

Notes for defendant on replying to the claim form

Please read these notes carefully - they will help you decide what to do about this claim.
Further information may be obtained from the court in a series of free leaflets

- If this claim form was received with the particulars of claim completed or attached, you must reply within 14 days of the date it was served on you. If the words 'particulars of claim to follow' are written in the particulars of claim box, you should not reply until after you are served with the particulars of claim (which should be no more than 14 days after you received the claim form). If the claim was sent by post, the date of service is taken as the second day after posting (see post mark). If the claim form was delivered or left at your address, the date of service will be the day after it was delivered.
- You may either:
 - pay the total amount i.e. the amount claimed, the court fee, and solicitor's costs (if any)
 - admit that you owe all or part of the claim and ask for time to pay or
 - dispute the claim
- If you do not reply, judgment may be entered against you.
- The notes below tell you what to do.
- The response pack will tell you which forms to use for your reply. (The pack will accompany the particulars of claim if they are served after the claim form).
- Court staff can help you complete the forms of reply and tell you about court procedures. But they cannot give legal advice. If you need legal advice, for example about the likely success of disputing the claim, you should contact a solicitor or a Citizens Advice Bureau immediately.

Registration of Judgments: If this claim results in a judgment against you, details will be entered in a public register, the Register of Judgments, Orders and Fines. They will then be passed to credit reference agencies which will then supply them to credit grantors and others seeking information on your financial standing. **This will make it difficult for you to get credit.** A list of credit reference agencies is available from Registry Trust Ltd, 173/175 Cleveland Street, London W1T 6QR.

Costs and Interest: Additional costs and interest may be added to the amount claimed on the front of the claim form if judgment is entered against you. In a county court, if judgment is for £5,000 or more, or is in respect of a debt which attracts contractual or statutory interest for late payment, the claimant may be entitled to further interest.

Your response and what happens next

How to pay

Do not bring any payments to the court - they will not be accepted.

When making payments to the claimant, quote the claimant's reference (if any) and the claim number.

Make sure that you keep records and can account for any payments made. Proof may be required if there is any disagreement. It is not safe to send cash unless you use registered post.

Admitting the Claim

Claim for specified amount

If you admit all the claim, take or send the money, including the court fee, any interest and costs, to the claimant at the address given for payment on the claim form, within 14 days.

If you admit all the claim and you are asking for time to pay, complete Form N9A and send it to the claimant at the address given for payment on the claim form, within 14 days. The claimant will decide whether to accept your proposal for payment. If it is accepted, the claimant may request the court to enter judgment against you and you will be sent an order to pay. If your offer is not accepted, the court will decide how you should pay.

If you admit only part of the claim, complete Form N9A and Form N9B (see 'Disputing the Claim' overleaf) and send them to the court within 14 days. The claimant will decide whether to accept your part admission. If it is accepted, the claimant may request the court to enter judgment against you and the court will send you an order to pay. If your part admission is not accepted, the case will proceed as a defended claim.

Claim for unspecified amount

If you admit liability for the whole claim but do not make an offer to satisfy the claim, complete Form N9C and send it to the court within 14 days. A copy will be sent to the claimant who may request the court to enter judgment against you for an amount to be decided by the court, and costs. The court will enter judgment and refer the court file to a judge for directions for management of the case. You and the claimant will be sent a copy of the court's order.

If you admit liability for the claim and offer an amount of money to satisfy the claim, complete Form N9C and send it to the court within 14 days.

The claimant will be sent a copy and asked if the offer is acceptable. The claimant must reply to the court within 14 days and send you a copy. If a reply is not received, the claim will be stayed. If the amount you have offered is **accepted** -

- the claimant may request the court to enter judgment against you for that amount.
- if you have requested time to pay which is not accepted by the claimant, the rate of payment will be decided by the court.

If your offer in satisfaction is **not accepted** -

- the claimant may request the court to enter judgment against you for an amount to be decided by the court, and costs; and
- the court will enter judgment and refer the court file to a judge for directions for management of the case. You and the claimant will be sent a copy of the court's order.

