HER MAJESTY'S COURTS SERVICE hmcs

EX**308**

The defendant admits my claim - I did not claim a fixed amount of money

This leaflet explains what will happen when the defendant admits your claim for an amount of money which is not a fixed amount (an 'unspecified amount'); and tells you what you should do. If your claim is for a fixed amount you should read the leaflet **EX309 - The defendant admits my claim - I claimed a fixed amount of money.** This leaflet can be obtained from any county court or from our website www.hmcourts-service.gov.uk

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.

How will I know if the defendant admits my claim?

If your claim is for an unspecified amount of money, the defendant will send a Form N9C (admission form) to the court. This is called 'admitting liability' (responsibility) for payment.

If the court served your claim form, the date by which the admission form must be sent to the court ('filed'), will be shown in Form N205B (notice of issue) given, or sent, to you by the court when your claim was issued.

The court will send you a copy of the admission form and Form N226 (notice of admission). The defendant may:

- admit liability for your claim without saying how much is admitted; or
- admit liability for your claim and offer a sum of money in satisfaction; or
- admit liability for your claim, offer a sum of money in satisfaction and ask to pay that sum by instalments or at a future date.

When do I have to reply to the admission?

You should complete Form N226 and send it to the court by the date shown on it. **You must at the same time send a copy to the defendant.** If the form is not returned to the court on or before the date shown, your claim will be 'stayed'. This means that the court will not take any action on your claim until the form is returned.

What should I do if the defendant has admitted liability for my claim without saying how much is admitted?

You should complete Form N226 asking the court to make an order that the defendant pay you an amount of money which the court will decide. This is called 'entering judgment for an amount and costs to be decided by the court'.

How will the court decide how much the defendant should pay?

When the court receives your Form N226 requesting that judgment is entered, 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 the disposal hearing?

If your claim is listed for a disposal hearing you will 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 or by visiting www.hmcourts-service.gov.uk The leaflet will tell you what to expect when you come to a court hearing.

At the disposal hearing the judge may either:

- give more detailed directions about, for example, the documents and other evidence needed for the judge to 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.

What will happen in your claim will depend on:

- the likely amount of the damages;
- whether the defendant is likely to dispute that amount; 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 additional written evidence you intend to provide to the court has been sent to ('served' on) the defendant at least 3 days before the disposal hearing is due to take place.

What will happen 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 admits my claim and offers a sum of money to settle it?

You must decide whether or not you are prepared to accept the amount offered. If you do, you should complete Form N226 and return it to the court by the date shown on it.

You must decide how you want the amount paid. Think carefully about this. Although you may want the amount paid immediately, you might be more likely to get your money if you ask for it to be paid by instalments over a period of time. This will depend on the defendant's circumstances.

If you **do not** accept the amount offered by the defendant, you should complete Form N226 and return it to the court. The court will enter judgment on liability and a judge will decide what will happen next. Both you and the defendant will be sent a copy of the court's order, which may include a date for a disposal hearing.

What happens if the defendant admits my claim, offers a sum of money to settle it, but asks to pay the amount by instalments or at a future date?

If you accept the amount offered and the rate of payment suggested, complete Form N226 and return it to the court by the date given on it. The court will complete Form N30(1) (judgment for claimant) for the defendant to pay at the rate suggested. A copy of the judgment will be sent to both you and the defendant.

What happens if I accept the amount offered but object to the defendant's suggested rate of payment?

If you object to the rate of payment, you can ask that a court officer decide what would be a reasonable rate. This process is called 'determination'.

Complete Form N226 setting out your reasons for objecting to the rate of payment. Send the form to the court **together with a copy of the defendant's admission form.** Keep copies of the forms for yourself.

A court officer will calculate what might be a fair rate of payment. The result will be set out in a Form N30(2) (judgment for claimant after determination). Copies will be sent to you and the defendant.

Can I object to the rate of payment fixed by the court office?

Yes. You (or the defendant) may ask a judge to decide what would be a fair way for the defendant to pay the money. You must write to the court within 14 days of receiving the copy form N30(2). Set out your reasons for objecting to the rate of payment and ask that a judge make the decision.

The judge may deal with your objections without your having to attend court, or at a hearing. If the judge decides to hold a hearing, you and the defendant will be told where and when it will take place.

When the judge has made a decision, you will be sent an order on Form N30(3) (judgment for claimant after re-determination) setting out the judge's decision.

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.