



A court claim has been made against me – what should I do?

For people whose dispute has been taken to court

About this leaflet

This leaflet is for people who have received a claim against them. It explains:

- what happens if you ignore the claim
- how to admit or defend the claim (or make a counterclaim), and
- whether you need to go to court.

It also explains how you can still settle the dispute without taking the matter to court.

Important information about this leaflet. This leaflet is only intended as a guide. You may wish to get independent legal advice before making decisions based on this leaflet.

If you need this leaflet in an alternative format, for example in large print, please contact your local court for assistance. You can find contact details for all our courts online at hmctscourtfinder.justice.gov.uk

What should I do if I receive notice of a claim?

You should act quickly. You only have a short period of time within which you have to respond. The date you receive the court papers is known as the 'date of service', which is two days after postmark. You must respond to the claim within 14 days from this date.

However, first of all, check if the section headed 'Particulars of claim' on the claim form contains the text 'Particulars of claim to follow'. If it does, you should **not** reply to the claim until you have received these particulars (which should be sent to you within 14 days). Once you receive the particulars of the claim, make sure you respond within 14 days of receiving them.

If your response is not received within 14 days, the court can either make an order that you pay the amount claimed or decide the amount you are liable for. This is known as a county court judgment.

Remember, you can still talk to the person making a claim against you. Many people think that there should be no contact between the parties once the court process has begun. That is not true. Although you have to reply to the claim within 14 days, you will probably find it helpful to contact the person making the claim (or their legal representative) to discuss how to settle the dispute.

How do I reply to the claim?

To reply to the claim, you will need to complete the forms contained in a response pack sent with the claim form (or with the particulars of the claim if they were sent separately). Make sure you read the guidance notes for defendants carefully before completing any forms.

If the person making the claim started it online (if so, the case papers will be in the name of Northampton County Court), you can also respond to the claim online. Go to www.moneyclaim.gov.uk to complete the relevant forms. You must still reply within 14 days of the date you received the claim.

The form you need to fill in depends on your response.

- **If you are admitting all (or part) of the claim,**
- **If you are defending the claim,**
- **If you are making a counterclaim** (that is, if you believe the person making the claim owes you money),

What if I want to admit all (or part) of the claim?

If you want to pay the amount claimed straightaway, you can either send or take the money to the address shown on the claim form. Remember to ask for a receipt. Make sure that your payment reaches the person making the claim within 14 days of you receiving the claim (or the particulars of the claim).

How do I admit liability for an unspecified amount?

To admit liability for an amount of money that has yet been decided (known as an 'unspecified amount of money'), complete the admission form. When filling in the form, you can either:

- offer a fixed sum of money to settle the claim (usually to be paid in full but you may ask for extra time), or
- admit the claim without saying how much is admitted.

Can I have extra time to pay the amount that I owe?

If you need extra time to pay the amount you admit that you owe, you can ask the person who is making the claim if you can pay the amount in instalments or at a future date.

To do this, fill in the admission form, giving details about your income and expenses and specifying how you would like to pay. You may want to contact the person making the claim (or their solicitor) to discuss a payment proposal.

Send the admission form to the address specified on the claim form. Remember to keep a copy for yourself.

If the person making the claim accepts your offer to pay in instalments, you have to keep up your payments. If you are having difficulties making the payments – if you lost your job, for example – you should contact the court. The court may be able to help you prevent further costs being added to the amount you owe.

If you make an admission, the person making the claim (the claimant) can still ask for judgment to be entered.

What if I do not owe as much money as is being claimed?

If you agree that you do owe some money but less than is being claimed, complete both the admission form and the defence and counterclaim form. This is known as 'making a part admission'.

You have to specify how much you owe and explain why you consider you do not owe more than this. You can then offer to pay the amount that you agree to in full, or ask for extra time to pay what you owe.

Send both of the forms to the court so that they receive them within 14 days of the date of service (that is, 14 days from the date you received the court papers). However, if you need more time to put your defence together, you can extend this time. For more information, see 'Can I have more time to complete my defence?'

The court will then send copies of your completed forms to the person who made the claim asking whether your part admission is accepted and can be settled, or whether they want to carry on with their claim as a defended claim. The person who made the claim must reply to the court within 14 days of receiving your part admission.

What if I want to defend the claim?

How do I file a defence?

If you want to defend the claim, you have to complete the defence and counterclaim form. Make sure you read the instructions carefully and answer all the points raised. If you do not address all of them, it will be assumed that you admit to them.

Return the form to the court within 14 days.

Please note that once a claim is defended, it may be transferred to a different court that is nearer to where you live or work.

Can I have more time to complete my defence?

If you need more time to seek advice and complete your defence, fill in the acknowledgement of service form and make sure that the court receives it within 14 days. This will allow you to complete your defence within a period of 28 days from the date of service (that is, 28 days from the date you received the court papers). The court will tell the person who made the claim that your acknowledgement of service has been received.

What if I have already paid the amount claimed?

If you believe that you have already paid the claimed amount, complete the defence and counterclaim form and send it to the court. The court will then pass on a copy to the person making the claim who now has two options. Either they will agree that the money has been paid and will not take the matter further, or they will continue the claim as a defended claim.

Remember, if you paid the money you owed after the date of service (that is, the date you received the court papers) the person making the claim may still be claiming money for the court fee or other expenses. Check the claim form for details of what they are claiming.

