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How to take a claim in the civil court

Start a civil claim



Who is this guide for?

This guide will help you to understand how to start your civil claim if you've read the earlier guides in this series and have decided to sue. It is part of our [How to take a claim in the civil court](#) series

It focuses on standard practice – what happens when a claim is well-prepared and issued in good time. There are special rules dealing with situations where you don't or can't follow standard practice for whatever reason. For example, you think you're ready to start a civil claim but you haven't got your defendant's address, or your defendant lives abroad. We cover some of these briefly but you will probably need specialist advice to help you work out what to do in your particular situation.

This guide is for you if:

- you have decided to sue (start a civil claim) in either England or Wales, and
- your case involves a claim for £25,000 or less, and
- you are representing yourself (you are a litigant in person), and
- you are not eligible to have your case paid for by legal aid, a trade union, or insurance.

This guide is also for people supporting litigants in person, for example Support Through Court volunteers, Citizens' Advice volunteers, housing support workers, advice workers and court staff, as well as relatives and friends.

It is not for you if you are involved in:

- a criminal case,
a family case (such as an application for a domestic violence injunction or a divorce – see [Going to the family court](#) instead),
a housing disrepair or housing possession case including mortgage possession (go to [Help with housing problems](#) instead),
- an injunction (including court claims about anti-social behaviour)
- a medical accident case,
- a case involving defamation (libel or slander) or
- a tribunal case (such as a discrimination or employment case – [Going to a Tribunal](#) instead).

If you are considering making a claim about injuries caused by a car accident claim that happened on or after 31st May 2021 please ensure you read [How to make a small claim about injuries caused by a car accident](#) first.

Legal language

We try to explain any legal language as we go along, but there is also a ‘What does it mean?’ section at the end.

Top tip

Top tip – Have a look at [An overview of the process of taking a claim in the civil court](#)

to get an overview of what a typical case might look like and [How to take a claim in the civil court - at a glance.](#)

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Starting your claim

There are different ways you may be able to use to start your claim. You can make some claims online, in particular if someone owes you a fixed sum of money.

When deciding whether to use an online claim system consider the following:

- The court fees are slightly lower than standard court fees.
- You will be taken step by step through the process.
- You need to be comfortable dealing with things online. For example, you have to go through a registration process, there are a number of steps to issuing a claim, and there may be occasional compatibility issues with some web browsers.

1. Money Claim Online (MCOL)

This is an internet service run by HM Courts & Tribunals service. You can find out more on the [GOV.UK](https://www.gov.uk) website

You can use this service:

- if you know the exact amount you are claiming and that amount is under £100,000,
- if there are not more than two defendants, and
- if your claim is against a person or organisation with an address in England or Wales.
- to bring a claim against a government department/ agency,
- to get your tenancy deposit back from your landlord,
- to make a claim in Welsh, or
- to bring a claim against someone without mental capacity or under 18.

You can't use this service:

- if you're under 18,
- if you're eligible for help with court fees,
- if you're eligible for legal aid,
- for making a personal injury or accident claim,

You will need:

- a debit or credit card to pay the court fees,
- an address in the UK, and
- an email address and regular access to a computer and the internet.

Forms and rules

You can find guidance about Money Claim Online (MCOL) in [Practice direction 7E - Money Claim Online](#)

2. Money Claims

This is a new service. You can find out more about it and where to get help using it on [GOV.UK](https://www.gov.uk)

You can find guidance about Money Claim Online (MCOL) in Practice direction 7E - [Money Claim Online](#)



3. Claim by post using an N1 paper form

This is still the most common way of making a claim although this may change in the future. Currently, if you want to make a personal injury or accident claim, it is the only way of claiming. This guide assumes that you are using an N1 paper form to make your claim but much of the guidance should help, whichever way you choose.

You will need to complete an N1 claim form, attach the necessary documents and the court fee (or an application for [help with fees](#)) and send it to the right court to start your claim.

You can find English, Welsh and large print versions of form N1 together with notes (N1A) explaining how to complete this form on [GOV.UK](https://www.gov.uk)

Forms and rules



The relevant rules about how to start proceedings are

[Part7 - How to start proceedings - The claim form](#)

[Practice Direction 7a - How to start proceedings The claim form](#)

Completing the N1 paper claim form

Completing the N1 paper claim form

The claim form is a very important document. If it's not completed properly, your claim may fail.

If you are claiming for personal injury and relying on the evidence of a medical practitioner you will need to attach a medical report about your injuries to your claim form. You must also attach a schedule of loss listing your losses and any future expenses you are claiming.

We explain what to include in key sections of form N1 below.

