

96th UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendments to the existing Practice Directions supplementing 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 [], Parliamentary Under Secretary for Justice, by authority of the Lord Chancellor.

The amendment to Practice Direction 51O – The Electronic Working Pilot Scheme, comes into force on 4th April 2018.

The amendment to Practice Direction 51P – Pilot for Insolvency Express Trials, comes into force on 30th March 2018.

The amendments to Practice Direction 51R - Online Court Pilot come into force on 26th March 2018, subject to the following transitional provision: if a claim has been started in the pilot under Practice Direction 51R before the changes made by this Update come into force, the claimant and the defendant may continue to use the website address www.moneyclaim.reform.hmcts.net to access the Online Court website.

The Right Honourable Sir Terence Etherton
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

Lucy Frazer QC MP
Parliamentary Under Secretary of State for Justice
Ministry of Justice

Date: 22 March 2018

PRACTICE DIRECTION 51O – THE ELECTRONIC WORKING PILOT SCHEME

- 1) In paragraph 1.1(1)(a), for “6 April 2018”, substitute “6 April 2020”.

PRACTICE DIRECTION 51P – PILOT FOR INSOLVENCY EXPRESS TRIALS

- 1) In paragraph 1.1(1)(a), for “for two years”, substitute “to 6 April 2020”.

PRACTICE DIRECTION 51R – ONLINE COURT PILOT

- 1) After paragraph 1.12, insert –

“1.12A “new features” means any features of the Online Court process that are in an earlier stage of development, and that are only available for claims where the claimant has volunteered their claim to test those features, and the claim has been specifically selected to test those features;”.

- 2) In paragraph 1.15, for “www.moneyclaim.reform.hmcts.net” substitute, “www.moneyclaims.service.gov.uk”.

- 3) In paragraph 2, for “The pilot will run on an invitation only basis. The claimants invited to use the pilot to make their claim will be drawn from claimants who would otherwise make their claim through the main Money Claim Online system.”, substitute –

“Claimants who could otherwise make their claim through the main Money Claim Online system may use the pilot to make their claim, if their claim is suitable for the pilot. (Paragraph 5 sets out the conditions that need to be met for a claim to be suitable for the pilot.)”.

- 4) In paragraph 3, for “Online Court website”, substitute ““Online Court website” (as defined)”.
- 5) Omit paragraph 4.
- 6) Omit paragraph 5.4.
- 7) After paragraph 5, insert –

“If the claimant decides to use the Online Court, the claimant may also volunteer their claim to be used to test “new features” (as defined) in the pilot. If the claimant volunteers their claim, “HMCTS” (as defined) may select the claim to test the new features, but does not have to. The court must tell the claimant straight away if the claim has been selected. It must also tell the defendant that the claim has been

selected, the first time that any communication is sent by the court to the defendant.”.

8) In paragraph 6, for the first sentence, substitute –

“If the claimant decides to use the Online Court, this practice direction applies. This practice direction contains provisions that apply generally to claims in the pilot, and also specific provisions that apply to claims selected to test new features.”.

9) In paragraph 11, for “by contacting the court using the email address on the Online Court website, and requesting that their contact details be changed”, substitute “using the Online Court website”.

10) For paragraph 12, substitute –

“If the claimant cannot use the Online Court website to change their contact details, and asks the court to change them, the court must make those changes.”.

11) In paragraph 21, in Table A –

- a. in the entry for “Defend part of the claim/admit part of the claim”, in the third column, after “website” insert, “or paper copy to the Online Court postal address”;
- b. in the entry for “Admission”, in the third column, after ““website” insert, “or paper copy to the Online Court postal address”; and
- c. in the entry for “Admission with request to pay later or by instalments”, in the third column, after ““website” insert, “or paper copy to the Online Court postal address”.

12) In paragraph 36 –

- a. at the end of subparagraph 1, omit “or”; and
- b. after subparagraph 1, insert –

“36.1A the court to enforce any of the other terms of the settlement agreement;”.

13) In paragraph 37, after “judgment”, insert, “, enforcement”.

14) In paragraph 40.3, for “on a claim that has been stayed,”, substitute, “, enforcement”.

15) At the end of paragraph 40.5, for the semi-colon, substitute a full stop.

16) In paragraph 77, after “or is no longer suitable for it,”, insert “or is otherwise not appropriate for it,”.

