



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

For people who have taken a dispute to court

## About this leaflet

This leaflet is for people who have started a claim in a county court. It explains what you should do if the person you have made a claim against (the defendant):

- does not respond to the claim;
- admits the claim;
- defends all or part of the claim; or
- claims that they have already paid you what they owe.

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

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

## What happens if the defendant does not respond to my claim?

What you have to do depends on whether you claimed a *specified* amount of money or an *unspecified* amount.

### What if I claimed a *specified* amount?

Before taking any action, you have wait until the date by which the defendant must reply to the claim has passed. This date will be specified on your Notice of Issue (the notice you were first sent after you started the claim).

If you have not had a reply by this date, you can ask the court to order the defendant to pay you the amount you have claimed. This is known as asking the court to 'enter judgment by default'. You should do this as soon as the date by which the defendant must reply 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 even the same day as your request, it will have priority.

**Remember**, request a judgment by default within six months of the defendant's reply date, otherwise your claim will be stopped (known as 'stayed'). The only way to continue your claim after this period is to apply to the court for an order to lift the stay – and there may be a fee for this.

### How do I request to enter judgment by default?

**If you made your claim on paper**, you will need to complete the bottom half of your Notice of Issue that the court sent you when you made your claim.

**If you issued your claim online**, you can submit your request to enter judgment by default at the same website: [www.moneyclaim.gov.uk](http://www.moneyclaim.gov.uk)

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 instalments 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.

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

## What if I claimed an *unspecified* amount?

If the defendant has not replied to your claim 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.

For more information about what to expect when going for a court hearing, see our leaflet **EX342 - Coming to a court hearing? Some things you should know.**

## What if the defendant still does not pay?

If the defendant still does not pay what they owe, you can ask the court to take further action and 'enforce the judgment'. Remember that the court will not do anything unless you ask it to.

If you decide to do this, you may have to pay another fee. This fee will be added to the money that the defendant already owes you.

For more information on enforcement, visit [www.direct.gov.uk/courtanddebt](http://www.direct.gov.uk/courtanddebt) or read out leaflet **EX321 - I have a judgment but the defendant hasn't paid – what can I do?**

## What happens if the defendant admits my claim?

What happens now depends on whether you have claimed a specified or an unspecified amount.

**If you claimed a specified amount**, you will have received the defendant's admission form, telling you that they admit to owing you money. Look closely at the details of the form to see if the defendant has asked for extra time to pay the amount. If so, you must decide whether you agree to this.

**If you claimed an unspecified amount**, you will have received a Notice of Admission telling you that the defendant admits to being liable for payment. Either the defendant will 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.

## **Can I refuse the defendant's request to have extra time to pay?**

Yes. But do not forget that you may be more likely to get the money if you allow the defendant to pay over a longer a period of time.

Which form you need to complete depends on whether you claimed a specified or an unspecified amount.

**If you claimed a specified amount**, you will need to complete the bottom section of the Notice of Issue (the notice that you were first sent when you issued the claim).

**If you claimed an unspecified amount**, complete the Notice of Admission.

Make sure you explain clearly why you object to giving the defendant extra time. Send your form – together with a copy of the defendant's Admission form – to the court. It is a good idea to keep copies of the forms for your own record.

The court will then consider the defendant's reasons as well as your objections, and decide what is reasonable for the defendant to pay. The court will send you and the defendant 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.

## **What do I do if I accept the defendant's offer?**

If you and the defendant agree on the amount owed, you can ask the court to order the defendant to pay you this amount (including the fee you paid when issuing the claim). This is known as 'entering judgment on admission' and does not cost anything.

**If you claimed a specified amount**, you will need to complete the bottom section of the Notice of Issue (the notice that you were first sent when you issued the claim), and send this to the court. Or, if you issued your claim online, you can submit your request on the same website at: [www.moneyclaim.gov.uk](http://www.moneyclaim.gov.uk)

**If you claimed an unspecified amount of money**, 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.

## **What happens if I do not accept the amount the defendant has offered?**

If you do **not** accept the amount the defendant has offered, you should complete the bottom half of the Notice of Admission and send it to the court. Once the court has made a decision about how much money you are entitled to, the court will send an order to you and the defendant explaining any instructions (or 'directions') given.

The order may also include a date for a hearing. If so, you should read our leaflet **EX342 - Coming to a court hearing? Some things you should know**.

## **What if the defendant does not say how much they admit to?**

If the defendant does not specify an amount, you can ask the court to decide what this should be and make an order that the defendant pay this amount. This is known as 'entering judgment for an amount to be decided by the court'.

To do this, you should complete the bottom half of your Notice of Admission and send it to the court (with a copy to the defendant).

