

## The civil court system




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### Cases are heard in County Court or High Court

Cases in the county courts are assigned to one of three tracks: the Multi Track, the Fast Track or the Small Claims Track.

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### Small Claims Track

- ▶ Small claims track provides a simple and informal way of resolving disputes and it is geared towards individuals being able to do this without seeking assistance from a solicitor. you may not be able to recover the solicitor's fees even if you are successful.
- ▶ When deciding to allocate a claim to the small claims track the judges will do so the basis of the following:-

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## Small claims

- ▶ The amount in dispute is not more than £10,000.00
- ▶ The case does not involve a lot of witnesses or difficult points of law.
- ▶ Even if your claim is worth over £10,000.00 if both parties agree it is possible to ask the Court to deal with the claim on the small claims track
- ▶ Undisputed tort cases of £1000 can also be heard here

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## Fast Track

- ▶ Usually the claims which are worth over £10,000.00 and up to £25,000.00 will be allocated to the Fast Track. Fast track has set Directions and the parties can vary dates of compliance but usually a Court date will be given within approximately 30 weeks of claim being issued. This track is usually used where the value in question is high but the legal points are not complicated

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## Multi-track

Usually this is for cases which are worth more than £25,000.00 and are likely to be complicated. The Directions given will vary from case to case. They are likely to take longer to resolve and the trials can go on for weeks.

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**Small claims court:** usually up to £10000 or £1000 for personal injury claims.

**County Court:** Generally up to £50,000 judge sits alone, no jury.

**High Court:** usually cases over £50,000 Judge decides both law and fact, juries only involved in a few areas such as libel.

This area of the court is specialised having judges who can concentrate on specific areas of the law For example: engineering contracts, health issues, land law

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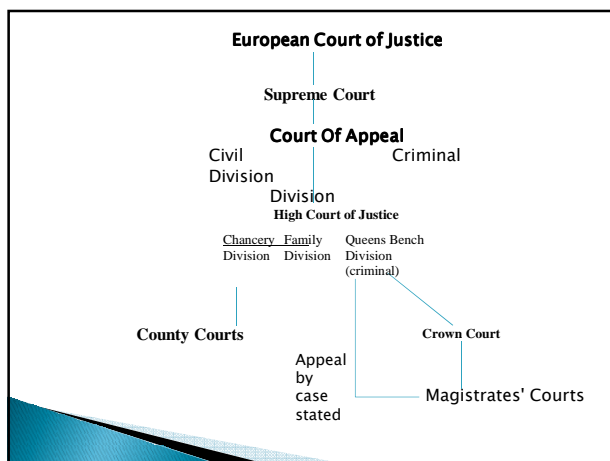
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### Costs in small claims (discretionary)

- ▶ The victorious party can recover the following legal costs and fees:
- ▶ The amount you're asking for
- ▶ Any court fees you have paid
- ▶ Up to £260 for legal advice for some claims
- ▶ loss of earnings for you and any witness (up to £50 a day)
- ▶ travelling and overnight expenses

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### Enforcing judgements if you win

- ▶ If the other side does not pay
- ▶ Creditor can apply to the courts
- ▶ Will have to pay a fee
- ▶ Can get one of the following:

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- ▶ a warrant of execution (sending bailiffs to collect payment or goods for auction)
- ▶ an attachment of earnings order (deductions from wages)
- ▶ a third party debt order (usually used to freeze money in bank or building society accounts)
- ▶ a charging order (a charge on land or property owned by a debtor)

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### Any questions?




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