

No reply to my claim form - What should I do?

This leaflet will tell you what to do if the defendant (the person you are claiming against) does not reply to your claim. What you have to do depends on whether your claim was for:

- a fixed amount of money (a 'specified amount');
- or
- an amount which is not fixed (an 'unspecified amount').

An unspecified amount of money is one which is not precise. For example, if you are claiming damages (compensation) for loss or injury, you might not be able to work out exactly what those damages are. You might, however, know that you are unlikely to recover damages beyond a particular amount, for example, damages 'limited to £10,000'. This would be a claim for an unspecified amount.

Remember that this and other leaflets can only give you a general idea of what is likely to happen. They cannot explain everything about court rules, costs and procedures which may affect different types of claim in different ways.

The defendant has not replied to my claim for a specified amount of money - what do I do?

If the court served your particulars of claim in, or with, the claim form, the Form N205A (notice of issue), given or sent to you when you issued the claim, will show the date by which the defendant should reply. This will be 14 days after the defendant was 'served with' (received) your claim form. You must wait until after this date before you can take any action.

If the defendant does not reply to your claim, you can ask the court to enter judgment 'by default' (that is, make an order that the defendant pay you the amount you have claimed because no reply has been received). You should do this as soon as possible after the 14 days have passed. Until the court receives your request to enter judgment, the defendant can still reply to your claim. If the court receives the defendant's reply before your request, that reply will have priority even though it has been filed late.

If you do not request judgment within six months of the end of the period for filing a defence, your claim will be 'stayed' (stopped or halted) and the only action you could take would be to apply to a judge for an order lifting the stay.

How does the defendant pay?

If the claim was started using Money Claim Online you can submit your request to enter judgment to the court online - simply log on to www.moneyclaim.gov.uk

Before you complete the form asking the court to enter judgment you must decide how you want the defendant to pay the amount owing. Think carefully about this. You may want the money paid immediately, but you may be more likely to get it if you allow the defendant to pay by instalments over a period of time. This will depend on the defendant's circumstances.

Complete the request form once you have decided how you would like to be paid. There are notes for guidance on the form to help you. Keep the top half of the form and send or take the rest to the court.

What will the court do with my request?

The court will use the information in your request to complete Form N30 (judgment for claimant).

The form tells the defendant:

- how much to pay;
- when to pay it; and
- the address to which money should be sent.

Copies of the form will be sent to you and the defendant. The judgment will be recorded on the Register of Judgments, Orders and Fines.

The Register of Judgments, Orders and Fines records details of court judgments and its records are used by the credit industry to check whether or not they think it wise to lend money. Defendant's whose judgments are recorded on the register may find it difficult to obtain credit.

What do I do if my claim was for an unspecified sum and the defendant has not replied?

If your claim was for an unspecified amount, you would have been given or sent a Form N205B (notice of issue) when your claim was issued. Use the bottom half of this form to ask the court to make an order that the defendant is 'liable' (responsible) for your claim. The court will decide what amount the defendant should pay. This is called 'entering judgment for an amount to be decided by the court'.

When your request is received by the court the court file will be referred to a procedural judge.

The judge will decide:

- whether a court hearing is necessary; and
- what you need to do to help the judge make a decision as to the amount of money you are entitled to, for example, what evidence you should provide.

This is called giving 'directions'. Once the judge has made a decision, you and the defendant will be sent an order. This will say you are entitled to judgment on liability and will set out any other directions the judge has given.

The judge may give directions either:

- allocating your claim to the small claims track; or
- directing that your claim is given a 'disposal' hearing.

What will happen at a disposal hearing?

If your claim is listed for a disposal hearing, you may find it useful to read the leaflet **EX342 - Some things you should know about coming to a court hearing**. Copies are available from any county court. The leaflet will tell you what to expect when you come to a court hearing.

At the disposal hearing the judge will either:

- give more detailed directions about, for example, the documents and evidence needed, to help the judge make a final decision about the amount; or
- decide the amount the defendant has to pay, if it is a simple case which does not need a lengthy hearing.

Which will happen in your claim will depend on:

- the likely amount of the damages;
- whether the defendant is likely to dispute the amount of damages; and
- whether the judge feels there is sufficient proof in the papers available at the hearing to make a final decision.

However, the judge will not normally use the disposal hearing to make a final decision unless any written evidence you intend to provide to the court has been sent to ('served on') the defendant at least three days before the disposal hearing is due to take place.

After the disposal hearing, court staff will set out what the judge decided in an order. Copies will be sent to you and the defendant.

What happens if the defendant doesn't pay?

If the defendant does not pay, it is up to you to ask the court to take further action, called 'enforcing the judgment'. **The court will not do anything unless you ask it to.** A free series of leaflets explains the different ways you can try to enforce the judgment. Ask the court for these, or visit our website at www.hmcourts-service.gov.uk. If you do any of the things the leaflets suggest, you may have to pay another fee. The court will add this fee to the money the defendant already owes you.

What additional help is available for court users with a disability?

If you have a disability which makes going to court or communicating difficult please contact the Customer Service Officer of the court concerned who may be able to help you. If the Customer Service Officer of the court cannot help you, you can contact the Disability Helpline on 0800 358 3506 between 9am and 5pm Monday to Friday. Calls to this number are free. If you are deaf or hard of hearing, you can use the Minicom service on 0191 478 1476.