

FOR SIGNATURE

161st UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendments to Practice Direction 51R – Online Civil Money Claims Pilot, which supplements 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 at 11 a.m. on 29th November 2023.

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: 28th November 2023

PRACTICE DIRECTION 51R – ONLINE CIVIL MONEY CLAIMS PILOT

- 1) In the table of contents—
 - a) in the entry for paragraph 5.2, omit “New feature –”;
 - b) in the entry for Section 6A, for “parties” substitute “claimant”;
 - c) after the entry for paragraph 6A.4 insert—

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SECTION 6AA – Represented claimant, unrepresented defendant - defendant’s response in Welsh	Paragraph 6AA.1
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”;

- d) in the entry for Section 7, omit “Parties acting in person –”; and
- e) in the entry for paragraphs 7.2 to 7.17, after “OCON9A” insert “or by a formal electronic indication”;
- f) in the entry for paragraph 7.47, after “OCON9A” insert “or not by a formal electronic indication”;
- g) after the entry for paragraph 10.4 insert—

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Paper response where claimant is represented but defendant is unrepresented	Paragraph 10.5
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”.

- 2) In paragraph 1.1, omit the definition of “new features”.
- 3) In paragraph 2.1—
 - a) in sub-paragraph (3)—
 - i) in paragraph (d), at the end of sub-paragraph (ii) insert—

“or

(iii) the claimant is represented by a legal representative who is registered with MyHMCTS, the claimant believes that the defendant will

not be getting help with defending the claim from a “legal representative”, and the claimant will not, before submitting their claim, apply for remission or part remission of a fee prescribed by the Civil Proceedings Fees Order 2008;”;

ii) in paragraph (f)(i), after “(d)(i)” insert “or (iii)”; and
iii) in paragraph (l), after “English” insert “, save that in a case to which paragraph (d)(iii) applies the defendant may respond to the claim in Welsh”;

b) omit paragraph 2.1(4);

c) in sub-paragraph (6)(b), after “(d)(ii)” insert “or (iii)”;

d) for sub-paragraph (7) substitute –

“(7) If both the claimant and the defendant are represented, and the claim is suitable for the pilot except that the defendant’s legal representative is not registered with MyHMCTS, the claimant may nevertheless start the claim using the OCMC website and Sections 2A to 4 of this practice direction apply, but the claim will be sent out of Online Civil Money Claims as soon as it has been issued.”; and

e) omit sub-paragraphs (8) to (12).

4) In paragraph 4.3—

a) for sub-paragraph (3) substitute—

“(3) If the claim is one where paragraph 2.1(3)(d)(i) or (iii) applies, the court must serve the claim on the defendant, and sub-paragraphs (4) and (5) apply.”; and

b) in sub-paragraph (6), for “the claimant is” substitute “all parties are”.

5) In paragraph 5.2 –

a) in the heading, omit “New feature –”; and

b) in sub-paragraph (1), omit “the defendant is not legally represented and”.

6) In paragraph 6.2(14) –

a) omit paragraph (i); and

b) after paragraph (iii) insert –

“(On a claim being sent out, any party’s form OCON180 is treated as their

completed directions questionnaire form N180 – see paragraph 19.1(5)).”.

7) In paragraph 6.3(8) –

- a) omit sub-paragraph (a); and
- b) after sub-paragraph (c) insert –

“(On a claim being sent out, any party’s form OCON180 is treated as their completed directions questionnaire form N180 – see paragraph 19.1(5)).”.

8) In the heading to Section 6A, for “PARTIES” substitute “CLAIMANT”.

9) In paragraph 6A.1 –

- a) omit “only”; and
- b) after “representative” insert “and also where the claimant is represented by a legal representative but the defendant is not”.

10) After Section 6A insert—

**“SECTION 6AA – REPRESENTED CLAIMANT, UNREPRESENTED
DEFENDANT – DEFENDANT’S RESPONSE IN WELSH**

6AA.1(1) This paragraph applies where the defendant, in a case to which paragraph 2.1(3)(d)(iii) applies, exercises the option to respond to the claim in Welsh.

(2) The response shall be sent for translation into English, and the translation provided by the court to the claimant.

(3) The time period for the claimant to take any further step on receipt of the defendant’s response starts on the date on which the court provides the translation to the claimant.”.

11) In the heading to Section 7, omit “PARTIES ACTING IN PERSON –”.

12) In paragraph 7.1(1)—

- a) for “This Section applies only where the parties are acting in person and” substitute “Subject to sub-paragraph (1A), this Section applies where”; and
- b) after sub-paragraph (1) insert—

“(1A) The provisions of this Section listed below apply as provided below—

(a) paragraphs 7.8, 7.9, 7.41C and 7.41D only apply (as provided in subparagraph (1)(za) of each of those paragraphs) where none of the parties is represented by a legal representative; and

(b) paragraph 7.10 (and with it paragraphs 7.11-7.15) applies only where none of the parties is represented by a legal representative, except that (by virtue of paragraph 7.10(2A)) paragraph 7.10(2) applies where the claimant (but not the defendant) is, or all the parties are, represented by a legal representative, so as to provide that the claim is sent out of Online Civil Money Claims at that stage.”.

