Northern Ireland
Courts and Tribunals Service
www.courtsni.gov.uk

Small Claims Guide

A guide to the small claims process

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Introduction

This booklet is designed to explain how the small claims process works and to help you decide whether or not to use the small claims system. There is further information on the types of claim you can make through the Small Claims Court later in the booklet.

Small Claims Courts allow certain types of claims to be decided informally by the county court, usually without the need for a solicitor or barrister. Not all claims will result in a court hearing.

The booklet has been divided up into the sections listed on the previous page to help you find the information you require at whatever stage of the proceedings you are. However as a general guide you should read this booklet completely before you begin proceedings.

A list explaining the meaning of terms used in the booklet is contained at the back of the book for your information.

Did you know that you can make a small claim online?

visit www.courtsni.gov.uk

What is a small claim?

There are a number of things, which will help you to decide if your claim is a “small claim” and can be dealt with by the small claims process.

In general a small claim is one where the value of the claim is not more than £5000

Examples of claims you can make are:

- Claims for debts;
- Claims for unsatisfactory workmanship;
- Claims for faulty goods; or
- Claims for damage to your property.

Excluded Claims

There are cases, which may seem to fall into the small claims category but which are excluded. Listed below are some of the most common types of claims that cannot be made using the small claims process:

- Claims in relation to a road traffic accident;
- Claims for personal injuries;
- Claims for libel or slander;
- Claims where the matter has been sent by the High Court to the county court;
- Claims concerning the title to land;
- Claims involving a legacy or annuity; or
- Claims in relation to the property of a marriage.

There may be other instances when a small claim cannot be used or where an application may only be made with the judge’s permission. If you need further information on excluded claims you can speak to a solicitor, the voluntary consumer advice agencies or the staff in the Small Claims Central Processing Office.

Staff in the Office can help you by explaining the small claims process to you but cannot give you legal advice.

How do I decide if I should issue a small claim?

The first thing you must do is to decide if issuing a small claim is the best way for you to proceed. There are a number of points you should consider.

Have you tried to settle your claim with the respondent directly?

You may wish to try to settle your claim directly with the respondent by writing to them outlining your claim. If you do this you should keep a copy of your letter and allow them a week or so to reply. An example is given below, however, this is for guidance only and you will want to write your own letter stating the facts of your case.

1 New Street
Anytown
1 September 2007

Dear Sir

On the 1 August 2007 I bought a suite of furniture from your firm for £1250. Within one month the cushions on the settee had lost their shape completely and are now so bad that it is uncomfortable to sit on any of the seats. I have telephoned your shop on several occasions and spoken to the receptionist. She has not been able to locate any salesperson to speak to me and has taken my number and complaint to pass on to them. To date I have had no contact from any member of your sales team. Your firm is responsible for the goods you sell and I am not prepared to accept the suite in this condition. I should be pleased to hear from you as soon as possible.

Yours faithfully
Mrs Smith

If you do not receive a reply or if the reply you get is not satisfactory it would be reasonable for you to write again advising that you intend to start legal proceedings if your claim is not settled satisfactorily, an example is given at the top of the next page.

If you still do not receive a satisfactory response you may wish to consider issuing a small claim.

1 New Street
Anytown
10 September 2007

Dear Sir

I have not received a reply to my letter of the 1st September, in which I explained the problem with my suite of furniture. Unless I hear from you within 7 days I intend to begin a small claims action to recover the cost of the goods without any further notice.

Yours faithfully

Mrs Smith

If you are successful in your claim will you be able to recover the money?

This is perhaps the most important question you should ask before deciding to proceed with a small claim. Even if you succeed in your claim, if the respondent has no money to pay the amount of the claim you may not get your money.
The court does not pay the amount that is awarded; it only decides who is liable.

The Enforcement of Judgments Office (EJO) is part of the Northern Ireland Courts and Tribunals Service and will help you to recover the amount claimed by enforcing any decree that you are granted. They have a separate procedure and you will need to contact them for further information about their fees and forms.

Before you begin a small claim you should know that the EJO can make a search against a possible debtor for a small fee. This will show whether the respondent already owes any money to other people. You can then use this information to help you decide whether or not to issue your small claim. You can contact the EJO at:

The Enforcement of Judgements Office
Laganside House
23-27 Oxford Street
Belfast
BT1 3LA
Tel: 0300 200 7812

Email: PostRoomEJO@courtsni.gov.uk

How do I start?

Having considered the previous section you will be able to make your decision about whether or not to issue a small claim. Below are some other points you may want to consider before you begin.

Where can you get an application form?

You can get an application form from www.courtsni.gov.uk or your nearest:

- Court office;
- Citizens Advice Bureau;
- Trading Standards Office; or
- Local advice centre.

You should fill in an application form, making sure that the respondent's name(s) and address (es) are as accurate as possible. Examples of completed forms are given later in this booklet together with guidance on how to complete your form.

