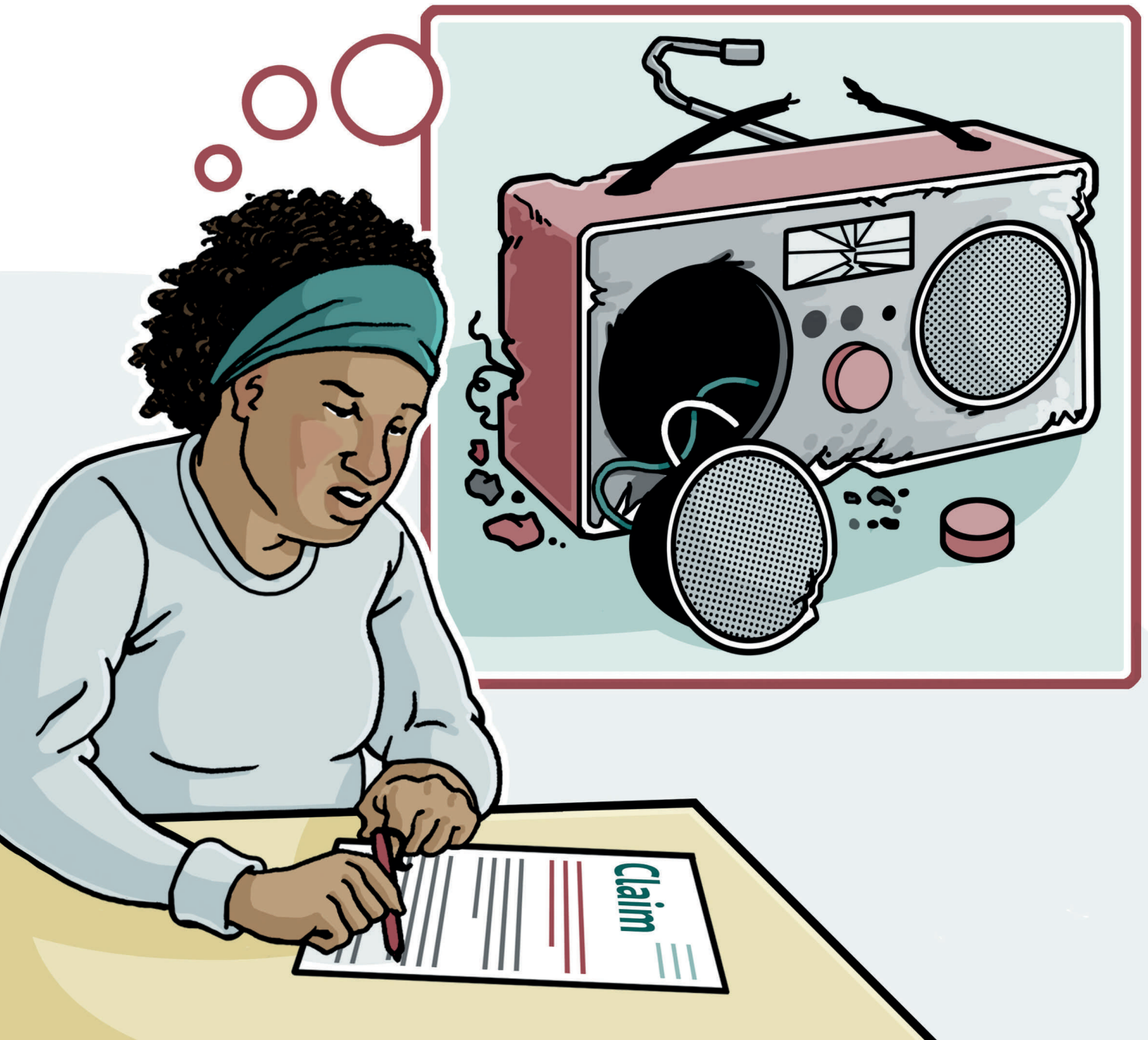


# Property Claims

## Easy Read Self Help Toolkit



## About this document



This document was made by CHANGE, a charity led by people with learning disabilities.

