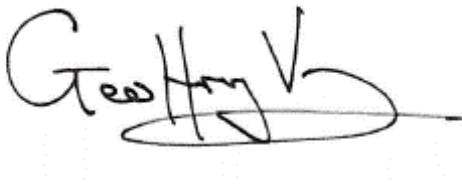


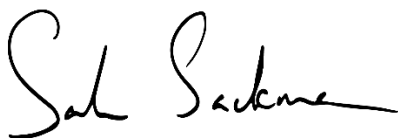
178th UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendments to PD 51R – Online Civil Money Claims Pilot and PD 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 Lady Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and are approved by Sarah Sackman KC, Minister of State (Ministry of Justice), by the authority of the Lord Chancellor.

The amendments to the Practice Directions come into force on 5 December 2024 at 11a.m.

A handwritten signature in black ink, appearing to read 'Geoffrey Vos', with a horizontal line extending from the end of the signature.

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

A handwritten signature in black ink, appearing to read 'Sarah Sackman', with a horizontal line extending from the end of the signature.

Signed by authority of the Lord Chancellor:

Sarah Sackman KC

Minister of State

Ministry of Justice

Date: 04/12/2024

PRACTICE DIRECTION 51R – ONLINE CIVIL MONEY CLAIMS PILOT

1) In the table of contents–

- a. in the entry for paragraph 6C.1, first column, for “unless all parties represented, with exceptions” substitute “in certain circumstances”;
- b. for the entry for paragraph 6C.4, first column, substitute “Claims allocated to the fast track – “trial bundles” (as defined)”;
- c. after the entry for paragraph 6C.4, insert –

“

Claims allocated to the small claims track – “trial bundles” (as defined)	Paragraph 6C.5
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”,
;

- d. in the heading to paragraph 14.1, omit “, and responsibility for submitting on time”.
- e. after the entry for paragraph 14.1, insert –

“

Submitting documents at court– responsibility for submitting documents on time	Paragraph 14.1A
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”; and

- f. in the heading to paragraph 14.4, omit “Represented Parties –”.

2) In paragraph 1.1 –

- a. in the definition of “bulk scanning provider”, after “postal address” insert “set out at paragraph 2.1(2)(a)”;

- b. after the definition of “MyHMCTS” insert –

““OCMC email address” means the address for submitting documents by email, where the document is in electronic format that cannot be uploaded, or cannot be converted to be uploaded, to the OCMC website set out at paragraph 2.1(2A)(a) or (b) as appropriate;”;

- c. relocate the current definitions of “OCMC postal address” and “the OCMC website” to after the definition of “OCMC email address”;
- d. in the definition of “OCMC postal address”, for “2.1(2)” substitute “2.1(2)(a) or (b) as appropriate”;
- e. at the end of the definition of “stay” for the full stop substitute a semi-colon; and
- f. after the definition of “stay” insert –

“trial bundle” means the collection of documents (including statements of case and witness statements) that a party intends to rely on at the trial or hearing where the claim is decided.”.

- 3) In paragraph 2.1(2) –

- a. after “(as defined)” insert “or if it cannot be submitted using the website, then by email in accordance with sub-paragraph (2A)”;
- b. for “is: HMCTS CMC, PO Box 12747, Harlow, CM20 9RA;”, substitute–

“is –

(a) HMCTS CMC, PO Box 12747, Harlow, CM20 9RA; or

(b) where the parties have received an order from a judge at a County Court hearing centre, or have been informed that the claim is to be managed at a County Court hearing centre, the postal address for that hearing centre.”.

- 4) After paragraph 2.1(2), insert –

“(2A) Where parties are required by this practice direction to email the court,

or where a party is to submit to the court a document that is in electronic format but that cannot be uploaded, or cannot be converted to be uploaded, to the OCMC website, the document should be sent by email to –

(a) the email address supplied for the CTSC; or

(b) where the parties have received an order from a judge at a County Court hearing centre, or have been informed that the claim is to be managed at a County Court hearing centre, the email address stated for that hearing centre on the “Find a court or tribunal” webpage which can be found at: [Find a court or tribunal - GOV.UK](https://www.gov.uk/find-a-court-or-tribunal).”.

5) After paragraph 2A.1 insert –

“(Civil Procedure Rule 3.7A1 provides that if the court fee for the trial or hearing to determine the substance of the claim is not paid on time, the claim is to be struck out automatically. Rule 3.7A1 also contains provisions about Help with Fees (as defined).)”.

6) In the heading to paragraph 6C.1, for “**unless all parties represented, with exceptions**” substitute “**in certain circumstances**”.