13) For paragraph 7.1(2) substitute –

“(2) Sub-section B applies only to full admissions, where the defendant –

(a) uses form OCON9A to make the admission and makes no other response, where none of the parties is represented by a legal representative; or

(b) indicates electronically using the indication of response function on the OCMC website that they admit the whole of the claim and makes no other response, where the claimant is, or all parties are, represented by a legal representative.”.

14) For paragraph 7.1(4) substitute –

“(4) Sub-section D applies where the defendant part admits the claim and defends the rest of it, and –

(a) uses form OCON9A to make the part admission and part defence, where none of the parties is represented by a legal representative; or

(b) indicates electronically using the indication of response function on the OCMC website that they admit part of the claim and defend the rest of it, where the claimant is, or all parties are, represented by a legal representative.”.

15) For paragraph 7.1(5) substitute –

“(5) Sub-section E applies to both full and part admissions, where –

(a) the defendant uses form OCON9A to make the admission, where none of the parties is represented by a legal representative; or

(b) indicates electronically using the indication of response function on the OCMC website the whole or part admission, where the claimant is, or all parties are, represented by a legal representative,

and there has been a change of circumstances.”.

16) For paragraph 7.1(6) substitute –

“(6) Sub-section F applies to both full and part admissions, where –

(a) the defendant responds electronically, but does not use form OCON9A to make the admission, where none of the parties is represented by a legal representative; or

(b) the claimant is, or all the parties are, represented by a legal representative and the defendant responds electronically but does not use the indication of response function on the OCMC website to indicate their admission.”.

17) In the heading to sub-section B of Section 7, after “OCON9A” insert “or by a formal electronic indication”.

18) For paragraph 7.2, substitute –

“**7.2** This sub-section applies where the defendant admits the whole of the claim, and the defendant –

(a) uses form OCON9A to make the admission and makes no other response, where none of the parties is represented by a legal representative; or

(b) if the claimant is, or all the parties are, legally represented, and the defendant indicates electronically using the indication of response function on the OCMC

website that they admit the whole of the claim and makes no other response.”.

- 19) In paragraph 7.4(2), after “website” insert “where none of the parties is represented by a legal representative, or if the claimant is, or all the parties are, legally represented, by the claimant requesting judgment using the relevant screens on the OCMC website”.
- 20) In paragraph 7.4(6)(c), after “court fees” insert “, and fixed costs where the claimant is represented by a legal representative”.
- 21) In paragraph 7.5(2), after “website” insert “where none of the parties is represented by a legal representative, or if the claimant is, or all the parties are, legally represented, by the claimant accepting or rejecting the proposal using the relevant screens on the OCMC website”.
- 22) In paragraph 7.6(1) –
 - a) after “OCON225” insert “or using the relevant screens on the OCMC website (as appropriate)”; and
 - b) after “have to:” insert “if none of the parties is represented by a legal representative,”.
- 23) In paragraph 7.7(1), after “website” insert “where none of the parties is represented by a legal representative, or if the claimant is, or all the parties are, legally represented, by the claimant requesting judgment using the relevant screens on the OCMC website”.
- 24) In paragraph 7.7(3)(c), after “court fees” insert “, and fixed costs where the claimant is represented by a legal representative”.
- 25) In paragraph 7.8(1), before paragraph (a) insert—

“(za) none of the parties is represented by a legal representative;”.
- 26) In paragraph 7.9(1), before paragraph (a) insert—

“(za) none of the parties is represented by a legal representative;”.
- 27) In paragraph 7.10—
 - a) in sub-paragraph (1)—
 - i) for “This” substitute “Subject to paragraph (2A), this”; and
 - ii) after “trader” insert “, and the claimant is not represented by a legal

representative”;

b) after sub-paragraph (2) insert—

“(2A) Paragraph (2) also applies where the claimant is or all the parties are, represented by a legal representative, and in such a case, on receiving the claimant’s suggested repayment plan, the court will send the case out of Online Civil Money Claims, to the CTSC (as defined).”.

28) For paragraph 7.37, substitute –

“7.37 This sub-section applies where the defendant part admits the claim and defends the rest of the claim and –

(a) uses form OCON9A to make the part admission and part defence, where none of the parties is represented by a legal representative; or

(b) indicates electronically using the indication of response function on the OCMC website that they admit part of the claim and defend the rest of it, where the claimant is, or all parties are, represented by a legal representative.”.

29) In paragraph 7.39(2), after “website” insert “where none of the parties is represented by a legal representative, or if the claimant is, or all the parties are, legally represented, by the claimant accepting or rejecting the part admission and repayment terms using the relevant screens on the OCMC website”.