Disputing the claim

If you are being sued as an individual for a specified amount of money and you dispute the claim, the claim may be transferred to a local court i.e. the one nearest to or where you live or carry on business if different from the court where the claim was issued.

If you need longer than 14 days to prepare your defence or to contest the court's jurisdiction to try the claim, complete the Acknowledgment of Service form and send it to the court within 14 days. This will allow you 28 days from the date of service of the particulars of claim to file your defence or make an application to contest the court's jurisdiction. The court will tell the claimant that your Acknowledgment of Service has been received.

If the case proceeds as a defended claim, you and the claimant will be sent an Allocation Questionnaire. You will be told the date by which it must be returned to the court. The information you give on the form will help a judge decide whether your case should be dealt with in the small claims track, fast track or multi-track. After a judge has considered the completed questionnaires, you will be sent a notice of allocation setting out the judge's decision. The notice will tell you the track to which the claim has been allocated and what you have to do to prepare for the hearing or trial. Leaflets telling you more about the tracks are available from the court office.

Claim for specified amount

If you wish to dispute the full amount claimed or wish to claim against the claimant (a counterclaim), complete Form N9B and send it to the court within 14 days.

If you admit part of the claim, complete the Defence Form N9B and the Admission Form N9A

and send them both to the court within 14 days. The claimant will decide whether to accept your part admission in satisfaction of the claim (see under 'Admitting the Claim - specified amount'). If the claimant does not accept the amount you have admitted, the case will proceed as a defended claim.

If you dispute the claim because you have already paid it, complete Form N9B and send it to the court within 14 days. The claimant will have to decide whether to proceed with the claim or withdraw it and notify the court and you within 28 days. If the claimant wishes to proceed, the case will proceed as a defended claim.

Claim for unspecified amount/return of goods/ non-money claims

If you dispute the claim or wish to claim against the claimant (counterclaim), complete Form N9D and send it to the court within 14 days.

Personal injuries claims:

If the claim is for personal injuries and the claimant has attached a medical report to the particulars of claim, in your defence you should state whether you:

- agree with the report or
- dispute all or part of the report and give your reasons for doing so or
- neither agree nor dispute the report or have no knowledge of the report

Where you have obtained your own medical report, you should attach it to your defence.

If the claim is for personal injuries and the claimant has attached a schedule of past and future expenses and losses, in your defence you must state which of the items you:

- agree or
- dispute and supply alternative figures where appropriate or
- neither agree nor dispute or have no knowledge of

Address where notices can be sent

This must be either your solicitor's address, your own residential or business address in England and Wales or (if you live elsewhere) some other address within England and Wales.

Statement of truth

This must be signed by you, by your solicitor or your litigation friend, as appropriate.

Where the defendant is a registered company or a corporation the response must be signed by either the director, treasurer, secretary, chief executive, manager or other officer of the company or (in the case of a corporation) the mayor, chairman, president or town clerk

Return Address
London Court Services
PO Box 419
Haywards Heath
RH16 1GU

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Please read these notes carefully - they will help you decide what to do about this claim. You will have received a notice of hearing telling you when and where to come to court with the claim form. A leaflet is available from the court office about what happens when you come to a court hearing.

- You must reply to the claim form within 14 days of the date it was served on you. If the claim form was
 - sent by post, the date of service is taken as the second day after posting (see post mark)
 - delivered or left at your address, the date of service will be the day after it was delivered
 - handed to you personally, the date of service will be the day it was given to you
- You may either
 - pay the amount claimed
 - admit liability for the claim and offer to make payments to keep the goods
 - dispute the claim
- If you do not reply or attend the hearing, judgement may be entered against you.
- The notes below tell you what to do.
- Court staff can help you complete the forms of reply and tell you about court procedure. But they cannot give legal advice. If you need legal advice, for example about the likely success of disputing the claim, you should contact a solicitor or a Citizens Advice Bureau immediately.

