



How do I make a court claim?

For people who want to take a dispute to court

About this leaflet

This leaflet is for people who want to take a claim to court. It explains:

- how to prepare your court claim
- how to start your claim, and
- what the court will do when they receive your claim.

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.

Do I have to take my claim to court?

No. Going to court should always be a last resort. It can be expensive, stressful and time consuming.

Before going to court, you should try to find an agreement using an alternative way, for example by:

- **negotiating an agreement** directly with the person or organisation;
- **involving an Ombudsman** who can act as an independent referee;
- **using a mediator** to help you and the other person to find a solution by yourselves;
- **involving an arbitrator** who will make a binding decision that will solve the problem; or
- **contacting a regulator** who can help you deal with issues concerning landline and mobile phones, the internet, and water and domestic energy supplies such as gas and electricity.

Using an alternative way may solve your problem more quickly and cost you less money. It might also give you a better, longer-lasting solution to your problem.

Remember, you are expected to find another way of reaching an agreement before taking your claim to court. Otherwise, the court might decide that you will not get your costs back or that you should pay the other party's costs, even if you win the case.

What if going to court is my only option?

If you are unable to settle your dispute in any other way, you or the other person involved in the dispute might decide to make a claim through a county court. Once you have started a claim, you enter the court process.

Will I need legal advice if I go to court?

Because you will be asked to prove your claim in court, you will need an understanding of the legal basis for your claim. It may save both parties time and money if you get legal advice to see if it is worth your making a claim and what you need to do to prepare for it.

If your claim is for more than £10,000, a personal injury claim or if you are making a claim against a company or an organisation, you should get independent legal advice.

You may qualify for legal aid. Visit www.gov.uk/legal-aid for more information or a Citizens Advice Bureau at www.adviceguide.org.uk (see 'Where can I get more information?').

Does it cost money to go to court?

Yes. If you start a claim in court, you may have to pay a court fee. You may also have to pay further court fees at different stages of the court process.

You will find a list of court fees in the leaflet **EX50 Civil and Family court fees** or court staff will be able to let you know the amount you have to pay.

For more information, or to apply for a fee remission, ask the court for a copy of the combined booklet and form **EX160A Court and Tribunal fees – Do I have to pay them?** It is also available online hmctsformfinder.justice.gov.uk

You may also have to pay for a legal representative, and any witnesses or experts used. However, if you win the case, you may be able to get some of this money back.

If I win, will I get what I'm owed?

If you win the case, the court may order the other party to pay you any outstanding amount or refund any money already paid.

However, if the other party does not act on the order, you will need to ask the court to take action, which may result in your paying another fee. If the other party is unemployed or bankrupt, you are unlikely to get your money back.

Are all disputes dealt with in county courts?

Most claims are issued by a county court.

Some claims can be dealt with in the High Court (either in a district registry or at the Royal Courts of Justice in London). However, you can only take your claim to the High Court if your claim is:

- expected to be for more than £25,000
- a personal injury claim and the value of the claim is £50,000 or more, or
- required by a specific law to be issued in the High Court.

If you are making your claim in the High Court, you will need to state which of these conditions applies.

What do I need to do before starting a claim?

Before starting a claim, the court normally expects you and the defendant to take a number of steps to try to settle the dispute. These steps are known as pre-action protocols and they involve you and the defendant exchanging information and trying to settle the issue without going to court. If the case is still taken to court, the information that has been exchanged makes sure that the case can be properly managed.

There are specific protocols for some types of cases, for example personal injury, professional negligence, housing disrepair, construction and engineering claims.

If you do not comply with the pre-action protocols, the court may impose sanctions.

For more information about pre-action protocols, go to www.justice.gov.uk/guidance/courts-and-tribunals/courts/procedure-rules/civil/menus/protocol.htm

How do I make a claim?

You will need to complete a specific form relevant to the type of the claim. You can do this either on paper or online. However, if you are starting your claim online, your claim has to be against no more than two people.

Completing the form on paper

You can download the relevant form at hmctsformfinder.justice.gov.uk

The form is accompanied by guidance notes telling you how to complete it. It is important that you read these guidance notes carefully before you start filling in the form. The guidance also includes information for the defendant explaining the process.

When you have completed the form, 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.

You may also have to pay a court fee, either in cash, by postal order or by cheque, making it payable to 'HM Courts & Tribunals Service'.

If you need help with completing the form, you should contact a Citizens Advice Bureau. Court staff cannot advise you what to write on the form but they will try to help you where they can.

Making a claim online

To start your claim, go to www.moneyclaim.gov.uk

The online guidance also explains the process and gives you all the information you need to complete the form. The court fee will be calculated for you and you will have to pay it by credit or debit card.

If you are having problems completing the online process, you can call the Money Claim help desk at the number listed on the website.

What if I do not know the exact amount I am claiming?

In some cases, you may not be able to say exactly what the value of the claim is. For example, if you are claiming damages or compensation for loss or injury, you might not be able to work out an exact amount. But you might know that you are unlikely to recover damages beyond a certain amount, so you can say that the damages are limited to, for example, £5,000. This is known as claiming an 'unspecified amount of money'.

Can I claim interest on the money owed to me?

Yes. If you want to claim interest, you should include the following text in the section titled 'Particulars of claim' on the form:

"The claimant claims interest under section 69 of the County Courts Act 1984 at the rate of [8]% a year from [date when the money became owed to you] to [date you are issuing the claim] of £[amount] and also interest at the same rate up to the date of judgment or earlier payment at a daily rate of [daily rate of interest]."

The rate of interest depends on the type of claim that you are making. For more information, speak to a legal adviser.

To work out your daily rate of interest, use the following calculation:

$0.00022 \times [\text{the amount of your claim}]$

To work out the amount of interest you are owed up to the claim date, use the following calculation:

$[\text{number of days passed}] \times [\text{your daily rate of interest}]$

You can then add this amount to the amount that you are claiming.

What happens after I have sent my claim to the court?

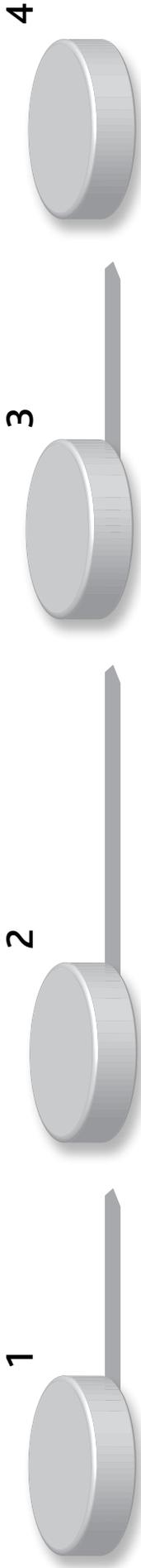
When the court has received and issued your claim, they will send you a **Notice of Issue**. They will also send a copy of your claim to the defendant. The defendant is given the options

of admitting, defending or partly admitting your claim.

To find out what happens now, read our leaflet **EX304 I've started a claim in court – what happens next?**

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.

The small claims track in civil courts

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 hmctsformfinder.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.uk**

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

For people with a disability

If you have a disability that makes going to court or communicating difficult and/or you require any information in an alternative format, for example large print, please contact the court concerned who will be able to help you. You can find contact details for all of our courts online at 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