

## 159<sup>th</sup> 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 to the Practice Directions come into force as follows -	
Practice Direction 51R – Online Civil Money Claims Pilot	11am on 19 September 2023
Practice Direction 51ZB – the Damages Claims Pilot	11am on 19 September 2023

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

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Signed by authority of the Lord Chancellor:  
Lord Bellamy KC  
Parliamentary Under-Secretary of State for Justice  
Ministry of Justice  
Date: 18th September 2023

## PRACTICE DIRECTION 51R – ONLINE CIVIL MONEY CLAIMS PILOT

- 1) In the table of contents, following the entry for the Schedule to Section 20 – Table A, insert –

“

SECTION 21 – Change to legal representation - digital notices of change	
Change to legal representation - digital notices of change	Paragraph 21.1

”

- 2) After the Schedule to Section 20 – Table A, insert –

### **“SECTION 21 – CHANGE TO LEGAL REPRESENTATION - DIGITAL NOTICES OF CHANGE**

#### **Change to legal representation - digital notices of change**

**21.1 (1)** Unless using MyHMCTS to file notice of a change of solicitor, a party complies with CPR 42.2(2)(a) by filing the notice of the change required by that rule –

- (a) at the CNBC; or
- (b) if the claim has been sent to a County Court hearing centre, at that hearing centre.

**21.1 (2)** A party may only use MyHMCTS to file notice of change of solicitor where the change is from one legal representative to another.

**21.1 (3)** If a party files a notice of change, the court must transfer the claim out of Online Civil Money Claims to continue in the CNBC as if it had been started under CPR Part 7 if –

- (a) MyHMCTS is not used to file the notice of change;
- (b) the person named in the notice of change of solicitor as taking over representation is –
  - (i) not registered with MyHMCTS; and
  - (ii) has not been provided with access to Online Civil Money Claims; or
- (c) the notice is filed to inform the court that a party who had been acting in person is to be represented, but in circumstances where the other party continues to act in person.”.

**PRACTICE DIRECTION 51ZB – THE DAMAGES CLAIMS PILOT**

- 1) In the table of contents for the entries for Sections 3 and 4 substitute –

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SECTION 3 – Notifying claim and claim details to defendant	Paragraph 3.1
Sub-section A. Defendant represented by a DCP legal representative at the time the claim starts	Paragraph 3.2
Sub-section B. Defendant not represented by a DCP legal representative at the time the claim starts	Paragraph 3.10
Sub-section C. Two defendants and one defendant not represented by a DCP legal representative at the time the claim starts	Paragraph 3.12
Sub-section D. Notification of service	Paragraph 3.13
Sub-section E. Notice of representation	Paragraph 3.14
SECTION 4 – Failure to notify the claim or details of claim	Paragraph 4.1

”.

- 2) In the definitions contained at paragraph 1.1, after the definition of “the Damages Claims Portal”, insert ““DCP legal representative” means a legal representative who is registered with MyHMCTS and has been granted access to the DCP;”.
- 3) In paragraph 1.7, for “3.2” substitute “3.4”.

- 4) Omit paragraphs 2.2(6) and (7).
- 5) For existing Sections 3 and 4, substitute the following:  
“

**SECTION 3 – NOTIFYING CLAIM AND CLAIM DETAILS TO DEFENDANT**

3.1

The claimant must notify the claim to the defendant. After notifying the claim to the defendant the claimant must notify the claim details to the defendant.

**Sub-section A. Defendant represented by a DCP legal representative at the time the claim starts**

3.2

This Sub-section A applies if the claimant, when starting the claim, provided the court, through the DCP, with the name of the DCP legal representative for the defendant.

3.3

(1) The claimant must notify the defendant of the claim through the DCP.

(2) Notification of the claim constitutes service of the claim form in accordance with CPR 7.5(1).

(3) When the defendant is notified of the claim—

(a) all parties must be notified of the date of notification;

and

(b) the defendant must be notified of the date of issue of the claim,

through the DCP.

3.4

The claimant must comply with paragraph 3.3(1) before 12 midnight at the end of the calendar day four months after the date of issue of the claim form.

Examples:

1. Claim form issued on 31 May 2021. The claimant must notify the defendant of the claim before midnight at end of 30 September 2021.
2. Claim form issued on 9 June 2021. The claimant must notify the defendant of the claim before midnight at end of (Saturday) 9 October 2021.
3. Claim form issued on 28 February 2022. The claimant must notify the defendant of the claim before midnight at end of 28 June 2022.

### 3.5

Notification of the claim, or any documents provided, may be amended or added to, using the DCP, at any time before they have been notified to the defendant.

