

ANNEX 1

INFORMATION SHEET

You have received this notice because a business intends to take you to court in relation to a debt. This notice tells you about your rights and what to do next. Please read it carefully.

Why have I received this notice?

You have received this notice because a business believes you owe it money. The business intends to take you to court to make sure the money is paid. Before the business can take you to court, it must send you a letter along with this notice.

What should the letter from the business say?

The letter from the business should give you the following information:

- The **amount of money** the business thinks you owe.
- Information about **interest** and **fees** added to the debt. This might be shown in an updated account statement.
- Details of **how to pay** the debt and how to discuss payment options.

The letter from the business might give you the following extra information, depending on whether it is relevant to you:

- If you have **offered to make payments**, an explanation of why the business still wants to take you to court.
- If the debt has been **passed from one business to another**, details of your original debt and details of the debt's transfer to the new business.
- If your agreement to pay the debt was not written down, information about your spoken or "**oral**" **agreement**.

The letter should also enclose a copy of a **Reply Form** for you to fill out.

Finally, the business might have sent you a copy of your written contract that sets out your agreement to pay the debt.

You should check that the letter from the business contains all the relevant information.

What should I do next?

You should take the following steps **immediately** to make sure the business does not take you to court unnecessarily.

- STEP 1: Read the letter from the business very carefully. Think about whether you owe the debt and whether the amount is correct.
- STEP 2: If you need advice to help you work out whether you owe the debt, or how you might pay the debt, contact a debt advisor. The following organisations offer free advice:

Citizens Advice	03444 111 444 (England) 03444 772 020 (Wales)	www.adviceguide.org.uk
Civil Legal Advice	0345 345 4345	www.gov.uk/civil-legal-advice
StepChange Debt Charity	0800 138 1111 (Freephone)	www.stepchange.org
National Debtline	0808 808 4000 (Freephone)	www.nationaldebtline.org
AdviceUK	0300 777 0107	www.adviceuk.org.uk
Christians Against Poverty	0800 328 0006 (Freephone)	www.capuk.org

It is strongly recommended that you get debt advice if you have any doubt about whether you owe the debt or whether you can pay it now.

STEP 3: Fill in the Reply Form that was provided with the letter from the business.

- Section 1 of the Reply Form gives you an opportunity to tell the business whether you owe some, none, or all of the debt. Fill in one of the boxes in Section 1.
- Fill in Section 2 if you owe some or all of the debt and you intend to pay it.
- Fill in Section 3 if you intend to get help from a debt advisor.
- Fill in Section 4 if you want to give the business more information or if you need more information from the business.
- At the back of the Reply Form is a document called a Statement of Means. If you agree to pay the debt, but you can't pay it all at once, you should fill in the Statement of Means with details of how much money you earn and how much you spend. The business can use this to assess how much of the debt you should pay each week or month.

If you intend to get debt advice, your adviser might ask to see a copy of your written contract. If you do not have this, you can ask the business to send you a copy using Section 4 of the Reply Form.

STEP 4: Send the Reply Form back to the business. The letter from the business should tell you where to send it.

When should I do this?

The Reply Form helps the business understand your position and allows you to ask for the information you need. You should fill in the Reply Form accurately and include all relevant information that you know about.

You only have **30 days** from the date at the top of the letter from the business to send back the Reply Form. If the business does not get your Reply Form within 30 days, it is allowed to **take you to court** in relation to the debt. Make sure you allow time for posting.

If you are getting debt advice, and you think this is going to cause delay, you need to tell the business. The business must give you reasonable time to seek advice, so you should tell the business how long you need and why.

What happens if I fill in and return the Reply Form in time?

If you return the Reply Form on time, you and the business will have at least 30 days to discuss the debt, or for you to seek advice, before the business takes you to court. During that time you should discuss with the business how you can avoid going to court.

If you request more information in the Reply Form, the business must wait at least 30 days after it gives you that information before taking you to court.

What happens if I don't fill in and return the Reply Form in time?

If the business does not get your Reply Form within 30 days, it is allowed to take you to court in relation to the debt. If it's your fault that the Reply Form is not sent on time, you could end up having to pay the cost incurred by the business from taking you to court.

If a court orders you to pay an amount of money (called "having judgment entered against you"), details of the judgment will usually be entered on the Register of Judgments, Orders and Fines. Most entries stay on the Register for six years unless you pay the amount you owe within one month of the judgment.

Organisations such as banks, building societies and credit companies use the information on the Register when someone applies for credit, such as a loan or overdraft. It helps them decide whether or not that person would be able to pay off a debt.

Where can I find out more?

This notice is a summary of your rights and responsibilities under the Pre-Action Protocol for Debt Claims. Where a business and an individual disagree about a debt claim, the Protocol tells them what they should do before they go to court. If you want to know more, the full Protocol is available at:

<https://www.justice.gov.uk/courts/procedure-rules/civil/protocol>.

