other enactment on the date on which the online claim form is received by the court's computer system. The court will keep a record, by electronic or other means, of when online claim forms are received.
- 5.5** When the court issues a claim form, it will –
- (1) serve a printed version of the claim form on the defendant; and
 - (2) send the claimant notice of issue.
- 5.6** The claim form will have printed on it a unique customer identification number or a password by which the defendant may access details of the claim on Her Majesty's Courts Service website.
- 5.7** The claim form will be deemed to be served on the fifth day after the claim was issued irrespective of whether that day is a business day or not. 'Business day' has the same meaning as in rule 6.2(b).

PARTICULARS OF CLAIM AND CERTIFICATE OF SERVICE

- 6.1** Where the particulars of claim are served by the claimant separately from the claim form pursuant to paragraph 5.2(2), the claimant must –
- (1) serve the particulars of claim in accordance with rule 7.4(1)(b); and
 - (2) file a certificate of service in form N215 at Northampton County Court within 14 days of service of the particulars of claim on the defendant.
- 6.2** The certificate of service may be filed at the court by sending form N215 by e-mail to mcolaos@hmcourts-service.gsi.gov.uk. However, the subject line to the e-mail must contain the claim number.
- 6.3** The claimant must file the particulars of claim at the court to which the proceedings are transferred under paragraph 12.1 or 12.2 within 7 days of service of the notice of transfer by the court.
- 6.4** Where the proceedings are not transferred under paragraph 12.1 or 12.2 and remain at Northampton County Court, the claimant is not required to file the particulars of claim at that court unless ordered to do so.

ONLINE RESPONSE

- 7.1** A defendant wishing to file –
- (1) an acknowledgment of service of the claim form under Part 10;
 - (2) a part admission under rule 14.5;

- (3) a defence under Part 15; or
- (4) a counterclaim (to be filed together with a defence),
may, instead of filing a written form, do so by completing and sending the relevant online form at www.hmcourts-service.gov.uk/onlineservices/mcol.

7.2 Where a defendant files an online form –

- (1) a hard copy must not be sent in addition;
- (2) the form is not filed until it is received by the court, whatever time it is shown to have been sent;
- (3) an online form received after 4 p.m. will be treated as filed on the next day the court office is open; and
- (4) where a time limit applies, it remains the responsibility of the defendant to ensure that the online form is filed in time.

COUNTERCLAIM

- 8** Where a counterclaim is filed using an online form, any fee payable must be paid to the court to which the claim is transferred under paragraph 12.1 or 12.2.

STATEMENT OF TRUTH

- 9.1** Part 22 requires any statement of case to be verified by a statement of truth. This applies to all online forms.
- 9.2** The statement of truth in an online statement of case must be in the form –
‘[I believe][The claimant believes] that the facts stated in this claim form are true.’; or
‘[I believe][The defendant believes] that the facts stated in this defence are true.’,
as appropriate.
- 9.3** Attention is drawn to –
- (1) paragraph 3 of Practice Direction 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.

SIGNATURE

- 10** Any provision of the CPR which requires a document to be signed by any person is satisfied by that person entering their name on an online form.

REQUEST FOR JUDGMENT OR ISSUE OF WARRANT

- 11.1** If, in a claim started using Money Claim Online –
- (1) the claimant wishes to apply for judgment in default in accordance with Part 12; or
 - (2) the defendant has filed or served an admission of the whole of the claim in accordance with rule 14.4,
the claimant may request judgment to be entered in default or on the admission (as the case may be) by completing and sending an online request form at www.hmcourts-service.gov.uk/onlineservices/mcol.
- 11.2** Where –

- (1) judgment has been entered following a request under paragraph 11.1; and
- (2) the claimant is entitled to the issue of a warrant of execution without requiring the permission of the court,
the claimant may request the issue of a warrant of execution by –
 - (a) completing and sending an online request form; and
 - (b) electronically paying the appropriate fee,
at www.hmcourts-service.gov.uk/online services/mcol.

(Order 26 of the County Court Rules ('CCR') contains rules about warrants of execution. Among other matters, CCR Order 26 rule 1 contains restrictions on when a warrant of execution may be issued if the court has made an order for payment of a sum of money by instalments, and CCR Order 26 rule 5 sets out certain circumstances in which a warrant of execution may not be issued without the permission of the court.)

- 11.3** A request under paragraph 11.1 or 11.2 will be treated as being filed –
- (1) on the day the court receives the request, if it receives it before 9a.m. on a working day (which is any day on which the court is open); and
 - (2) otherwise, on the next working day after the court receives the request.

TRANSFER OF CLAIM

- 12.1** Where the defendant is an individual and Northampton County Court is not their home court, the court will transfer the claim to the defendant's home court –
- (1) under rule 13.4, if the defendant applies to set aside or vary judgment;
 - (2) under rule 14.12, if there is to be a hearing for a judge to determine the time and rate of payment;
 - (3) under rule 26.2, if a defence is filed to all or part of the claim; or
 - (4) if either party makes an application which cannot be dealt with without a hearing.
- 12.2** Where the defendant is not an individual, if –
- (1) the claimant's address for service on the claim form is not within the district of Northampton County Court; and
 - (2) one of the events mentioned in paragraph 12.1 arises,
the court will transfer the claim to the county court for the district in which the claimant's address for service on the claim form is situated.

VIEWING THE CASE RECORD

- 13.1** A facility will be provided for parties or their legal representatives to view an electronic record of the status of claims started using Money Claim Online.
- 13.2** The record of each claim will be reviewed and, if necessary, updated at least once each day until the claim is transferred from Northampton County Court.

