Yksityisoikeuden alalla ennen siirtymäkauden päättymistä meneillään olevat menettelyt ja vireille pannut oikeudenkäynnit jatkuvat EU:n lainsäädännön mukaisesti. Yhdistyneen kuningaskunnan kanssa yhteisesti sovitun mukaisesti Yhdistynyttä kuningaskuntaa koskevat tiedot säilytetään Euroopan oikeusportaalissa vuoden 2024 loppuun.

Online processing of cases and e-communication with courts

Englanti ja Wales

1 Is it possible to initiate court proceedings via the internet?

Yes it is possible to initiate court proceedings via the internet through either the Money Claim Online (MCOL) or Possession Claim Online (PCOL). Both systems are supported by a helpdesk which can provide assistance (although not legal advice). The helpdesk can be contacted on 0845 601 5935 (for callers within the United Kingdom) and +44 1604 619 402 (for callers from outside of the United Kingdom).

In addition claims within the various jurisdictions of the Rolls Building in London (the Chancery Division of the High Court, the Commercial and Technology and Construction Courts, the Mercantile Court and the Admiralty Court) may be issued and case managed electronically under the CE Filing scheme.

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

MCOL is available for County Court claims for a fixed amount of money which is less than £100000 (approximately €125000) including court fees and any lawyers' costs. The claim should be against no more than two people and the address of the person or persons being sued must be within England and Wales. The claimant must also have an address for service within England and Wales.

PCOL can be used to make a claim for the recovery of possession of land (including buildings or parts of buildings). It includes a possession claim for residential property by a landlord against a tenant, solely on the ground of arrears of rent (but not a claim for forfeiture of a lease); or a mortgagor against a mortgagee, solely on the ground of default in the payment of sums due under a mortgage. It does not include a claim for any other remedy except for payment of arrears of rent or money due under a mortgage, interest and costs. As with MCOL, all defendants must have an address for service in England and Wales and the creditor must have an address in England or Wales where documents can be delivered. The claimant must also be able to provide a postcode for the property to be recovered and should have an e-mail address.

For both MCOL and PCOL, creditors must be at least 18 years of age, must not lack mental capacity, must not be legally assisted within the meaning of the Legal Aid Act 1988 and must not be a vexatious litigant (that is a person who has been forbidden by a High Court Judge to issue proceedings in any county court in England and Wales without permission). Claims cannot be made against the Government or Monarchy.

These types of claims do not have to be initiated using the internet.

CE Filing is available for all claims (save for those involving an application for fees remission) that would otherwise be issued in the Rolls Building; cases not initiated under CE Filing may use either system.

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

Both MCOL and PCOL are available at all times. Where a claim is received before 09.00 on a day when the court is open, the request will be processed that day. Where it is received after 09.00 it will be processed on the next day that the court is open. The claim is usually printed and posted to the defendant on the day it is processed.

CE Filing is also available 24 hours a day, seven days a week, subject to routine maintenance.

4 Should the details of the claim be provided in any particular format?

For both MCOL and PCOL a claimant will be asked to complete a series of screens. Each screen deals with a specific piece of information that is required - for example the creditor's full name and address, the name and address of the defendant or defendants and the amount of money being claimed and details of the claim.

The MCOL and PCOL systems will automatically save information as it is completed on the screen. If only part of a screen is completed a creditor may save that information by selecting the save option which appears at the top and bottom of each screen. In MCOL these details are saved for 28 days to allow a creditor sufficient time to get together any further information required. PCOL will save a draft claim indefinitely until the claim is submitted and or deleted by the user.

The initial information about the parties and their lawyers is submitted in an online form. CE Filling enables the party to upload documents as if they were doing so over the counter; the only constraint is the size, should a document be too large, it will need to be filed in tranches.

5 How is transmission and storage of data secured?

Security is of paramount importance in both the MCOL and PCOL systems. Because some of the information a creditor provides can be of a sensitive nature security is provided through unique user ID and passwords. The site also has security protection and encrypts the data that passes over the Internet. However parties should note that any e-mails sent or received cannot be regarded as secure.

Creditors need to register with MCOL and PCOL before they can issue claims online. Once they have registered they are asked to choose a user ID and password. Both the ID and password must be no less than 8 and no more than 12 characters long and be a combination of letters and numbers.

MCOL and PCOL also ask a creditor to select a security question and provide an answer to it when he/she registers. This is in case the creditor forgets his /her password. The system will e-mail the password provided the security question has been answered correctly. User IDs once forgotten are irretrievable.

CE Filing is a secure method of transmitting information as between the courts and the parties and their bankers.

6 Is it necessary to use any kind of electronic signature and/or time record?

Electronic signatures are not required, although the logon procedure described in answer to question 5 applies. The time an application is submitted will, as explained in the answer to question 3, determine the day on which the claim is processed.

As CE Filing is a method of filing documents, no electronic signature is required. Timing of submission is either the time of payment of the relevant fee or the date and time as set out in the relevant rules.

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

Claims issued online attract a lower fee than those issued manually, as it is less resource intensive for court staff. The court fees for both MCOL and PCOL should be paid by credit or debit card, and PCOL also allows payment by direct debit for organisations and lawyers. Those entitled to claim a fee remission cannot use MCOL or PCOL. If a fee remission is claimed the application would require proof that would need to be checked by a member of court staff. For that reason applications for fee remissions are not available online. Claimants who feel they qualify for fee remission need to contact their local court and issue a manual claim along with their application.
The Fees payable are the same as if the case was issued over the counter fees are paid either via credit card are or on account.