REPLY FORM

**YOU HAVE 30 DAYS FROM THE DATE AT THE TOP OF THE ENCLOSED
LETTER TO FILL IN AND RETURN THIS FORM.**

IF YOU DON'T, IT COULD RESULT IN COURT PROCEEDINGS.

Full name:

Address and postcode:

Contact telephone numbers:

Email address:

Reference:

SECTION 1: Do you owe the debt?

Fill in one of the boxes in this section. Use more pages if you need to.

**It is strongly recommended that you get debt advice if you have any doubt
about whether you owe the debt or whether you can pay it now.**

Box G below asks about debt advice.

BOX A

I agree I owe the debt.

Tick this box if you agree you owe the debt and agree the amount of the debt is correct.

IF YOU WILL PAY THE DEBT, GO TO SECTION 2.

IF YOU NEED ADVICE ABOUT HOW TO PAY, GO TO SECTION 3.

BOX B

I owe some of the debt, but not all of it.

Tick this box if you agree you owe some of the debt, but not all of it, for example if you think too much interest has been added or you haven't been credited for payments you made in the past.

The amount of debt I owe to you is £.....

Say how much you think you owe.

I don't owe any more than this because

Explain why you don't owe all of the debt. Give as much detail as possible.

IF YOU WILL PAY THE PART OF THE DEBT YOU OWE, GO TO SECTION 2.

IF YOU NEED ADVICE ABOUT HOW TO PAY, GO TO SECTION 3.

BOX C

I don't know whether I owe the debt.

Tick this box if you're not sure whether you owe the debt and you need help from a debt adviser to work out whether you should pay.

NOW GO TO SECTION 3.

BOX D

I don't owe the debt.

Tick this box if you don't owe the debt, for example because the debt should be paid by someone else or because you have already paid it.

I don't owe the debt because

Explain why you don't owe the debt. Give as much detail as possible.

NOW GO TO SECTION 4.

SECTION 2: How will you pay?

Only complete this section if you ticked Box A or Box B in Section 1 and you want to pay now.

The letter from the business will tell you how to pay. Keep a record of the payments you make.

BOX E

I will pay now.

Tick this box if you agree that you owe all or part of the debt and you are able to pay what you owe now.

I have paid this amount: £.....

Insert the amount you paid.

I have paid by

Say how you have paid, for example you might enclose a cheque with this Reply Form or pay by bank transfer.

BOX F

I need time to pay.

Tick this box if you agree that you owe all or part of the debt, but you can't pay right now.

If you offer to make repayments, you must be able to afford them. You should consider getting debt advice about how much you can afford to repay. If you are seeking debt advice, complete Section 3.

My proposals for repayment are

Explain how you intend to pay the debt, for example say how much you could pay each month or when you will be able to pay.

I have provided a Statement of Means showing my current financial situation:

Yes No

If you want to pay by instalments, fill out the Statement of Means that is attached to this form. The Statement of Means shows your current finances and helps to determine whether you can afford to

make repayments. You should also attach a copy of any budget or financial statement that a debt advice organisation has helped you prepare.

SECTION 3: Are you getting debt advice?

Only complete this section if you are getting debt advice about whether you owe the debt or whether you can afford to pay.

BOX G

I am getting debt advice.

I am getting advice from

Insert the name and contact details of the person or organisation giving you advice.

I am getting advice about

Explain what you are getting advice about, for example whether you owe the debt or how you could pay.

I have an appointment with an adviser on

If you have an appointment with a debt adviser, give the appointment date and time.

I can't obtain advice within 30 days of returning this Reply Form because

If it will take you longer than 30 days to get debt advice, please explain the reason for the delay and when you expect advice will be available.

NOW COMPLETE SECTION 4.

SECTION 4: What documents are you sending with this form? What information do you need?

Complete the boxes below if you want to provide or get more information.

BOX H

I have provided documents.

Tick this box if you want to provide documents about the debt, for example you might want to provide a letter showing you have an appointment for debt advice or a receipt showing you paid some of the debt.

I have enclosed the following documents

Describe the documents you have provided and why they are important.

BOX J

I need more documents or information.

Tick this box if you need more information, such as copies of documents you don't currently have.

I need a copy of

Additional documents that you might need include:

- *A copy of the written contract for the debt*

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Pre-Action Protocol for Debt Claims Consultation
2 November 2015 - 11 January 2016

- *A full statement of account, including details of all interest and charges included on the outstanding balance of the debt, explaining how they have been calculated, and any payments already made toward the debt*
- *A calculation of the interest claimed*
- *A description of the nature and amount of any administrative charges included in the debt*
- *A copy of the notice of assignment of the debt*

Signature **Date**...../...../.....

Print name

Sign and date this Reply Form once you've filled it in. Then send it to the address given in the letter from the business.

Make sure you keep a copy of this letter for reference in the future.