



A GUIDE TO BRINGING AND DEFENDING A SMALL CLAIM

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1. The basics

1.1 Who is this guide aimed at?

This guide is aimed at people who are not legally trained and who want to bring or defend a small claim without the help of a legal adviser such as a solicitor. This is sometimes referred to as being a 'litigant in person'.

Anyone who brings a claim is called a 'claimant'. Anyone who defends a claim is called a 'defendant'. Some other useful terms are defined in the 'Jargon buster' section of this guide.

1.2 What this guide covers

This guide works through the process for bringing and defending a small claim.

1.3 What is a small claim?

A small claim is a case that has been allocated by the court to the small claims track in the county court. There are three 'tracks': small, fast and multi-track. If you have a case which is allocated to the fast track or multi-track you should consult an experienced legal adviser.

Cases on any of these tracks are known as 'civil' claims. They are nothing to do with criminal, family or insolvency law. A civil claim is dealt with by the civil courts, the county court or the High Court.

Small claims are lower value civil cases, rather than disputes of complexity or high value. Typically small claims are claims for compensation for faulty services provided, for example, by builders, dry cleaners etc, or compensation for faulty goods such as washing machines, televisions etc, or for unpaid bills. They also include disputes between landlords and tenants – for example, rent arrears or compensation for not doing repairs, road traffic accident claims or wages owed.

You can't choose which track you want your claim to be heard on – a district judge makes that decision as part of case management based on the amount you are claiming and the complexity of your claim. You will be asked to complete a Directions Questionnaire setting out your preference and (see section 6.3 below).

When deciding if a case is suitable for the small claims track, the court will generally look at two things:

1. Financial value of the case

If the value of a case is £10,000 or less, it will generally be allocated to the small claims track. However, there are two exceptions:

1. If it is a personal injury claim, it will be allocated to the small claims track only if the value of the claim for the personal injuries is not more than £1,000.
2. If the claimant is a tenant, and is claiming against their landlord because they want their landlord to carry out repairs or other work to the premises and the cost of the repairs or work is £1,000 or less, the case will be allocated to the small claims track.

Even if the value of the case is more than £10,000, the court could allocate the case to the small claims track.

2. Complexity

If the case is of a low value but is complicated, the judge might decide it needs to go to another track for a full hearing. You may make submissions about this in the Directions Questionnaire.

1.4 What is not a small claim

A claim for harassment or unlawful eviction relating, in either case, to residential premises will not be allocated to the small claims track.

1.5 Costs

There are three kinds of costs or expenses involved in court proceedings:

1. There are court fees. These are what you pay the court, for example, in return for them processing a form or arranging court time for a hearing. It's the way people who use the courts contribute to the cost of running the courts. See section 4.7 below for more information. If you win a small claim, the other party will generally be ordered to reimburse your court fees.
2. There are reasonable travelling expenses, loss of earnings (although the amount that can be allowed for these is restricted by the court rules for the small claims track) and expert's fees (if the court has allowed an expert to be instructed). If you win a small claim, the other party will generally be ordered to reimburse these for you, but of course if you lose you may be ordered to pay the amount awarded to the successful party.
3. Then there are legal costs (often just referred to as 'costs'). These are what solicitors charge for the legal work they do. The small claims track works differently to the other two tracks when it comes to costs. Orders for one side to pay the other side's costs are unusual – it is usually the case that even if you are successful you will bear your own. This is different to the other tracks where it is usually the case that the loser pays the winner's costs. For this reason, most people bringing or defending a small claim represent themselves (or have free support from a friend or 'lay representative' or someone legally trained from, e.g. the Citizens Advice Bureaux) rather than instruct a solicitor. However, you should be aware that if you bring a small claim and are unsuccessful, or as the defendant in a small claim you put the other side to huge trouble and then lose, the court has a discretion to make an order for you to pay the costs that the other side has incurred if you have acted unreasonably.

1.6 What are the Civil Procedure Rules?

These are the court rules you have to follow. They explain what you need to do when. You may hear lawyers talk about the 'CPR'. What they're referring to are these rules. You need to follow the ones that apply to your case. If you don't follow these rules it could cost you money or cause you to lose your case.

It's not like a book – you don't have to start at the beginning and read all the way through to the end. You need to pick out the rules that are relevant to your case.

You can find the relevant rules for small claims (Rule 27) here:

www.justice.gov.uk/courts/procedure-rules/civil/rules/part27

An individual rule often comes with one or more additional bits of guidance, called 'practice directions'. The one that applies to small claims (Practice Direction 27) can be found here:

www.justice.gov.uk/courts/procedure-rules/civil/rules/pd_part27#id3585830

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

If you have a disability which makes going to court or communicating difficult, contact the Customer Service Officer of the court. If the Customer Service Officer of the court cannot help you, you can contact the Disability Helpline on 0800 358 3506 between 9 am and 5 pm Monday to Friday. Calls to this number are free. If you are deaf or hard of hearing, you can use the Minicom service on 0191 478 1476.

There are special rules that may apply to a party with a mental disability. If this renders them incapable of conducting the proceedings they are treated as a 'protected party' and a suitable responsible adult must be appointed to represent them as a 'litigation friend'. Rule 21 of the CPR deals with this.

2. Help and advice

2.1 Legal aid

Before starting your claim, you should check whether you are entitled to legal aid. Legal aid pays for advice to help people understand their legal obligations and if necessary enforce their legal rights. It is only available for certain types of claim and is means-tested. For more information about help with legal costs, go to: www.adviceguide.org.uk/england/law_e/law_legal_system_e/law_taking_legal_action_e/help_with_legal_costs.htm.

2.2 Free legal advice

Even if you are not entitled to legal aid and you can't afford a solicitor, this does not mean you have to struggle without any help. Are you sure you know what the law says and means? Do you understand how it applies to your case? Are you certain you know what legal procedure to follow? If not, you're not alone! Most people need advice – usually more than once in their case. You could go to a Citizens Advice Bureau or legal drop-in clinic – these are free of charge. A full list of them can be found here: www.lawworks.org.uk/list-of-lawworks-member-clinics.

