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Appendix 1-Court Forms and Fees

Form N1 Claim form

Notes for Claimants

Notes for Defendants

Enforcing a judgement

Court fees

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# Chapter 1.

## Introduction to Small Claims and The County Court

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The aim of this guide, which is intended to be for the layperson as opposed to the professional, is to explain the procedure by which you can bring or defend a small claim and how to enforce a judgment. This guide is a guide to procedure not a précis on "the law" or "your rights".

The small claims procedure has evolved over the years, initially limited to claims involving sums in dispute of not more than £100. However, over the years that limit has increased and now stands at £10,000 for money claims (£3,000 in Scotland and £3,000 in Northern Ireland). Readers should be aware that, when it comes to claims against local authorities however, you have to apply for a judicial review to the High Court. If you do not, they can apply to strike out and you will have to pay their solicitors costs. Tread carefully here!

This book covers England and Wales and for advice on Scotland the reader should go to [www.scotcourts.gov.uk/taking-action/small-claims](http://www.scotcourts.gov.uk/taking-action/small-claims).

For Northern Ireland [www.nidirect.gov.uk/articles/small-claims-process](http://www.nidirect.gov.uk/articles/small-claims-process).

## Small Claims and The County Court

Every year, more than 100,000 small claims are commenced in the county court. The Civil Procedure Rules guide small claims and they ensure that a consistent approach to the resolution of small claims is adopted across the board. Prior to 2000, there was no appeal against an award in a small claims court. However, since October of that year there has been a full appeal procedure which is the same as for other cases governed by the Civil Procedure Rules.

### **Terminology**

A definition of legal terms is contained within the glossary of the book. The Civil Procedure Rules created a new terminology for litigation. The person bringing the case is known as the 'Claimant'. Virtually all small claims cases are dealt with by district judges, save for the few that are dealt with by Circuit Judges at the time of an appeal. All county courts will deal with small claims cases and there is no separate building or court called the 'small claims' court. Nearly all hearings are conducted in the normal county court building, usually in a room containing the litigants and the judge. Mediations are held under the auspices of the National Mediation Helpline 0800 246 1218 and are often held in local solicitors offices, the parties homes or offices or some other agreed venue.

### **Small claims tracks**

The three management categories for civil claims in the county court are called 'tracks'.

They are shown overleaf:



## Small Claims and The County Court

the Claim Form, witness and other expenses. Costs are explained in Chapter 15. For allocation to the 'fast-track' the claim will be over £25,000. The fast track is for cases that can be resolved in one day or less. If a judge deems that the case should be allocated to the multi-track, because it is over £25,000 or is too complex this will be communicated to the claimant. If the claim is allocated to the multi-track then advice should be sought from a solicitor. Although you may well be able to present the case in court the amount of preparatory work can be daunting.

With fast and Multi track cases costs can be awarded up to the value of 2/3 of the costs on average.

The court will send you a notice of which track the case has been allocated to. If it has been allocated to the fast-track then form N154 will be sent to you together with instructions as to what you need to do to prepare for trial, called 'directions'. If the claim has been allocated to the multi-track then form N155 will be sent. Standard directions and a typical timetable for a fast track case will be:

- Disclosure of documents (followed by inspection) four weeks after allocation
- Exchange of witness statements-10 weeks
- Exchange of expert reports (where appropriate) -14 weeks
- Court send out listing questionnaire -20 weeks
- Return questionnaire -22 weeks
- Trial – around 30 weeks.

### Small Claims and the County Court

For multi-track cases, there is no standard procedure, each case will be managed according to its complexity. A case management conference may be held, where the judge gets together with all the parties to review the progress of the case. Small claims are heard in the county courts by the district judge. The person who is bringing the claim is called the “claimant” and the person he is making the claim against is known as the “defendant”. When a hearing has taken place the district judge will reach a decision known as a “judgment”. This is a court order, which usually requires certain actions such as to pay compensation or “damages” to the claimant or the claim will be dismissed if the defendant is successful.