



HM Courts &
Tribunals Service

HMCTS Reform Online Event

Civil Reform



GOV.UK

Home > Business and self-employed > Business, debt and bankruptcy

Make a money claim online

You can make a money claim if you think a person or organisation owes you money and will not pay you back. You'll have to [pay a fee](#).

Before making a claim, contact the person or organisation to try to [resolve the issue by discussion or mediation](#).

Your claim, including your name and address, will be sent to the person you say owes you money. They'll get a chance to respond to your claim.

[Make a money claim >](#)

Return to an existing claim

[Sign in to your account](#) to check updates, manage a claim or make a new claim.

Help claiming online

The email or phone number to use depends on which service you need help with.

Background

HM Courts and Tribunals Service (HMCTS) is continuing to engage with practicing legal professionals and professional court users about our £1bn courts and tribunals reform programme.

We are hosting a series of [face-to-face and online events](#), organised by jurisdiction and topic. These events will enable participants to increase their knowledge and understanding, provide feedback, and ask questions about the progress and ambitions of the [reform programme](#).

On 15 October 2018 we held an HMCTS reform online event, which more than 100 legal professionals and professional court users joined us for. This event provided an overview of civil reform, focusing particularly on civil money claims. This service aims to transform the way in which people make and defend claims for money online.

During the event we gave participants the opportunity to submit questions and answered as many as possible during the session. This document provides responses to all of the questions that were not answered at the event itself.

Please note that for ease of reference, similar questions submitted at the event may have been grouped together and one overarching answer provided for the purposes of this document.

Did you miss this event? Please note that the event was recorded and is still available to [watch here](#).

Questions and Answers

How defendants are served

Q: *You say that on small claims, claimants can serve digitally when making a claim. Does this mean that service by email rather than by Royal Mail to the defendant's postal address is valid and deemed for service as soon as the claim is logged online?*

A: Service is not completed digitally, service of the claim form is still done by Royal Mail but a notification is also sent to the defendant's email address (where one has been provided). This notification contains the details of the claim and allows the defendant to access the claim online and respond.

Mediation

Q: *As a mediator, how does the court appoint a mediator and how do you join a list to participate in the scheme?*

A: The mediators for the Small Claims Mediation Service are civil servants employed by HMCTS. They do not retain a list of, or use, private mediators.

Q: *On one of the demo screens I think I saw a link to paid-for mediation. Where does that link go to?*

A: It goes to a justice.gov.uk page on [civil mediation](#).

Compliance

Q: *Do you consider this process to be Civil Procedure Rules (CPR) compliant, specifically in relation to statement of truth?*

A: The service is being developed with the assistance of Ministry of Justice (MOJ) lawyers and judicial input. The litigant-in-person service that is live on GOV.UK is supported by a pilot practice direction (PD

51R). The practice direction (PD) covers all aspects of the online journey, including the statement of truth. We also have a service in private testing with a limited number of legal representatives. This is also covered by a pilot PD (PD 51S).

Q: *Should there not be appropriate provisions for confidentiality and for without prejudice offers?*

A: We try to convey this while using plain English. When following the agreement process, both the claimant and defendant are advised that should the offer be rejected by the other party it cannot be discussed in court.

Legal representatives

Q: *I'm representing an organisation. What is the process for contacting large organisations (10,000+ people) and making sure the claim is received properly?*

A: At this stage the claimant provides the address for the defendant. The court does not provide any assistance in this process. We may look to provide a different solution for this at a later stage.

Q: *Will the process be more streamlined for legal representatives. For example, on the 'making a claim page', will legal representatives need to read the information about settling the claim every time we issue?*

A: We do not anticipate that legal representatives' processes need as much detail as that provided to a litigant in person. The service currently in-private testing for legal representatives is more streamlined.

