



TAKING A SMALL CLAIMS ACTION IN THE COUNTY COURT

ISSUING THE CLAIM AND THE DEFENDANT'S RESPONSE




Welcome to this guide

The buttons on each page will allow you to choose to look at the parts of the guide that you are interested in. Alternatively you can scroll through each page.

 This symbol means that you will be taken from the document you are viewing to another document within the guide - clicking the  button in the new document will then **not** return you to the last page that you viewed – you will need to return to the guide's home page to select the part of the guide that you were last viewing.



Issuing the claim

When you have completed the  you should photocopy it and the defendant's guidance notes. You need to make a copy of both these documents for **each** Defendant you are claiming from, as well as **one copy for the court**, and send all of these copies to the court. Make sure you also keep **one copy for yourself**.

If you do not qualify for a remission of fees you will also need to include the [Issue Fee](#) either in cash, by postal order or by cheque, making it payable to 'HM Courts & Tribunals Service'.

NOTE all claim forms should be sent to the County Court Money Claims Centre, PO Box 527, Salford, M5 0BY.



Notice of Issue

The Court will allocate the case a unique 'Case Number'. The Court will send one set of the documents by post to the Defendant and will send you one set of the documents together with a Notice of Issue.

This Notice will tell you the following information:

- the date the claim was issued
- the date the Defendant was served (received the summons)
- the date by which the Defendant must respond

The Defendant is given the option of admitting, partly admitting or defending your claim.



The Defendant's response

If the Defendant responds to the Court they will forward the defence to you. If the Defendant does not respond, the court will let you know that there has been no response.

No response from Defendant and you claimed a specified amount

No response from Defendant and you claimed an unspecified amount

Response from the Defendant requesting further time

Response from the Defendant admitting the claim – specified amount

Response from the Defendant Admitting the claim - unspecified amount

Response from the Defendant - Defending all of the claim

Response from the Defendant - Defending part of the claim

Response from the Defendant - Claiming that they have already paid what they owe.

Response from the Defendant - Defending the claim and counterclaim



No response from Defendant and you claimed a specified amount

If the Defendant does **NOT** respond in any way, then you should complete the lower section, Request for judgment, on the Notice of Issue. You should do this as soon as the date for the Defendant's response has passed, as the Defendant can still reply to your claim until the court receives your request. If the Defendant's reply is late but arrives before or on the day of your request, it will have priority and you will not get judgment in default.

Before submitting your request, make sure you decide how you want the Defendant to pay the amount they owe. Think carefully about this. You may be more likely to get the money if you give the Defendant extra time, either by allowing them to pay in installments over a period of time, or at a future date.

When the court has received your request, they will complete a 'judgment for claimant', which gives the Defendant details of the money they owe. Both you and the Defendant will receive copies of this judgment. It will also be recorded on the Register of Judgments, Orders and Fines.



[If you receive judgment but the defendant doesn't pay](#)

No response from Defendant and you claimed an unspecified amount

You can ask the court to make an order in your favour against the defendant. This will mean that the Defendant is responsible (or 'liable') for your claim. This is known as asking the court to 'enter judgment for an amount to be decided by the court'.

To do this, complete the bottom half of your Notice of Issue that the court sent to you when you made your claim.

When the court has received your request, it will be referred to a judge, who will decide whether a court hearing is needed. They will also decide whether there is anything that you need to do, such as provide particular evidence, which can help the judge determine how much money you are entitled to.

Once the judge has made a decision about how much money you are entitled to, both you and the Defendant will be sent an order. The order will state that you are entitled to 'judgment on liability' and explain any instructions (or 'directions') that the judge has given. It may also say that your claim has been given a hearing date.

[➔ If you receive judgment but the defendant doesn't pay](#)

[➔ If there is to be a Hearing](#)



Response from the Defendant requesting further time

The Defendant can ask the Court for a further 14 days to respond (28 days in total). This is known as an 'Acknowledgement of Service'. The Court will let you know if this happens.



Response from the Defendant admitting the claim – specified amount

The Defendant has admitted your claim in full and is either making full payment of the claim or making proposals to pay the sum you are claiming. If the Defendant has asked for extra time to pay you must decide whether you agree to this. You can refuse the request for extra time by completing the bottom section of the Notice of Issue. If you accept the Defendant's offer, complete the bottom section of the Notice of Issue and send it to the court.

When the court has received your request, they will complete a 'judgment for claimant', which gives the Defendant details of the money they owe. Both you and the Defendant will receive copies of this judgment.

If you are happy
with the proposal

If you are not happy
with the proposal

If you accept the proposal
but the defendant doesn't
pay



If you are happy with the proposal

If you are happy with the proposal, complete the Notice of Admission and send it to the court. When the court has received your request, they will complete a 'judgment for claimant' which gives the Defendant details of the money they owe. Both you and the Defendant will receive copies of this judgment.