What do I do if the person making a claim owes me money?

If you believe that the person making the claim against you owes you money and you want to claim this, you will need to make a claim against that person. This is called a counterclaim. Complete the counterclaim section of the defence and counterclaim form, and then send it to the court office.

You will have to pay a fee for making a counterclaim. You might not have to pay a court fee if your financial situation or if paying a fee would cause you hardship. The leaflet EX160A Court and Tribunal fees - Do I have to pay them? tells you more about the fee remission system and includes the remission application form. The leaflet is available online at hmctsformfinder.justice.gov.uk

It is very important that you do not ignore the claim. If you do not reply or if your response is late, the court can order you to pay the amount claimed or decide the amount you are liable for. This is known as the court 'entering a judgment' against you. Your details will also be entered on the Register of Judgments, Orders and Fines.

The Register of Judgments, Orders and Fines records details of court judgments. These records are used by the credit industry (such as banks and building societies) to make lending decisions. If your judgment is recorded on the register, you may find it difficult to get credit.

Will I have to go to court?

You may have to go to court if you defend the claim, or if you and the person making the claim cannot agree on how to pay the amount. Cases in court follow one of three routes called small claims track, fast track and multi-track.

The route a case follows at court is decided by the judge and is based on the value of the claim and how complex the case is.

If the claim is for £10,000 or less, it will probably be dealt with in the small claims track. You can find more information about this route in our leaflet **The small claims track in civil courts**.

If the claim is for more than £10,000, it will probably be dealt with in the fast track or multi-track. You can find more information about these routes in our leaflet **Fast track and multi-track claims in civil courts**. See page 14 for details on how to access our range of leaflets.

However, it is not too late to resolve the issue without going to court. You can still agree on a settlement or try an alternative way, such as mediation or arbitration. For more information about alternative ways to settle a dispute, read our leaflet **I'm in a dispute – what can I do?**

How a dispute might progress to court

The diagram below shows how a dispute claim can progress through court. This leaflet covers the part of the process that is highlighted.



Being in a dispute

A dispute is when someone is involved in a disagreement with another person or organisation, for example over money owed.

Finding an alternative to court

The court requires you to try to settle the dispute using ways other than going to court. These are generally cheaper and faster. If an alternative way is successful, you leave the process here.

Starting the court process

The court process starts when a claim is made through the courts. The claim can then either be defended or admitted.

The claim is defended

If the claim is defended or if you or the other party cannot agree on the money owed, the dispute will go to court.

or

The claim is admitted

If the claim is admitted, the person whom it was made against should pay what is owed. The dispute then ends and you leave the process here.

Small claims track

Claims for £10,000 or less are likely to be dealt with by the small claims track. These cases will usually last less than six months.

or

Fast or multi-track

Claims for more than £10,000 are likely to be dealt with by the fast or multi-track. These cases can be complicated and therefore can take longer than six months to complete.

Appealing against a court decision

If you or the other party disagree with the judge's decision, you can appeal. You must have proper grounds and permission from the judge to make an appeal.

Do I need legal advice?

You can get free legal information and advice from various organisations. Remember, court staff are not able to give legal advice about your case.

Where can I get more information?

For general information about solving legal disputes, visit www.gov.uk

For advice on court procedures, to get the forms you need or for help filling them in, speak to the court staff. But remember, they cannot give you legal advice. For example, they cannot tell you if you have a good claim or who you should be claiming from.

You may qualify for legal aid. For more information visit **www.gov.uk/legal-aid**

You may also get free legal advice from a Law Centre or a Citizens Advice Bureau at **www.adviceguide.org.uk**

To read our other leaflets in this series, visit hmctsformsfinder.justice.gov.uk

For information on consumer issues, contact Consumer Direct on 08454 04 05 06 or visit **www.consumerdirect.gov.uk**

For issues relating to water, contact the Consumer Council for Water on 0121 345 1000 or 0845 039 2837 (this will redirect you to your local committee) or by email on **enquiries@ccwater.org.uk**

For issues relating to landline telephones, mobile phones and the internet, contact Ofcom on 020 7981 3040 or you can send an email to Ofcom through their website at **www.ofcom.org**

For issues relating to gas and electricity, contact Ofgem on 020 7901 7295 or by email on **consumeraffairs@ofgem.gov.uk**

For information on how to contact Ombudsman services, contact the British and Irish Ombudsman Association on 020 8894 9272 or by email on **secretary@bioa.org.uk**

For contact details of all our courts, visit hmctscourtfinder.justice.gov.uk

What additional help is available for court users with a disability?

If you need this leaflet in an alternative format, for example in large print, please contact your local court for help. You can find contact details for all our courts online at hmctscourtfinder.justice.gov.uk

If you have a disability that makes going to court or communicating difficult, please contact the court concerned and they will be able to help you. You can find contact details for all our courts online hmctscourtfinder.justice.gov.uk

HM Courts & Tribunals Service is an agency of the Ministry of Justice. The agency is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland. It provides for a fair, efficient and effective justice system delivered by an independent judiciary.

HM Courts & Tribunals Service aims to ensure that all citizens receive timely access to justice according to their different needs, whether as victims or witnesses of crime, defendants accused of crimes, consumers in debt, children at risk of harm, businesses involved in commercial disputes or as individuals asserting their employment rights or challenging the decisions of government bodies.

For more information see www.justice.gov.uk/about/hmcts