Websites

www.adviceguide.org.uk/england.htm

www.lawworks.org.uk/help-for-individuals

www.advicenow.org.uk/going-to-court

Citizens Advice online

The Citizens Advice Bureau offers advice online on a wide range of topics including:

- Consumer advice – cars and vehicles, builders and home improvements, phones, TV, internet and computers, furniture, household goods and clothing, travel, leisure and food, common problems with products, different ways of buying, professional and financial services, common problems with service providers, energy and water supply, post and taking action about consumer problems.
- Benefits.
- Work – rights at work, problems at work, work coming to an end, time off work, discrimination, health and safety at work, being self-employed or looking for work and young people.
- Debt and money.
- Relationships.
- Housing.
- Law and rights – civil rights, the legal system, immigration and society.
- Discrimination.
- Tax – income tax, inheritance tax, council tax and advice for pensioners.
- Healthcare.
- Education.

Other court forms and guides

EX306 The small claims track in civil courts.

(www.smallclaims.me.uk/smallclaims_forms/ex306.pdf)

EX301 I'm in a dispute – what can I do?

(www.smallclaims.me.uk/smallclaims_forms/ex301_0406.pdf)

EX302 How do I make a court claim?

(www.smallclaims.me.uk/smallclaims_forms/ex302_0406.pdf)

EX304 I've started a claim in court – what happens next?

(www.smallclaims.me.uk/smallclaims_forms/ex304_0406.pdf)

3. Weighing up your options

3.1 Does my problem need to be dealt with by a court?

Before starting a claim it is helpful to think through what has happened and what action you can and should take – these are not necessarily the same thing. Going to court is a last resort. It costs money, takes time and can be risky. Although it is one potentially useful option it is important to consider whether there might be better routes you can take which may resolve your problem.

You must have a legal basis for starting your claim. This is what the law calls a ‘cause of action’. For example, if you buy a washing machine that is faulty the shop that sold it to you may have broken their contract to supply you with goods that are satisfactory quality. You have a ‘cause of action’. But, if you choose to jump off a rock into the sea and injure yourself as a result, this is no one’s fault but your own. In these circumstances, you don’t have a ‘cause of action’. Without a cause of action you don’t have a case you can ask a court to decide; you just have a problem you need to resolve in another way. Just because you feel something is wrong or unjust doesn’t mean you can start court proceedings.

3.2 Do nothing?

Consider whether it would be best for you to actually do nothing. It might be that, on balance, you don’t think the problem is worth spending time, money and energy on. Even if you are successful in obtaining a court judgment there is no certainty that you will recover the amount awarded. Always consider whether the other party is worth suing.

3.3 Attempts to avoid court

If you end up taking your claim to court the judge will want to see that you have attempted to avoid the need to come to court by trying one, or all, of the following first:

- Talking to the other party or sending them a letter to try to resolve the issue – in certain circumstances also called a ‘letter before action’ – see ‘Pre-Action Protocols’ below.
- Mediation – this is where a third party gets you both together and helps you to talk through the problem and reach a resolution. This is one form of ‘Alternative Dispute Resolution’. You can find further information about mediation on the Advice Services Alliance website at: www.asauk.org.uk.

There might be a relevant ombudsman, or arbitration service if you are a business, that can intervene in your case. An ombudsman is a person who has been appointed to look into complaints about an organisation. Using an ombudsman is a way of trying to resolve a complaint without going to court. For more information go to: www.adviceguide.org.uk/england/law_e/law_civil_rights_e/law_complaints_e/how_to_use_an_ombudsman.htm.

You could also consider asking one of your local authority councillors if they can assist you without going to court. They can’t offer you legal advice but they might be able to give you practical information. You can find out who your councillors are by visiting: www.writetothem.com.

3.4 Pre-Action Protocols

Pre-action protocols explain what to do and how to behave before you start your claim. You can find them at www.justice.gov.uk/courts/procedure-rules/civil/protocol. You should follow the relevant pre-action protocol for your type of claim. For example, if you are claiming compensation for an injury following an accident you will follow the one about personal injury claims.

3.5 I think my issue needs to be dealt with by a court. Will I win?

First, you need to assess the merits of your claim. This is to test whether, if you do go to court, you stand much of a chance of success. If you are feeling angry about what has happened it can be hard, even with the best will in the world, to objectively assess the merits of your claim. Sometimes a case might be very strong on the facts but weak in legal terms.

It is a good idea to discuss the problem with someone who is not involved to get a second opinion. Friends and family are a good source of moral support but think about whether you might also benefit from speaking to someone totally outside the situation who can give you a full and frank view. You could go to one of the legal advice clinics mentioned above.

3.6 Strategy – the seven steps

If you decide to issue a claim as a litigant in person, you need a strategy:

1. What's your problem?
2. Know your rights.
3. Know what you want.
4. Know who to speak to.
5. Communicate clearly.
6. Be organised.
7. Know when to get help.

1. What's your problem?

- What is the heart of the problem?
- Is it something that a court can help with or would it be better to use Alternative Dispute Resolution?
- Are there other issues going on that could be dealt with separately?

2. Know your rights

- Where can you get reliable and trustworthy information from? See chapter 2.

3. Know what you want

- What harm have you suffered?
- What remedy are you looking for?
- Have you lost money, suffered damage to property or injury to yourself? Can you put a figure on it?
- Or is it that you haven't lost anything but you're angry with the other side and feel an injustice has occurred? Would it be enough for the other side to acknowledge they've done something wrong and apologise? In which case, do you need to go all the way to court?

4. Know who to speak to

- Have you explained the problem to the other side in person or in writing to give them the opportunity to put it right?
- If so, have you spoken to the right person? If it is a company, have you spoken to a manager?
- If the other side have instructed solicitors, you must write to the solicitors direct and not to the other party personally.

5. Communicate clearly

When communicating, in writing or in person, try to be:

- Clear – what is the purpose of your communication?
- Concise – stick to the point and keep it brief.
- Concrete – you need to give enough details so that the reader/listener can follow but don't go overboard.
- Correct – make sure you are accurate in what you are saying.
- Coherent – try not to get angry or emotional. Will you come across better in an e-mail or letter rather than in person or over the phone? Plan in advance what you want to say.
- Complete – have you given enough information for the reader/listener to take appropriate action?
- Courteous – don't be rude or 'shoot the messenger'. The best way to get an outcome you are happy with is to be persuasive and to gently bring people over to your way of seeing things with evidence and polite argument, not to be angry and aggressive.

Always remember that any communication you send or receive – unless marked as 'without prejudice' (see 'Jargon buster' section) – may subsequently be seen by the court.

6. Be organised

- Think about what documents you might need to back up your position.
- Keep a record of correspondence with the other side.
- Make and keep copies of court documents, receipts, orders etc.
- Take plenty of copies of forms with you to court in case the court needs spares.