**Remember**, check the Notice of Admission to see the date by which the court needs your reply. If your response is late, your claim may be stopped (known as 'stayed'). The only way to continue your claim after this period is to apply to the court for an order to lift the stay – and there may be a fee for this.

Your claim will then be referred to a judge. Once the judge has made a decision about how much money you are entitled to, you and the defendant will be sent an order, explaining any instructions (or 'directions') given.

The order may also give details of a hearing or a trial. If so, you should read our leaflets **The small claims track in civil courts** if the claim is for £10,000 or less or **Fast and multi-track claims in civil courts** if the claim is for more than £10,000. You should also read the leaflet **Coming to a court hearing? Some things you should know**.

## What happens if the defendant disputes my claim?

If the defendant disputes your claim, they will send their defence to the court. They usually get 14 days to complete and return the defence but can ask to extend it to 28 days. If this happens, the court will let you know.

There are various ways the defendant can dispute your claim. They can:

- defend all of the claim;
- defend all the claim and claim that you owe them money (this is known as counterclaim);
- admit the claim but claim that you owe them money (this is known as counterclaim);
- defend part of the claim; or
- claim that they have already paid what they owe.

**What if the defendant does not file a defence in time?** Even if the defendant gets the time in which they must respond extended to 28 days, they may still fail to file their defence by the date it is due. If so, you can ask the court to order the defendant to pay you the money and costs you are claiming. See 'What happens if the defendant does not respond to my claim?'.

## What happens if all of the claim is defended?

If the defendant has filed a defence against your claim, the court will send you and the defendant a copy of the defence, together with a notice and an Directions Questionnaire. The Directions Questionnaire is for you to help the court decide how your claim should be dealt with.

To find out what happens with your defended claim at court, read our leaflet **The small claims track in civil courts** if the claim is for £10,000 or less or **Fast and multi-track claims in civil courts** if the claim is for more than £10,000. You should also read the leaflet **Coming to a court hearing? Some things you should know**.

Please note that if you are claiming against more than one defendant, the court will send you a notice once they receive the first defence. But they will not send any other documents until they have received the other defences too.

## What happens if part of the claim is defended?

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 do, 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 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. To find out what happens with your defended claim at court, read our leaflet **EX342 - Coming to a court hearing? Some things you should know**.

## What if the defendant claims 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 now 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).

**Remember**, check the date by which the court needs your reply. If they do not receive your reply on time, your claim will be stopped (known as 'stayed'). The only way to continue your claim after this period is to apply to the court for an order to lift the stay – and there may be a fee for this.

If you tell the court that you do not agree that the money has been paid, you will then be sent a notice and an Directions Questionnaire. This means that your claim will now carry on as a defended claim. To find out what happens with your defended claim at court, read our leaflet **EX342 - Coming to a court hearing? Some things you should know**.

## Where can I get more information?

For general information about solving legal disputes, visit [www.gov.uk](http://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.

For information about legal advice go on line at [www.gov.uk/legal-aid](http://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](http://www.adviceguide.org.uk)

To read our other leaflets in this series, visit [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

For information on consumer issues, contact Consumer Direct on 08454 04 05 06 or visit [www.consumerdirect.gov.uk](http://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](mailto: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](http://www.ofcom.org.uk)

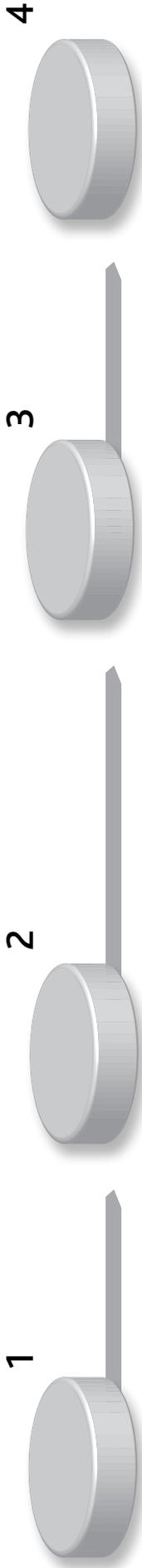
For issues relating to gas and electricity, contact Ofgem on 020 7901 7295 or by email on [consumeraffairs@ofgem.gov.uk](mailto:consumeraffairs@ofgem.gov.uk)

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](mailto:secretary@bioa.org.uk)

For contact details of all our courts, visit [hmctscourtfinder.justice.gov.uk](http://hmctscourtfinder.justice.gov.uk)

# 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.

**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.

**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.

**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.

**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.

**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.

**I've started a claim in court - what happens next?**

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

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

If you have a disability that makes going to court or communicating difficult, please contact the court concerned and they will be able to help you. You can find contact details for all our courts online [hmctscourtfinder.justice.gov.uk](http://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](http://www.justice.gov.uk/about/hmcts)