

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Rule 2

DEFAULT SUMMONS (FIXED AMOUNT) (Order 3, rule 3(2)(b))



County Court Summons

Always quote this case number

|              |  |
|--------------|--|
| Case Number  |  |
| In the       |  |
| County Court |  |

Plaintiff's Full name Address

The Court office at

is open from 10am to 4pm Monday to Friday

Plaintiff's solicitor Address Ref/tel no.

Defendant's Name Address



This summons is only valid if sealed by the court. If it is not sealed it should be sent to the court.

What the Plaintiff claims from you

Give brief description of type of claim e.g. price of goods

If the defendant does not live within the district of the court, the plaintiff states that the cause of action arose:

Particulars of the plaintiff's claim against you

Plaintiff's Claim

Court fee

Solicitor's Costs

Total Amount

Issued on

What you should do

Within 14 days from the date of service (which is explained overleaf), you should either

- pay the Total Amount into court; or
  - admit the claim and make an offer of payment, by filling in the front of the attached form and returning it to the court;
- or
- defend the claim by filling in the back of the attached form and returning it to the court.

If you do nothing judgment may be given against you, and enforcement proceedings may be commenced without further notice. For more information on what to do next, please read the back of the form.

Signed Plaintiff('s solicitor) (or see attached form "Particulars of Claim")

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**Please read this page : It will help you deal with the summons**

**If you admit owing all the claim**

Either pay the total amount into court - see 'How to pay' on this page;  
Or fill in the part of the attached form for admitting the claim and return it to the court. Give details of how you propose to pay the claim.

If your offer of payment is accepted, the court will send an order telling you how to pay.

If your offer is not accepted, the court may either:

- (1) Enter judgment and tell you how to pay or
- (2) Arrange a hearing which you should attend.

You will be told what the court has decided.

**If you dispute all or part of the claim**

You may be entitled to help with your legal costs. Ask about the legal aid scheme at any county court office, citizens' advice bureau, legal advice centre or firm of solicitors displaying the legal aid sign.

- Say how much you dispute in the part of the attached form for defending the claim and return it to the court. The court will arrange a hearing and will tell you when you should attend.
- If you dispute only part of the claim you should also fill in the part of the form for admitting the claim, and pay the amount admitted into court.
- If you have paid the amount of the plaintiff's claim since the summons was issued, fill in the part of the form for defending the claim. Say when you paid the claim. Then pay the costs into court unless you dispute having to pay them. Explain your reasons.
- If the court named on the summons is not your local county court, you may write to the court named requesting that the case be transferred to your local county court and explaining your reasons. However if the case is transferred and you later lose the case, you may have to pay more in costs.
- A claim for less than £500 will normally be dealt with by arbitration under the Small Claims Procedure. A free booklet about the Small Claims Procedure is available from any county court office.

**If you want to make a claim against the plaintiff**

This is known as a counterclaim  
Fill in the part of the attached form headed 'counterclaim'. If your claim is for more than the plaintiff's claim you may have to pay a fee- the court will let you know. Unless the plaintiff admits your counterclaim there will be a hearing. The court will tell you when to attend.

|   |
|---|
| To be completed on the court copy only                            |
| Served on:  |
| By posting on:  |
| Officer:  |
| This summons was returned by the Post Office marked gone away on: |

N1 Default summons (fixed amount)

**General information**

- If you received this summons through the post the date of service will be 7 days (for a limited company at its registered office, the second working day) after the date of posting as shown by the postmark.
- You can get help to complete the attached form at any county court office or citizens advice bureau.
- If the summons results in a judgment being made against you and £10 or more is unpaid one month after judgment, your name and address will be entered in the Register of County Court Judgments. This may make it difficult for you to get credit. When the money is paid in full you can ask the court to mark the entry in the register as satisfied and for a certificate proving payment. There is a small fee for this.
- If the total amount is not paid in full to the court within 14 days after the date of service of this summons, you may have to pay more in costs. Please address all forms or letters to the Chief Clerk
- Always quote the whole of the case number which appears at the top right corner of the front of this form; the court is unable to trace this summons without it.

**How to pay**

By calling at the court office which is open 10 am to 4 pm Monday to Friday.

