



Informing Progress - Shaping the Future

FOIL UPDATE 29th March 2022



Digital Claims Portal: PD51ZB

FOIL has received the following formal indication from HMCTS confirming that the Digital Claims Portal (the DCP), under PD 51ZB, will become compulsory for claimants from **4th April**. The communication strongly encourages defendants to use the process noting that *“it is intended shortly to update the Civil Procedure Rules to require that all claims that have been issued in the DCP must be responded to online using the DCP where the defendant is legally represented”*.

Following feedback from members, FOIL has raised concerns over some months with the Master of the Rolls, Lord Justice Birss and HMCTS, that the system is not yet ready and that the voluntary pilot should be extended to allow the system to be used and tested by defendant representative before it becomes compulsory. Given the message below it seems likely that it will become compulsory but we continue to press for changes to the process to make it work more effectively, and for more time.

We are working closely with member firms which are seeking to sign-up and use the process. If you have any feedback you would like to share, please contact Shirley Denyer on info@foil.org.uk

A summary of the notification from HMCTS

Practice Direction 51ZB Mandation of Claimant claim issue step

This communication is to draw attention to an update to the Civil Procedure Rules which (subject to approval by the Master of the Rolls and Ministerial concurrence) will take effect from 4 April 2022.

From, that date, all claims for damages that fall within the scope of Practice Direction 51ZB (link below) must be issued online using the Damages Claims Portal (“DCP”).

If a claim is issued on paper rather than under the DCP then it will be for the court (either of its own motion or on application of the parties) to determine whether it should have been issued online and, if so, what if any sanction should be imposed.

Link to PD51ZB - <https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part51/practice-direction-51zb-the-damages-claims-pilot>

Here is a link to the pre go live webinar, this gives a full demonstration of the issue to response journey: [Damages Claims pre-launch event 19 May 2021 - YouTube](#)

HMCTS strongly encourages you to start making full use of the new Damages Claims service **now**.

HMCTS states that the **benefits** of the Damages Claims service are as follows:

- 24/7 access to the digital service
- A new transformative approach to delivering civil justice
- Claims can be issued for one claimant versus one defendant, two claimants versus one defendant and one claimant versus two defendants
- A self-service system with the ability to see, immediately, the latest activity that has taken place on your claims
- Improved communication throughout the process with the introduction of e-mail notifications
- You can create, manage and maintain your firms MyHMCTS account, meaning you do not need to contact HMCTS to add or remove users
- You can allocate additional litigators to individual claims as shared access, to cover any supervision roles required or to cover annual leave periods. You are not restricted by how many litigators can use the service

Below is **user feedback** received from those who have used the Damages Claims service:

- *The postcode search function makes finding Claimant and Defendant addresses really quick and easy instead of having to copy and paste from our case management system.*
- *Lots of unnecessary steps from the old beta site have been removed such as the questions you would be asked regarding housing repair claims which used to really bug us as they would be asked even when it was clear it was a personal injury claim.*
- *The visibility of the case information is really clear.*
- *Navigation around the site is hurdle free.*
- *Overall, it feels like less buttons need to be clicked which is always a good thing.*
- *Site is easy to use.*
- *It gives certainty that your case is issued within any deadlines you may have, without waiting on Notice of Issue from the Court.*
- *Reduces postage costs/DX subscription fees.*
- *The mandatory boxes mean it prompts you to ensure everything is included; such as title of the party which I have seen left off claim forms before.*
- *Able to amend sections before final submission.*
- *Calculates the fee for you; more useful at present given recent fee increases. So no risk of sending incorrect amount.*
- *Associated with our PBA account so no risk of entering wrong details and causing issues with the Court fee being paid.*

As noted in the introduction to this FOIL Update, HMCTS **strongly encourage defendant** representatives responding to a claim issued in the DCP to sign up to MyHMCTS now and start responding online.

It is intended shortly to update the Civil Procedure Rules to require that all claims that have been issued in the DCP must be responded to online using the DCP where the defendant is legally represented.

Legal professionals acting for claimants can find [guidance and sign up](#) on GOV.UK.

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