7. Know when to ask for help

Don't get in over your head. If you are worried, seek help – see chapter 2.

4. Starting a claim

4.1 Where and when do I begin?

First, you need to follow the relevant pre-action protocol (if there is one) – see section 3.4 above.

Local county court

You can start a small claim at your local county court – or any other county court of your choice. You can find your local court, its contact details and opening times here: <http://hmctscourtfinder.direct.gov.uk/HMCTS>. To start a claim at your local county court you need to complete a form called a ‘claim form’.

Money Claim Online

If someone owes you money and won’t pay you can use an online service called ‘Money Claim Online’ (MCOL) at: www.moneyclaim.gov.uk. Guidance materials are available at:

- www.justice.gov.uk/courts/northampton-bulk-centre/money-claim-online/frequently-asked-questions
- www.gov.uk/make-court-claim-for-money

Possession Claim Online

There is also a special online service for people wanting to claim or respond to a claim for rent or mortgage arrears at: www.possessionclaim.gov.uk/pcol.

You will need to start your claim before its limitation period runs out. Limitation periods differ depending on the cause of action. They are set out in statute.

- For breach of contract claims the time limit is six years from the date of breach. For breach of a deed (a document that is similar to a contract but signed in a special way with witnesses) the time limit is usually 12 years.
- There is a standard three-year time limit for cases involving personal injury claims. The limit applies from the date of the accident or from date of knowledge that you have been injured, whichever is the latest.
- In cases of professional negligence the time limit is generally six years from the date of the negligent act.

The best way to be sure you are within the time limit is to check with a legal adviser.

4.2 What is a claim form and how do I complete it?

A claim form is the form you need to fill in to start a claim in your local county court. It is given the code ‘N1’ by the court service.

For most claims, the form to use is this one:

<http://hmctscourtfinder.justice.gov.uk/courtfinder/forms/n001-eng.pdf>

You can find notes explaining how to complete this form here:

<http://hmctscourtfinder.justice.gov.uk/courtfinder/forms/n001a-eng.pdf>

And in Welsh and English here:

<http://hmctscourtfinder.justice.gov.uk/courtfinder/forms/n001a-bil.pdf>

Relevant rules: How to start proceedings – The claim form

www.justice.gov.uk/courts/procedure-rules/civil/rules/part07

www.justice.gov.uk/courts/procedure-rules/civil/rules/pd_part07a

4.3 How do I assess the 'Amount Claimed'?

Money claim

If you are claiming a fixed amount of money (a 'specified amount') write the amount in the box at the bottom right-hand corner of the claim form against 'amount claimed'.

If you are not claiming a fixed amount of money (an 'unspecified amount') under 'Value' write '*I expect to recover not more than £10,000*'. If you are not able to put a value on your claim, write '*I cannot say how much I expect to recover*'.

Personal injuries

If your claim is for 'not more than £10,000' and includes a claim for personal injuries, you must also write '*My claim includes a claim for personal injuries and the amount I expect to recover as damages for pain, suffering and loss of amenity is . . .*' followed by either:

- '*not more than £1,000*' or
- '*more than £1,000*'

Housing disrepair

If your claim is for 'not more than £10,000' and includes a claim for housing disrepair relating to residential premises, you must also write '*My claim includes a claim against my landlord for housing disrepair relating to residential premises. The cost of the repairs or other work is estimated to be . . .*' followed by either:

- '*not more than £1,000*' or
- '*more than £1,000*'

If, within this claim, you are making a claim for other damages, you must also write '*I expect to recover as damages*' followed by either:

- '*not more than £1,000*' or
- '*more than £1,000*'

Interest

You can claim interest on the money you're owed but you must expressly state the basis on which you are doing so. It may be a contractual claim for interest but will usually rely upon the County Courts Act 1984 section 69. This statutory rate is 8% per year at present. To work out the interest, follow these steps:

Step one: work out the yearly interest

Take the amount you're claiming for and multiply it by 0.08 (that is, 8%).

For example, if you were claiming for £1,000, the annual interest on this would be £80 ($1000 \times 0.08 = 80$).

Step two: work out the daily interest

Divide your yearly interest from step one by 365 (the number of days in a year).

In the example above, you would divide £80 by 365 to get the daily interest, which would be about 22p a day ($80/365 = 0.2192$).

Step three: work out the total amount of interest

Multiply the daily interest from step two by the number of days the debt has been owed to you.

In the above example, after 50 days this would be £10.96 (50×0.2192).

4.4 What are the 'Particulars of Claim'?

There is a section on the second page of the claim form for entering the 'Particulars of Claim'. This space should be used to set out the details of the claim, but if there is not enough room they can be set out on a separate piece of paper.

Particulars of claim should not include an exhaustive account of all evidence that you want to use to support your claim; this will be set out in later documents. Try to strike a balance between being brief and giving the court and defendant enough information to know what your complaint is. This is what a simple might look like if included on the claim form:

Particulars of Claim (attached) (to follow)

1. The defendant has been a personal friend of mine since 2005.
2. The defendant is the owner of a cafe called 'Tea and Toast' and, sometime in March or early April 2011, asked me for a loan to help her business.
3. I agreed to lend the defendant £4,500. This was an oral agreement. One of the terms of the agreement was that the defendant would repay me the sum of £500 in interest on top of the loan of £4,500. We agreed that the defendant would repay the loan and agreed interest at the rate of £500 a month starting in July 2011. This was when the cafe was due to open.
4. I transferred the sum of £4,500 to the defendant on 30th April 2011 and this shows on my bank statement as transaction reference: 735462912800B.
5. The opening of the cafe was delayed. It finally opened in August 2011. I received the first instalment of £500 from the defendant towards the end of August 2011.
6. I then had to chase the defendant for further payments. I received a further £200 from the defendant at the end of September 2011 and £100 in October 2011. In total I have received £800 from the defendant.
7. Since then I have been chasing repayments from the defendant but without success. I sent a letter before claim to the defendant on 5th January 2012 but got no reply. The defendant keeps telling me that the letter is with her solicitor and blames her solicitor for the delay.
8. I am still owed £4,200 by the defendant.

AND the claimant claims:

1. The outstanding loan agreement sum of £4,200.
2. Interest pursuant to section 69 of the County Court Act 1984 at an annual rate of 8%.
3. Costs.

4.5 What documents will I need to file with the claim form?

In some circumstances, additional documents need to be attached to the Particulars of Claim. For example, if the claim is for personal injuries and you are relying on a medical report a copy of that report should be attached the Particulars of Claim.

