

134th UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendments in relation to Practice Direction 51R 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 Lord Wolfson of Tredegar, QC, Parliamentary Under-Secretary of State for Justice, by the authority of the Lord Chancellor.

The amendments made by this Update come into force on 20 July 2021 and apply in relation to all claims submitted to the court on or after 11.00 a.m. on that date.

The Right Honourable Sir Geoffrey Charles Vos

Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

Lord Wolfson of Tredegar, QC

Parliamentary Under-Secretary of State for Justice

Ministry of Justice

Date: 15th July 2021

PRACTICE DIRECTION 51R – ONLINE CIVIL MONEY CLAIMS PILOT

1) In the Table of Contents, for Section 9 substitute –

“

<u>SECTION 9 – DEFENDANT’S RESPONSE UNDER PARAGRAPH 5.1 TABLE A USING FORM N9B – ALTERNATIVE RESPONSES</u>	
<u>Defendant’s response under paragraph 5.1 Table A using form N9B – alternative responses</u>	Paragraph 9.1

”

- 2) In paragraph 5.1(7) after the words “notified the court”, insert “using the OCMC website”.
- 3) After the words in parentheses following paragraph 5.1(7), insert –

“(7A) If at first the defendant had been unable to respond online and had instead contacted the court and been given more time under paragraph 10.1(9) to respond on paper, if the defendant then became able to respond online, the defendant must still submit their completed response form on time. The form is submitted on time if it is received by the court within 33 days after the date that the court sent the paper response form to the defendant. For example, if the court sent the paper response form to the defendant on 3rd March, the defendant would have to complete the form and submit it to the court so that it was received by the court on or before 5th April.”.

- 4) For the heading to Section 9, substitute –

“DEFENDANT’S RESPONSE UNDER PARAGRAPH 5.1 TABLE A USING FORM N9B – ALTERNATIVE RESPONSES”.

- 5) In the heading to paragraph 9.1, substitute “submitted electronically” with “under paragraph 5.1 Table A using form N9B”.
- 6) In paragraph 9.1(1), for the first sentence ending “rest of the claim” substitute “Sub-paragraph (2) applies if, under paragraph 5.1 Table A, the defendant uses form N9B to make their response.”.
- 7) After paragraph 10.1(1), insert –

“(1A) If at first the defendant had been able to respond online and was given more time to respond online under paragraph 5.1(7), but then became no longer able to respond online, the defendant may respond on paper instead, if the defendant contacts the court on time and tells the court that they still want to respond to the claim. The defendant contacts the court on time if they contact the court within 33 days after the date of issue of the claim form. For example, if the court issued the online claim form on 3rd March, the defendant would have to contact the court on or before 5th April.”.

- 8) In paragraph 10.1(3) after the words “they are unable” insert “(or no longer able)”.
- 9) In paragraph 10.1(3) after the words “Online Civil Money Claims” insert “online”.
- 10) In paragraph 10.1(3)(a) after the words “(time extension form)” insert “, but only if the defendant had not already contacted the court online and been given more time to respond under paragraph 5.1(7);”.
- 11) In paragraph 10.1(5)(a), after the words “is unable” insert “(or no longer able)”.

12) In paragraph 10.1(5)(a), after the words “Online Civil Money Claims” insert “online”.

13) After paragraph 10.1(5), insert –

“(5A) If the defendant has already been given more time under paragraph 5.1(7) to respond to the claim, the defendant must submit the completed paper response form within 33 days of the date of issue of the claim form.”.

14) For paragraph 10.1(6) substitute –

“If a defendant has not already been given more time under paragraph 5.1(7) to respond to the claim, but would like more time, the defendant may make the request–

(a) by asking for more time to respond when they first contact the court; or

(b) by submitting to the court, on time, the completed time extension form.”.

15) In paragraph 10.1(9) after the words “for more time” insert “under subparagraph (6)”.

16) In paragraph 10.1(10) omit “completed”.