

170th UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendments to Practice Direction 51R – Online Civil Money Claims Pilot and Practice Direction 51ZB – The Damages Claims Pilot, which supplement the Civil Procedure Rules 1998, are made by the Master of the Rolls under the powers delegated to him by the Lord Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and are approved by Lord Bellamy KC, Parliamentary Under-Secretary of State for Justice, by the authority of the Lord Chancellor.

The amendments come into force on 18 July 2024.

The Right Honourable Sir Geoffrey Vos
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

Lord Bellamy KC

Parliamentary Under-Secretary of State for Justice

Ministry of Justice

Date: 27 June 2024

PRACTICE DIRECTION 51R – ONLINE CIVIL MONEY CLAIMS PILOT

- 1) In the table of contents –
 - a. in the entry for paragraph 6C.1, for “and claim proceeding in an early adopter court” substitute “, with exceptions”; and
 - b. in the entry for paragraph 16B.1, for “applications for court orders after the stage where hearing information is provided and directions made” substitute “applications for court orders – online applications”.
- 2) In paragraph 1.1, in the definition of “response form” –
 - a. in sub-paragraph (a), for “of a defendant” substitute “where all the parties are”; and
 - b. in sub-paragraph (b), for “of a defendant who is legally represented” substitute “where the claimant is legally represented (irrespective of whether the defendant is legally represented)”.
- 3) In paragraph 2.1(1), for “1st October 2024” substitute “1st October 2025”.
- 4) In each of paragraphs 6.2(9), 6.2(12), 6.3(6), 6A.5(5), 6A.5(8), and 6A.6(2) –
 - a. in sub-paragraph (a), after “Table A” insert “if the amount claimed is £1,000 or less and the “preferred court” (as defined) is one of the county court hearing centres in relation to which Online Civil Money Claims legal advisers operate”; and
 - b. in sub-paragraph (b), after “the claim” insert “and the preferred court”.
- 5) In the heading to paragraph 6C.1, for “and claim proceeding in an early adopter court” substitute “, with exceptions”.
- 6) In paragraph 6C.1(2) –
 - a. at the end of sub-paragraph (a), after the semi-colon insert “and”;
 - b. in sub-paragraph (b), for “an “early adopter court” (as defined); and” substitute “a County Court hearing centre other than Birmingham County Court hearing centre.”; and
 - c. omit sub-paragraph (c).
- 7) In the words in parentheses following paragraph 6C.1(2), for “subparagraph (2) applies” substitute “all the parties are represented and the claim is proceeding in a County Court hearing centre other than in Birmingham”.
- 8) In the words in parentheses that follows each of paragraphs 7.4(6), 7.7(3), 7.40(8), 7.41B(3), 7.42C(3), 7.42F(4) –
 - a. after “expert evidence” insert “and if all the parties are acting in person”; and

- b. at the end, after “paragraph 17.1(2).” insert “If any or all of the parties are represented, Section 16B applies instead.”.
- 9) In paragraph 7.45(2) –
 - a. after “change” insert “a”; and
 - b. omit “using the OCMC website”.
- 10) After paragraph 7.45(3), insert –

“(3A) If any or all parties are acting in person, the party making the application must use a paper version of the relevant form to make the application.”.
- 11) In paragraph 7.45(4) after “If” insert “any or all the parties are acting in person and”.
- 12) After paragraph 7.45(4) insert –

“(Paragraph 16B.1 applies to applications made where all parties are represented.)”.
- 13) In paragraph 7.46(2), for “The defendant” substitute “If all the parties are acting in person, the defendant”.
- 14) After paragraph 7.46(4), insert –

“(5) If any or all of the parties are represented and the defendant wants to withdraw their admission, Section 16B applies.”.
- 15) In the words in parentheses following paragraph 11.1(7) –
 - a. after “expert evidence,” insert “and if all the parties are acting in person,”; and
 - b. after “paragraph 17.1(2)” insert “. If the claimant is represented, Section 16B applies to the making of any application instead.”.
- 16) In paragraph 11.1B(8), for “on paper for default judgment using the procedure set out in Civil Procedure Rules Part 23” substitute “for default judgment”.
- 17) After paragraph 11.1B(8), insert –

“(Section 16B contains provisions about making applications.)”.
- 18) Omit paragraph 11.1B(9) and (10).
- 19) In paragraph 16.1(2), after “stayed” insert “and all the parties are acting in person”.
- 20) After paragraph 16.1(4), insert –

“(5) If the proceedings have been stayed and any or all of the parties are legally represented, Section 16B applies to any application to lift the stay.”.

21) In the heading to paragraph 16B.1, for “applications for court orders after the stage where hearing information is provided and directions made” substitute “applications for court orders – online applications”.

22) For paragraph 16B.1(1), substitute –

“(1) This paragraph applies where a party wishes to make an application and all the parties are represented.”.

23) In paragraph 16B.1(6), after “the request” insert “, or referred to a legal adviser for the legal adviser to consider the request, if it would be appropriate for the legal adviser to do so. It will only be appropriate for a legal adviser to consider a request if a provision elsewhere in the Civil Procedure Rules enables them to consider requests of this type”.

24) For paragraph 16B.1(10), substitute –

“(10) The following applications must be made as on-paper applications –

- (a) any application made before a claim has been issued;
- (b) any application for default judgment under paragraph 11.1B(8) where there is a Mental Health Crisis Moratorium in place under the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020;
- (c) any application relating to—
 - (i) an appeal;
 - (ii) enforcement; or
 - (iii) insolvency; and
- (d) any application where any respondent is not already a party to the claim.”.

25) Omit paragraph 20.1(1).