4.6 Where do I go to file the claim form?

'Filing' means delivering a copy of a document to the court.

If the claim is for a sum of money then you must send two copies of the claim form to the County Court Money Claims Centre, PO Box 527, Salford, M5 0BY. Keep a copy for yourself too.

If it is a claim for anything other than money you should send or take two copies of the claim form to the county court where you want to start the claim. Keep a copy for yourself too.

The Court Centre or county court will impress a seal on the claim form and in most cases serve it on the defendant (see more on service in 4.9 below). You will know whether you have issued (started) your claim successfully when the court sends you a Notice of Issue.

4.7 How much will it cost me? (Figures correct as at September 2012)

When bringing a small claim, the claimant pays various court fees at different stages of the process. Detailed information on fees is contained in Form EX050. If you win the claim you will usually be awarded the court fees against the defendant although recovery may depend upon enforcement.

1. Fee to issue the claim

There is a fee to pay when you issue the claim form. To issue a claim for money, as at September 2012 the following fees will be payable based on the amount claimed, including interest:

	Court issued claim	Money claim online
Up to £300	£35	£25
£300.01 – £500	£50	£35
£500.01 – £1,000	£70	£60
£1,000.01 – £1,500	£80	£70
£1,500.01 – £3,000	£95	£80
£3,000.01 – £5,000	£120	£100
Etc.		

To issue a claim for something other than money, including possession, the following fees will be payable based on where you start your claim:

- County court – £175
- Possession Claims Online (PCOL) – £100. PCOL can only be used for possessions concerning rent or mortgage arrears

2. Directions Questionnaire fee

When you file the Directions Questionnaire you will need to pay another fee. For small claims, where the claim is more than £1,500, the fee is £40. Where the claim is under £1,500 there is no fee payable.

3. Hearing fee

The hearing fee depends on the value of the claim:

	Hearing fee
Up to £300	£25
£300.01 – £500	£55
£500.01 – £1,000	£80
£1,000.01 – £1,500	£110
£1,500.01 – £3,000	£165
£3,000.01 – £5,000	£325
Etc.	

Other fees might apply as the claim progresses.

4.8 Might I be entitled to a fee exemption or remission?

You may be entitled to fee exemption/remission – for example, if you are on means-tested state benefits. Check your eligibility using Form EX160a (<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/ex160a-eng.pdf>).

4.9 'Serving' the claim form

Either the claimant or the court must give the defendant a copy of the claim form. This is known as 'service'. The service of court documents is a tricky area of law. There are lots of special rules about how and when it must be done. It's easy to make a mistake. If you don't serve your claim form (or other court documents) in the correct way and at the right time, you may need to seek discretionary relief from the court.

Important information

Service of the claim form must take place within four months of the date that the claim form is issued (sealed) by the court. In some circumstances you might need extra time to complete the particulars of claim. You can send the particulars of claim to the defendant separately, but no later than 14 days after you have sent the claim form.

Usually the court will serve the claim form by sending it to the defendant by first class post. This is the easiest option for you. The defendant will be deemed to receive it on the second business day after posting.

4.10 How can I serve the claim form?

As the claimant, if you want to serve the claim form yourself, you can ask the court to give it back to you once it has been sealed for the purpose of service.

If the relevant limitation period for bringing your claim is close to expiring you can issue the claim form and then fill in the details such as the particulars of claim in the course of the next four months. Just don't leave it to the last minute to serve the claim form on the other side – the court will be very unforgiving if you are late!

There are certain accompanying forms that must be sent to the defendant with the claim form so make sure you get them from the court office.

The claim form can be served on the defendant(s) (or their solicitors) by using any of the following methods:

- Personally – this means handing it to them in person.
- First class post.
- Leaving the document at the place of residence/business.
- Through the Document Exchange (DX).

See Part 6 of the Civil Procedure Rules 1999 for further details about service.

4.11 What should I do after I've served the claim form and Particulars of Claim?

Within 14 days of serving the particulars of claim you should hear from the defendant. Read through chapter 5 so that you have an understanding of the steps that the defendant might take. In particular, you might be able to apply for 'judgment in default' if the defendant fails to carry out the right steps within the time allowed. This means that the court makes an order that you have effectively won the case. See Form EX304 for more information on how to do that.

If you are claiming against more than one defendant, they may not reply to your claim at the same time. If one files a defence before the other, the court will send a letter to you and the defendant who files the first defence. The letter will explain that the court will delay sending out any further documents until the other defendants to your claim have had the appropriate time to file a defence, if they wish.

5. Defending a claim

5.1 Where can I get help?

You can go to any of the sources of advice set out in chapter 2 for help.

For information about what to do if a claim has been made against you, read leaflet EX303 (<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/ex303-eng.pdf>). It explains what happens if you ignore the claim, how to admit (accept) or defend (dispute) the claim (or make a counterclaim), and whether you need to go to court.

The court will send you a response pack (the pack of forms and information sent to a defendant after a claim starts) explaining what to do next. You use the forms to tell the claimant what your response (reply) is to their claim. You may need legal advice about the various options open to you before deciding what to do but generally for small claims people represent themselves.

5.2 Defend, admit or make a counterclaim

You don't need to do anything until you receive the particulars of claim from the claimant. If you only receive a claim form you need to wait for the particulars of claim – they should arrive within 14 days. But note that the particulars of claim are often incorporated into the claim form.

Within a further 14 days of receiving the particulars of claim you must send to the court (called 'filing'):

- an acknowledgment of service;

OR

- a defence; and/or
- an admission form.

You might want to file one of each if you admit part of the claim but deny another part.

5.3 Acknowledgment of service

If you file an acknowledgment of service you are allowed further time to respond in detail to the claim. The time for filing a defence is increased from 14 to 28 days from the date of service of the particulars of claim. If you file an acknowledgment of service, but then fail to file a defence within the time allowed, the claimant can ask the court to enter 'judgment in default' against you. This is where the claimant asks the court to make an order that they have won the claim.

When the court receives the acknowledgment of service the claimant will be sent a Form N10 (notice that acknowledgment of service has been filed). It will tell the claimant:

- the date it was received;
- whether you intend to defend all or part of the claim;
- the name and address of the your solicitor (if a solicitor files the acknowledgment on the defendant's behalf); and
- any change in the your name and address which is mentioned in the acknowledgment.

