

Small Claims in the County Court

The “small claims” procedure is designed to provide a simpler and more informal procedure for claims with a value of less than £10,000. Irrespective of the outcome, legal costs usually cannot be recovered unless there has been unreasonable behaviour by one of the parties during the course of the case. However, the Court will allow a successful party to be paid certain expenses such as Court fees.

Stage 1 - The pre-action stage

- Whether a claim is for more or less than £10,000, the Court will expect the parties to engage in correspondence prior to the commencement of Court proceedings with a view to avoiding the need for Court proceedings altogether.
- This will include the person making the claim, the Claimant, writing a formal letter before action, setting out in detail the basis of their claim. This should allow for a reasonable period of time for a reply, which would normally be at least 14 days. The parties should also consider trying to settle the claim before the proceedings are actually started.

Stage 2 - Commencement of Proceedings

- If the claim is not settled during the pre-action stage, the Claimant may then commence Court proceedings. This requires the Claimant to submit a “Claim Form” to the Court which is a prescribed Court form. This document sets out the basic details of the parties. In addition, the Claimant must prepare “Particulars of Claim”, which set out the detail of the claim. In most small claims proceedings, the Claim Form and the Particulars of Claim can be contained within the same form.
- It is important to note that the Claim Form and Particulars of Claim must be verified by a statement of truth, which is a statement the Claimant makes to the Court that he or she has an honest belief in the truth of the claim.
- The documents must be sent to the Court with the relevant fee (ranging from £35.00 to £455.00 depending on the value of the claim) to be “issued”. For most cases, the documents will be sent to the County Court Claims Centre in Salford, although certain types of claim, particularly those relating to property must be sent to the County Court which is local to the property.
- After the proceedings have been issued, the Court will normally serve the documents on the person against whom the claim is made (“the Defendant”) by first class post. The Defendant then has 14 days to file an “acknowledge of service” of the proceedings with the Court. If the Defendant does so, he or she is automatically granted a further 14 days to file their Defence although it is possible for this timescale to be extended by agreement between the parties up to a maximum of another 28 days.
- If the Defendant fails to file an acknowledgement of service or a Defence the Claimant may ask the Court to enter judgment in default. Although this is a procedural judgment, as opposed to a judgment on the merits, it is a fully enforceable judgment.
- If the Defendant admits the claim, the Claimant may also enter judgment on the admission; if the Defendant makes an offer to pay the claim by instalments, the Claimant may either accept it or ask the Court to make a different order. If there is disagreement about the offer which has been made, the Court may fix a hearing at which a decision will be made as to the amount of the instalments to be paid by the Defendant.
- If the Defendant denies the claim and serves a Defence, the Court will send a “Directions Questionnaire” to each party which is a form the parties must complete to provide further information about the case and return it to the Court, usually within about 14 days.



- The Defendant may include in the Defence a “Counterclaim” which is a claim against the Claimant. If a Counterclaim is included, it will be necessary for the Defendant to pay a Court fee just as the Claimant does on commencing the proceedings. The Counterclaim will be dealt with within the same proceedings.
- The Court will most likely transfer the case to the nearest County Court to the Defendant’s residence.

Stage 3 - The Case Management Stage

- The Court will consider the Directions Questionnaires and give instructions (called ‘directions’) for the next steps to be taken by the parties. Normally the directions will be given without the need for a Court hearing, although occasionally the Court might fix a hearing, particularly if it is in doubt that the proceedings should be dealt with as a small claim.
- The directions may include a simple timetable for the parties to disclose documents to each other and also to file and serve witness statements. If necessary, a direction may be given regarding expert evidence if there is an issue in the case which needs independent evidence from a specialist in a particular area. However frequently the Court will order that the at least 14 days prior to the final hearing the parties must send any evidence which they intend to rely to both the Court and to the other party.
- At the same time as making directions, or shortly thereafter, the Court will fix the final hearing of the case. A hearing fee is payable by the Claimant prior to the hearing (up to £335.00 dependant on the value of the claim).

Stage 4 - The Final Hearing

- The final hearing (which is known as the “trial” for claims worth more than £10,000) is usually before a District Judge and is heard in the private room of the District Judge at the Court.
- It is essential for any witnesses to attend the final hearing to give evidence. This is to allow their witness statements to be challenged by the other party and also to allow the District Judge the opportunity to ask questions of the witness.
- After hearing the evidence, as well as the documents and other submissions of the parties, the District Judge will normally make his or her decision and give judgment on the day. Occasionally, although rarely, the District Judge might reserve judgment to be given at a later date.
- After the final hearing, the Court will prepare a typed note of the judgment which it will send to the parties. Normally any monies which are ordered to be paid under the judgment must be paid within 14 days of the date of the judgment unless the District Judge orders otherwise.
- There are limited rights of appeal in small claims proceedings and it is not usually possible for there to be a complete re-hearing of the case.

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