You can issue your small claim for the small claims court in the county court division where either you or the respondent live or carry on business – it is your choice. If you are in doubt about which court to issue your application form for then contact the court staff and they will be able to help you.

If the respondent lives outside Northern Ireland you can still issue a small claim against them using the process and forms described in this booklet. There is more information on this later in the booklet when we deal with completing the forms.

You must not send the application form directly to the respondent.

Your completed form together with two copies should be brought to any court office or posted to the Civil Processing Centre together with the appropriate fee. The address is on page 27 of this booklet. You can get copies of the current fees from court offices or at www.courtsni.gov.uk. You should make cheques or postal orders payable to "The Northern Ireland Courts and Tribunals Service". You can also pay the fee by most debit or credit cards at any court office.

What type of proof do you have, for example: invoices, receipts, written agreements or other documents?

You may have documents which support your claim and which you intend to use to prove your case. You must submit copies of these with your application form to the Civil Processing Centre.

Any party may, if they wish, use an expert witness to support their case, for example, if the claim was for bad workmanship in fitting windows a party may consult another firm to give their opinion on the work carried out. Either party may consult expert witnesses and their evidence should be given in the form of a written report unless the judge directs otherwise. If a written report is to be used then this must be lodged in the court office 14 days before any court hearing. It is lodging party's responsibility to serve all documents on the other parties.

At any time before deciding on the case the judge may ask for an expert to be consulted.

Do you have any witnesses who will support your claim?

You may not need to go to court to settle your claim but if you do and you have witnesses who will support your claim you should try to arrange for them to come to court voluntarily. If they will not agree to come to court you can contact the Civil Processing Centre or court office and ask to issue a witness summons requiring their attendance at the court hearing. The process involved in this is explained later in this booklet.

It is important that you remember that you will have to pay any witness expenses, for example, travelling expenses. They cannot be added to the amount of your claim.

Important

The Small Claims Court limit is £5000. It is important that all issues between the parties are brought to court by the one claim and resolved at the one hearing. You should not divide your claim into several applications even if the total is less than £5000. You may not be able recover the court fees paid.

If the total sum at issue between the same parties exceeds £5000 the applicant must either:

- proceed by abandoning any amount due over £5000 (this must be expressly noted) OR

- Issue a Civil Bill (up to £30000). It is advisable that the applicant seeks the advice of a Solicitor.

Claims where the respondent is in another EU Member State

After the UK exits the EU there is no provision to use the European Small Claims Procedure (Regulation (EC) 861/2007), European Order for Payment Procedure (Regulation (EC) 896/2006) or Regulation (EC) 805/2004 which established European Enforcement Orders.

If you require any further information please contact the Civil Processing Centre.

Completing the application form

It is important to give all the necessary information. This will assist in processing your claim and will make it easier to enforce a decree if one is granted.

When completing the small claims application form you will notice there are five main areas (see the examples at the back of this booklet).

Applicant

This section is for your personal details. Here you should enter your name and address including postcode and your e-mail address if applicable. You may also wish to give your telephone number to assist the Civil Processing Centre in contacting you.

It is important that you make sure that you are the correct person making the claim, for example, that you are the person to whom the debt is owed, the person who bought the faulty goods, or the person who ordered the work to be carried out should be the one to make the claim. Likewise the person whose property has been damaged or who leased the premises should be the one making the claim.

Respondent

This section is for the details of the person, firm or company against whom you are making the claim. It is important that you ensure that the information you give in this section is accurate. You should check that the name and address you have for the respondent is correct before you begin your small claim.

If the respondent is an individual you should enter his or her full forenames and surname and home address (including the postcode and e-mail address if applicable).

If the respondent is a limited or public liability company (Ltd or plc) you should enter the full name of the company, including ‘Ltd’ or ‘plc’, as the respondent, rather than a named employee. The full postal address of the company’s registered office should be entered. A company registered outside Northern Ireland may have an address to which documents may be sent in Northern Ireland. These addresses can be obtained from the Companies Registry. The address and telephone number of the Companies Registry can be found on page 30.

When claiming against a business or a firm other than a plc or Ltd company, you may either enter the name(s) and full postal address(es) of the owner(s) of the firm or, alternatively, enter the name of the firm followed by the words ‘sued as a firm’ and the full postal address of the firm. For example ‘Smith & Son sued as a firm’.

When claiming against a respondent who trades in a name other than his or her own you should enter the name of the respondent followed by the words ‘trading as’ and the full postal address of the respondent. For example, ‘Joe Soap trading as A1 Furniture’ or ‘Smith & Jones Ltd trading as Smith Ices’.

Respondents who reside outside Northern Ireland

It is possible for a small claim to be sent to a respondent outside Northern Ireland. The service procedures and method of enforcement of any decree awarded are unique to each country. You may wish to contact the court office or Civil Processing Centre for more information. You should be aware that issuing a small claim against someone who resides outside Northern Ireland can add delay, cost and complexity to the application. You may want to consider using a process in the country where the respondent resides to try to claim your money back.