PRACTICE DIRECTION 51ZB – THE DAMAGES CLAIMS PILOT

26) In the table of contents –

- a. in the entry for paragraph 7.4A, for “unless claim proceeding in an early adopter court” substitute “if proceeding in Birmingham County Court hearing centre”;

- b. in the entry for paragraph 7A.1, omit “after the stage where hearing information is provided and directions made”.

27) In paragraph 1.3, for “1st October 2024” substitute “1st October 2025”.

28) For paragraph 3.9(1), substitute –

“(1) The claimant must notify the defendant of the details of the claim by 4pm on the 14th day after that defendant was notified of the claim, subject to sub-paragraph (1A).

(1A) The claimant must notify the details of claim to the defendant no later than the latest time for notifying the defendant of the claim.”.

29) For Section 4, substitute –

“SECTION 4 – FAILURE TO NOTIFY THE CLAIM OR DETAILS OF CLAIM

4.1

(1) Subject to sub-paragraph (2), if the claimant has not notified the defendant of the claim by the time specified in paragraph 3.4 or by that time as extended by any order where the application for the order was made before the time specified in paragraph 3.4 has expired, then the claim against the defendant will be automatically dismissed without the need for any further order.

(2) If, before the time specified in paragraph 3.4 has expired, the claimant notifies the court by email that the parties have agreed an extension of time for notification of the claim, the court must transfer the claim out of the DCP to the CNBC.

4.2

If the claim is dismissed under paragraph 4.1, it will cease to be governed by this practice direction. Any further action by the parties in relation to the claim would need to be made in accordance with the rest of the Civil Procedure Rules. For example, any application to reinstate a claim that has been dismissed under paragraph 4.1(1) will have to be made by an application on paper under Civil Procedure Rules Part 23.

4.3

(1) Subject to sub-paragraph (2), if the claimant has not notified the defendant of the details of the claim by the time calculated in accordance with paragraph 3.9 or by that time as extended by any order where the application for the order was made before the time calculated in accordance with paragraph 3.9 has expired, the claim against the defendant will be automatically dismissed.

(2) If, before the time specified in paragraph 3.9 has expired, the claimant notifies the court by email that the parties have agreed an extension of time for notification of details of the claim, the court must transfer the claim out of the DCP to the CNBC.

4.4

If the claim is dismissed under paragraph 4.3, it will cease to be governed by this practice direction. Any further action by the parties in relation to the claim would need to be made in accordance with the rest of the Civil Procedure Rules. For example, any application to reinstate a claim that has been dismissed under paragraph 4.3(1) must be made by an application on paper under Civil Procedure Rules Part 23.”.

30) In paragraph 5.1(4), for “, make an application under CPR Part 11 which must be filed at the CNBC” substitute “after acknowledging the claim make an application to challenge the court’s jurisdiction”.

31) After paragraph 5.1(4), insert –

“(Section 7A contains provisions about making applications.)”.

32) In paragraph 5.1(5), for “files and application under CPR Part 11 at the CNBC” substitute “makes an application to challenge the court’s jurisdiction”.

33) After paragraph 6.2(1), insert –

“(Section 7A makes provision for making applications.)”.

34) Omit paragraph 6.2(2) and (3).

35) In paragraph 6.3(c), after “paragraph 6.2(1)” insert “or following an order of court”.

36) In paragraph 6.6(4) –

- a. omit “on paper”; and
- b. omit “in accordance with Part 23 to the CNBC”.

37) After paragraph 6.6(4), insert –

“(Section 7A contains provisions about applications.)”.

38) Omit paragraph 6.6(5).

39) In paragraph 6.7(1)(a), after “of the claim” insert “or by that time as extended by any order following an application made before the expiry of the original 6 month period”.

40) After paragraph 6.7(1), insert –

“(Section 7A contains provisions about applications.)”.

41) For paragraph 6.7(2), substitute –

“If the claim is dismissed under sub-paragraph (1), it will cease to be governed by this practice direction. Any further action by the parties in relation to the claim would need to be made in accordance with the rest of the Civil Procedure Rules.”.

42) In the heading to paragraph 7.4A, for “unless claim proceeding in an early adopter court” substitute “if proceeding in Birmingham County Court hearing centre”.

43) For paragraph 7.4A and the words in parentheses following it, substitute –

“7.4A (1) Once the claimant has provided hearing information and directions have been made, the claim is to be transferred out of the DCP if the claim is proceeding in Birmingham County Court hearing centre.

(2) The parties must be notified if the claim is transferred out under sub-paragraph (1).

(If the claim is not proceeding in Birmingham County Court hearing centre, the claim remains in the DCP so that this practice direction continues to apply.)”.

44) In the heading to paragraph 7A.1, omit “after the stage where hearing information is provided and directions made”.

45) For paragraph 7A.1(1), substitute –

“(1) This paragraph applies where a party wishes to make an application and all the parties are represented.”.

46) For paragraph 7A.1(10), substitute –

“(10) The following applications must be made as on-paper applications –

- (a) any application made before a claim has been issued;
- (b) any application for default judgment under paragraph 6.6(4)(b) where there is a Mental Health Crisis Moratorium in place under the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020;
- (c) any application relating to—
 - (i) an appeal;
 - (ii) enforcement; or
 - (iii) insolvency; and
- (d) any application where any respondent is not already a party to the claim.”.

47) In paragraph 7A.2(3), after “made” insert “and unless sub-paragraph (4) applies”.

48) After paragraph 7A.2(3), insert –

“(4) If the application made is an application for default judgment under paragraph 6.6(4)(b) where there is a Mental Health Crisis Moratorium in place under the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020, the claim must be transferred out of the DCP.”.

49) For paragraph 8.2, substitute –

“(2) Any application for an order under paragraph 8.1 must be made in accordance with Section 7A.”.

50) Omit paragraph 8.5.