HER MAJESTY'S COURTS SERVICE

EX**309**

The defendant admits my claim - I claimed a fixed amount of money

This leaflet explains what will happen if you are claiming a fixed sum of money (a 'specified amount') and the defendant admits that all the money is owed. It will also tell you what you should do. This leaflet, and all other leaflets mentioned in it, are available free 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.

- Admissions of claims which are not for a fixed amount of money (an 'unspecified amount'), are dealt with in the leaflet **EX308 - The defendant admits my claim - I did not claim a fixed amount of money.**
- If the defendant admits only part of your claim, you should read the leaflet **EX306 - The defendant disputes all or part of my claim** - which will explain what will happen and what you can do.

How will I know if the defendant admits my claim?

The defendant will fill in a Form N9A (admission form) and send it to you. The date by which this should be done is shown on the Form N205A (notice of issue) which was given or sent to you by the court when your claim was issued.

As well as admitting that the money is owed, the defendant can also use Form N9A to ask for time to pay, either by instalments or at some future date. Before you do anything, you must first decide if the rate and time of payment offered by the defendant are acceptable.

What do I do if I accept the defendant's offer of repayment?

You can ask the court to enter judgment (called 'entering judgment on admission'). This means that you are asking the court to make an order that the defendant pays you the amount of your claim and the costs of issuing it in the terms the defendant offered.

To make the request you should fill in the bottom half of the Form N205A and send it to the court. You do not have to pay a fee for this.

If you started your claim using Money Claim Online you can submit your request for online - simply log on to www.moneyclaim.gov.uk

If the defendant admits your claim but does not make any offer of payment, you must decide how you want the money paid. Think carefully about this. Although you may feel you would like all the money paid at once, you might be more likely to get it if it is paid by instalments over a period of time.

What will the court do with my completed form?

Court staff will use the information in the form to complete an order in Form N30(1) (judgment for claimant). The order will tell the defendant

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

You and the defendant will be sent a copy.

You should note that if the defendant does not pay after receiving the Form N30(1), the court will not take any steps to obtain payment unless you ask it to. This is called 'enforcing your judgment'. You will have to choose the method of enforcement and pay a fee; the court can tell you how much this is. The fee will be added to the amount the defendant already owes. Leaflets about the different types of enforcement are available from any county court office.

What do I do if I do not accept the defendant's offer of payment?

Complete the bottom half of Form N205A. On the form you must say why you object to the rate and time of payment offered by the defendant.

Take or send the completed form to the court office **with a copy of the defendant's admission form.** It is a good idea to keep a copy of both forms for yourself.

What will happen to the forms when they reach the court?

A member of the court's staff will consider the details given in the defendant's admission form and your objections and make an assessment of what would be reasonable for the defendant to pay. This process is called 'determination'.

You and the defendant will be sent an order in Form N30(2) (judgment for claimant after determination). The form will tell the defendant that the order was made 'after determination' to explain why it may be different from the original offer. It will also tell the defendant:

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

Do I have to accept the court officer's decision?

No. You, or the defendant, can object to the rate of payment set by the court officer. You must do this within 14 days of receiving Form N30(2). You should write to the court saying why you object to the rate of payment determined by the court officer. You should send a copy of your letter to the defendant. A judge will decide what would be a reasonable way for the defendant to pay. You will not have to pay a fee for this.

The judge can decide to deal with your objections with or without a hearing. If there is to be a hearing the court will send you a notice setting out the time, date and place where the hearing will be held.

If the defendant is an individual whose address is in another court's area, or if the defendant's solicitor's business address is in another court's area, the claim will be transferred to that court, **whether or not** the judge decides to hold a hearing. If the case is transferred to another court you will be sent Form N271 (notice of transfer).

If there is a hearing and you do not attend, the judge may still make an order.

After the hearing, or after the judge has made a decision on the papers without a hearing, the court will send you an order setting out the judge's decision. If the judge varies the previous order you and the defendant will be sent Form N30(3) (judgment for claimant after re-determination).

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.