In the paragraph above, 'outside Northern Ireland' means England, Scotland and Wales.

You (the applicant) must sign a statement that you have not issued any other application in relation to this claim. The Office can provide an example of this statement. If necessary, you must pay the cost of translating any documents relevant to the application. The Office then attempts to serve the papers by post or by personal service depending on where the respondent resides / carries on business. If service by a process server is required, you may be required to pay further fees.

The amount of the claim

This must not exceed £5000 unless you clearly state on the form that you intend to "abandon the excess" – this means that you agree to limit your claim to £5000 even though the amount of the claim is over that. Even if you are unsure of the amount you wish to claim you must estimate a figure and insert it on the form.

The particulars of the claim

In this section you should set out the facts of your case clearly and simply. For example:

- When did the claim arise?
- What goods / services were provided?
- When did you buy the goods / services / have your property damaged?
- What went wrong? If you need more space than that given on the form you should continue on a separate page.

Interest

Not every case will have a claim for interest but if you do wish to claim interest you must include this on your application form. Interest is an amount added to the claim from the date the claim arose and can be claimed until the date of the decree. At present the applicable court rate is 8% per year but you may wish to check this before you issue your claim. This rate can be used unless the claim arises from a contract which specifies an alternative rate.

If you are claiming interest you must state this clearly on the application form and you should enter the amount, rate and period of the claim for interest. The £5000 limit applies only to the claim and the inclusion of interest or the court fee may take the claim over the £5000 limit.

Example

Set out below is a simple example of how to calculate the amount of interest:

- Amount of claim £1000
- Interest rate per year (365 days) 8%
- Interest claimed from 01/04/04 when the money became owing until the date the claim is issued 24/07/04 inclusive 115 days

To work out the interest you will need to carry out the following calculation:

8% of £1000 = £80 which is the interest for 1 year on this claim

£80 ÷ 365 = £0.21 which is the daily rate of interest on this claim

£0.21 X 115 = £24.15 which is the interest on this claim from 01/04/04 to 24/07/04.

Statement of Truth

Once you have completed your application form you must print, then sign your name and enter the date at the appropriate place.

You should be aware that anyone signing this statement of truth must believe that the facts stated in the form are true.

If you sign this form knowing that part or parts of it are untrue then you may be held in contempt of court and may face a fine or imprisonment.

What happens next?

Once you have lodged your application form a number of things will happen.

Step 1

Staff will perform an administrative check. If there are any difficulties with the form they will return it to you setting out the amendments or further details required. They will then decide if your claim is a liquidated or unliquidated amount. This decision will determine the procedure followed for your claim and a more detailed explanation of this is given later in this booklet.

A liquidated claim is one which has a fixed amount of money attached to it, for example, a loan, goods not paid for etc.

An unliquidated claim is one where the amount you are claiming is an estimation of the amount due, for example, damage to property, faulty workmanship, faulty goods you have used or had in your possession for a time.

Step 2

The staff in the Office will then send the respondent a copy of the application form with the return date marked on it. They will also send the respondent a "Respondents Information Pack" which gives them information and guidance on the procedures to be followed.

The Office will at the same time send you a copy of the application form with the return date marked on it. They will also send you an "Applicants Information Pack" which gives you information and guidance on applying for a decree if the respondent fails to reply by the return date.

You should read all of the documents sent to you by the Office carefully before submitting any forms for a decree.

Staff will perform an administrative check to ensure the application has:

- The correct category of claim (see page 5)
- Completed name and address details
- a claim value that does not exceed £5000
- The correct fee
- That the statement of truth is signed

Staff do not make any assessment of the facts of the claim, as this is strictly a matter for the judiciary

Step 3

At this stage there are various choices available to the respondent:

- They can settle the claim directly with you;
- They can admit liability for the claim;
- They can dispute liability for the claim;
- They can counterclaim; or
- They might ignore the claim.

The next step will be determined by what the respondent chooses to do and a number of other factors.

What happens if my claim is settled or admitted?

My claim is settled

If you settle the claim with the respondent and want to withdraw the application, you should inform the Civil Processing Centre immediately in **writing.**

The settlement should include the court fee. If the respondent is unwilling to pay the fee and you want it back, you can continue with your application to recover this.

My claim is admitted

If the respondent accepts responsibility for your claim they should lodge an "Acceptance of Liability" form with the Civil Processing Centre before the return date. They may ask for time to pay the amount due. The Office will send you a copy of this form together with a "Declaration following receipt of Notice of Acceptance of Liability" form.

You should choose one option, either:

- Accept the terms proposed - in which case the Office will issue a decree with a stay of execution; or

- Ask for the matter to be considered by the judge to determine the reasonable weekly / monthly amount to be paid by the respondent.

and return the form to the Civil Processing Centre.