Forms and rules

The relevant rules about what to include in or with your N1 claim form are

[Part 16 - Statements of case](#) and

[Practice Direction 16 - Statements of case](#)

Brief details of claim

Form N1 includes a section headed 'brief details of claim'. You need to write a concise statement of the nature of your claim and the remedy you want, for example a payment of money, in this box.

Personal injury negligence example

The claimant is employed as a receptionist by the 1st defendant working at their premises at 23 Smith Street London E20 5JY. The 1st defendant's premises are cleaned by the 2nd defendant. The claimant claims damages for personal injury and losses and expenses incurred in an accident that happened on or about 2 March 2018 in the course of her employment at her place of work when she slipped and fell on a wet floor as a result of the defendants' negligence and/or breach of statutory duty.

Valuing your claim

You then need to complete the box headed 'Value' on the form. At this point you have to assess the value of your claim. The courts expect you to value it accurately mainly because:

- The court fee you pay will depend on the value of your claim, and if you pay the wrong fee you can run into difficulties later.
- How the court deals with your claim will depend largely on its value. The value is the main factor determining whether the court treats your case as a small, fast or multi-track claim. (For information about small and fast track claims see [Should I sue?](#) We don't cover multi-track claims in these guides.)

Assessing the value of your claim

How you value your claim depends on what type of claim you have. The table below summarises what the courts allow you to claim for in different case types:

Breach of contract	<ul style="list-style-type: none">● Usually, the amount of money to put you in the financial position you would have been in if the contract had been carried out properly● Interest
Debt	<ul style="list-style-type: none">● Amount of the debt● Interest
Loss or damage which is someone else's fault (negligence) with no personal injury	<ul style="list-style-type: none">● Compensation (damages) to put you in the position you would have been in if the person had carried out their duty● Interest
Personal injury (including road traffic accidents)	<ul style="list-style-type: none">● Compensation for the injury itself, that is for your pain, suffering and loss of amenity. You will often hear this called 'general damages'. You may also hear it referred to as pain, suffering, and loss of amenity or 'PSLA' for short by lawyers or court staff. 'Loss of amenity' means not being able to do the things including leisure activities which you would normally do. The award covers physical injury and the level of mental injury typically experienced by people with this physical injury.● Compensation for your losses and expenses including, for example, loss of earnings, damage to your vehicle, medical expenses, travel expenses, cost of help such as cleaning, and out of pocket expenses. You will often hear this compensation called 'special damages'.● Interest

Completing the N1 paper claim form

There is more information about valuing your claim in another guide in this series.

[Should I sue?](#)

Valuing an injury

To value an injury, you will need to get a medical report which sets out the details of the injury (or injuries) and the prognosis (when and to what extent you will make a recovery).

You also need a copy of '[Guidelines for the Assessment of General Damages in Personal Injury Cases](#)' to help you value your claim by matching your medical report to the conditions it lists. This book is used by all courts and personal injury lawyers. You will probably have to buy it.

The notes for guidance (N1A) include some help on how to word what you might want to say about the value of your claim.

Example of a schedule of loss

This schedule of loss is based on the facts set out in Jane's story from another guide in this series [Should I sue?](#) It gives examples of common losses and expenses, but yours may well be different, for example, you might have a lot of medical prescription costs, or in a road traffic accident you might have the loss or expense of repairing or replacing a car or bicycle.

In the X County Court

Jane X
ABC Ltd
XYZ cleaners

Between
and

Claim no:

Claimant
1st Defendant
2nd Defendant

SCHEDULE OF LOSS

1 Loss of earnings

The claimant was absent from work for 4 months and had 3 months loss of pay at £1,635 net per month £4905.00

2. Expenses

a) The claimant usually travelled by bus, bicycle or car but was unable to use her usual transport methods and incurred cab fares for 39 journeys from the date of accident for four months £327.00

b) The claimant needed new clothes to fit over her plaster, three pairs of joggers and Velcro shoes £89.00

c) The claimant who is a single parent of two children aged 6 and 8 was unable to look after them fully and incurred extra childcare costs for two months, 90 hours at £11 per hour £990.00

d) The claimant was unable to carry out usual household chores including cleaning and engaged a cleaner for two months for 6 hours a week, 54 hours at £9 per hour £486.00

3 Losses

a) The claimant had to cancel her holiday and lost her non-refundable deposit £330

b) The claimant was unable to use her gym membership for 5 months at £33 per month £165.00

4 Interest

The claimant claims interest on her losses and expenses.

I believe that the facts stated in this Schedule are true. I understand that proceedings for contempt of court may be brought against anyone 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.

Signed

Dated

Particulars of Claim

Form N1 also includes a section headed 'Particulars of Claim'. 'Particulars' simply means 'details'. The Particulars of Claim is an expanded and more detailed version of the 'brief details of claim' – a concise, written statement of the facts of your claim and what you want from the defendant. What is it you want the Defendant to do, to stop doing or to give you? You also need to give details of any interest you want to claim. If the details, or 'particulars' of your claim are short and simple, it is easiest to include them in the N1 form where space allows.