### 3.6

- (1) The claimant must provide the details of the claim (the Particulars of Claim and any supporting documents) through the DCP, by completing the relevant screens.
- (2) Unless the document cannot be uploaded to the DCP, any document which the claimant wishes to file or is required to file in support of their claim must be uploaded to the DCP, and must be in one of the formats accepted by the DCP.

### 3.7

The details must include the information required by CPR 16.4.

### 3.8

The details of the claim or any documents provided may be amended or added to, using the DCP, at any time before they have been notified to the defendant.

### 3.9

- (1) The claimant must notify the defendant of the details of the claim before the earlier of—
  - (a) the time specified in paragraph 3.4; and
  - (b) 4pm on the 14th day after that defendant was notified of the claim.
- (2) All parties must be notified of the date of notification through the DCP.

**Sub-section B. Defendant not represented by a DCP legal representative at the time the claim starts**

3.10

This Sub-section B applies if the claimant, when starting the claim, notified the court, through the DCP, that the defendant was not represented by a DCP legal representative.

3.11

- (1) The claimant must comply with Sub-section A above, subject to the following modifications –
  - (a) a claimant complies with paragraph 3.3(1) (notification of claim) by –
    - (i) serving the claim form that is generated by the DCP in accordance with CPR rule 7.5(1); and
    - (ii) notifying the court of service within 14 days after the date of service of the claim; and
  - (b) a claimant complies with paragraph 3.6(1) (notification of details of claim) by –
    - (i) serving the details of the claim in accordance with CPR rule 6.20; and
    - (ii) notifying the court of service within 14 days after service of the details of claim.
- (2) If, within 14 days of compliance with paragraph (1)(b)(i), the court receives any paper notification from the defendant, the court must transfer the claim out of the DCP to the CNBC.

(3) Unless, within 14 days of compliance with paragraph (1)(b)(i) –

(a) the defendant gives notice that they are represented in accordance with Sub-section E below (in which case the court must notify the claimant); or

(b) the court has already transferred the claim out of the DCP,

paragraph 6.6 does not apply and the court must transfer the claim out of the DCP at the end of the 14 days to the CNBC to continue as if it had started under CPR Part 7, including as to any request or application for judgment in default.

**Sub-section C. Two defendants and one defendant not represented by a DCP legal representative at the time the claim starts**

3.12

If there are two defendants, and one defendant is not represented by a DCP legal representative at the time the claim starts –

(a) in relation to the defendant that is represented by a DCP legal representative at the time the claim starts, Sub-section A applies, except that –

(i) the claimant must serve a paper version of the claim form, and must also use the DCP to notify that defendant of the claim within 14 days of the date of service of the claim form;

(ii) paragraph 1.8A is disapplied; and

(iii) the response time is to be calculated by reference to the date of service of the details of claim stated on the notification of service on the other defendant, and paragraph 6.3 is modified accordingly; and

(b) in relation to the defendant that is not represented by a DCP legal representative at the time the claim starts, Sub-section B applies.

**Sub-section D. Notification of service**

### 3.13

(1) Subject to subparagraph (3) below, a party notifies the court of service by completing the relevant screens on the DCP to notify service.

(2) Where a party notifies the court of service, the court must notify all parties.

(3) Where the party is required to notify the court of service of a document on more than one party, and where service took place on different days, a party notifies the court of service by filing paper certificates of service at the CNBC.

(4) If the court receives paper certificates of service in accordance with paragraph (3) above, the court must transfer the claim out of the DCP to the CNBC.

#### **Sub-section E. Notice of representation**

### 3.14

A party gives notice of change of representation under this Sub-section E by using MyHMCTS to file notice of change of solicitor in circumstances where the person named in the notice of change as taking over representation is registered with MyHMCTS and has been provided with access to the DCP.

(Paragraph 8.7 sets out how else notice of change of representation can be given.)

#### **SECTION 4 – FAILURE TO NOTIFY THE CLAIM OR DETAILS OF CLAIM**

### 4.1

If the claimant has not notified the defendant of the claim by the time specified in paragraph 3.4, then the claim against the defendant will be automatically dismissed without the need for any further order.

### 4.2

If the claim is dismissed under paragraph 4.1, any application for an order extending the time allowed by paragraph 3.2 must be made by an application for an order under CPR 7.6, which must be filed at the CNBC.



#### 4.3

If the claimant has not notified the defendant of the details of the claim by the time specified in paragraph 3.9, the claim against the defendant will be automatically dismissed.

#### 4.4

Any application for an order extending the time allowed by paragraph 3.9, or to reinstate a claim that has been dismissed under paragraph 4.3, must be made by an application which must be filed at the CNBC.”.

- 6) In paragraph 6.6(5) for “CCMCC” substitute “CNBC”.