5.4 What happens if you defend the entire claim?

If the claimant is claiming a fixed sum of money (called a 'specified amount'), you will fill in the defence and counterclaim form (Form N9B) and file it with the court. You can also use this form to make a claim against the claimant ('a counterclaim').

If the claimant's claim is not for a fixed amount (an 'unspecified amount'), you will use a defence and counterclaim form (Form N9D).

If you file a defence, the court will send the claimant a copy of the defence, together with other documents for the claimant to complete.

5.5 What happens if you defend part of the claim and admit part of the claim?

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 that you received the particulars of claim. However, if you need more time to put your defence together, you can extend this time by filing an Acknowledgment of Service – see section 5.3 above. 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 the claim 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.

5.6 What happens if you admit the entire 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).

To admit liability for an amount of money that has not 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.

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 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 claimant can still ask for judgment to be entered against you. This means that they apply to the court for an order in their favour.

You can find the response pack here:

<http://hmctscourtfinder.justice.gov.uk/courtfinder/forms/n009-eng.pdf>

If the claim is for a specified amount of money (e.g. £3,502) you will be sent Admission Form N9A (see <http://hmctscourtfinder.justice.gov.uk/courtfinder/forms/n009a-eng.pdf>) and Defence and Counterclaim Form N9B (see <http://hmctscourtfinder.justice.gov.uk/courtfinder/forms/n009b-eng.pdf>).

If the claim is for an unspecified amount or is not a claim for money you will get sent Admission Form N9C (see <http://hmctscourtfinder.justice.gov.uk/courtfinder/forms/n009c-eng.pdf>) and Defence and Counterclaim Form N9D (see <http://hmctscourtfinder.justice.gov.uk/courtfinder/forms/n009d-eng.pdf>).

Relevant rule: Responding to Particulars of Claim – General

www.justice.gov.uk/courts/procedure-rules/civil/pdf/parts/part09.pdf

6. Progressing a claim

6.1 Settlement

At any point between serving the claim form on the defendant and the case going to court for a final hearing the parties can reach an agreement or 'settlement'. This avoids the need for the judge to decide the case. Whether you are a claimant or a defendant, you can make an offer to settle part, or all, of the claim at any time.

Settlement might come about because one of the parties decides that the other's arguments are actually stronger than they first thought and it is better for them to offer (if the defendant) or accept (if the claimant) some or all of the money being claimed rather than wait for it to go to court. This has the benefit of the matter being resolved more quickly, and without the stress and expense of attending court. It might be that the terms offered by the other side are fair.

You could get a full refund of the hearing fee if you notify the court in writing, at least seven days before the trial date or start of the trial week, that the case is settled or discontinued.

6.2 The Small Claims Mediation Service

The Directions Questionnaire (see section 6.3 below) asks whether you would like the court to arrange a mediation appointment to help you to settle the dispute. Mediation is a way of resolving disputes without a court hearing. It is a voluntary process that, with the assistance of an impartial mediator, helps the parties involved to reach an agreement that is acceptable to both sides.

The Small Claims Mediation Service is provided by the court free of charge. If you want to use this service to help you settle your dispute, you should say so on the Directions Questionnaire.

During mediation, you and the other party involved in the dispute make the decisions about settlement, and if you can't agree then you can still have a court hearing.

6.3 Directions Questionnaire

After the defence has been filed, both parties are sent a Directions Questionnaire by the court. The purpose of the Directions Questionnaire is to work out the complexity of the claim so that it can be allocated (by a judge) to the appropriate track. The form has notes at the back explaining how to complete it. You can ask court staff any questions that these notes don't answer.

Court staff will keep a note of the date when the Directions Questionnaires are due to be returned. This is called 'case monitoring'. The court file will be referred to the judge immediately after the time for returning the questionnaires has ended, even if only some or none of the questionnaires are returned. The judge may decide to:

- allocate the case to a track without the information your questionnaire might have provided, especially if other parties to the claim have filed theirs; or
- impose a 'sanction' – this is like a penalty for failing to obey the court's request that you complete and return the questionnaire by a specific date.

The sanction could be to send you an order to file a completed questionnaire within three days of the date of service of the order (the day you receive it). If you do not comply with that order, if you are the claimant your particulars of claim will be struck out. If you are the defendant and you have not returned the questionnaire it would be your defence that is struck out. This means you could not proceed with your claim (or the defendant with the defence) because the documents referred to have been deleted and cannot be used.

As an alternative, the judge can order that you come to a court hearing to explain why you did not comply with the court's request. If this happens you may be told to pay the other party's costs of attending that hearing. You may be ordered to pay these straightaway or within a period of time fixed by the court. The judge may use this hearing to ask for the information needed to allocate the case to track.

6.4 Notice of Allocation and hearing date

The judge decides which track the claim should be allocated to. Once the court has received both Directions Questionnaires a judge will look at:

- What each of you say has happened.
- The amount claimed and the type of claim.
- How simple it will be to prepare the court hearing.
- How long the hearing is likely to last.

The court will then issue a Notice of Allocation to both parties. This will give you information including the date, time and location of your hearing at court. There is another fee to pay at this stage – see section 4.7 above.

Sometimes the court will not set a final hearing date at the allocation stage. It could instead:

- Propose that the claim is dealt with without a hearing. If the parties do not object, the case will be decided on the documents only. If the parties do not reply by the date given, the judge may treat the lack of reply as agreement to that approach.
- Hold a preliminary hearing. This could happen if the claim requires special directions which the judge wants to explain to the parties personally (e.g. for expert evidence), or where the judge feels that the claimant (or the defendant) has no real prospect of succeeding and wants to sort out the claim as soon as possible to save everyone time and expense, or if the papers do not show any reasonable grounds for bringing the claim. A preliminary hearing could become a final hearing where the matter is decided once and for all.

6.5 'Directions'

The Notice of Allocation also tells both parties what they have to do to prepare for the hearing. These instructions are called 'directions'. For a small claim the judge will usually give standard directions that each party has to file with the court and serve on the other party copies of all documents that they intend to rely on at the hearing, at least 14 days before the date fixed for the hearing. This is what they might look like:

THE COURT DIRECTS:

1. Each party must deliver to every other party and to the court office copies of all documents on which he intends to rely at the hearing no later than [. . .] [14 days before the hearing]. (These should include the letter making the claim and the reply.)
2. The original documents must be brought to the hearing.
3. [Notice of hearing date and time allowed.]
4. The parties are encouraged to contact each other with a view to trying to settle the case or narrow the issues. The court must be informed immediately if the case is settled by agreement before the hearing date.
5. No party may rely at the hearing on any report from an expert unless express permission has been granted by the court beforehand. Anyone wishing to rely on an expert must write to the court immediately on receipt of this order and seek permission, giving an explanation why the assistance of an expert is necessary.