You must pay by:

- cash,
- banker's or giro draft,
- cheque supported by a cheque card,
- other cheques may be accepted, subject to clearance, if the Chief Clerk agrees.

Cheques and drafts must be made payable to HM Paymaster General and crossed.

Please bring this form with you.

**By post**

You may only pay by:

- postal order,
- banker's or giro draft,
- cheques may be accepted, subject to clearance, if the Chief Clerk agrees.

The payment must be made out to HM Paymaster General and crossed.

This method of payment is at your own risk.

And you must:

- pay the postage,
- enclose this form,
- enclose a self addressed envelope so that the court can return this form with a receipt.

The court cannot accept stamps or payments by bank and giro credit transfers.

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## County Court Summons

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| Case Number         |  |
| In the              |  |
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Plaintiff's Full name Address

The Court office at

is open from 10am to 4pm Monday to Friday

Plaintiff's solicitor Address Ref/tel no.

Defendant's Name Address



This summons is only valid if sealed by the court. If it is not sealed it should be sent to the court.

### What the Plaintiff claims from you

Give brief description of type of claim

If the defendant does not live within the district of the court, the plaintiff states that the cause of action arose:

Particulars of the plaintiff's claim against you

Plaintiff's Claim : see particulars

Court fee

Solicitor's Costs

Total

Issued on

### What you should do

Within 14 days from the date of service (which is explained overleaf), you should either

- **admit the claim** and make an offer of payment, by filling in the front of the attached form and returning it to the court;
- or
- **defend the claim** by filling in the back of the attached form and returning it to the court.

If you do nothing judgment may be given against you.

Signed  
Plaintiff's solicitor  
(or see attached form "Particulars of Claim")

For more information on what to do next, please read the back of the form.

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**If you admit the claim or any part of it**

You may pay an appropriate amount into court to compensate the plaintiff; If the plaintiff accepts the amount paid he is also entitled to apply for his costs.

If you require time to pay complete the attached form of admission and give details of how you propose to pay the plaintiff. If that offer is accepted the court will send an order telling you how to pay. If it is not accepted, the court may either:

- (1) Enter judgment and tell you how to pay or
- (2) Arrange a hearing which you should attend.

You will be told what the court has decided.

If the plaintiff does not accept the amount paid or offered the court will fix a hearing to decide how much you must pay to compensate the plaintiff. The court will tell you when the hearing will take place, which you should attend.

**If you dispute all or part of the claim**

You may be entitled to help with your legal costs. Ask about the legal aid scheme at any county court office, citizens' advice bureau, legal advice centre or firm of solicitors displaying the legal aid sign.

- Say how much you dispute in the part of the attached form for defending the claim and return it to the court. The court will arrange a hearing and will tell you when you should attend.
- If you dispute only part of the claim you should also fill in the part of the form for admitting the claim, and pay the amount admitted into court.
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**If you want to make a claim against the plaintiff**

*This is known as a counterclaim*

Fill in the part of the attached form headed 'Counterclaim'. If your claim is for more than the plaintiff's claim you may have to pay a fee- the court will let you know. Unless the plaintiff admits your counterclaim there will be a hearing. The court will tell you when to attend.

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*Please bring this form with you.*

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- pay the postage,
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- enclose a self addressed envelope so that the court can return this form with a receipt.

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N2 Default summons (amount not fixed)

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**Certificate of Service**

CASE NO.

**I certify that the summons of which this is a true copy was served by me on**

**(date)** .....

**Service was effected** (*tick and complete whichever applies*)

- by posting it to the defendant on ..... at the address stated on the summons.
- by posting it to (leaving it at) the address stated on the summons as the registered office of the limited company.
- by posting it to (leaving it at) the address stated on the summons as the place of business of the limited company.
- At the address stated on the summons (or at ..... by delivering it to the defendant personally (or to ..... apparently not less than 16 years old, who promised to give it to the defendant on the same day (or on .....  
 by inserting it enclosed in an envelope addressed to the defendant, in the letter box at the address stated on the summons. I have reason to believe that the summons will reach the defendant in sufficient time, because:

*Bailiff / Officer of the Court*

**OR I certify that the summons has not been served for the following reasons:**

*Bailiff / Officer of the Court*