8 Is it possible to withdraw a claim that has been initiated via the internet?

While it is possible to delete claims and requests made through MCOL and PCOL before they have been submitted, after being submitted claims cannot be deleted. It is possible to cancel proceedings requested via MCOL or PCOL once they have been issued in the same way as for non-electronic procedures. Court fees cannot be refunded when a request for cancellation is made after proceedings have been issued.
Under CE filing a case may be withdraw in the same way as had it been done so via an over- the-counter filing

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

If a claim has been issued through MCOL or PCOL a defendant may respond electronically using the login password provided on the front of the claim form. It is not compulsory to respond via the internet.
A CE filing case will, in the absence of any rule, continue as a CE filing case.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

The defendant can respond online to a claim made using MCOL in 5 ways. He/she can:
Pay the claim in full
Make a full admission
Make a part admission
File an acknowledgement of service
Defend the claim
Make a counterclaim against the claimant
Where the defendant submits a defence the case is transferred to the defendant's local court. Where a counterclaim is made the case is transferred to an appropriate court. In both circumstances the case will proceed as if it was issued in a non-electronic format.
If the defendant makes a partial admission the creditor will be asked whether he/she is willing to accept this admission. If it is accepted the claimant may request the court to enter judgment against the defendant and send an order to pay. If it is not accepted the case will proceed as a defended case.
If the defendant replies to the possession claim a copy is served on the claimant and placed on the court file for the initial possession hearing. On PCOL, defendants can complete the response form which is a statement of means and is required in advance of the possession hearing.
A Defendant to a CE filing case has the same options as a defendant to a non-CE filed case.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

If the defendant does not to respond to a claim the creditor can request judgment by default online via MCOL. A request can be made by selecting the Judgment Start option. The creditor is asked to decide whether he/she wants the defendant to pay the claim by instalments or in one lump payment. If the creditor has claimed interest as part of the original claim he/she is entitled to claim interest from the date of issue up to the date judgment is requested. As with the initiation of claims, a request for judgment if received via MCOL before 09.00 on a day when courts are open will be processed at the end of the day. Where it is received after 09.00 it will be processed on the next day when the court is open and may not appear on MCOL until the following day.
PCOL can be used to apply to the court for a date to be fixed for possession where the defendant has failed to comply with the terms of an Order for Possession. However the required supporting evidence must be filed directly with the court and cannot be attached to an online application.
The failure to engage with the process on the part of the defendant in a CE-Filed case will lead to the same outcomes in a non-CE Filed case.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

PCOL allows claimants to submit the following electronically:
General correspondence
General application
Request hearing adjournment
Withdraw claim.
For MCOL, claimants can also do the following electronically:
Enter judgment by admission, part admission or default
Issue a warrant of execution.
Claimants and defendants can submit e-mail correspondence and queries through MCOL and PCOL. However they cannot submit general correspondence or applications electronically.
CE Filing allows all documents to be field electronically.

13 Can judicial documents, and particularly judgments, be served via the internet?

Judgments can be issued on both MCOL and PCOL, however they must be served by the method prescribed in the rules.
In CE Filing cases, the originating party is responsible for service.

14 Can judicial decisions be given electronically?

Judges do not have the facility to send decisions to parties electronically.
CE filing has no bearing on the handing down of judgments.

15 Can an appeal be made and its decision served via the internet?

An appeal can be made via PCOL on a general application, but other than that no appeal can be made electronically via PCOL or MCOL. Decisions cannot be served via the internet.
CE filling has no application in appeal cases.

16 Is it possible to initiate enforcement proceedings via the internet?

Where a creditor requests judgment by default with immediate payment via MCOL, he/she can request a warrant of execution once the status on MCOL shows that judgment has been entered, and where the defendant has defaulted against the terms of the judgment (this applies whether the judgment is obtained by default or by admission.) There is a fee for issuing a warrant which the creditor will be asked to pay using either a debit or a credit card. This court fee is added to the amount owing. To request a warrant online the creditor must log onto the system using his/her user ID and password, select the claim and select the 'warrant of execution' option.
The warrant must be issued for:
Either the balance due under the judgment

Or, if the judgment is payable by instalments, a minimum sum of £50 or one monthly instalment, whichever is the greater amount.
Once the warrant has been issued it is sent electronically to the bailiffs at the defendant's home court. The bailiffs will make several attempts to recover the creditor's money.
Other methods of enforcement - the full details of which can be found on the enforcement factsheet for England and Wales - are not available via MCOL.
PCOL can be used to submit a request to the court to issue a Warrant of Possession. This provides a means to enforce a judgment or order for the possession of land (where 'land' is taken to mean both buildings and open land). If the occupants of the land do not leave voluntarily, a bailiff has powers under the warrant to evict them. A fee is required to be paid.
PCOL can also be used to submit an application to the court for Leave to Issue a Warrant of Restitution. Warrants of Restitution only apply in the circumstances when the bailiff has successfully executed a possession warrant and the previous occupant has regained possession of the property.
However if an application intends to rely on a separate witness statement or documentation it is not possible to submit an application online. No other methods of enforcement can be requested via PCOL.
CE Filing has no enforcement provisions.

17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

Parties can view their case status online, and view the history of cases that have been issued by them or against them.
Subject to the rules in the CPR, CE Files may be searched via the terminal provided for that purpose.

Related links

Money Claim Online
Possession Claim Online
Civil Procedure Rules
Ministry of Justice

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