Stay of Execution

If the respondent has asked for time to pay the amount due to you, and this has been granted by the chief clerk or the judge, the terms will be clearly stated on the decree you receive. Not all decrees will have a stay of execution on them so you should read yours carefully when you receive it. An example of the wording of this is given below:

A stay of execution is granted provided the respondent pays to the applicant the sum of £50 per month commencing on the 1st November 2004.

You should remember that it is in your interest that you recover any amount owed to you. This may be best achieved by allowing the respondent time to pay the amount.

Should the respondent fail to comply with the terms of the stay of execution and you wish to enforce your decree through the Enforcement of Judgments Office you will need to apply to the chief clerk to remove the stay of execution. This is done by signing a document containing a statement of truth declaring that the respondent has failed to comply with the terms of the stay and stating the amount now due to you. This document is known as an Application to Remove Stay of Execution and can be obtained by contacting the Civil Processing Centre.

The staff in the Civil Processing Centre will be able to help you with this should it apply to your decree. There is also further information about this later in the booklet.

What happens if my claim is disputed and / or a counterclaim is issued?

If the respondent returns a **'Notice of Dispute and / or Counterclaim'** to the Civil Processing Centre at any time then your case will be listed before the judge for a court hearing. The respondent may also apply to bring in further parties to the small claim if they wish. You will be informed of this if it happens in your case.

You will be sent a copy of this notice received from the respondent that will outline the details of the dispute and / or counterclaim. You will also receive a **'Notice of Hearing'** which will inform you of the date, time and place of the court hearing. If you have difficulty in attending court on the date given you should contact the court office immediately and explain the situation to them. They may be able to offer an alternative date.

You must attend the court hearing if your claim is disputed and / or a counterclaim is issued You should also bring with you any witnesses, original documents, photographs etc. that you intend to use to support your claim.

If it is possible you should also bring the damaged goods with you, for example, if your claim is for damage to clothes while being dry-cleaned you should bring the clothes with you.

What happens if the respondent does not reply?

If the respondent does not lodge a reply to the application by the return date then you are entitled to proceed and apply for a decree. It may be advisable to wait a short period of time after the return date before submitting your application for a decree, this will allow for any postal delays in receiving the respondent's reply and forwarding this on to you.

Liquidated

If the Civil Processing Centre has assigned your claim as liquidated then you should follow the instructions in your information pack and apply for a decree. You will have to complete the application for default decree form stating the amount that is then due.

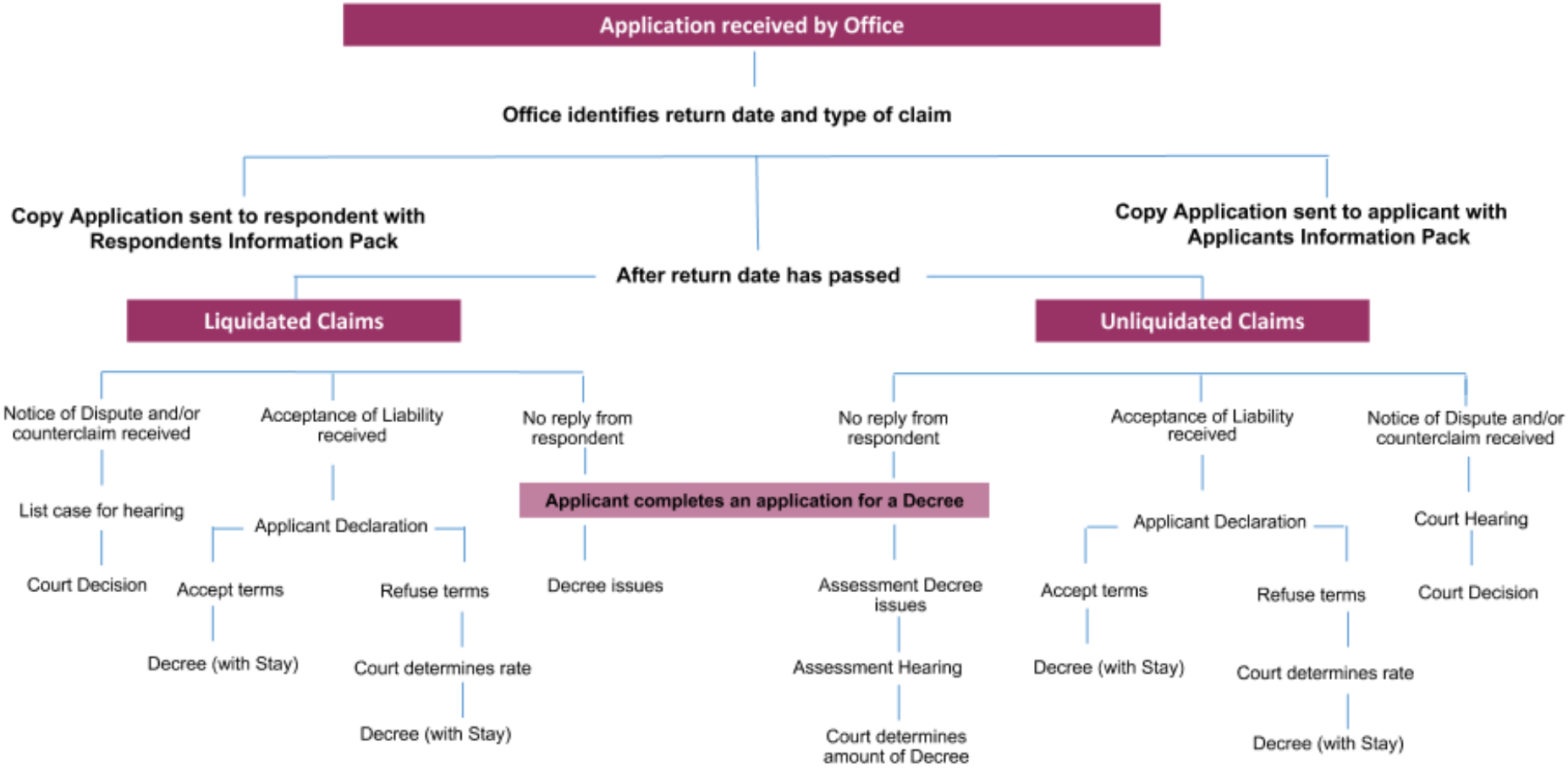
You should send this form to the Civil Processing Centre, where it will be checked. Your application for default decree will then be put before the chief clerk. If everything is satisfactory a decree will be sent to you. A copy of the decree will also be sent to the respondent.

