

An Overview of the Small Claims Court Procedure

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1. Preliminary considerations
2. Issuing and progressing the claim
3. Dealing with the hearing

Preliminary Considerations

Is your debtor able to pay any judgment obtained?

- What methods of enforcement might you use?

Do you know where your debtor lives?

- CPR Part 6 – rules on service
- Individual - usual or last known address
- Reasonable steps to ascertain the address

Think ahead – potential defences

- Has the claim been made within 6 years of the debt falling due?
- Have you got sufficient evidence to support your claim?

Issuing The Claim

1. Claim Form N1 – Part 7 CPR

- www.gov.uk/government/collections/county-court-forms
- All claims issued in Northampton (CCMCC) County Court

2. Particulars of claim

- On claim form or in a separate document
- Succinct summary of who each party is, the legal basis of the claim, relevant dates, reference to any relevant documents
- Interest – contractual or S.69 County Courts Act 1984 8%pa

3. Court fee

- Form EX50

Issuing The Claim

- Current small claims limit £10,000
- 3 copies of the claim form to be posted to court
- Fee paid by cheque (to HMCTS) or quote fee account no.
- The court will serve on the defendant by first class post
- Notice of Issue – timeline

Next stages

- Acknowledgment of service – gives D further 14 days
- Defence
- Admission (full/part) – offer of repayment
- No response – request for default judgment N225

Defence received

- Is summary judgment suitable?
- Test: defendant has no real prospect of successfully defending the claim
- Application on N244 – fee – hearing
- Otherwise:
 - Directions questionnaire
 - Mediation?
 - Transfer to D's home court
 - Allocation and directions with hearing date

The Hearing

- **Witness statement**

- Set out the facts – chronological order
- May include any legal points to be raised
- Avoid hearsay – but consider proportionality of multiple witnesses
- Include key documents e.g. lease agreement, statement of account, relevant correspondence

The Hearing

Procedure

- Claimant goes first
- Advocate / witness – DJ may be prepared to accept witness statement as evidence
- Prepare questions for D
- Stick to relevant issues from the evidence!
- Judge will have questions for both sides
- Prepare a calculation in full for judgment if required
 - Debt amount / up to date interest
 - Costs likely to be fixed Part 45 CPR
 - Bring a calculator