7) In paragraph 6C.1, for “unless all the parties are represented by a legal representative.”, substitute –

“ unless–

(a) all the parties are represented by a legal representative;

(b) the claimant is represented but the defendant is not represented by a legal representative and –

(i) the defendant has not completed a screen in Welsh;

(ii) the claim is proceeding in an “early adopter court” (as defined); and

(ii) the parties have been notified that the claim has been sent to

that early adopter court; or

(a) neither party is represented by a legal representative and –

(i) the claimant has not submitted the claim in Welsh;

(ii) neither party has otherwise completed a screen in Welsh;

(iii) the claim is proceeding in an “early adopter court” (as defined); and

(iv) the parties have been notified that the claim has been sent to that early adopter court.”.

8) In the words in parentheses following paragraph 6C.1, for “all the parties are represented” substitute “the claim is not sent out”.

9) For the heading to paragraph 6C.4, substitute “**Claims allocated to the fast track – “trial bundles” (as defined)**”.

10) In paragraph 6C.4, before sub-paragraph (1), insert –

“**6C.4(A1)** This paragraph applies to claims allocated to the fast track.”.

11) After paragraph 6C.4, insert –

“**Claims allocated to the small claims track – “trial bundles” (as defined)**”

6C.5 Where the claim is allocated to the small claims track, when giving directions about preparation for the final hearing, the court is to consider including a direction that each party must, not less than 21 days before the date fixed for the final hearing, upload to the OCMC website copies of all documents (other than documents which already have been uploaded) which they wish the court to consider when reaching its decision. (The court will assemble the documents into a “trial bundle” (as defined)).

(Civil Procedure Rules Part 27 contains further provisions about claims allocated to the small claims track, and Part 39 contains further rules about hearings, all of which apply to the extent they do not conflict with this practice

direction.)”.

- 12) In each of paragraphs 7.12(5), 7.14(7) and 7.15(7), after “to the court by email” insert “to the OCMC email address”.
- 13) In each of paragraphs 7.42C(5), 7.42E(7) and 7.42F(7), after “to the court, by email” insert “to the OCMC email address”.
- 14) In the heading to paragraph 14.1, omit “, and responsibility for submitting on time”.
- 15) In paragraph 14.1(2A), after “OCMC postal address” insert “or OCMC email address”.
- 16) In paragraph 14.1(2B), after “OCMC postal address” insert “or OCMC email address”.
- 17) For paragraph 14.1(2C), substitute –

“(2C) If a person sends a paper form or document to the court using an address that is not the relevant OCMC postal address or relevant OCMC email address, the court may send it to the relevant OCMC postal address or relevant OCMC email address. (The form or document is still treated as submitted to the court when it was received at the first address.)”.

- 18) After paragraph 14.1(3), insert –

“(Civil Procedure Rule Practice Direction 2A paragraph 3.2 sets out the days when court offices (including the CTSC) are closed.)”.

- 19) Before paragraph 14.1(4) insert the following heading –

“Submitting documents at court– responsibility for submitting documents on time”.

- 20) Renumber paragraph 14.1(4) as paragraph 14.1A(1).
- 21) In paragraph 14.1A(1), after “on time” insert “, subject to sub-paragraph (2)”.
- 22) Omit the words in parentheses following paragraph 14.1A(1).
- 23) After paragraph 14.1A(1), insert –

“(2) If –

(a) a party correctly and within any relevant time limit attempts to upload a form or document, including information required by an order, rule or practice direction (“a submission”);

(b) the upload of the submission is unsuccessful solely as a result of the OCMC website not permitting the submission to be uploaded at that time;

(c) the party, as soon as practicable upon being notified of this by the OCMC website, correctly repeats the step of uploading the submission until it is then confirmed as completed by the OCMC website; and

(d) successful upload occurs after the relevant time limit has expired,

the party is to be treated as having uploaded the submission on time.”.

24) For paragraph 14.4, substitute –

“Evidence and other documents to be filed at court

14.4(1) Sub-paragraph (2) applies where –

(a) the parties are represented;

(b) the claimant is represented but the defendant is not represented by a legal representative and –

(i) the claim is proceeding in an “early adopter court” (as defined);
and

(ii) the parties have been notified that the claim has been sent to that early adopter court; or

(c) neither party is represented by a legal representative and –

(i) the claim is proceeding in an “early adopter court” (as defined);
and

(ii) the parties have been notified that the claim has been sent to that early adopter court.

(2) Unless the document cannot be uploaded to the OCMC website, any document which a party wishes to file or is required to file at court must be uploaded to the OCMC website, and must be in one of the machine-readable formats accepted by the OCMC website. (Paragraph 2.1(2) and (2A) sets out how documents that cannot be uploaded to the OCMC website may be submitted to the court instead.)”.