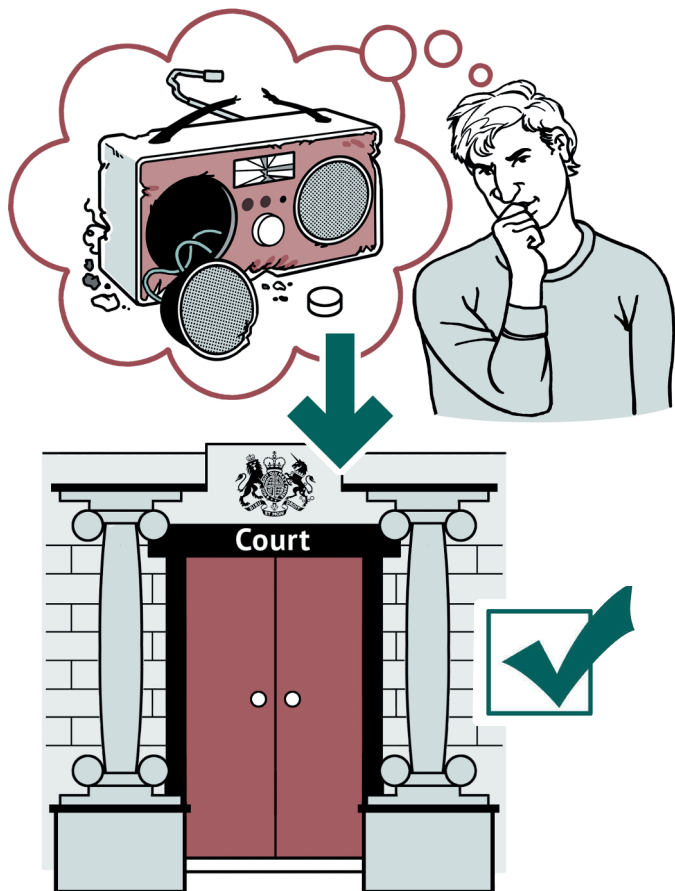


This document uses easy words and pictures to tell you about property claims.



You might want to read through it with someone else to help you to understand it more.

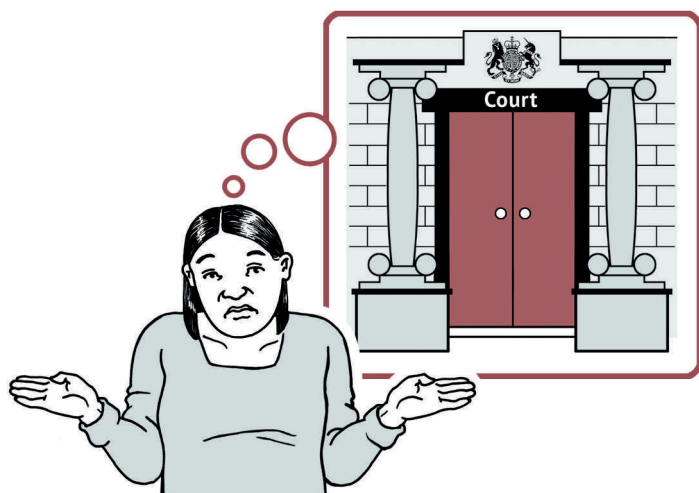
## If your property has been lost or damaged in prison can I take legal action?



Yes. You can go to court.