This is what a simple Particulars of Claim might look like.

Breach of contract example

Particulars of Claim (attached)(to follow)

1. I am a builder. I entered into a written contract with the defendant on 20 May 2017 to carry out repairs replacing defective guttering to the defendant's house at 23 Smith Street London E20 4JG.
2. The agreed price was £600 plus VAT.
3. I carried out the repairs on 23 May 2017 and invoiced the defendant on 24 May 2017 for £720 including VAT. Payment was due on or before 27 June 2017.
4. The defendant has failed to pay any of the invoice and owes me £720.
AND the Claimant claims:
 1. £720
 2. Interest pursuant to section 69 of the County Court Act 1984 at an annual rate of 8%.
The claimant claims £28.80 from date payment was due to date of issue, and an ongoing daily rate of 16p until payment is made.
 3. Costs

Completing
the N1
paper claim
form

Occasionally there are circumstances when a claimant has to send the Particulars of Claim separately and a bit later ('to follow'), maybe because they are up against a deadline for starting their claim. There are strict rules about how long you've got to send in the Particulars of Claim and get it to the defendant if you don't send it to the court at the same time as the N1 claim form. You will also need to download and send the correct 'response pack' to the defendant in this circumstance, or the court may decide you haven't sent the particulars of claim correctly. You want to avoid being in this position if at all possible. Get legal advice quickly if you are in this situation.

Be aware!

The judge will not award you money you have not claimed for. If you want your legal costs and interest as well as what you are claiming for, you must ask for them in your Particulars of Claim. Don't miss out. You cannot ask for them later and they can add up to a lot of money.

Claiming interest

If you're claiming a fixed ('specified') amount of money you are entitled to claim interest at 8%. You calculate interest by multiplying the sum due by 0.08. This gives you the amount of interest for a year. You divide this by 365 to give you a daily rate. In your claim you put the amount of interest for the number of days between the date the payment was due and the date you issue proceedings, and a daily rate afterwards so the defendant can work out how much to pay you if they agree they owe it.

If you're claiming an unspecified amount, for example compensation for personal injury, the court will calculate the amount of interest for you – but you must say you want interest in your Particulars of Claim to enable them to do this.

For additional information about how to start your case see [court leaflet EX302](#).

Checklist – what you need to put together to post to the court

- N1
- Particulars of claim (if separate)
- Medical report (if claiming for personal injury)
- Schedule of loss (if claiming for losses and expenses)
- Cheque for the court fee, or application for Help with Fees if eligible, and
- a complete set of copies for each defendant

When you post the documents to the court, it's worth getting a certificate of posting from the post office. Then, if necessary, you can prove when you posted them.



Where do I send my claim?

If you want your claim dealt with by the county court and your claim is just for money (this includes claims for compensation for personal injury) then you must send it to the:

County Court Money Claims Centre
PO Box 527
Salford
M5 0BY

In these cases, you enter 'In the County Court Money Claims Centre' in the heading on the form (or you can abbreviate to CCMCC).

If your claim is for anything other than money, then you should send it to your local court office. See [Things you need to know about court procedure before you sue](#) for more information about how to find your local court.

Time limits for suing someone

Keep an eye on the deadline for starting your claim. For information about time limits see another guide in this series [Time limits for suing someone](#).

If it becomes necessary to start court proceedings because otherwise you would miss it, you can ask the court for an order to suspend the proceedings until you have followed the steps you were supposed to take before starting. These will be set out in the pre-action protocol that applies to your case and/or the main rules about court conduct. See [Things you need to know about court procedure before you sue](#) for more information about court protocols. You may hear lawyers and court staff talk about a 'stay'. This also means suspending court proceedings.



Where do I send my claim

Time limits for suing someone

Have I issued my claim successfully?

You will know whether you have started your claim successfully when the court sends you a Notice of Issue.

Serving the claim on the defendant

If you include the particulars of claim in the relevant box on your N1 claim form or attach a separate particulars of claim document to the claim form, the court will serve your claim on the defendant for you. This is the best and least worrying way of managing your claim and will save you a lot of bother and is what happens in most cases.

If you don't include the particulars of claim in the N1 claim form then you have 14 days after service of the claim form to serve them on the Defendant, together with the correct response pack. The court won't do this for you; you have to do it yourself.

If the court is not serving your claim for you, once you have issued your claim you have up to 4 calendar months from the date you issue to serve the N1 Claim Form and the Particulars of Claim on the defendant. (You have more time to serve the Particulars of Claim if the Defendant is outside England and Wales. You can find the relevant court rules about this at [Practice direction 6B – Service out of the jurisdiction](#).)

