

Exercise 2

Read the information below. It is about starting a claim in the civil court. Decide if the statements under it are true or false.

Starting a claim in the civil court

When you are in dispute with another person sometimes it is necessary to start a claim in the civil court. We sometimes call this process 'filing a claim' or 'issuing a claim'. Lawyers also say, 'starting proceedings'. We do not use the verb 'to prosecute' in civil law because that verb is only used in criminal law. In England most civil claims are filed in the County Court. There are over 200 County Courts in England and Wales. Most cities and large towns have a County Court.

The person who starts the claim is called the claimant in the UK. This person was called the plaintiff until 1999, when there were new court rules in England to make everything easier for people to understand. However, in the USA the claimant is still called the plaintiff. In both England and the USA the other party is called the defendant.

A claim form is the document that a claimant uses to start legal action against the defendant.

Why might a claimant start a claim? There are a lot of reasons, for example:

- someone refuses to pay you money that they owe to you
- someone does a job for you, but they do it badly – we call this bad workmanship
- something that you paid for is not supplied to you
- something that you bought is not working properly.

The claimant has to pay a sum of money, called a court fee, for the court to issue proceedings. In the claim form, the claimant must state the amount of his or her claim and request the defendant to pay all of the legal costs of the case.

Sometimes people talk about 'the small claims court'. They really mean the special procedure that exists at the County Court for small claims. A small claim is a claim for a maximum amount of £5000.

- | | |
|--|--|
| a Starting a claim means the same as starting proceedings. | <input type="checkbox"/> True <input type="checkbox"/> False |
| b You can 'prosecute' someone in the civil court. | <input type="checkbox"/> True <input type="checkbox"/> False |
| c There are more than 200 County Courts in England and Wales. | <input type="checkbox"/> True <input type="checkbox"/> False |
| d The word 'plaintiff' is not used in England any more but it is used in the USA. | <input type="checkbox"/> True <input type="checkbox"/> False |
| e It is free to start a claim in the County Court. | <input type="checkbox"/> True <input type="checkbox"/> False |
| f There is a special court in a separate building for making small claims. | <input type="checkbox"/> True <input type="checkbox"/> False |

Help desk

What do these words mean?

to be in dispute – to have a serious disagreement with another person.

a party to a court case – the claimant or the defendant.

to owe money to someone – to have to pay someone for something that they have done for you or given to you.

legal costs – the court fees and payment for the lawyer who is acting for you.

a procedure – a decided way of doing something.

to prosecute – to take legal action against someone in the criminal court.