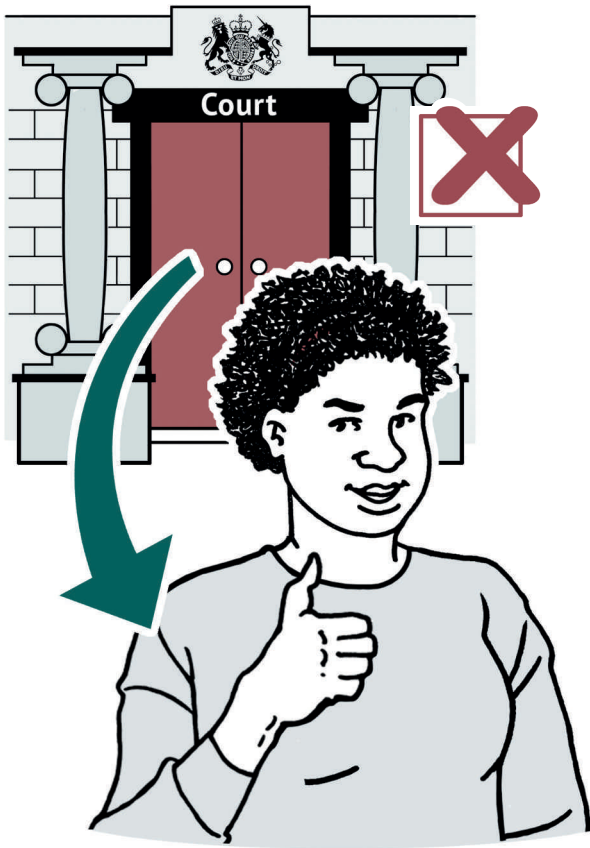


Going to court should be the last thing you try and you should try to sort the matter out without going to court.

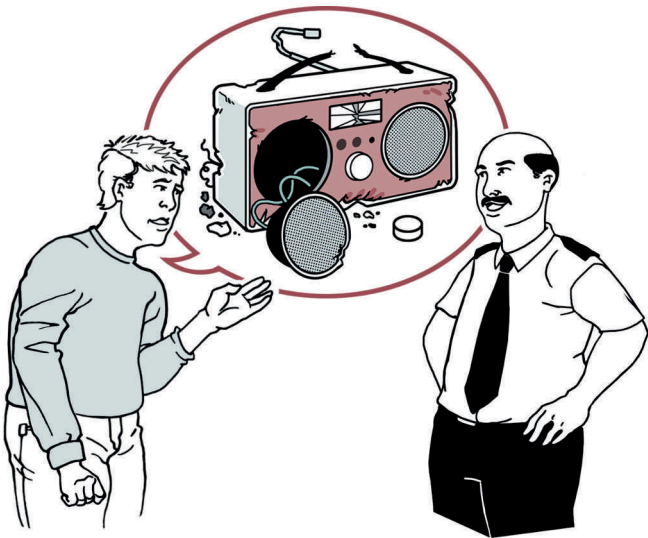


Going to court can be difficult when you are in prison.

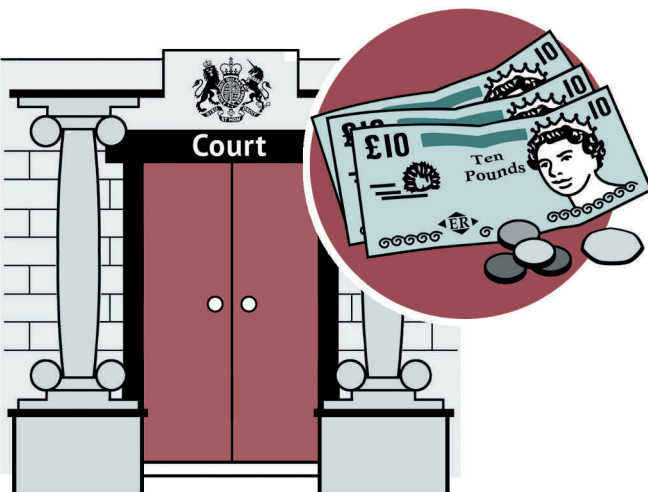
## Can I sort out my dispute without going to court?



Yes. There are ways of sorting out the matter without going to court.