PRACTICE DIRECTION 51ZB – THE DAMAGES CLAIMS PILOT

25) In the table of contents, after the entry for Section 9 insert –

“

SECTION 10 – Submitting documents at court– timing of submitting, and responsibility for submitting on time	
Submitting documents at court– timing of submitting	Paragraph 10.1
Submitting documents at court– responsibility for submitting documents on time	Paragraph 10.2

”.

26) In paragraph 1.1, after the definition of “the Damages Claims Portal” insert–

““DCP email address” means the following email address that is to be used where parties are required by this practice direction to email the court, or where a party is to submit to the court a document that is in electronic format but that cannot be uploaded, or cannot be converted to be uploaded, to the DCP–

(a) the email address supplied for the CNBC; or

(b) where the parties have received an order from a judge at a County Court hearing centre, or have been informed that the claim is to be managed at a County Court hearing centre, the email address stated for that hearing centre on the “Find a court or tribunal” webpage which can be found at: [Find a court or tribunal - GOV.UK](https://www.gov.uk/find-a-court-or-tribunal).”.

27) After the definition of “DCP legal representative”, insert –

“DCP postal address” means the following address to which any paper documents that cannot be submitted through the DCP or by email may be sent –

(b) CNBC, St. Katharine's House, 21-27 St. Katharine's Street, Northampton NN1 2LH; or

(c) where the parties have received an order from a judge at a County Court hearing centre, or have been informed that the claim is to be managed at a County Court hearing centre, the postal address for that hearing centre;”.

28) After Section 9, insert –

“SECTION 10– SUBMITTING DOCUMENTS AT COURT– TIMING OF SUBMITTING, AND RESPONSIBILITY FOR SUBMITTING ON TIME

Submitting documents at court– timing of submitting

10.1-(1) For the purposes of this practice direction, a form, document or email submitted to the court electronically is received by the court when it is recorded as received by the DCP, or as appropriate by HMCTS email software.

(2) If the DCP is functioning normally so that it can receive forms and documents, and the court receives a form or document before 4.00 p.m., that form or document is treated as submitted that day. The same rule applies in relation to emails received by the court before 4.00 p.m. where the HMCTS email

software is functioning normally.

(3) If the DCP is functioning normally so that it can receive forms and documents, and the court receives a form or document at or after 4.00 p.m. and before or at 11.59 p.m., that form or document is treated as submitted before 4.00 p.m. on the next day the court office is open. The same rule applies in relation to emails received by the court at or after 4.00 p.m. and before or at 11.59 p.m., where the HMCTS email software is functioning normally.

(4) If –

(a) the DCP is malfunctioning and cannot receive forms and/or documents, or the HMCTS email software is malfunctioning so that it cannot receive emails;

(b) that malfunction starts before but continues up to or beyond 4.00 p.m. on a particular day; and

(c) that malfunction alone prevents a person from being able to submit a form, document or email (as appropriate) within a time limit imposed by this practice direction or in “directions” (as defined),

a judge must give directions to alter the time limit for submitting that form or document, so that the time limit does not expire until after the website is again functioning normally. The judge’s directions may be expressed to apply to a specific claim, or may apply more generally, for example to any number of claims, or to claims of a particular type.

(5) Where a paper form or document is received at the relevant DCP postal address or email is received at the relevant DCP email address before 4.00 p.m., that document or email is treated as submitted to the court that day.

(6) Where a paper form or document is received at the relevant DCP postal address or email is received at the relevant DCP email address at or after 4.00 p.m. and before or at 11.59 p.m., that document or email is treated as submitted to the court before 4.00 p.m. on the next day the court office is open.

(7) If a person sends a paper form or document or email to the court using an address that is not the relevant DCP postal address or relevant DCP email address, the court may send it to the relevant DCP postal address or relevant DCP email address. (The form or document or email is still treated as submitted to the court when it was received at the first address.)

(8) If a time limit imposed by or set in accordance with this practice direction or in directions expires on a day when the CNBC (as defined) is closed, a form, document or email is still submitted on time if it is submitted before 4.00 p.m. on the next day the court office is open.

(Civil Procedure Rule Practice Direction 2A paragraph 3.2 sets out the days when court offices (including the CNBC) are closed.)

Submitting documents at court– responsibility for submitting documents on time

10.2(1) Where any time limit applies (whether imposed by this practice direction or in any other way) it is the relevant party's responsibility to ensure that a form, document or email is submitted on time, subject to sub-paragraph (2).

(2) If –

(a) a party correctly and within any relevant time limit attempts to upload a form or document, including information required by an order rule or practice direction (“a submission”);

(b) the upload of the submission is unsuccessful solely as a result of the DCP not permitting the submission to be uploaded at that time;

(c) the party, as soon as practicable upon being notified of this by the DCP, correctly repeats the step of uploading the submission until it is then confirmed as completed by the DCP; and

(d) successful upload occurs after the relevant time limit has expired,

the party is to be treated as having uploaded the submission on time.”.