NOTE: Failure to comply with the directions may result in the case being adjourned and in the party at fault having to pay costs.

Sometimes the judge will make special directions in a small claim. These might include things such as:

- One party has to clarify their case by delivering certain documents or information to the court.
- Witness statements to be exchanged by a specified date.
- The claim will be dealt with at a different location.
- Certain evidence will or will not be accepted.

For more information about special directions look at Practice Direction 27 Appendix C: www.justice.gov.uk/courts/procedure-rules/civil/rules/pd_part27#IDA2YC2.

6.6 Which court will hear the case?

The court will normally transfer the case automatically to the defendant's nearest county court if:

- The case is defended.
and
- The claim is for a fixed amount.
and
- The defendant is an individual, not a company.

In other cases, either party can ask for the case to be transferred to another county court. If there are reasons (e.g. attendance by someone with a disability) for the hearing to take place at a particular court you should indicate this in the Directions Questionnaire and the judge will take this into account.

You will be sent a Form N271 (notice of transfer) if the court transfers the claim. The notice of transfer will tell you the name and address of the court to which the claim is being transferred.

7. Issues and evidence

7.1 Identifying the issues

Identifying ‘issues’ in a claim is about defining and summarising what you disagree about. Each area of disagreement is an ‘issue’. You may be asked to prepare a ‘list of issues’ in some courts and by some judges, but it is quite unlikely for a small claim. The order for directions will tell you whether you have to prepare a list of issues. Even if you don’t, you may want to do so anyway. The process of thinking about what to put in this list can help you work out what evidence you need, what witnesses to choose (if any) and the questions you need to ask your own and the other party’s witnesses. The idea is to help you agree what you’re actually arguing about! Most of these issues are likely to be facts you disagree about – for example, Jim disagrees that any work needs to be finished off.

7.2 Sharing documents with the other side

The process of sharing a list of the evidence you have with the other side is called ‘disclosure’. The aim of it is to make sure everyone has a sense of the bigger picture and can see what the other side is planning to rely on. The actual sharing of copies of that evidence is called ‘inspection’. For a small claim there is no formal ‘disclosure and inspection’ process – just what the parties agree to share or what the court orders in the directions. See section 6.5 above.

7.3 Gathering evidence for the court

The Civil Procedure Rules list the type of information that is often quite helpful for the judge in certain types of small claim:

ROAD ACCIDENT CASES (where the information or documentation is available)

- witness statements (including statements from the parties themselves);
- invoices and estimates for repairs;
- agreements and invoices for any car hire costs;
- the police accident report;
- sketch plan which should wherever possible be agreed;
- photographs of the scene of the accident and of the damage.

BUILDING DISPUTES, REPAIRS, GOODS SOLD AND SIMILAR CONTRACTUAL CLAIMS (where the information or documentation is available)

- any written contract;
- photographs;
- any plans;
- a list of works complained of;
- a list of any outstanding works;
- any relevant estimate, invoice or receipt including any relating to repairs to each of the defects;
- invoices for work done or goods supplied;
- estimates for work to be completed;
- a valuation of work done to date.

LANDLORD AND TENANT CLAIMS (where the information or documentation is available)

- a calculation of the amount of any rent alleged to be owing, showing amounts received;
- details of breaches of an agreement which are said to justify withholding any deposit itemised showing how the total is made up and with invoices and estimates to support them.

BREACH OF DUTY CASES (negligence, deficient professional services and the like)

Details of the following:

- what it is said by the claimant was done negligently by the defendant;
- why it is said that the negligence is the fault of the defendant;
- what damage is said to have been caused;
- what injury or losses have been suffered and how any (and each) sum claimed has been calculated;
- the response of the defendant to each of the above.

7.4 Witness statements

If you want to give evidence about your claim at the trial you have to put this evidence into a written document called a ‘witness statement’. All claimants and defendants have to prepare a witness statement.

If you want anybody else to give evidence to the judge at the trial about what they saw or heard, they must prepare a witness statement as well.

These witnesses are called witnesses of fact because they can help prove the facts of the case. At the trial you and any witnesses you want to have will only be able to talk about what you have covered in your witness statements. You will not be allowed to talk about anything new or additional. If you want to talk about it, put it in the statement. There are rules about what a witness statement has to look like and have in it. If you are the claimant what you put in your witness statement is a similar but more detailed version of what you put in your particulars of claim. You need to describe (in a claim for breach of contract, for example):

- the background to your claim;
- how you and the defendant know each other;
- what the defendant agreed to do and what went wrong;
- the chronology – what happened and when;
- the impact, for example, on your life, your family, your health, your home, car;
- what you have tried to do to solve the problem or lessen the damage.

For further information about this read the section on witness statements in this practice direction: www.justice.gov.uk/courts/procedure-rules/civil/rules/pd_part32#IDAIKBKC.

If a witness is giving evidence for you at the hearing, make sure they know where the court is and when the hearing will start. Arrange to meet them at the court some time before the hearing is due to start. If a witness has difficulty getting time off work, it may be helpful to serve a witness summons. The court staff can explain how to do this.

7.5 Expert witnesses

It is unusual to use an expert witness in a small claim. If you want to use an expert, you should say so in the Directions Questionnaire. You must say what the expert’s evidence will deal with and whether you would like the expert to give evidence in a written report, orally at the hearing, or both. If at all possible, both parties

should use the same expert as this will save costs. Your Notice of Allocation will tell you if you have been given permission to use an expert.

7.6 Getting organised for the big day

You might feel nervous before the hearing – most people do! But it will help if you have a clear idea in your own mind of your main points and also if you know that you can easily lay your hands on your evidence.

Before the hearing, make a note of key facts/dates/amounts of money owed/paid so that you can refer to them easily. This is sometimes called a timeline or a chronology. This can be helpful to share with the judge. It is good to share a copy of anything you hand up to the judge with the other side too.

Top tips

Make sure you have all relevant paperwork/evidence in a folder so that you can turn to particular pages without getting flustered.

Take damaged or faulty goods with you as evidence or, if they can't be transported, take photographs. Take evidence of expenses and any receipts.