Unliquidated

If the Civil Processing Centre has assigned your claim as unliquidated then you should follow the instructions in your information pack and apply for a decree. This will mean completing the application for default decree form stating that the amount is to be assessed by the district judge.

You should send this form to the Civil Processing Centre where it will be checked. Your application will then be put before the chief clerk. If everything is satisfactory a decree stating that the amount of the claim is to be assessed by the judge will be sent to you. A copy of the decree will also be sent to the respondent. The court office will send both parties a 'Notice of Hearing' stating the date, time and place of the assessment hearing. Information about what will happen at an assessment hearing is provided later in this booklet.

Overview Diagram of the Small Claim Process (Application to Decree)



Please note: Settlement of Claim can occur at any time throughout the process

Minors and Patients

An Application for a Small Claim may be issued against a minor (under 18 years of age) and also against a patient (a person who has been certified as mentally incapable of managing their own financial affairs).

However an Application for Default Judgment cannot be entered against a minor or patient. These actions must be listed for hearing before the judge. The court office will advise you of the hearing date.

A minor may sue by his next friend and may defend by his guardian ad litem.

A patient (for whom a controller has been appointed) may sue and defend by his controller. If a controller has not been appointed he may sue by his next friend and may defend by his guardian ad litem.

Next friends, guardian ad litems and controllers are the terms used for people who will look after the interests of either the minor or the patient.

Setting Aside a Decree

If the respondent contacts the Civil Processing Centre or court, after any decree has issued, stating that they did not receive the application or did not receive it in sufficient time to reply, or for any other reason they did not reply in time then they will be advised to issue an application asking that the decree be set aside. You will be sent a copy of the application and will be invited to reply in writing to it within 14 days. The judge will consider the application and may either:

- Decide that there is a valid reason for the failure to reply and may set the decree aside without a court hearing and may give a direction on how the case is to proceed. The parties will be notified by the court of any order made by the judge; or

- Fix a date for hearing this application to set aside the decree. The parties will be notified of this date and invited to attend.

The court will also send to the parties a copy of any order the judge makes after dealing with an application of this type.

Likewise if the respondents documentation is returned to the Civil Processing Centre by the post office, and it is clear that the respondent was not aware of the claim being made, then the Office will ask the judge to revoke any decree that has been made and will contact you to supply additional information, for example, a new address for the respondent.

If the decree is set aside you must return to the court the decree that was issued. The court staff will advise you on the next step to be taken, for example, providing a new address, attending a hearing etc.

What happens if I have to go to court?

All court hearings will be informal although you may be asked to take a religious oath or affirm before giving the facts of your case.

The small claims process is designed so that you do not need a solicitor or barrister to represent you. If you do choose to engage one, and even if you win your case, you will be responsible for paying their costs as these cannot be added to your claim.

As mentioned before you may have witnesses present at the court hearing and you should try to arrange for them to attend voluntarily.

What should I do if a witness does not agree to come to court?

For a small fee the Civil Processing Centre or court can give you a witness summons, which requires a witness to come to the hearing. You can deliver this summons to the witness yourself or have it delivered by a process server or by your solicitor. With a witness summons you should pay the witness a fee together with a reasonable sum to cover their travelling expenses. You can get copies of current fees from court offices. Even if you win your case, you may not be able to recover these fees and expenses from the respondent.

