

150th UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendments to Practice Direction 51ZB – The Damages 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 QC, Parliamentary Under-Secretary of State for Justice, by the authority of the Lord Chancellor.

Subject to the transitional provision at the end of this instrument, the amendments to Practice Direction 51ZB come into force on 15 September 2022.

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

Signed by authority of the Lord Chancellor:

Lord Bellamy QC

Parliamentary Under-Secretary of State for Justice

Ministry of Justice

Date: 8th September 2022

PRACTICE DIRECTION 51ZB – THE DAMAGES CLAIMS PILOT

1) In paragraph 1.6, in sub-paragraph (2)—

a) in paragraph (a), at the end, omit “and”;

b) after paragraph (a), insert—

“(b) the claimant must give the defendant the notice referred to in paragraph 1.9(2)(a) unless it is impractical to do so; and”; and

c) renumber what would previously have been paragraph (b) as paragraph (c).

2) After paragraph 1.8, insert—

“1.9

(1) If all of the conditions in sub-paragraph (2) are met—

(a) the defendant’s legal representative must—

(i) register with MyHMCTS and secure access to the DCP before the claim is started;

(ii) notify the claimant that they are instructed; and

(iii) provide the claimant with their email address for claim notifications; and

(b) the claimant must—

(i) provide the defendant’s legal representative’s email address for claim notifications to the court using the DCP when starting the claim under section 2 of this Practice Direction; and

(ii) notify the claim to the defendant using the procedure set out in section 3 of this Practice Direction.

(2) The conditions referred to in sub-paragraph (1) are—

(a) the claimant gives the defendant at least 14 days’ notice of their intention to bring a claim using the DCP; and

(b) the defendant has instructed a legal representative before the claim is started.”.

3) In paragraph 2.2, in sub-paragraph (6), omit the words from “and who has confirmed” to “from the DCP”.

TRANSITIONAL PROVISION

- 1) The amendments made by this instrument apply to a claim only where notice under paragraph 1.9(2)(a) is given on or after **15 September 2022**.