8. The hearing

If you're going to a court hearing, we suggest you read this court leaflet:

<http://hmctscourtfinder.justice.gov.uk/courtfinder/forms/ex342-eng.pdf>

8.1 Should I attend the hearing?

A 'hearing' is the name given to any face-to-face meeting with a judge. For a small claim there is usually just one final hearing but a judge might order a preliminary hearing to sort out some issues before the final hearing.

Attending the hearing provides you with the opportunity to tell the judge what has happened. However, you are not obliged to. You might decide that everything you need to say is contained in the documents that you've filed with the court and it is not worth the travel costs involved in attending. If this is the case you can write to the court to ask it to deal with the case in your absence. The letter must arrive at court no later than seven days before the hearing date, and a copy must be sent to the other side too.

8.2 What if I want to attend the hearing but can't make the date allocated by the court?

If you want to attend the hearing but can't because of the date that has been allocated you should write to the court as soon as possible to try to seek an alternative date. You will need to pay a fee for that application. You will need to explain why you cannot attend: if for medical reasons produce a doctor's note and if you have a pre-arranged holiday produce the booking form. The court will only give a new hearing date when this can be justified.

8.3 How will the case be decided?

Civil cases have to be proved on the 'balance of probabilities'. This means if it's more likely than not that your version of events is true then the decision will go in your favour.

Small claim hearings can differ a lot depending on the judge and the rules of evidence are very flexible – the judge can agree to accept or reject whatever they see fit in the interests of justice. Some judges adopt the normal trial procedure whereby each party present their case but others are more inquisitorial.

8.4 What is the hearing room like?

For a small claim the hearing will take place in the judge's room, which are known as chambers. This will be a normal looking room with a desk for the judge and a seated area for the claimant and defendant – nothing like a formal court room you might have seen on the TV! There may be an area for witnesses to stand to give evidence.

8.5 Who might be in court?

- **The judge** – this will be a district judge.
- **The parties** – the claimant and defendant.
- **Lawyers** – it's relatively unusual for a small claim (other than road traffic claims where insurance companies are involved), but the other side might decide to instruct a lawyer. This could be a solicitor or a barrister. Lawyers working on a small claim would tend to be at the start of their career so it might be one of the first times they've been in front of a judge too! It's also possible to have someone represent you on a free – or 'pro bono' – basis. This might commonly be a student lawyer or someone who is still training.

- **Witnesses** – in small claims it is likely that there won't be any witnesses, but if there are they need to attend court to give evidence in front of the judge if the court has ordered it. This might include factual witnesses, i.e. people who can give evidence about what happened, as well as expert witnesses, i.e. experts who can give their opinion to the judge – for example, a doctor's opinion about whether or not you will fully recover from an accident.
- **Court staff** – there might be some court staff in the room. They will be there to help the judge, pass him/her any paperwork etc. Court staff may be able to explain court procedures and help you find a court form.
- **McKenzie Friends** – a McKenzie Friend is a person who helps someone appearing in court. They don't need to be legally qualified and might be a family member or a neighbour. Some people do training to become a McKenzie Friend but this will focus on how to offer emotional and practical support rather than legal advice.
- **Lay representative** – in small claims hearings a party may arrange for another adult to represent them even though this person is not legally qualified. You may wish to consider this if you are nervous about speaking at the hearing and know a suitable person who would be willing to support you, but you will be expected to be present.
- **Personal Support Unit** – in larger courts, volunteers from the Personal Support Unit can help calm your nerves, offer emotional support and get you to the right court room or office in the court building. They work in lots of court buildings around the country. Ask if there's anyone around who can help you when you arrive at court.
- **Public** – the hearing will usually be 'public', which means that any members of the public are free to sit in the room and listen. If the court believes that it would be in the interests of justice for the hearing to take place in private that can be ordered.

8.6 What does everyone wear?

No one will be wearing a wig or gown. The judge will be wearing a suit or smart office wear.

You don't need to wear a suit or tie but you should think about how you want to present yourself and dress smartly.

8.7 What will I say to the judge?

Call the judge 'Sir', 'Madam' or 'Judge'.

The judge will probably be sitting in the room already when you are shown in, or they might even come out to collect you yourselves. The judge will be accessible, polite and formal. Before the hearing they will have read through the documents that you and the other side have sent in but they won't be on anyone's side – they will want to find out as much information as possible from both parties so as to inform their final decision. They won't expect you to have knowledge of the law or to be slick and polished like a lawyer on the TV – just tell the judge what happened clearly and concisely in your own words. You may not have to give evidence on oath.

The judge will speak first, to check who you are and whether you are the claimant or the defendant. There is no set agenda for how the hearing will go. You should try to plan out the key points that you would like to say, but be prepared to be flexible as the judge might not do things in the order you've planned. The judge might begin by asking the claimant to give a summary of their case and then might ask the defendant to answer each of the points raised by the claimant. Or, if they feel they already have a good picture from reading the paperwork, the judge might start off by asking some questions. Alternatively they might ask the claimant to raise one point and then go to the defendant to hear the reply, issue by issue. It is a good idea to write down some notes of what the other side says as you might spot a weakness in their argument.

Top tips

Try not to interrupt – the judge will give you a chance to speak.

Be courteous – including to the other side! You want to create the best impression possible in front of the judge and keeping your cool will help you to be more persuasive.

If you need a moment to gather your thoughts, just ask for it. You are usually allowed to take in a bottle of water or there might even be some water provided. If you need a break just ask for it.

8.8 Should I get a transcript?

A transcript is a word-for-word account of what was said in court. It is usually required if you wish to appeal against the decision of the court and it can be applied for after the hearing. The person applying for a transcript will usually be required to pay for it. It is not necessary for most small claims.

8.9 Interpreters

If English is not your first language, you may need an interpreter so that you can take part in the court proceedings. The courts sometimes pay for this if you can't afford to pay for an interpreter yourself. You can find guidelines explaining when the courts will arrange and pay for an interpreter here: www.justice.gov.uk/courts/interpreter-guidance.

8.10 Disabilities

If you have an impairment or disability that makes it difficult for you to attend the particular court or communicate with the judge and other party at the hearing you should write to the court about this beforehand or inform the court usher before you are called in to the hearing. It is the duty of the court to make reasonable adjustments to enable you to cope.

9. The court's decision

9.1 Orders

The judge will make a decision and explain the reasons at the end of the hearing. An 'order' will then be made. This may be that:

- something is replaced – for example, new central heating is installed within a reasonable length of time;
- something is repaired – for example, your roof;
- something stops happening – for example, a landlord stops trying to illegally evict you (this is called an 'injunction');

or

- you get compensation – this is a money judgment and is the usual outcome.