30) In paragraph 7.40(3), after “OCON225A” insert “or the relevant screens on the OCMC website (as appropriate)”.

31) In paragraph 7.40(4), after “website” insert “where none of the parties is represented by a legal representative, or if the claimant is, or all the parties are, legally represented, by the claimant requesting judgment using the relevant screens on the OCMC website”.

32) In paragraph 7.40(8)(c), after “court fees” insert “, and fixed costs where the claimant is represented by a legal representative”.

33) In paragraph 7.41A –

a) after “OCON225A” insert “or the relevant screens on the OCMC website (as appropriate)”; and

b) after “have to:” insert “if none of the parties is represented by a legal

representative,”.

34) In paragraph 7.41B(1) after “website” insert “where none of the parties is represented by a legal representative, or if the claimant is, or all the parties are, legally represented, by the claimant requesting judgment using the relevant screens on the OCMC website”.

35) In paragraph 7.41B(3)(c), after “court fees” insert “, and fixed costs where the claimant is represented by a legal representative”.

36) In paragraph 7.41C(1), before paragraph (a) insert—

“(za) none of the parties is represented by a legal representative;”.

37) In paragraph 7.41D(1), before paragraph (a) insert—

“(za) none of the parties is represented by a legal representative;”.

38) In paragraph 7.42A(1), at the end insert—

“If the claimant suggests a repayment plan then—

(a) if all the parties are represented by a legal representative or the claimant is represented by a legal representative and the defendant is not represented by a legal representative then the claim will be sent out of Online Civil Money Claims and sub-paragraphs (2)-(5) and paragraphs 7.42B-F will not apply;

(b) otherwise, sub-paragraphs (2)-(5) will apply.”.

39) For paragraph 7.43 substitute—

“7.43 If the claimant rejects the part admission and wishes to continue with the claim –

(a) where none of the parties is represented by a legal representative, the defendant’s response will be treated as a defence of the whole and Section 6 applies;

(b) where all the parties are represented by a legal representative, or the claimant is represented by a legal representative but the defendant is not, paragraph 6A.4(1) applies,

and the court must inform the parties of this.”.

40) For paragraph 7.47(1)(c), substitute –

“(c) but not using –

(i) form OCON9A on the OCMC website to make the whole or part admission, where none of the parties is represented by a legal representative; or

(ii) not using the indication of response function on the OCMC website to indicate their admission of whole or part, where the claimant is, or all the parties are, represented by a legal representative; and”.

41) Omit Section 7A.

42) For paragraph 10.A1 substitute—

“**10.A1(1)** Subject to sub-paragraph (2), this section applies only if the parties are acting in person.

(2) Paragraphs 10.1 and 10.5 apply (and paragraph 10.5 only applies) if the claimant is represented but the defendant is acting in person.”.

43) In paragraph 10.1—

a) in sub-paragraph (1)—

i) after “19 days” insert “(or, if the claimant is represented but the defendant is not represented, 28 days)”; and

ii) after “22nd March” insert “(or, if the claimant is represented but the defendant is not represented, 31st March).”;

b) in sub-paragraph (7)—

i) after “19 days” insert “(or, if the claimant is represented but the defendant is not represented, 28 days)”; and

ii) after “22nd March” insert “(or, if the claimant is represented but the defendant is not represented, 31st March).”; and

b) in sub-paragraph (8), after “19” insert “(or 28)”.

44) After paragraph 10.4 insert—

“Paper response where claimant is represented but defendant is unrepresented

10.5 Where the claimant is represented but the defendant is not represented, if the defendant submits the response form and time extension form (if appropriate) on time, then regardless of the nature of the response, the court must send the claim out of Online Civil Money Claims to the CNBC.”.

45) Renumber paragraph 18.2 as paragraph 18.2(1).

46) In (the newly renumbered) paragraph 18.2(1) –

- a) for “Where” substitute “Subject to sub-paragraph (2), if”;
- b) for “the court” substitute “a judge”; and
- c) for “the judge must send the claim out” substitute “the claim must be sent out of the pilot”.

47) After paragraph 18.2(1), insert –

“ (2) If the reason that the claim is not, or is no longer, suitable or appropriate for the pilot is that a party wishes to take a step in the proceedings not catered for by the pilot then the court must automatically send the claim out of the pilot to the CNBC unless the claim had already been sent to a County Court hearing centre, in which case the court must send the claim out of the pilot to that hearing centre.”.

48) In paragraph 19.1(5), after “directed” insert “and with the following modifications: any of the party’s form OCON180, or directions questionnaires completed online is treated as that party’s completed directions questionnaire form N180 completed under Civil Procedure Rules Part 26”.

49) For paragraph 20.1(1)(b) substitute –

“(b) the parties have submitted to the court their completed forms OCON180 or online directions questionnaires (as appropriate); and”.