Questions and Answers

Evidence

Q: *Is the user required to upload attachments to prove possession of evidence or is it taken at face value?*

A: Currently the parties are not required to upload copies of evidence, but they are given the opportunity to refer to evidence that they hold. At the early issue-and-response stage we do not feel that it necessary to provide the evidence referred to.

Q: *Is there any plan to allow parties to upload evidence with their claim/defence?*

A: No, but this may change. We will be looking to allow evidence to be uploaded at later case progression stages.

Q: *Are you considering the ability for users be able to upload evidence in the future?*

A: No, but this may change. We will be looking to allow evidence to be uploaded at later case progression stages.

Processes

Q: *There may be times where the defendant requires further information before they are able to respond to the claim properly (or even to locate the relevant details within the company systems). Therefore, if one were to request the claimant's contact details, would this ever be provided?*

A: The claimant's details are provided on the claim form, this is available on the paper copy that has been served and the digital copy that exists within their online account. We also provide the contact details of the claimant should the defendant want to make payment.

Q: *Is it possible for defendants to make a counterclaim?*

A: Not yet, but this feature is being tested and should be available over the coming months. A counterclaim can be made using the paper process.

Q: *In respect of the 'online acknowledgement of service section' is there a facility to dispute jurisdiction?*

A: No. The extension of time serves the same purpose as that of the acknowledgment of service; it just extends the defendant's time to respond by 14 days. The defendant would need to take the same action within online civil money claims (OCMC) as they would in non-OCMC case, that is make an application on the appropriate form and pay the relevant fee.

Q: *Is there an automated process for seeking judgment in default?*

A: No. The claimant must request any judgments in default.

Q: *Is it possible to make applications using the service such as where the claimant asserts that the defence has no real prospect of success and so wishes to apply for summary judgment?*

A: Not yet. We do intend to make it possible to make an application about a case. Until this is available online a party would need to file the appropriate form on paper and pay the relevant fee.

Q: *How do the parties make an application for summary judgment or strike out when using the new online system?*

A: This is not available yet. We do intend to make it possible to make an application about a case. Until this is available online a party would need to file the appropriate form on paper and pay the relevant fee.

Q: *If the defendant wants to write more than can fit in the defence box or wants to format the defence better, do they have any option other than filling in the box?*

A: The character limits within free text boxes are set high. No one has come close to exceeding this limit so far, but this is something that we monitor and we can increase the limit if there is a need. While not the preferred route, litigants in person will always be able to make or respond to a claim on paper. Should anyone wish to exceed the limits of the service or format their text in a certain way they will be able to do so.

Q: *Is the system going to be able to deal with LPD claims?*

A: We cannot answer this without knowing what the acronym LPD means in this context.

Q: *The demo showed the eligibility screens. Money claims online (MCOL) guidance doc has a summary of what you can and can't do using MCOL. Is there an equivalent summary you could send me for what online money claims does at the moment and as and when the system develops and incorporates more functionality?*

A: There is not a separate guidance document; the guidance is embedded in the service rather than elsewhere.

Q: *Can the online settlement tool only be viewed when that stage of the process is reached – for example, as a claimant you can't view it until the defendant has responded?*

A: That's correct. We only display features when they can be used. Once the defendant has filed their defence they will then be advised that they can make an offer to settle. The claimant will only see this feature if the defendant makes them an offer.

Payment

Q: *Can you pay with payment by account (PBA)?*

A: Not within the litigant in person service in public beta, but you can in our legal representatives' service currently in private testing.

Q: *How does the claimant pay for the pay to be issued?*

A: In the litigant-in-person service the only payment accepted is card. People using the legal representatives' pilot pay on account (direct debit).

Q: *In the example used where there is no agreement for court fee does that mean the claimant has to meet it?*

A: Any agreement made is for the whole claim and this will include costs. If a claimant is not happy with the suggested agreement they should not accept it.

Changing details

Q: *Can you change the terms of the agreement?*

A: The current feature only allows for one offer, if this is accepted then an agreement is provided. There is no ability to counter offer or amend the agreement. We intend to expand this feature to allow people to offer and counteroffer until an agreement is made.

