

## Notice of important changes from April 2006

**In April 2006 important changes to the Civil Procedure Rules come into force. This notice explains what the changes are and how they will affect you.**

### **Q. What are the changes?**

- A.
- There will be new rules and practice directions detailing the information that should be provided to the court to issue a claim
  - The provision of a postcode for any address supplied will be mandatory
  - Defendants will be asked to provide their date of birth when replying to a claim
  - Claimants will be asked to provide the defendant's date of birth to the court (where known) when applying for judgment

### **Q. What information will need to be provided to the court to issue a claim?**

A. You must provide the full name of each party where known. The full name means:

- In the case of an individual, his full unabbreviated name, including the title by which he is known (i.e Mr, Mrs, Dr, etc.)
- In the case of an individual trading under another name, his full unabbreviated name and the title by which he is known and the full name under which he is trading, e.g. Mr John Smith T/As JS Autos
- In the case of a partnership (other than a limited liability partnership) the full name of the business followed by the suffix 'a firm'
- In the case of a registered company or limited liability partnership, the full name of the company or partnership followed by the appropriate suffix, i.e. Ltd, Plc, LLP
- In the case of any other company or corporation, its full name and any suffix if appropriate

*(Civil Procedure Rules Part 16 Practice Direction, paragraph 2.6)*

### **Q. Why does the court need this information?**

A. These rules clarify existing law on how parties to a claim must be described. Supplying better quality information to the court at the outset may improve your chances of successful recovery of the debt. It will also ensure that, if the judgment is registered on the Register of Judgments Orders and Fines, the defendant can be properly identified.

### **Q. What if I don't know all the defendant's details?**

A. You should find out as much information as possible about the person you want to sue before coming to court. The courts will not be able to deal with any defective claims submitted to them, but may accept claims against individuals if you are unable to provide their full unabbreviated name as long as you provide as much information as you can find out about the person.

### **Q. Where can I find information about the defendant?**

A. If the defendant is an individual, you may be able to find their details on the Electoral Register. This is available for inspection from your local council. If the defendant is a business, you may be able to find out about them from their headed notepaper, or any cheques or invoices they have sent you.

Registered companies should be registered at Companies House. If you cannot find out the full name of the company any other way, you may search the Companies Register. Further information about this can be found at [www.companieshouse.gov.uk](http://www.companieshouse.gov.uk).

If you are in any doubt, court staff may be able to help you. **But remember, court staff cannot give legal advice.**

**Q. Why does the court need a postcode for any address supplied to the court?**

A. The postcode is an integral part of an address. Ensuring every address includes a postcode will help the court ensure the accuracy of registered judgments, and ensure the claim reaches the defendant. Again the more information you provide the court the better your chances of recovery may be.

**Q. What if I do not know the Defendant's postcode?**

A. The postcode for any address in the United Kingdom may be obtained free from the Royal Mail Address Management Guide, or their website at [www.royalmail.com](http://www.royalmail.com). If an address does not have a postcode you will need to ask the judge for permission to serve your claim with this information missing when you submit your claim to the court for issue, explaining your reasons. There is no additional fee for this, but if you omit a postcode and fail to ask permission of the judge the court will not allow your claim to be served on the defendant until you supply the missing postcode or a judge permits service without it. (*Rule 6.5(2), Part 16 PD, paragraph 2.4 and Part 23 PD, paragraph 2.1(4)*).

**Q. Why are the courts collecting the defendant's date of birth?**

A. This will be added with the defendant's name and address to the Register of Judgments, Orders and Fines if the judgment is registered. This will help better identify debtors, particularly where his/her full name is unknown, and avoid inappropriate credit being granted to the debtor where the data is used for credit referencing. It will also assist with enforcement.

**Q. How will the defendant inform the court of his/her date of birth?**

A. The Defendant is required to supply this information when replying to a claim, even if they are defending it. (*Part 16 Practice Direction, paragraph 10.7*).

**Q. What if the defendant fails to supply the court with his/her date of birth?**

A. The defendant is required to supply his/her date of birth when replying to a claim but the court will not be able to refuse to process a reply simply because the defendant has failed to supply a date of birth. But if the Defendant does not reply to the claim at all or replies but does not provide his/her date of birth, claimants may supply the defendant's date of birth when applying for judgment if this is known from their own records. (*Rule 12.4(2) and Part 12 PD paragraph.3.2*). If the defendant attends a hearing, the judge may ask the defendant to inform the court of his/her date of birth at the hearing.

**Q. If the defendant admits the claim they are required to send the notice of admission direct to the claimant. How then will the court obtain this information?**

A. The claimant is required to include the defendant's date of birth on the form of application for judgment.

**Q. What about the Data Protection Act?**

A. There is nothing preventing you supplying personal information about a Defendant to the court for the purposes of making a claim or complying with court rules. The Information Commissioner has been consulted and is content.

**Q. Where can I obtain further information about these rule changes?**

A. Please contact the court in the first instance, which may pass your query to HMCS HQ if necessary.