Small-claims preparation checklist

What to do before you issue, what the court expects at each stage, how to build a bundle a district judge can follow, and how to actually get paid.

The small claims track is the county court route for most disputes worth £10,000 or less in England and Wales. Hearings are informal, legal costs are generally not recoverable from the loser, and most people present their own case. That last point is why preparation matters more than advocacy. [1][2]

1. Before you start

- [ ] Is the claim worth £10,000 or less? That is the normal threshold for allocation to the small claims track under CPR 26.9, with lower limits for personal injury and housing disrepair elements [1].
- [ ] Are you in time? Generally six years from the breach for a contract claim — Limitation Act 1980, s 5. Twelve years if the contract was executed as a deed [3].
- [ ] Have you identified the right defendant, with its exact legal name and registered address? Check Companies House. A judgment against the wrong entity is worthless.
- [ ] Is the defendant worth suing? A dissolved company or a person with no assets turns a judgment into a piece of paper.
- [ ] Can you quantify the loss with documents — invoices, quotes to put it right, receipts?
- [ ] Have you tried to settle in writing, and kept the reply?

> The letter before claim is not optional in practice
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> The Practice Direction on Pre-Action Conduct and Protocols expects you to set out the claim, enclose the key documents and allow a reasonable time to respond — commonly 14 days for a simple matter, longer where the defendant must investigate. Courts can penalise a party who ignores it, including on costs and interest, and it settles a good number of disputes on its own. [4]

2. What the letter before claim should contain

— Who you are, and who you say is liable.
— What happened, in dates.
— Why they are liable — the term of the contract or the duty relied on.
— The amount claimed and how it is calculated, including interest.
— A list of the documents you rely on, with copies enclosed.
— A deadline for response, and what you will do if it passes.
— An invitation to propose alternative dispute resolution, which the Practice Direction expects the parties to consider [4].

3. Issuing the claim

- [ ] Money Claim Online or the Online Civil Money Claims service handles most straightforward money claims; otherwise form N1 on paper.

- [ ] Court fee paid. Fees scale with the amount claimed and are recoverable if you win — check the current figures in EX50, which is revised periodically and changed again in July 2026 [5].
- [ ] Particulars of claim: short, numbered, factual. What was agreed, what went wrong, what it cost.
- [ ] Interest claimed and calculated. Between businesses, the Late Payment of Commercial Debts (Interest) Act 1998 gives 8% above base plus a fixed sum per invoice; otherwise the court may award interest under s 69 of the County Courts Act 1984, conventionally at 8% [6][7].
- [ ] If you cannot afford the fee, check Help with Fees (form EX160) [5].
- [ ] The defendant has 14 days to respond, extended to 28 if they acknowledge service.

4. After the defence arrives

- [ ] Read what is actually disputed. Most small claims turn on two or three contested facts.
- [ ] Complete and return the directions questionnaire by the date given.
- [ ] Expect mediation. Since 22 May 2024, parties to most money claims of £10,000 or less issued in the county court are automatically referred to the free HMCTS Small Claims Mediation Service — a one-hour telephone appointment, at no cost, which resolves around half of the cases that reach it. Check the current position, as this began as a pilot under Practice Direction 51ZE [8][9].
- [ ] Comply with every direction, to the date. Late filing is the most common self-inflicted wound in small claims.
- [ ] If the defendant does not respond at all, consider requesting judgment in default.

5. Building the bundle

- [ ] Documents in date order, paginated, with an index.
- [ ] The contract, order or quote, and any variation.
- [ ] Invoices, payment records and bank statements showing the loss.
- [ ] Correspondence in full, including messages that do not help you. Selective disclosure damages credibility more than an awkward email does.
- [ ] Photographs, dated and unedited, with originals retained.
- [ ] Quotes for repair or replacement, ideally more than one.
- [ ] A witness statement for each witness: first person, numbered paragraphs, only facts they saw themselves, ending with a signed statement of truth.
- [ ] Three copies — court, opponent, yourself — filed by the date in the directions.

6. At the hearing

- [ ] Arrive early with the bundle, a pen and a one-page chronology.
- [ ] Prepare a three-minute opening: what was agreed, what went wrong, what you want.
- [ ] Take the judge to page numbers rather than describing documents from memory.

- [ ] Answer the question asked. Small claims are decided on documents and dates far more than on how strongly anyone feels.
- [ ] Have your figure ready and broken down, with interest calculated to the day of the hearing.
- [ ] Know the costs position: on the small claims track the court will not usually order the loser to pay the winner's legal costs, though it can order limited sums and may penalise unreasonable behaviour — CPR 27.14 [2].

7. Winning is not the same as being paid

A judgment does not collect itself. Enforcement is a separate application with its own fee, and the right method depends on what the defendant has.

Method	Best where	Notes
Warrant of control (county court bailiff)	The defendant has goods worth seizing.	Common first step for smaller judgments.
Attachment of earnings	An individual in stable employment.	Deducted at source by the employer.
Third party debt order	You know their bank.	Freezes and pays out from an identified account.
Charging order	They own property.	Secures the debt; sale is a further step.
Insolvency proceedings	Larger debts against a company.	Expensive and blunt; take advice first.

> Two habits that decide most small claims
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> Keep contemporaneous records — an email sent the day something went wrong is worth more than a witness statement written a year later. And put every settlement offer in writing marked 'without prejudice save as to costs', so the judge can see at the end who was being reasonable.

Where this comes from

Every statement above traces to one of these. Primary legislation is on legislation.gov.uk; regulator guidance on gov.uk. Check the current version before relying on any of it — consumer law has changed twice since 2024.

1 Civil Procedure Rules, Part 26 (allocation) and Part 27 (small claims track)
CPR 26.9 on the normal £10,000 threshold; Part 27 and Practice Direction 27A on the procedure; CPR 27.14 on the limited costs recoverable.
justice.gov.uk/courts/procedure-rules/civil

2 HMCTS — make a court claim for money
Money Claim Online and the Online Civil Money Claims service, forms and process.
gov.uk/make-court-claim-for-money

3 Limitation Act 1980, ss 5 and 8
Six years for simple contract; twelve years for a deed.
legislation.gov.uk/ukpga/1980/58/contents

4 Practice Direction — Pre-Action Conduct and Protocols
What the court expects before proceedings, including exchange of information and consideration of alternative dispute resolution.
justice.gov.uk/courts/procedure-rules/civil/rules/pd_pre-action_conduct

5 Fees in the civil and family courts (EX50 and EX50A); Help with Fees (EX160)
Current issue and hearing fees, which are revised periodically — most recently in July 2026 — and the remission scheme.
gov.uk/government/publications/fees-in-the-civil-and-family-courts-main-fees-ex50

6 Late Payment of Commercial Debts (Interest) Act 1998
Statutory interest at 8% above Bank of England base rate, plus fixed compensation, on business-to-business debts.
legislation.gov.uk/ukpga/1998/20/contents

7 County Courts Act 1984, s 69
The court's power to award interest on debt and damages.
legislation.gov.uk/ukpga/1984/28/section/69

8 Practice Direction 51ZE — Small Claims Track Automatic Referral to Mediation
The scheme under which most money claims up to £10,000 issued from 22 May 2024 are automatically referred to mediation. Started as a time-limited pilot — confirm the current position before relying on the detail.
justice.gov.uk/courts/procedure-rules/civil

9 The Law Society — small claims mediation
Explains the automatic referral to the free one-hour Small Claims Mediation Service and its settlement rate.
lawsociety.org.uk/topics/court-reform/small-claims-mediation

Important