PETTY DEBTS COURT

1) BRINGING A CLAIM TO COURT

The Plaintiff sends a <u>claim letter</u> to the Defendant and waits for 7 or 14 days.

The Plaintiff completes and provides to the Court:

- Summons & Claim Summary,
- · Copy of the claim letter,
- Stamped envelope addressed to the defendant,
- Court fee.

The Greffier posts the Summons and lists the case for the first Court hearing.

Both parties attend Court on the date indicated on the Summons.

2) ATTENDING THE FIRST COURT HEARING

The Greffier prepares an Act of Court (judgment) that the Plaintiff must collect the following Monday.

If the Defendant does not attend, the Plaintiff may apply for judgment in their absence.

If the Defendant attends and contests the claim, the Judge may set a date for <u>mediation</u> to take place.

Both parties must email the Greffier and each other a statement (and documents) explaining their position 7 days before mediation.

The Plaintiff takes the judgment to the Viscount's Department who will obtain payment from the Defendant on their behalf.

3) GOING TO TRIAL

Directions for Pleadings

The Court sets a timetable for the Plaintiff and the Defendant to provide their Pleadings. Both parties are given a Directions Order detailing what they must prepare and by when.

If the dispute is settled at mediation, the parties sign a <u>mediation agreement</u> explaining the terms of that settlement.

If one party does not keep to the terms of the agreement, the case may be returned to Court

Pleadings

The Plaintiff provides a <u>Statement of Claim</u> to the Court and the Defendant.

The Defendant provides an <u>Answer</u> to the Statement of Claim and may also provide a <u>Counterclaim</u>.

The Judge checks that the Pleadings explain the claim and the defence well enough to progress to trial.

Directions for Trial

If the case is ready to progress to trial, the Judge gives more Directions to the parties, requiring them to produce all <u>statements</u> and <u>documents</u> which will be their <u>evidence</u> at the trial.

Trial

The Plaintiff and the Defendant present their claim or defence and their evidence.

The Judge may ask questions to clarify their positions.

The parties may ask questions to each other (cross-examination).

<u>Judgment</u>

The Judge makes a <u>decision</u> and explains their <u>reasons</u>.

The Greffier prepares an Act of Court to be collected and taken to the Viscount for enforcement.