

Paying my judgment - What do I do?

This leaflet

This leaflet tells you how to pay your judgment and gives you more information about what the judgment means for you.

Who do I pay?

You must pay the claimant. This is the person or organisation who made the claim against you. The claimant may have a solicitor or representative who will deal with your payments.

The name and address for payment is shown clearly on the judgment form.

If the judgment tells you to pay by instalments, ask the claimant or his or her representative about the best way to pay. The claimant may give you a paying-in book or you may be able to set up a standing order to have the money sent to the claimant straight from your bank account.

Remember: the court cannot accept your payments.

How do I pay?

Always use a method of payment which gives you proof that you have paid.

You can send cheques or postal orders by post. But don't send cash as you will have no proof that you have paid.

Send your name, address, claim number and the claimant's reference with your payment. The claimant's reference is on the judgment. Keep a copy of any letters you send.

Keep a record of the payments you make. You will need it if you and the claimant disagree about the payments you have made.

If you are paying by instalments, you might like to use the record sheet on page 4.

When do I pay?

The judgment probably tells you the date you must pay the claimant by. If you are behind or late with your payments, even by one day, the claimant can ask the court to take steps to make you pay. This may mean you have to pay more costs.

Send your payments to the claimant at least four clear working days before they are due. This will allow for any delays.

Will I be able to get credit now?

Most judgments will have been entered on the Register of Judgments, Orders and Fines. Your name will stay on the Register for six years unless you pay the total amount you owe within one month of the judgment date.

Banks, building societies and credit companies search the Register. Your judgment could affect you if you apply for credit or a mortgage. The booklet 'Credit Explained' tells you what you can do if you are refused credit. Contact the Information Commissioner's Office for a copy.

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Data protection helpline: 01625 545 745

Publications order line: 08453 091 091

e-mail: mail@ico.gsi.gov.uk

website: www.informationcommissioner.gov.uk

How can I get my name off the Register?

If you pay the full amount you owe within one month of the judgment date, you can ask the court to take your name off the Register.

The court will cancel your entry on the Register, and will give you a certificate to prove that you paid the debt within one month.

You will have to pay a small fee and show the court proof that you have paid the full amount (for example, a letter from the claimant saying that you have paid). The court will be able to explain the proof you need.

What can I do if I pay after one month?

If you cannot pay the debt in one month, you can ask the court to mark the Register 'satisfied' after you have made your final payment. This will tell anyone who searches the Register that you have paid the debt. It will also tell them when you made your last payment.

You will still have to pay a fee and show the court proof that you have paid. The court will give you a 'certificate of satisfaction' but the entry will stay on the Register for six years from the judgment date.

The court can process a certificate of cancellation or satisfaction within 5 days, and not more than 10 days of receipt, but it cannot do this if you do not provide proof of payment, the claim number and the fee. If you do not provide proof of payment the court will need to get this from the creditor and this could take at least one month.

What if I did not get the claim form?

If you did not reply to the claim form, the claimant will have asked for judgment 'by default'.

If you are sent a judgment with the heading 'in default' but you did not get the claim form, you can ask for the judgment to be 'set aside'. (This means you are asking for the judgment to be cancelled.) You can only do this if you do not think you owe the money. If the judgment is set aside, the court will take your entry off the Register. You will not have to pay a fee.

If you want to ask for the judgment to be set aside, fill in Application Form N244 (free from any county court office). Say that you did not get the claim form and why you do not think you should pay the judgment. You must provide evidence to support your application. You will have to pay a fee to make the application. Court staff can tell you how much this is, or you can get information from the County Court Fees leaflet (available at any county court or from our website, www.hmcourts-service.gov.uk). Keep a copy of your application form.

You should not ask for the judgment to be set aside if you agree you owe the money. If you cannot pay the amount the court has ordered, read the leaflet **'I cannot pay my judgment - what do I do?'**. You can get this free from any county court office or from our website www.hmcourts-service.gov.uk

Once it has read your application form, the court will arrange a private hearing for you and the claimant to discuss your application with the district judge. The district judge will decide whether to cancel the judgment. If the judgment was not made in your local court, the case will be transferred there before the hearing is arranged.

You will be told when and where to come to court.

If you do not go to the hearing, your request to have the judgment cancelled could be dismissed (rejected). You may have to pay more costs and the claimant may take other steps to get the money you owe.

What if the instalments are not what I offered to pay?

If you are sent a judgment with the heading 'acceptance', but the instalments are not what you offered when you replied to the claim form, you can write to the court to ask them to change your instalments. You must say why you want them to do this.

What will happen if I do nothing?

If you have a county court judgment against you, **you must do something about it**, even if you cannot afford the amount you have been told to pay. Your local county court can give you a free copy of the leaflet **'I cannot pay my judgment - what do I do?'**.

If you do not pay anything, or you do not keep up with the payments, the claimant can ask the court to enforce the judgment (take steps to make you pay). You may have to pay more costs.

Where can I find out more?

If you need to know more about anything in this leaflet, the court will be able to help you. Always have the court claim number and any documents and information about the claim with you when you speak to the court. Most court offices are open from Monday to Friday, 10am to 4pm.

Remember:

- Pay the claimant or his or her representative, not the court.
- Enclose your name, address and any reference.
- Record all the payments you have made and keep proof of them.
- Send your payment at least four clear working days before it is due.
- Court staff are not solicitors. They cannot give legal advice.

For free legal information, help and advice contact Community Legal Service Direct on 0845 3454345 or www.clsdirect.org.uk

Court	Claim Number	Claimant	Reference	Total amount of judgment
Instalment number	Date you sent the payment	Amount you sent	Total you have paid up to now	Amount you still owe
<i>Example</i>	<i>1 December 2003</i>	<i>£20</i>	<i>£20</i>	<i>£80</i>
1				
2				
3				
4				
5				
6				
7				
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10				