

## What happens if you are taken to court for money you owe

If you owe money to someone, they might take you to court to get it back. To do this, they have to fill in a claim form with details of the money you owe and then send it to court. If the claim against you is for less than £5,000, the court will almost certainly decide it's a **small claim**. The information that follows applies to small claims. If you owe more than £5,000, you should get experienced advice immediately.

## What happens when a small claim is made against you

When a claim is made against you, you'll receive a number of documents from the court. The first document will be the **claim form**. There will be a claim number on it, which should be quoted on any letter or document you send to the court. The claim form must be stamped by the court. If yours isn't, the person you owe money to might be trying to harass you by pretending to send you court papers. You might want to report this to the police.

On the claim form, there will be brief details of the claim and how much the other person is claiming you owe them. There might be fuller details of the claim, either on the claim form itself or in a separate document attached.

You will also receive other papers in what is called a **response pack**. These forms are:

- a form to use if you are saying you don't owe the money (a **defence form**)
- a form to use if you accept you do owe the money (an **admission form**)
- a form to use to confirm that you got the documents (an **acknowledgment of service**).

You'll always need to fill in the acknowledgement of service, as well as one of the two other forms, depending on your case.

It's very important that you deal with the papers that the court sends you by the deadline given. If you don't deal with the papers, a court order can be made against you. If this happens, you'll have to pay back all the money claimed, even if you don't owe it. You may also have to pay interest and extra costs on top of this.

When you get the papers, you may need help to decide what to do. A solicitor can give legal advice, but you'll have to pay and you won't get this money back even if you win the case. You could consult an experienced debt adviser. You may have other debts as well as this one, so it might be best to get advice about all of your debts in one go.

## What to do when you get the court documents

When you get the claim form, you may want to talk to the person who brought the claim and try and reach an agreement without going to court. Or, you may want to reply to the claim immediately. You will have 14 days to reply to the court. You could get the other person to extend this deadline. Make sure you get any agreement to extend the deadline in writing and let the court know. It's very important not to miss the deadline.

## What happens if you disagree with the claim

You must have good legal reasons for disagreeing with (**defending**) the claim. Sometimes it's easy to show good reasons, for example, if you don't owe the amount claimed. Sometimes the situation is less clear-cut and you should get legal advice. If you have got good legal reasons for disagreeing with the claim, you should fill in the **defence form** and send it back to court with the **acknowledgement of service**. In some cases you can do this online. The court will let you know if this is possible and give you a password for secure access. The case then becomes a **defended case**. You will be sent further court papers, which tell you what happens next.

If the court eventually decides you owe the money, a **court order** (known as a **county court judgment** or **CCJ**) will be made against you. This may affect whether you can get credit in the future. If you don't pay what you owe, there are other legal steps the person you owe the money to can take to get their money. For example, they can send the bailiffs round to take your goods away. You'll have to pay the costs of this, so your debt will get bigger.

## What happens if you accept you owe the money

If you accept that you do owe the money, fill in the **admission form**. You will have to give details of your financial circumstances. If you accept you owe **all** the money claimed, send the form back **to the person you owe money to**. You can ask to pay off the debt in instalments. If they accept your offer, it will be recorded by the court. If they don't accept your offer, a court official will usually decide what's fair. If you don't make any offer at all, the person you owe money to will decide how much and when you should pay.

If you accept you owe all the money, you'll have a CCJ made against you. But if you pay the money within one month of the date of the CCJ, the order won't appear on your credit file.

## What happens if you accept that you owe some of the money but not all

You may accept that you owe money to the other person but disagree with how much. For example, you may disagree with the way that interest on the money claimed has been calculated. If you don't agree you owe all the money, fill in **both** the **admission form** with details of what you do accept, **and** the **defence form** with details of what you don't accept. Send these forms, along with the acknowledgement of service, **to the court**.

The court will tell you what steps you must take about the part of the claim that you don't agree with.

You will need to make arrangements for paying the part of the debt that you do agree with. You can ask to pay in instalments. If the person you owe money to accepts your offer, it will be recorded by the court. If they don't accept your offer, a court official will usually decide what's fair.

## Further help

### Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

### The Ministry of Justice website

See leaflet ex303, A claim has been made against me – What should I do? on the Ministry of Justice website at: [www.justice.gov.uk](http://www.justice.gov.uk).

## Other information on Adviceguide which might help

- Help with debt
- Dealing with people you owe money to
- Income tax arrears
- How County Court Judgments affect your credit rating
- Bailiffs
- Sample debt letters

This fact sheet is produced by [Citizens Advice](#), an operating name of The National Association of Citizens Advice Bureaux. It is intended to provide general information only and should not be taken as a full statement of the law. The information applies to England and Wales only.

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