Procedures during a hearing

If your claim has been disputed and / or a counterclaim has been issued.

The judge will explain how your case is to be heard. Both sides will be asked to tell their version of the facts of the case and both will be questioned directly. Remember that the judge will make a decision based on the facts.

You will get an opportunity to put questions to the respondent and to his or her witnesses if there are any. You can prepare for this by studying the respondent's reply on the **Notice of Dispute** (and **counterclaim**, if relevant) and by preparing questions in advance. You may take notes of what the respondent and his or her witnesses say to assist you in challenging anything with which you do not agree. The respondent will also be given the opportunity to question you and your witnesses.

When all the parties and witnesses have been heard the judge will usually make a decision there and then. But before making a decision the judge may wish to inspect, or obtain an expert report on, the property or item in question.

If your claim has to be assessed.

You will need to attend court if your claim has been assigned as **unliquidated** and the judge is required to assess the amount of your claim. This is called an **assessment hearing.** The court will inform you and the respondent of the date of the assessment hearing. You should attend the hearing to help the judge assess the amount of your claim. The respondent may or may not attend. If the respondent intends to appear at the assessment hearing they must notify the court and the other parties of this in writing.

If your claim is for an unliquidated amount and disputed and / or a counterclaim has been issued then the judge will deal with these matters together at the hearing.

The Court's decision

If your claim is successful.

The respondent will have to pay you the amount decided by the judge, the application fee and any other costs awarded by the judge. You and the respondent will receive a copy of the decree in the post, a few days after the hearing. This will state the amount of money awarded by the judge.

If you are not successful.

If the judge decides against you, the respondent will not be ordered to pay you anything, and you won't get the application fee back that you paid.

If the respondent has issued a counterclaim against you and the judge decides the counterclaim in the respondent's favour then you will be ordered to pay the respondent an amount of money as well as the fee they paid for issuing the counterclaim. You may also be required to pay other costs awarded by the judge. You and the respondent will receive a copy of the decree in the post, a few days after the hearing. This will state the order of the court given by the judge.

The court does not pay the amount that is awarded, it only decides who is liable.

Appeals

You may appeal against any order made during small claims court proceedings on "a question of law" provided that the proceedings commenced on or after the 19th April 2004.

This is distinct from an "Application for a Default Decree to be set aside or for directions," which is governed by Rule 20 of the County Court Rules (Northern Ireland) 1981.

An appeal on a "question of law" is where an individual feels that the judge who heard the case made an error in how the law was interpreted and applied to the evidence that was given.

This is the only basis under which an appeal can be lodged, for example an appeal cannot be made:

- because you lost the case;
- because you disagreed with the courts findings on factual matters;
- or where you "settled" the case.

Time limits

There are time limits within which an appeal can be made and responded to, so you are advised to act quickly.

An appeal must be brought within **21 days** from the date on which the order was made.

Forms and Fees

The appeal is to be made in '**Form 130'** of the County Court Rules (Northern Ireland) 1981 and must set out the question of law which is the subject of the appeal and the grounds you are relying upon. The appeal notice must then be served on the Chief Clerk and the respondent(s) to the appeal.

A blank copy of Form 130 can be found on page 33. As you must set out the question of law you may wish to seek legal advice before completing it. Northern Ireland Courts and Tribunals Service personnel are unable to provide legal advice, so you should seek the services of a solicitor, or the Citizen's Advice Bureau.

A fee is payable on lodging an appeal and you should check with court staff for the appropriate amount to be paid. If payment of the appeal fee would result in financial hardship then an application can be made for exemption or remittal of the fee. Further information on this is available in the Civil Fee Guide "Court Fees – Do I have to pay them?"

Upon receiving the appeal notice, the respondent to the appeal may serve a notice in response **'Form 131'** of the County Court Rules (Northern Ireland) 1981 setting out whether or not they oppose the appeal and the grounds on which they are relying. This notice must be served on the chief clerk and the appellant within 21 days from the date of the notice of appeal. The appeal papers will then be put before a County Court Judge who may decide the matter without holding a court hearing. Alternatively the Judge may list the appeal for hearing and you may be required to attend along with all the other parties to the case if the Judge so directs. The Chief Clerk will keep all the parties informed throughout this process.

You should be advised that the entire appeals process is conducted within the jurisdiction of the County Court. This is considerably more formal than the Small Claims Court.

The forms listed above can be found on our website, www.courtsni.gov.uk

Staff will be happy to assist with the procedure to be followed in lodging or responding to an appeal, but cannot provide legal advice or guidance. If you require legal advice you should contact a solicitor or the Citizen's Advice Bureau.

I have been successful, what happens now?

If you have been successful you will now have received a decree.

The decree will contain the order stating the amount of the claim that the respondent should pay to you and the payment terms if a stay of execution was granted.