Registration of Judgments: If this claim results in a judgement against you, details will be entered in a public register, the Register of Judgments, Orders and Fines. They will then be passed to credit reference agencies which will then supply them to credit grantors and others seeking information on your financial standing. **This will make it difficult for you to get credit.** A list of credit reference agencies is available from Registry Trust Ltd, 173/175 Cleveland Street, London W1T 6QR.

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Your response and what happens next

How to pay

Do not bring any payments to the court - they will not be accepted.

When making payments to the claimant, quote the claimant's reference (if any) and the claim number.

Make sure that you keep records and can account for any payments made. Proof may be required if there is any disagreement. It is not safe to send cash unless you use registered post.

Admitting the Claim

If you admit liability for the claim and offer to make payments in order to keep the goods. Complete Form N9C and send it to the court within 14 days.

Remember to keep a copy for yourself. The court will send a copy of your admission to the claimant and ask if your offer is acceptable.

If the claimant **accepts your offer** and asks the court to

enter judgment before the date of the hearing, you will be sent a copy of the judgment and need not come to the hearing. If you do not hear from the court it is in your interests to attend the hearing.

If your offer is **not accepted**, you should attend the hearing. The court will treat your admission as evidence so remember to bring a copy of your admission with you to the hearing.

Disputing the claim

If you dispute the claim or wish to claim against the claimant (counterclaim), complete Form N9D and send it to the court within 14 days. **Remember** to keep a copy for yourself and to bring it with you to the hearing. The court will send a copy of your defence to the claimant. At the hearing the court may make a final order or judgment in the claim. If the court agrees that you have a valid defence (or counterclaim), it will tell you and the claimant what to do to prepare for a future hearing. If you send your defence to the court after the 14 days has expired, and you want to rely on it at the hearing, the court may take your failure to file it on time into account when deciding what order to make in respect of costs.

Statement of truth

This must be signed by you, by your solicitor or your litigation friend, as appropriate.

Where the defendant is a **registered company or a corporation** the response must be signed by either the director, treasurer, secretary, chief executive, manager or other officer of the company or (in the case of a corporation) the mayor, chairman, president or town clerk.

Notes for claimant on completing a claim form

Before you begin completing the claim form

- You must think about whether alternative dispute resolution (ADR) is a better way to reach an agreement before going to court. The leaflet 'Making a claim? - Some questions to ask yourself' explains more about ADR and how you can attempt to settle your claim.
- Please read all of these guidance notes. The notes follow the order in which information is required on the form.
- If you are filling in the claim form by hand, please use black ink and write in block capitals.
- Copy the completed claim form and the defendant's notes for guidance so that you have one copy for yourself, one copy for the court and one copy for each defendant. Send or take the forms to the court office with the appropriate fee. The court will tell you how much this is.
- Court staff can help you fill in the claim form and give information about procedure once it has been issued. But they cannot give legal advice. If you need legal advice, for example, about the likely success of your claim or the evidence you need to prove it, you should contact a solicitor or a Citizens Advice Bureau.

Further information may be obtained from the court in a series of free leaflets.

Notes on completing the claim form

Heading

You must fill in the heading of the form to indicate the name of the court where you want the claim to be issued.

The claimant and defendant

As the person issuing the claim, you are called the 'claimant'; the person you are suing is called the 'defendant'. Claimants who are under 18 years old (unless otherwise permitted by the court) and patients within the meaning of the Mental Health Act 1983, must have a litigation friend to issue and conduct court proceedings on their behalf. Court staff will tell you more about what you need to do if this applies to you.

Providing information about yourself and the defendant

full address including postcode

You should provide the full address including postcode for yourself and the defendant. The postcode for any address in the United Kingdom may be obtained free from the Royal Mail Address Management Guide, or their website at www.royalmail.com.

If an address does not have a postcode you will need to ask the judge for permission to serve the claim with this information missing. There is no additional fee for this, but if you omit a postcode and fail to ask permission of the judge the court will not allow your claim to be served on the defendant until you supply the missing postcode or a judge permits service without it.

