

# Damages Claims Portal Pilot Scheme update 7

September 2022

In our very recent update of 7 September we informed you of the likelihood that mandating the defendant journey in the DCP would go live on 15 September 2022.

We have since received the relevant Practice Direction amendment, which sets out the necessary amendments to Practice Direction 51ZB - The Damages Claims Pilot, and the fact that these amendments will come into force on 15 September 2022.

## What are the amendments to the Practice Direction?

### The amendments set out that:

The claimant must give the defendant the notice (set out below) unless it is impractical to do so (there are no examples of what circumstances might result in it being impractical for a claimant to give notice)

### The defendant's legal representative must -

- Register with MyHMCTS and secure access to the DCP
- Notify the claimant that they are instructed; and
- Provide the claimant with their email address for claim notifications; and


### The claimant must -

- Provide the defendant's legal representative's email address for claim notifications to the court using the DCP; and
- Notify the claim to the defendant using the DCP procedure

### The 'conditions' referred to above are -

- The claimant must give the defendant at least 14 days' notice of their intention to bring a claim using the DCP (though there are no sanctions set out in the Practice Direction for failure to do so); and
- The defendant has instructed a legal representative before the claim is started

## What do I need to do as a client?



It is important that you ensure you nominate a law firm to accept service of proceedings within the DCP as early as possible. Where you nominate Keoghs to accept service in the DCP please send us a copy of the nomination letter, it is important that you do this so that we are ready to accept service of the claim via the DCP once served.

You should inform claimant's solicitors to use the email address [DCP@keoghs.co.uk](mailto:DCP@keoghs.co.uk) when serving on us within the DCP, as well as sending a copy of the nomination email/letter to us at [nominations@keoghs.co.uk](mailto:nominations@keoghs.co.uk).



# Are HMCTS working on any other changes/enhancements?

## Timings for verification codes

HMCTS have made recent system enhancements to speed up the receipt of verification codes. We are applying the approach provided by HMCTS to our IT user accounts. If you do continue to see lengthy delays in the receipt of verification codes please log this with HMCTS.

## Service of claims

HMCTS are working to try to mandate a centralised email address for the service of claims. Currently a claimant solicitor can serve a claim via the DCP against any email address held by a firm, regardless of the email address provided. In order to prevent served claims being missed at Keoghs, we have a team who are checking the service and allocation of all claims on a daily basis – using the main firm case list within the DCP. There was hope that HMCTS would send an email notification to the super-user group for each firm with details of cases served, however they have confirmed that this system enhancement is not possible.

It should be noted that we are already seeing a volume of claims served in the DCP without prior consent of the defendant solicitor and using incorrect email addresses for service as well as quoting incorrect references. The current practice directions do not provide any sanctions for failure to follow the Rules and there is no intention to change these. We are concerned that failure to amend the Rules in this respect will lead to misuse of the system.

## Defence extension dates

Only one extension to the Defence date can be input on the DCP at present – meaning that unless you agree the full 28 day extension in the first instance (say for example you agree an initial 14-day extension), you will lose the opportunity to do so.

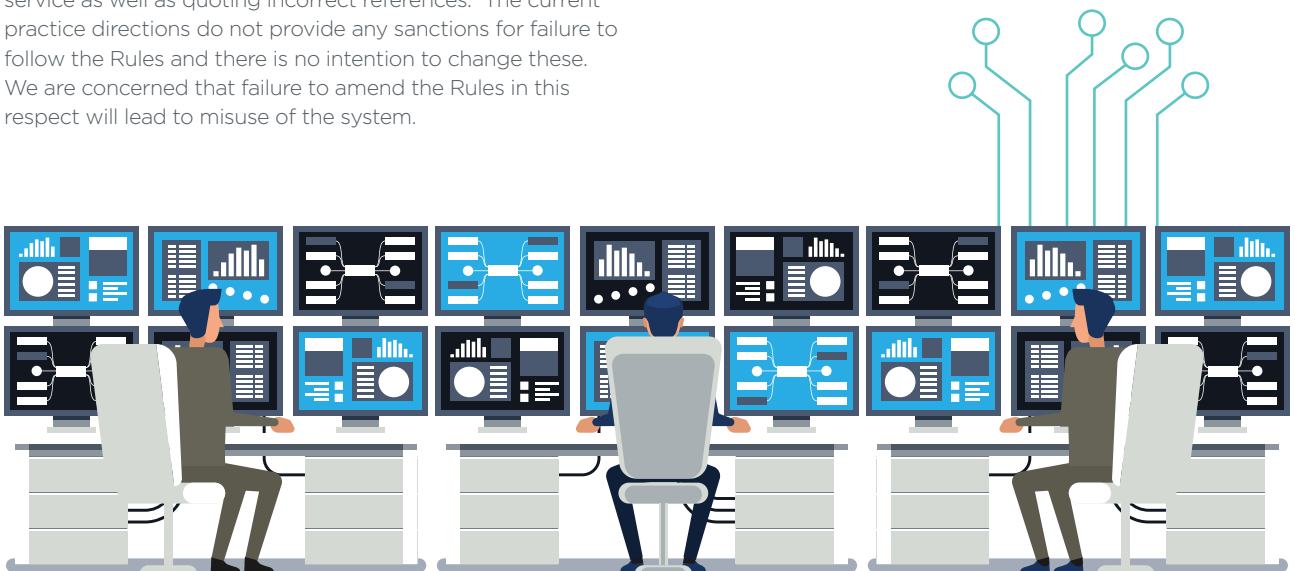
If you are using the DCP to accept service of claims, and it becomes necessary to agree an extension of time for service of the defence, we recommend you request a full 28-day extension at this time, until system enhancements are made to record multiple extensions.

## Search for Users

The system does not permit a search for Users at present and it is hoped that this will be changed to make the system more user-friendly.

## API

Finally, while HMCTS have acknowledged the need to build an API at a future date, no timeframe has been set for this and it does not appear to be a priority for them.



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