What happens if the respondent does not comply with the order?

The respondent should pay you this amount within a reasonable time, usually between 14 and 28 days is considered acceptable. If they do not, you may apply to have your decree enforced through the Enforcement of Judgments Office (EJO). Where the decree requires the respondent to take any action, for example, to repair or replace goods and he fails to do so within the time specified you should advise the court in writing and ask that the case be re-listed before the judge. The court will notify you of the date for the hearing when you can explain the position to the judge.

If your decree does not contain a stay of execution, then you may apply to the EJO to have your decree enforced. Separate forms, procedures and fees are used to enforce your decree. You can obtain information on the EJO via the Court Service Website at www.courtsni.gov.uk where you will find application forms, current fees charged by the EJO, frequently asked questions, and other useful information. You can also email queries or questions to the EJO at PostRoomEJO@courtsni.gov.uk. Your query will be passed to one of our customer liaison officers who will reply to you. If you do not have Internet or email access, you can contact the EJO at the address on page 7 or you can get an information leaflet from any small claims court. Contact information is provided on page 26.

If your decree does contain a stay of execution you will need to sign a document (which can be obtained from the Civil Processing Centre) containing a statement of truth stating the amount that has been paid, if any, and the outstanding balance. Once you do this you will need to send it to the Civil Processing Centre or court where you attended for hearing together with your original decree. You will then be issued with a decree stating that the stay has been removed this will enable you to proceed to enforcement through the EJO.

Please note: A decree or order made by the small claims court is a CCJ (County Court Judgment) and may affect a respondent's credit status. It might also affect an applicant's credit status if a successful counterclaim is made.

Addresses of small claims courts and the Civil Processing Centre

The staff in courts and the Civil Processing Centre can also help you, but they are not allowed to give you advice on whether or not you should issue a claim, they will only help in completing forms or explaining the procedure to you.

Antrim Court Office The Courthouse 30 Castle Way, Antrim, BT41 4AQ Tel: 0300 200 7812 Email: antrimcourthouse@courtsni.gov.uk	Coleraine Court Office The Courthouse 46a Mountsandel Road, Coleraine, BT52 1NY Tel: 0300 200 7812 Email: colerainecourthouse@courtsni.gov.uk
Armagh Court Office The Courthouse The Mall, Armagh, BT61 9DJ Tel: 0300 200 7812 Email: armaghcourthouse@courtsni.gov.uk	Craigavon Court Office The Courthouse Central Way, Craigavon, BT64 1AP Tel: 0300 200 7812 Email: craigavoncourthouse@courtsni.gov.uk
Ballymena Court Office The Courthouse Albert Place, Ballymena, BT43 6DY Tel: 0300 200 7812 Email: ballymenacourthouse@courtsni.gov.uk	Downpatrick Court Office The Courthouse 21 English Street, Downpatrick, BT30 6AB Tel: 0300 200 7812 Email:downpatrickcourthouse@courtsni.gov.uk
Belfast County Court Office Laganside Courts 45 Oxford Street, Belfast, BT1 3LL Tel: 0300 200 7812 Email: csmlaganside@courtsni.gov.uk	Enniskillen Court Office The Courthouse 17 East Bridge Street, Enniskillen, BT74 7BW Tel: 0300 200 7812 Email: enniskillencourthouse@courtsni.gov.uk

Lisburn Court Office The Courthouse Railway Street Lisburn, BT28 1XR Tel: 0300 200 7812 Email: lisburncourthouse@courtsni.gov.uk	Newtownards Court Office The Courthouse Regent Street, Newtownards, BT23 4LP Tel: 0300 200 7812 Email:newtownardscourthouse@courtsni.gov.uk
Londonderry Court Office The Courthouse Bishop Street, Londonderry, BT48 6PQ Tel: 0300 200 7812 Email: londonderrycourthouse@courtsni.gov.uk	Civil Processing Centre PO Box 882 Laganside Courts 43 Oxford Street Belfast BT1 3LL Tel: 0300 200 7812 Email:civilprocessingcentre@courtsni.gov.uk
Newry Court Office The Courthouse 23 New Street, Newry, BT35 6JD Tel: 0300 200 7812 Email: newrycourthouse@courtsni.gov.uk	

List of terms

Throughout this booklet, in court forms and if you attend court for a hearing there may be unfamiliar terms used. To help you we have listed below some of the most common of these together with an explanation.

Acceptance of Liability

This is when the respondent admits liability for the claim. The respondent completes a form admitting the claim to the applicant. It may or may not include a request to allow time to pay the amount claimed.

Appeal

A proceeding brought to a higher court for review of a lower court decision.

Applicant

The person making a claim.

Application

The form the applicant uses to begin the case.

Assessment Hearing

This is a hearing at which the judge will decide on the amount of the claim.