The court sends both parties a copy of the court order in the post.

9.2 If an order is made in my favour, how do I make sure the defendant does what the court has required?

Even if you win your case it doesn't mean the other side will pay you. Only about 60% of successful claimants actually receive all the money awarded by the court.

It is not advisable to issue proceedings against a PO Box address, as you will not be able to enforce proceedings against this type of address.

You can apply to the court to get the money you are owed using:

- A warrant of execution (sending bailiffs to collect payment or goods for auction)
<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/ex322-eng.pdf>
- An attachment of earnings order (deductions from wages)
<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/ex323-eng.pdf>
- A third party debt order (usually used to freeze money in bank or building society accounts)
<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/ex325-eng.pdf>
- A charging order (a charge on land or property owned by a debtor)

Warrants of execution can be issued using the Money Claim Online website, the County Court Money Claims Centre or the local county court.

A fee will be payable to the court by you for these services.

9.3 If the court makes an order I don't like, can I appeal?

An appeal from a judgment in the small claims track is an application to a circuit judge in the county court to overturn the judgment or order (or part of the judgment or order). This can include appealing against a decision as to costs.

You can't appeal simply because you disagree with the judgment; you need proper legal grounds such as the court made a serious mistake about the law or there were serious procedural irregularities. Given the time and cost involved in bringing an appeal it is probably not worth pursuing for a small claim. An appeal is not the same as a re-trial.

If you do wish to appeal, you must either request permission from the district judge at the conclusion of the small claims hearing or file a Form N164 to apply to a circuit judge in the county court. The form must be filed within 21 days of the judgment. Applying for permission to appeal does not stop the original order from having effect (called a 'stay').

If you want the order to be stayed, you will need to apply for this. Obtaining a stay will be especially important if the carrying out of the order would defeat the benefit of a successful appeal.

Guidance notes – preparation for a small claim hearing

1. Ensure that you make a note of the date and time of your hearing as soon as you receive a notice from the court telling you when your claim will be heard. Make sure you tell any witnesses as soon as possible too.
2. If you are the claimant please ensure that you pay the hearing fee by the date specified. Failure to do so will lead to your claim being struck out.
3. Even if you have already filed some items with the court prepare copies of all documents upon which you intend to rely at court, including any witness statements. These should then be bundled together, a page number inserted in the bottom right-hand corner for each page and sent both to the court and your opponent at least 14 days before the hearing. If you do not do this you will not be able to use them without the judge's permission
4. Consider settlement. If you wish to explore the possibility of agreement contact the Small Claims Mediator or your opponent. Any negotiations are confidential and cannot be referred to at the final hearing. If you do agree terms ensure that the court is notified and that you have a clear agreement in writing. Provided the court is told about the settlement seven days before the hearing your hearing fee will be refunded.
5. If your witness is unable to attend their statement can be read out but it does not carry as much weight as if they attended. If you have been given permission to rely upon expert evidence, that expert is not usually expected to attend provided their statement has been disclosed in good time.
6. You may bring a relative or friend with you who, if you wish it, can conduct the case on your behalf. Please ensure that you arrive in good time, the court will try to ensure that you are not kept waiting. If you are unavoidably delayed please ring the court to tell them otherwise the case may go ahead without you.
7. If you wish to claim any expenses bring with you a note of how much you are claiming. If you wish to claim for loss of earnings bring with you a letter from your employer.
8. The hearing is relatively informal but you should call the judge Sir or Madam, keep calm and not interrupt your opponent. The judge will ask most of the questions but come prepared to answer them and make a note in advance of what questions you wish to ask your opponent. It may be useful to bring pen and paper.
9. The hearing can take place in your absence as long as you notify the court and your opponent that you will not be attending at least seven days beforehand. However, it is usually better if you can be present.
10. Finally the court is concerned to ascertain the facts, apply the law and make a decision. Please do your best at all times during the hearing to assist the judge in that task.

Jargon buster

Allocation	The process of deciding which track the case should follow.
Directions Questionnaire	A questionnaire that helps the court decide how to deal with your case and which track to allocate (assign or transfer) your case to. This used to be known as an Allocation Questionnaire.
Case management hearing	A hearing where the court decides or the parties agree (with the approval of the judge) how to deal with the case.
Claim	A formal request (for example, for money or that something is done or stopped from happening) that starts court proceedings.
Claim form	The form that starts a case and where the claimant explains what they are asking for.
Claimant	Someone who starts court proceedings.
Cause of action	The legal basis of your claim.
Costs	What solicitors charge for the legal work they do (also known as 'legal costs'). May also include court fees and other expenses.
Counterclaim	A claim brought by a defendant as a response to the original claim brought by the claimant.
Court order	The judge's written decision.
Date of service	The official date when a party is deemed to have received a document.
Deemed	The rules may provide that something has taken place.
Defendant	Someone who has court proceedings brought against them.
Defence form	The form the defendant completes to explain why they dispute the claimant's claim.
Directions	Instructions setting out how a case will be dealt with or what the parties must do.
Directions hearing	A hearing where the court decides or the parties agree (with the approval of the judge) the instructions they will follow to get the case ready for trial.
Disclosure	The formal name for the process of showing the evidence that supports your case to the other party. 'Standard' disclosure refers to the usual way of going about the process as described in Part 31 of the Civil Procedure Rules.

Discretionary relief	A remedy that a court may grant in certain circumstances.
Dispute	The problem you and the other party are arguing about.
Discontinue	End your claim before it's dealt with by a judge.
Enforcement proceedings	Proceedings to force someone to obey a court order – for example, to pay you money or return something belonging to you.
Evidence	Information – for example, from documents or witnesses – that seeks to prove the facts of a case.
Exchange of documents	Sending the documents you are going to rely on to prove your case to the other party (and sometimes to the court as well).
Judgment	The reasons why the judge makes a court order.
Limitation period	The time within which a person who has a legal claim must start court proceedings. Different limitation periods apply to different types of claim.
Objective	Not influenced by personal feelings, interpretations or prejudice; based on facts; unbiased.
Remedy	The relief that a claimant seeks – for instance, damages.
Service	The means by which court documents are brought to the attention of the parties.
Strike out	A court order that brings a claim to an end without a judgment on the merits of the claim.
Without prejudice	Correspondence between the parties that is not seen by the court, except where costs are being examined. It is usually in the form of letters that the parties send with a view to settling the case.

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