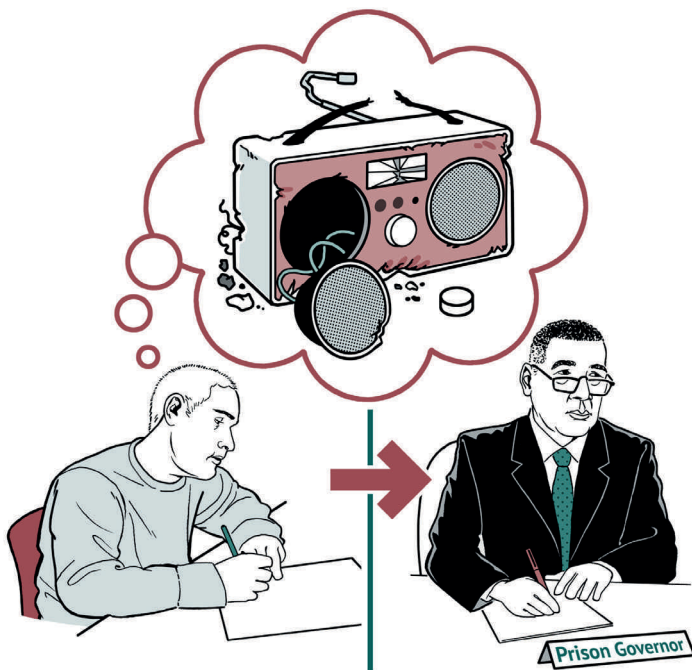


Before going to court you should always try to reach an agreement with the person.

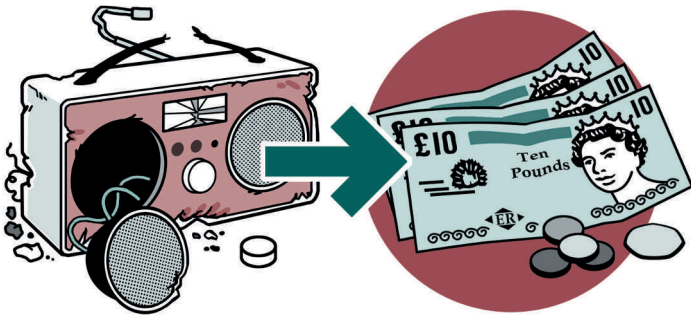


If you don't try this then the court may make you pay for the costs of the case.

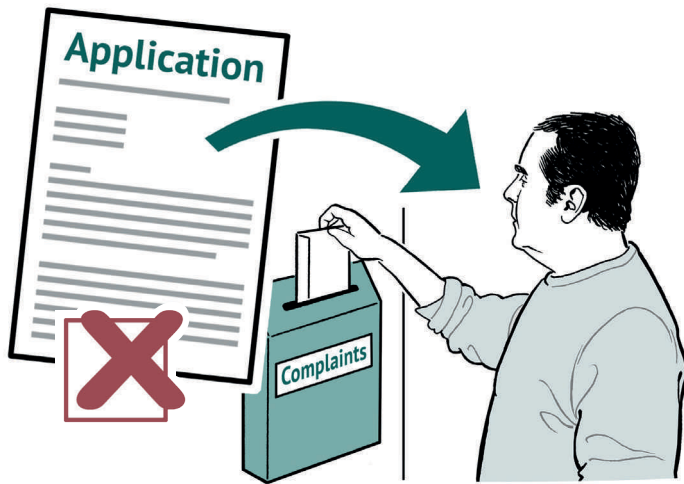




First you should send an application to the Governor about the items that have been lost or damaged.



You should say how much money you want in return for the lost or damaged items.



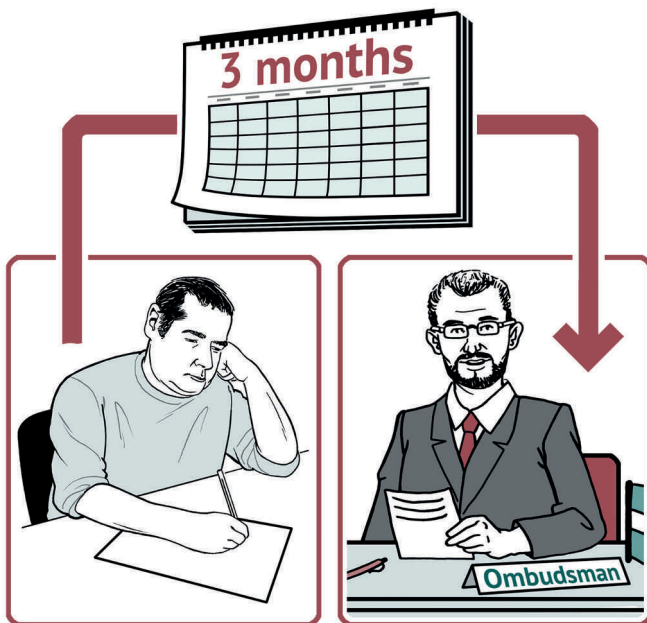
If your application is refused you can then appeal through the prison complaints system.



