

## Notes for defendant on replying to the claim form (Consumer Credit Act claim)

Please read these notes carefully - they will help you decide what to do about this claim. You will have received a notice of hearing telling you when and where to come to court with the claim form. A leaflet is available from the court office about what happens when you come to a court hearing.

- You must reply to the claim form within 14 days of the date it was served on you. If the claim form was
  - sent by post, the date of service is taken as the second day after posting (see post mark)
  - delivered or left at your address, the date of service will be the day after it was delivered
  - handed to you personally, the date of service will be the day it was given to you
- You may either
  - pay the amount claimed
  - admit liability for the claim and offer to make payments to keep the goods
  - dispute the claim
- If you do not reply or attend the hearing, judgment may be entered against you.
- The notes below tell you what to do .
- Court staff can help you complete the forms of reply and tell you about court procedure. But they cannot give legal advice. If you need legal advice, for example about the likely success of disputing the claim, you should contact a solicitor or a Citizens Advice Bureau immediately.

**Registration of Judgments:** If this claim results in a judgment against you, details will be entered in a public register, the Register of Judgments, Orders and Fines. They will then be passed to credit reference agencies which will then supply them to credit grantors and others seeking information on your financial standing. **This will make it difficult for you to get credit.** A list of credit reference agencies is available from Registry Trust Ltd, 173/175 Cleveland Street, London W1T 6QR.

**Costs and Interest:** Additional costs and interest may be added to the amount claimed on the front of the claim form if judgment is entered against you. In a county court, if judgment is for £5,000 or more, or is in respect of a debt which attracts contractual or statutory interest for late payment, the claimant may be entitled to further interest.

## Your response and what happens next

### How to pay

Do not bring any payments to the court - they will not be accepted.

When making payments to the claimant, quote the claimant's reference (if any) and the claim number.

Make sure that you keep records and can account for any payments made. Proof may be required if there is any disagreement. It is not safe to send cash unless you use registered post.

### Admitting the Claim

**If you admit liability for the claim and offer to make payments in order to keep the goods.** Complete Form N9C and send it to the court within 14 days. **Remember** to keep a copy for yourself. The court will send a copy of your admission to the claimant and ask if your offer is acceptable.

If the claimant **accepts your offer** and asks the court to enter judgment before the date of the hearing, you will be sent a copy of the judgment and need not come to the hearing. If you do not hear from the court it is in your interests to attend the hearing.

If your offer is **not accepted**, you should attend the hearing. The court will treat your admission as evidence so remember to bring a copy of your admission with you to the hearing.

### Disputing the claim

**If you dispute the claim or wish to claim against the claimant (counterclaim),** complete Form N9D and send it to the court within 14 days. **Remember** to keep a copy for yourself and to bring it with you to the hearing. The court will send a copy of your defence to the claimant. At the hearing the court may make a final order or judgment in the claim. If the court agrees that you have a valid defence (or counterclaim), it will tell you and the claimant what to do to prepare for a future hearing. If you send your defence to the court after the 14 days has expired, and you want to rely on it at the hearing, the court may take your failure to file it on time into account when deciding what order to make in respect of costs.

### Statement of truth

This must be signed by you, by your solicitor or your litigation friend, as appropriate.

Where the defendant is **a registered company or a corporation** the response must be signed by either the director, treasurer, secretary, chief executive, manager or other officer of the company **or** (in the case of a corporation) the mayor, chairman, president or town clerk.

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