Warning!

The 'service' (formal delivery) of court documents is a tricky area of law. There are lots of special rules about how and when it must be done. It is easy to make a mistake. If you don't serve your claim (or other court documents) in the correct way and at the right time, you have a big problem. A lot can go wrong at this early stage if you are running out of time, and you may then need some legal advice. The time limit for serving your claim is very strict, and if you miss it there is practically no chance of retrieving the situation.

So, get everything together in good time, and the court will serve the papers for you.

Rules

Relevant rule: [Part 6 - Serving of documents](#)



Have I issued my claim successfully

Can I stop a claim once it is started?

You can. You do this by filing a 'notice of discontinuance' (Form N279) at the court and serving a copy on every party to the case. But you will be responsible for everyone's legal costs up until the date you serve this notice unless you can convince the court that you don't have to pay. This is not easy to do. Try contacting your opponent before you file the notice and ask them to agree that they will not claim for their costs if you discontinue your claim. You never know, you might get lucky.

If your case has been allocated to the small claims track before you file the notice of discontinuance, then usually you will only have to pay your own legal costs and not everyone else's as well.

Forms and rules

[Notice of discontinuance \(N279\)](#)
Relevant rule: [Discontinuance](#)

After you have issued the claim successfully

The court sends a copy of your Claim Form (and the Particulars of Claim if they are in a separate document and any other documents) to the defendant as well as some notes to help the defendant decide what to do about the claim. Those notes are available on the [Form N1 page](#) of GOV.UK. Welsh and large print versions are also available.

The defendant also gets sent a [response pack \(Form N9\)](#). The response pack explains what to do next and includes the forms the defendant needs. If your Claim Form includes the Particulars of Claim then this pack is sent at the same time as your Claim Form. If you file and serve your Particulars of Claim separately then the response pack will be sent to the defendant then.

Can I stop a claim once it is started?

After you have issued the claim successfully

The defendant has not responded

If the defendant has not responded to your claim within the time limit set by the court you can ask the court to decide the case anyway. The law calls this applying for 'judgment in default'.

[Court leaflet EX304](#) explains what to do if the person you have made a claim against does not respond to your claim. You can find English, Welsh and large print versions.

Forms and rules

Relevant rule: [Defence and reply](#)

The defendant has responded

For information about what happens next, see [court leaflet EX304](#).

It explains what to do if the defendant either:

- admits (accepts) the claim,
- defends (disagrees with) all or part of your claim, or
- claims that they have already paid you what they owe.

You need to read the Defence carefully, as you may need to reassess the strength and value of your claim in light of what the defendant says.

The defendant has not responded

The defendant has responded

What does it mean?

Brief details of claim - a concise statement of the nature of your claim and the remedy you want, for example a payment of money.

Claim form – the form you use to start your claim.

Claim Notification Form – the form you use to notify the other side of your claim.

Expert evidence - this is evidence of an expert's opinion, of what they think or believe about something.

General damages – the amount awarded for the injury itself.

Liability - proving that the problem is legally the defendant's fault (they breached your legal rights or breached a contract with you).

Litigant in person - a person bringing or defending a claim without a solicitor or barrister.

Loss of amenity – means not being able to do the things including leisure activities which you would normally do. The award covers physical and mental injury.

Low value personal injury claims – these are claims where the personal injury element of the claim is worth over £1,000 and the overall value of the claim is worth under £25,000.

Medical report – a report from a recognised medical practitioner prepared in support of your claim for compensation for personal injury.

Notice of discontinuance – the form you use to tell the court that you want to stop (discontinue) your claim.

Notice of Issue – this tells you that your claim has started and the date it began. It also tells you the case number, the date of service, the method of service and the defendant's deadline for responding.

Pain – how much it hurts.

Particulars of Claim – a concise written statement of the facts and law on which your claim is based and what you want from the defendant.

Response pack (Form N9) – this explains what the defendant has to do after they receive a claim form and includes the forms the defendant may need.

Schedule of loss – a document listing the losses and expenses you've had as a result of the defendant's conduct.

Special damages - past and future expenses and losses, for example loss of earnings, travel costs, help with childcare.

Suffering – mental anguish which doesn't amount to a mental illness.

Quantum – the amount of compensation your claim is worth.

What does
it mean

The information in this guide applies to England and Wales only. The law is different in Scotland or Northern Ireland.

The law is complicated. We have simplified things in this guide. Please don't rely on this guide as a complete statement of the law. We recommend you try and get advice from the sources we have suggested.

advicenow.org.uk

Making sense of the law and your rights

If you would like this guide in another format please email guides@lawforlife.org.uk

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This is just one of our guides to help you take or respond to a claim in the civil court. We have plenty more and most are free. Find them all at www.advicenow.org.uk/guides/going-civil-court



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