

NOTICE TO PLAINTIFF

Small Claims Summons

You have requested that we issue a small claims summons on your behalf, to recover a debt of up to £10,000. Once we have served the summons on the Defendant, we will contact you to advise you that this has been achieved. You are required to pay for the Service of the Summons in advance, and this will be refunded to you should the Court be unable to serve it.

What Happens Next

1. If the Defendant agrees that they owe the amount, they can pay the whole amount at this office or directly to you by midday on the Tuesday prior to the Court date. If they require time to pay, they will be told to liaise with you to make arrangements to do so. If you are paid in full or agree to take a weekly or monthly sum, you must inform the Court office by midday on the Tuesday prior to the Court date and the matter is not put on the Court list and no further Court fees are payable.
2. If the Defendant does not agree that they owe the amount, the matter will proceed to Court. You must attend Court on the date specified in the summons. The Defendant will inform the Court that they intend to defend the matter and a date for a full hearing of the facts will be set. At this hearing the Court will hear all the facts of the matter and determine whether the amount is owed or not.
3. If the Defendant does not pay the amount and does not attend the Court hearing then the Court will hear evidence from you and Judgment may be awarded against the Defendant in their absence.

Costs

1. If the Defendant pays the amount before the date in the summons or arranges with you to pay in instalments, they are agreeing to pay the additional **£50 costs**, which is the cost of the Summons fee (which you have paid in advance prior to Summons being issued).
2. If the payment is not made by midday Tuesday prior to the Thursday Court date a further Court listing fee is payable. You must pay this fee before the Court hearing, regardless of whether the Defendant attends. The Court fees are: **£80 costs** for debts of less than £1,000; or **£100 costs** for debts of £1,000 - £5,000; or **£120 costs** for debts of £5,000 - £10,000. If the Defendant does not attend Court then these costs may be awarded to you, which means that these costs will be added to the debt that the Defendant owes you.
3. If the Defendant does not agree that the amount is owed and the matter proceeds to a full hearing, further costs are payable. At the first hearing a trial date will be fixed and the costs for the trial will be a minimum of a **further £50** and could be substantially more, depending on the length of the trial and the sum claimed. An invoice for the trial fees will be issued after the hearing. Please contact the Court office for full details of further fees. If you are successful in this matter, you may ask the Court to order that the Defendant pay the costs. **Please note, if you are unsuccessful, these costs may not be refunded to you.**

Legal Representation

You are entitled to seek legal advice in respect of this matter. However, under The Court of Alderney Civil Rules, any costs you incur in seeking legal advice may not be claimed from the other party.

If you require any further information concerning small debts claims, please contact:

The Court Office, Queen Elizabeth II Street, Alderney, GY9 3TB

Telephone: 01481 820050

E-mail: court@alderney.gov.gg

This guidance does not replace formal legal advice.