[If the defendant doesn't pay](#)

If you are not happy with the proposal

If you are not happy with the proposal you should complete the Notice of Admission, explaining why you object to the extra time. Send this and a copy of the Defendant's Admission form to the court. The court will decide what is reasonable for the Defendant to pay and will send both parties a 'judgment for claimant after determination' with details of what the Defendant has to pay.

You, or the Defendant, can object to the new judgment by writing to the court within 14 days (and sending a copy to the other party). There is no fee for this. A judge will then decide what is reasonable. The judge may call you to a hearing, or they may make a decision straight away. In either case, the court will send you and the defendant the judge's decision.

 [If there is to be a Hearing](#)

 [If you are awarded judgment but the defendant doesn't pay](#)



Response from the Defendant admitting the claim - unspecified amount

The Defendant will either offer a fixed sum of money to settle the claim and you will have to decide if you are happy with this offer and any suggestion for payment, or they may admit the claim without saying how much is admitted.

If you are happy with the proposal

If you are not happy with the proposal

➡ If you accept the proposal but the defendant doesn't pay



If you are happy with the proposal

If you are happy with the proposal, complete the Notice of Admission and send it to the court. When the court has received your request, they will complete a 'judgment for claimant' which gives the Defendant details of the money they owe. Both you and the Defendant will receive copies of this judgment.




[If the defendant doesn't pay](#)

If you are not happy with the proposal

If you are not happy with the proposal you should complete the Notice of Admission, explaining why you object to the extra time. Send this and a copy of the Defendant's Admission form to the court. The court will decide what is reasonable for the Defendant to pay and will send both parties a 'judgment for claimant after determination' with details of what the Defendant has to pay.

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 [If there is to be a Hearing](#)

 [If you are awarded judgment but the defendant doesn't pay](#)



Response from the Defendant - Defending all of the claim

The Defence form which will tell you why the Defendant disputes your claim.

The court will send you and the Defendant a copy of the defence, together with a notice and an Allocation Questionnaire.  [The Allocation Questionnaire](#) is for you to help the court decide how your claim should be dealt with. If you are claiming against more than one defendant, the court will send you a notice once they receive the first defence, they will not send any other documents until they have received the other defences too.



Response from the Defendant - Defending part of the claim

If the Defendant only defends part of your claim, you will be sent a document detailing how much money they admit to owing.

The Defendant may also ask if they can pay the amount in instalments or at a future date.


You must now decide whether you accept this as a settlement for your claim.



If you accept the offer

If you agree you can ask the court to order the Defendant to pay you the amount (including any fee paid when you started the claim).

If you accept the amount but not the way in which the Defendant suggests paying, you have to tell the court in writing why you object. A court officer will then determine what would be an appropriate way of paying the amount. However, you should think carefully about this. You may be more likely to get the money if you allow the Defendant extra time to pay what they owe.

 [If you are awarded judgment but the defendant doesn't pay](#)

If you don't accept the offer

If you do not agree that only part of the claim is owed, you have to tell the court that you want the claim to proceed as a 'defended claim'.

You will then be sent a notice and an



[Allocation Questionnaire](#)

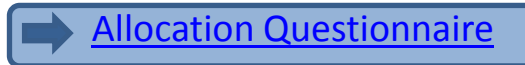
to carry on with the defended claim.



Response from the Defendant - Claiming that they have already paid what they owe.

If the Defendant claims that they have already paid you what they owe, you will receive a notice and a copy of the defence. You will have to decide whether or not you accept that the money has been paid. You should give your answer in the 'Claimant's reply' section of the notice and send it to the court (and a copy to the Defendant).

If you do not agree you will then be sent a notice and an



Response from the Defendant - Defending the claim and counterclaiming.

This means that the Defendant is defending your claim and claiming that you owe him money. You will be told why the Defendant disputes your claim and what he wishes to claim against you and you will receive an



[Allocation Questionnaire](#)



Issue fee

This will depend on whether you are issuing the claim in court or using Money Claim On-Line. Money Claim On-Line is Her Majesty's Courts Service's Internet based service for claimants and defendants. You pay a reduced court fee if you issue your claim using this method. For more information ask the court staff or see the [guidance](#)

Sum being claimed	Claimed in a court	Money Claim Online
Does not exceed £300	£35	£25
Exceeds £300 but does not exceed £500	£50	£35
Exceeds £500 but does not exceed £1000	£70	£60
Exceeds £1,000 but does not exceed £1500	£80	£70
Exceeds £1500 but does not exceed £3000	£95	£80
Exceeds £3000 but does not exceed £5,000	£120	£100
Exceeds £5000 but does not Exceed £10,000	£245	£210

