

Trading Standards Service Factsheet

Trading Standards Service

SMALL CLAIMS COURT

Background

The County Court incorporates the Small Claims Court which allows people to bring claims for amounts of £3000 or less*. The type of claims that can be brought include claims for:

- Debts
- Faulty goods
- Unsatisfactory workmanship
- Damage to property.

* The maximum amount for claims rose from £2000 - £3000 in May 2011.

A claim should only be made to the Court as a last resort and in the instance of a claim for faulty goods the consumer should have made efforts to settle with the trader. The Small Claims Court is considerably less formal than the higher courts and does not require the presence of Solicitors or Barristers; if a claimant employs such legal representation they cannot claim their costs even if they win the case.

Example of Small Claims Procedure

Mrs Smith buys a washing machine for £500 from Honest John and Son Ltd. After two weeks the machine starts to leak.

Step One

Mrs Smith writes to Honest John and details what has happened and that she would like to reject the machine and get her money back. She sends this letter by recorded delivery and keeps a copy. She states in the letter that she would like a reply within 10 days.

Step Two

After 10 days Mrs Smith has received no reply. She then sends a further letter by recorded delivery to Honest John and keeps a copy. In this letter she states that she is prepared to bring an action in the Small Claims Court for a breach of contract by Honest John in that the goods he sold her were not of a satisfactory quality as provided by the Sale of Goods Act 1979 (as amended). Again she gives Honest John 10 days to reply.

Step Three

Again after 10 days Mrs Smith receives no reply. She then contacts the Enforcement of Judgements Office and gets a search against Honest John and Son Ltd to establish if the company owes money to anyone else. There are no debts registered against the Company. Mrs Smith is therefore more confident that if she wins her case she will get paid by the trader.

Step Four

Mrs Smith goes to her nearest Court House and receives an application form from the administration desk. Before completing the form she checks for a registered address for Honest John and Son Ltd as it is a limited company. She details in her application that she wishes to claim damages of £500.00 and to reject the washing machine owing to a breach of contract in that the goods are not of a satisfactory quality. She encloses a cheque of £70 for the court fee. She claims for the court fee along with the claim for £500.00.

Step Five

Mrs Smith receives notice from the court that Honest John have returned a 'notice of dispute' and that he says Mrs Smith had adequate opportunity to examine the washing machine before she bought it. She also receives a 'notice of hearing' giving the date of the court hearing.

Step Six

Mrs Smith attends the court on the day of the hearing. She brings with her the copies of the letters she sent to the trader and an invoice she received from the trader. She also brings with her an advertising brochure which describes the washing machine as being 'one of the most reliable on the market'. She is taken into the courtroom which is an ordinary room with a table and chairs. The only other people in the room are the magistrate, the clerk of the court and Honest John. She explains to the magistrate what has happened and then Honest John speaks. The magistrate then asks both her and Honest John some questions. The magistrate then declares that he finds in favour of Mrs Smith and awards her £570.

Step Seven

A few days later Mrs Smith receives a letter through the post which states the amount of money awarded by the judge.

Step Eight

Two weeks later Mrs Smith receives a cheque from honest John for £570. She is glad he sent this as she would otherwise have had to apply for the judge's decree to be enforced through the Enforcement of Judgements Office.

Conclusion

This is a typical example of the processes used to go through the Small Claims Court. It should always be taken as a last resort although a consumer should not be put off by the fact that it is a court of law. It is an informal court which lacks the wig, gowns and formality of the higher court. It is designed to allow for a ready and less expensive form of justice. The fees for making a claim are currently (19/5/2011) as follows:-

Claim for	Fee
up to £300.00	£30.00
£301.00 to £500	£50.00
£501.00 to £1000.00	£70.00
£1001.00 to £2000.00	£100.00
£2001.00 to £3000.00	£100.00 (under review)