



Informing Progress - Shaping the Future

FOIL UPDATE 9th September 2022



Defendants mandated to use the Damages Claims Pilot from 15th September

By way of the 150th Update, amendments are made to Practice Direction 51ZB – The Damages Claims Pilot, which supplements the Civil Procedure Rules 1998. These come into force on **15th September 2022**.

PRACTICE DIRECTION 51ZB now reads (with emphasis added):

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.

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