

The Damages Claims Portal - A brief introduction for clients

12 May 2022

What is the Damages Claims Portal?

- The Damages Claims Portal (“DCP”) is an online portal for use by legal representatives in litigation to file and serve key documents on the court and the parties to the litigation. One of the key benefits is that all key claim documents are accessible in one central repository, making it easier to monitor the progress of the case.
- Over time, it is thought that the DCP will evolve into a fully digitised end-to-end system for damages claims at the County Court level. By the end of the year, the Courts and Tribunal Service hope have the following functionality enabled:
 - “for a judge to provide Standard Directions Orders on a case after reviewing the digital case file - sometimes referred to as allocation to track (small claims, Fast and Multi Track);
 - for a legal representative to request and receive an Interim Judgment with subsequent Judges Directions Order for damages; and
 - for a legal representative to issue a ‘general’ application, facilitate the respondent to reply to the application (when required) and for the judge to make an order (the journey should cater for one or more live applications to be processed at one point in time).”
- Currently the DCP is limited in its scope as determined by [PD 51ZB](#) and all our litigators are now conversant with the requirements and processes.
- As of **04 April 2022**, all claimants with legal representation in relevant proceedings were required to use the DCP, with defendants having the opportunity to drop out when requested. This will change by **02 June 2022**, where the Courts and Tribunal Service will require all legally represented defendants to relevant disputes to use the DCP as well.

What claims will this apply to?

The scope of the DCP is wide ranging for County Court claims.

Included Claims	Excluded Claims
Claims where the sole remedy sought is damages, irrespective of the value	Claims not listed for consideration in the County Court
Claims where the claimant is legally represented;	Claims that seek a remedy that is not only damages
Claims that are conducted in English	Claims that are debt claims or possession claims;
Claims that have fully paid the necessary fees for issuing the claim using the “Payment by Account” System	Claims where the defendant is not represented by a legal representative;
Claims involving children are permitted	Claims that have more than three parties
Claims leaving the MoJ’s portal or the	Claims brought under CPR 8 (e.g.

Official Injury Claims portal, that have been issued as CPR 7 claims	costs only, and approval hearing)
Claims that involve up to three parties	Claims where the defendant has a postal address for service outside of England and Wales
	Claims against individuals under 18 years old
	Claims where the claimant is a protected party under CPR 21.1(2) (d) (e.g. children and parties who lack mental capacity)
	Claims that are made under one of the provisions of the Consumer Credit Act 1974 specified within PD 7B para 3.1 (e.g. claim by the creditor to enforce regulated agreement relating to goods)
	Claims is being progressed under PD 27B (RTA Small Claims Protocol)

What do you need to know?

- The DCP is only applicable (at this stage) to legally represented parties;
- All damages only claims in the County Court will be managed via the portal save for those excluded, as above, up to the stage of Directions Questionnaire;
- Browne Jacobson has created its account with MyHMCTS and all claims will be notified to DCPService@brownejacobson.com
- Any queries you have on the DCP or any future changes to DCPclientqueries@brownejacobson.com

Some of the Current Challenges

- A key issue is the DCP does not apply to claims where a solicitor has not yet been appointed. For example, defendants might have a claim issued against them before solicitors have been appointed to advise. It is not clear how the DCP will deal with these claims: whether the claim will retrospectively be added to the DCP or if they will be continued outside of the scope of the DCP.
- For claims against an insured, there is no requirement for details to be provided to the insurer, which will likely result in additional correspondence to obtain those details and delay. Currently, the DCP is only available to legal representatives. Therefore, non-represented parties can request that the claimant's solicitor serve proceedings directly against the insurer or defendant. In these circumstances, the case will be issued by way of the DCP but then fall out to be served in the traditional way.
- We expect the process the DCP to widen in scope in the future and that the MyHMCTS online process will improve over time.

What do you need to do?

- When you think an included claim may lead to court proceedings, nominate solicitors early, providing reference details to help ensure the DCP proceedings can be matched to a case.
- You can provide details for 'normal' service (such as postal address) and also DCP details, to ensure you are protected whether or not a claim is within the DCP process.
- If you are nominating us, then please also inform us (providing a reference) using the DCPService@brownejacobson.com. This will assist in matching served claims to your case.
- The first step in the process is an acknowledgement within 14 days. We suggest that when sending a nomination, you also ask claimant representatives to make contact within seven days if an acknowledgement has not been received. When nominating us you

can again use DCPService@brownejacobson.com. This ought to reduce your risk as this new service is embedded.

- For draft wording, queries, or to discuss training please contact us at DCPclientqueries@brownejacobson.com

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