



Claims Management Regulation Notice

Submitting a claim for unfair bank charges with a County Court

It has been brought to our attention by Her Majesty's Court Service that some claims management businesses are not complying with the Civil Procedure Rules (CPR) when submitting a claim for unfair bank charges. The CPR govern the practice and procedure to be followed in courts, enabling them to manage cases coming to court and deal with them justly. This note is a reminder to those authorised businesses registered as providing regulated claims management services in the financial services sector of the need to comply with the CPR when filing a claim form with a county court.

Part 6 of the CPR sets out the rules relating to address for service and this explicitly requires that only the details of a party (claimant or solicitor) to the proceedings can be entered on the claim form. We understand that some businesses are incorrectly entering their business name and address in the space reserved for the claimant's name and address. If a claim form with incorrect details has already been submitted, it will need to be replaced with a correctly completed claim form immediately.

Breach of the CPR could result in a claim being struck out of Court and loss of the Court Fee. It might also be viewed as a breach of our Conduct Rules relating to representation of clients.

Businesses should also note that they do not have rights to conduct litigation nor rights of audience. This means that businesses cannot provide any litigation services nor can they represent the claimant at a hearing without express permission from the Judge hearing the case and attendance by the claimant at the hearing.

The Civil Procedure Rules are available at http://www.justice.gov.uk/civil/procrules_fin/index.htm.

The notes in the Conduct Rules will be amended in due course to clarify the position regarding representation of clients.