Counterclaim

A claim made by the respondent in reply to the applicant's claim which is not a defence to that claim. It is a separate but related claim against the applicant, which is dealt with at the same time as the applicant's claim.

Decree

Written order made in a small claim.

Fee

This is the amount of money paid by the applicant to start the small claims process or the amount paid by the respondent to issue a counterclaim. The successful party can usually add the fee paid to the amount of the decree.

Liquidated Claim

One which has a fixed amount of money attached to it, for example, a debt for goods supplied or for a loan. The Civil Processing Centre will decide if your claim is liquidated.

Notice of Dispute
This is a form completed by the respondent when disputing responsibility for the claim.

Party
This can mean either the applicant or the respondent.

Respondent
The person against whom the claim is made.

Return Date
This is the date by which a respondent must either submit a form accepting liability or a notice of dispute and / or counterclaim. It will be clearly marked on the application form by the Civil Processing Centre.

Civil Processing Centre
The office where the application for a small claim is processed.

Small Claims Court
A court which deals with small claims.

Statement of Truth
This is the declaration that the contents of the document are true. Proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Stay of Execution
This is the term used to describe a decree that is made allowing the respondent time to pay the amount of the claim.

Unliquidated Claim
One which has an estimated amount of money attached to it, for example, for damage caused to property, for repairs for damage caused or for faulty workmanship. The Civil Processing Centre will decide if your claim is unliquidated.

Who can I ask for advice?

There are a number of voluntary organisations that can help you with advice on issuing a small claim. You can also speak to a solicitor but remember any costs you incur in doing this will have to be met by yourself.

Northern Ireland Association Citizens Advice Regional Office
46 Donegal Pass
Belfast
BT7 1BS
Phone: (028) 9023 1120
Fax:(028) 9023 6522
E-mail: info@citizensadvise.co.uk

Association of Independent Advice Centres
303 Ormeau Road
Belfast
BT7 3GG
Phone: (028) 9064 5919
Fax:(028) 9064 5919
E-mail: info@aiac.net

For information on registered companies contact:

Companies Registry
1st Floor
Waterfront Plaza
8 Laganbank Road
Belfast BT1 3BS
Phone: 0845 604 88 88
Fax:(028) 9090 5291
E-mail:info.companiesregistry@detini.gov.uk

Example of an application

Form 125
Order 26 Rule 5

NOTICE OF APPLICATION FOR A SMALL CLAIM

For Office Use Only

Claim No:

Liquidated/Unliquidated.

Part A

Applicant:
Full name and postal address, postcode
and e-mail address (if appropriate)
atein BLOCK CAPITALS

Eastern Bank
10 Money Lane
Anytown
BT11 1AA

Respondent:
Full name and postal address
and e-mail address (if appropriate)
in BLOCK CAPITALS

Mr Norman Oliver Cash
1Old Street
Anytown
BT11 1BB

Take notice that I, the above named applicant, intend to apply to the Small Claims Court at **Anytown Courthouse, Sometown Road, Anytown BT11 2BB** for a decree in respect of :-

My claim for	£1050.00
Interest *	£ 14.26
The court fee	£ 62.00
Total	**£1126.26**

***Only include a figure if you wish to claim interest and you have given details of the rate and the period covered.**

Please describe in simple terms details of your claim: - also include the date the debt arose and, if interest is claimed, the amount rate and period covered.

The above respondent entered into a loan agreement with our bank on the 1st July 2004 in the amount of £1050.00. The first repayment of £50.00 was due to be made on the 1st September and further repayments on the 1st day of each month thereafter. To date we have received no payments from Mr Cash despite several reminders.

We would like an order made against Mr Cash for the amount of £1119.26 this is made up as follows.

Original Loan	£1050.00
Interest at 8 % from 1.9.04 to 1.11.04(62 days)	£14.26
Court Fee	£62.00
Total	£1126.26

Statement of Truth

I believe that the facts stated in this form are true.

Full Name ___**Alan Jones**_____

Position or Office Held __**Loans Manager** __
(if signing on behalf of firm or company)

Signed: _____

Date: **1 November 2004**_____

[(a) Schedule 2]
Rule 2(c)
FORM 130

Notice of Appeal under Article 30(4)(ab) of the County Courts (Northern Ireland) order 1980

IN THE COUNTY COURT/RECORDER'S COURT FOR THE DIVISION OF

IN THE MATTER of an appeal under Article 30(4)(ab) of the County Courts (Northern Ireland) Order 1980

Between Appellant
of

and Respondent

of

TAKE NOTICE that the Appellant hereby appeals against the [decision] [order] [determination] of the district judge on the following question of law:

The grounds on which the Appellant relies are as follows:-

Dated this day of 20 .

_____
Signature of Appellant

To: The Chief Clerk at

The Respondent at:

Any other person at
(name and address)

Should you require any further information about the NI Courts and Tribunals Service please visit our website at www.courtsni.gov.uk or alternatively contact our Communications Group