

County Court Procedures

When the County Court Claim Forms arrive through the post two forms "Admission" and "Defence and Counterclaim" will accompany it. You must complete and return one of these within 14 days of receiving the summons.

Admitting the Claim

If you agree that you owe the money then you will complete the Admission form and send it to the address for service as stated on the summons (not the court). If the offer is accepted the creditor will ask the court to enter judgement and the court will inform you. The form you receive will be clearly marked "acceptance of offer" and give details of the payment you will have to make and the dates on which to make the payment. If the total owed is less than £5000.00 then interest will normally be stopped.

Defending the Claim

If you want to dispute the claim then you should complete the "Defence and Counterclaim" form stating your reasons for the dispute and return it to the court. The automatic transfer provision will apply and a court hearing will be fixed at your local court. **You must attend the hearing.**

Ignoring the Claim

This is not advisable. If you do not reply to the Claim the creditor will ask the court to enter judgement in default. As they do not have your personal details, the payment they will ask for is usually high. If this is unaffordable, see "Variations".

Variations

Once judgement has been entered, there are a variety of applications that can be made depending on the circumstances.

If you cannot afford to pay the amount ordered you should complete a form N245 (Application to vary an order) and send it to the court. An N245 is available at any County Court.

If you cannot afford any payment at all, you can apply to have the judgement suspended using form N244 supported by a financial statement. A hearing will be fixed **which you must attend**. This may be at the creditor's court and not your local one.

Credit Rating

All County Court Judgements (CCJ's) are registered with Credit Reference Agencies and this will affect your ability to obtain future credit, including mortgages. More importantly, it can affect certain occupations such as accountants, solicitors and financial services. It is as well to check with your union or personnel department for the effect on your particular occupation.

Failure to make payments ordered under a CCJ.

If you do not return the summons or make payments as directed under the judgement, the creditor can take further enforcement action.

- ·By applying for a "Warrant of Execution" which will allow them to either;
- ·Send bailiffs to take goods from your home.
- ·Apply for an attachment of earnings order to take the payments direct from your wage before you get it. This would then involve your employer.
- ·Apply for a charging order to secure the debt against your property.

A CREDITOR CANNOT TAKE THE ABOVE ENFORCEMENT ACTION WITHOUT FIRST OBTAINING A CCJ.

THEREFORE, IT IS ESSENTIAL THAT YOU DO NOT IGNORE COURT FORMS AND THAT YOU REPLY TO THE COUNTY COURT CLAIM MAKING AN OFFER YOU CAN AFFORD. IF YOUR CIRCUMSTANCES CHANGE THEN APPLY FOR A VARIATION ON FORM N245.