You must provide the following information about yourself and the defendant according to the capacity in which you are suing and in which the defendant is being sued.

When suing or being sued as:-

an individual:

You must enter his or her full unabbreviated name where known, including their first name and any middle name, their last name and the title by which she or he is known (i.e. Mr., Mrs., Ms., Dr., etc.) and residential address (including postcode and telephone number). Where the defendant is a proprietor of a business, a partner in a firm or an individual sued in the name of a club or other unincorporated association, the address for service should be the usual or last known place of residence or principal place of business of the company, firm or club or other unincorporated association.

Where the individual is:

trading under another name

you must enter his or her full unabbreviated name where known, and the title by which he or she is known and the full name under which he or she is trading, e.g. 'Mr. John Smith trading as Smith's Groceries'.

suing or being sued in a representative capacity

you must say what that capacity is e.g. 'Mr Joe Bloggs as the representative of Mrs Sharon Bloggs (deceased)'.

suing or being sued in the name of a club or other unincorporated association

add the words 'suing/sued on behalf of' followed by the name of the club or other unincorporated association.

an unincorporated business - a firm

In the case of a partnership (other than a limited liability partnership) you must enter the full name of the business followed by the suffix 'a firm'.

Enter the name of the firm followed by the words 'a firm' e.g. 'Bandbox - a firm' and an address including postcode for service. This may either be one of the partners residential addresses or the principal or last known place of business of the firm.

a company registered in England and Wales or a Limited Liability Partnership

In the case of a registered company or limited liability partnership, you must enter the full name of the company or partnership followed by the appropriate suffix, i.e. Ltd, Plc, LLP. You must provide an address, including postcode which is either the company's registered office or any place of business in England and Wales that has a real, or the most, connection with the claim e.g. a shop where goods were bought.

a corporation (other than a company)

enter the full name of the corporation and any suffix if appropriate and the address including postcode in England and Wales which is either its principal office or any other place where the corporation carries on activities and which has a real connection with the claim.

an overseas company (defined by s744 of the Companies Act 1985)

You must enter the company's full name and any suffix if appropriate and address including postcode. The address must either be the registered address under s691 of the Act or the address of the place of business having a real, or the most, connection with the claim.

under 18 write '(a child by Mr Joe Bloggs his litigation friend)' after the name. If the child is conducting proceedings on their own behalf write '(a child)' after the child's name.

a patient within the meaning of the Mental Health Act 1983 write '(by Mr Joe Bloggs his litigation friend)' after the patient's name.

Brief details of claim

You must set out under **this** heading:

- a concise statement of the nature of your claim
- the remedy you are seeking e.g. payment of money;

Value

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" followed by whichever of the following applies to your claim:

- 'not more than £5,000' or
- 'more than £5,000 but not more than £15,000' or
- 'more than £15,000'

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 £5,000' 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 £5,000' 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'

Defendant's name and address

Enter in this box the title, full names, address and postcode of the defendant receiving the claim form (ie. one claim form for each defendant). If the defendant is to be served outside England and Wales, you may need to obtain the court's permission.

Particulars of claim

You must set out under this heading:

- a concise statement of the facts on which you rely
- a statement (if applicable) to the effect that you are seeking aggravated damages or exemplary damages
- details of any interest which you are claiming
- any other matters required for your type of claim as set out in the relevant practice direction

Statement of truth

This must be signed by you, or by your solicitor or your litigation friend, if appropriate.

Where the claimant is a registered company or a corporation the claim must be signed by either the director, treasurer, secretary, chief executive, manager or other officer of the company or (in the case of a corporation) the mayor, chairman, president or town clerk.

Address for documents

Insert in this box the address at which you wish to receive documents and/or payments, if different from the address you have already given under the heading 'Claimant'. The address must be in England or Wales. If you are willing to accept service by DX, fax or e-mail, add details.