

Small Claims Court – easier than you think!

Andrew Stokes solicitor at Cirencester solicitors Alison Fielden and Co writes

Each Court (the closest Courts to Cirencester are Swindon and Gloucester/Cheltenham) handles claims of a value under £10,000, being what is termed a “small claim” although this is a significant sum for most people. The “value” of a claim is the amount you seek to recover (perhaps the cost of services received or product you bought).

Before issuing a Claim in the Court, we suggest you write to the business or person you wish to claim against and clearly state that you are going to issue a County Court Claim unless you receive full payment of the sum you consider owed to you within 14 days of the date of your letter (always give a deadline).

If you do not receive payment, then prepare to issue a Claim. However, before you issue the Claim, satisfy yourself that your claim is reasonable: was the product you purchased faulty or not working as described? Were the services not of the expected standard or not what you had agreed? There are many reasons for a Court Claim however these are the common reasons.

You can issue the Claim on-line through the “Money Claim Online” website. You will pay a fee to issue the Claim, starting at £25.00 for a claim value of up to £300. When you issue the Claim, you become the “Claimant” and the person/business you issue the Claim against is the “Defendant”. The Court will issue the Claim, sending the Claim forms to the Defendant. Often receipt of the Claim forms results in the Defendant making immediate payment to you! No one wants to go to Court and receipt of a Claim forms will show the Defendant that you are serious and payment often results. Furthermore, a business does not want the publicity (through word of mouth at the very least!) that it has had a Court Claim made against it.

If the Defendant disagrees with the Claim, they might give a Defence, stating why they disagree. The Claim will then proceed to a “Final Hearing” where you and the Defendant will meet before a District Judge who will listen to both of you and make a decision. You and the Defendant can “settle” the Claim at any time before the Final Hearing (and most claims do settle without going to a Final Hearing) meaning that you reach an agreement satisfactory to both of you to end the dispute.

If you consider that you have a valid claim and you have tried to settle the matter direct with the person or business concerned, then consider issuing a Court Claim to settle the matter. If you feel you have a claim but it is worth more than £10,000, you will need to discuss such claim with us as different “rules” apply.

Here at Alison Fielden and Co, Andrew Stokes can help you with such claims regardless of the value, please contact him on 01285 653261 and he will advise you as to the best way forward. We look forward to hearing from you.