Q: *Is the claimant notified if the defendant changes their details, for example their address?*

A: The claimant is notified of any change of address when the defendant takes any action within the service, for example requests extra time or files a response. We will look at developing a function for the defendant to update their details independent of a response. Should we do this we would notify the claimant of any change.

Questions and Answers

Information for people using the system

Q: *Is there going to be a section to inform the claimant/defendant of their obligations under the Civil Procedure Rules? I understand that it has to be simple for litigants in person to understand, however nowhere has it explained what their obligations are. They are obligated by the court to consider mediation yet there is no information regarding that - it simply says 'do you want to?'. When it is a highly charged matter for the claimant/defendant, they sometimes need to be reasoned with - this process does not do that.*

A: We know that we want to do more around explaining mediation and are currently testing some additional screens with users to give more detail. If testing is successful we will be building that in to the service. We are also working closely with the Civil Procedure Rule Committee (CPRC) as we design and iterate the process making it simpler and easier for litigants in person to understand

Q: *At how many locations in the online claim process is a claimant directed to a law centre, or Citizen's Advice?*

A: There are no links within the process to external websites.

Q: *Why is the person making an offer not asked to sign the legal agreement when making the offer?*

A: We plan to eventually allow the other party to make a counter offer. Once both parties are agreed on an acceptable settlement we can provide the suggested settlement agreement and ask both parties to sign. We will, however, ask our designers to consider this approach to see if it could work.

Q: *Have there been any instances of parties signing 'by mistake' - is there any process that parties can follow if that occurs?*

A: If a party has checked the answers that they have provided and signed a statement of truth but later realise there is an error, they would need to make an application on a form and pay the relevant fee to amend the claim/their response.

When it can't be used

Q: *Can the plaintiff/defendant be overseas?*

A: No, but this may change. We are looking at ways in which we can help people issue a claim out of jurisdiction and we may provide a function to do this within our online service.

Q: *Could the online service be used for individual defendants living in the EU?*

A: No, but this may change. We are looking at ways in which we can help people issue a claim out of jurisdiction and we may provide a function to do this within our online service.

Q: *Why can't claims be made against government departments currently?*

A: The litigant-in-person service that is live on GOV.UK is supported by a pilot practice direction (PD 51R). PD 51R does not allow for claims to be issued against the crown; the same provision is within other digital channels: PD 7C and PD 7E.

The wider HMCTS reform programme

Q: *Are there plans to incorporate help with fees functionality into the civil system? I can see in the May reform update that the functionality has been introduced in the family system.*

A: There are, yes. While this is not available yet we are working towards allowing those users who are eligible for help with fees to use our service.

Q: *Are you doing something similar in Rolls Building court, which is also a pilot court in certain extent?*

A: The pilot within the Rolls Buildings is operated by a different team. For more information about the pilot in the Rolls Building, please visit the GOV.UK page on [CE-File system information and support advice](#).

Q: *Is this pilot likely to be extended to the tribunal services such as employment tribunals, and if so what is the likely timeframe?*

A: You can find out more about the rest of HMCTS's reform programme, including about plans to reform employment tribunals, on the HMCTS reform [projects page](#) on GOV.UK.

Q: *How does this work in line with the pilot in property courts for disclosure which will ultimately filter down to county courts, i.e. disclosure being attached to the claim form?*

A: We have not considered the pilot in the business and property court. Online civil money claims (OCMC) currently only deals with claims up to £10,000 in value (small claims, where disclosure will be less of an issue). Should we decide to follow this approach, people will be able to upload any documents at the same time as submitting their claim.

Q: *Did HMCTS use any of the work carried out the Online Courts Hackathon organised by Legal Geek when putting together the service?*

A: Yes, it helped with the technical testing and requirements for the service.



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Justice matters