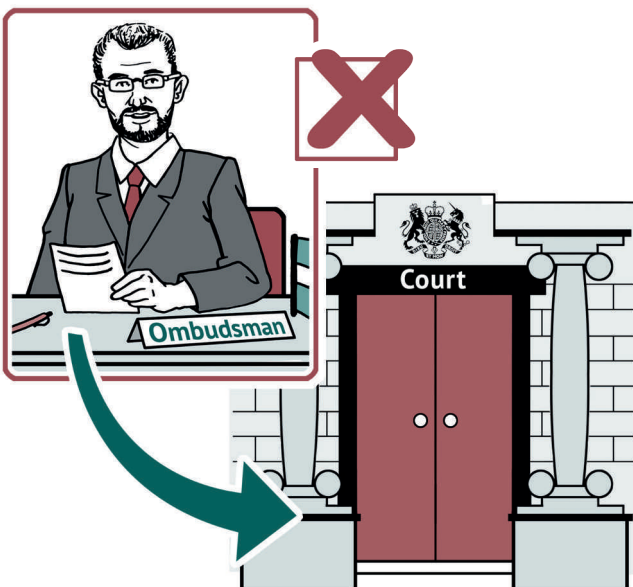
Appealing means you are unhappy with the decision that has been made and want to take the matter further.



You can take the matter further and take it to the Prison and Probation Ombudsman.



You must do this within 3 months.



You do not have to take the matter to the Ombudsman. You can start legal action after the decision on your application.

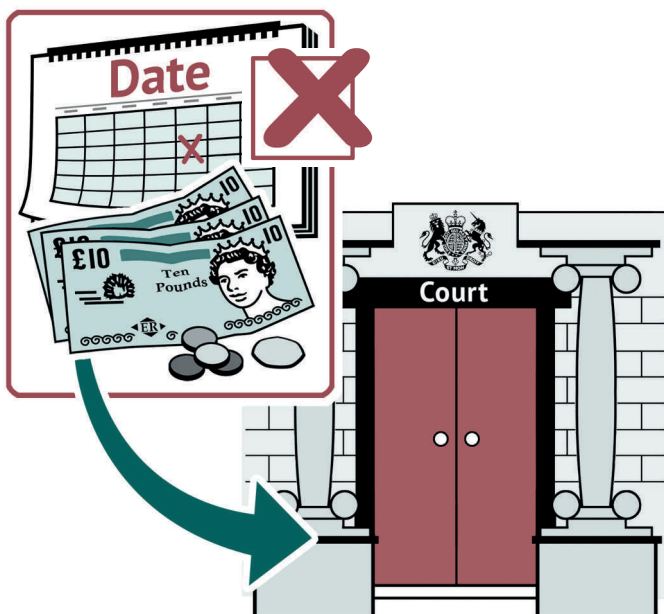
## How do I take legal action?



First you should send a letter to the prison. This is called a pre-action letter.

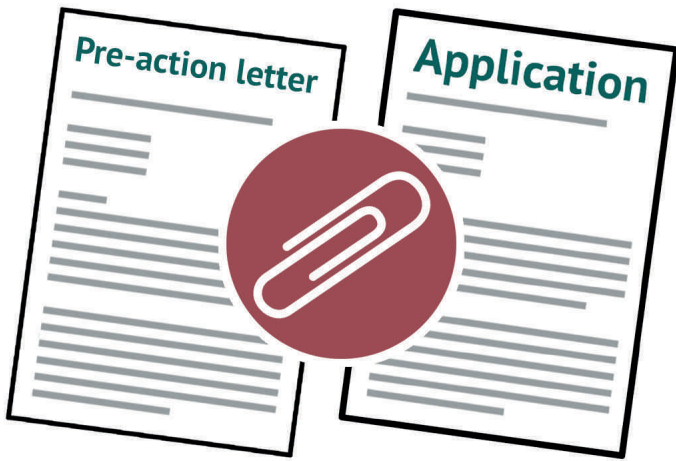


The letter should have all the details of what has been lost or damaged and how much you would like.

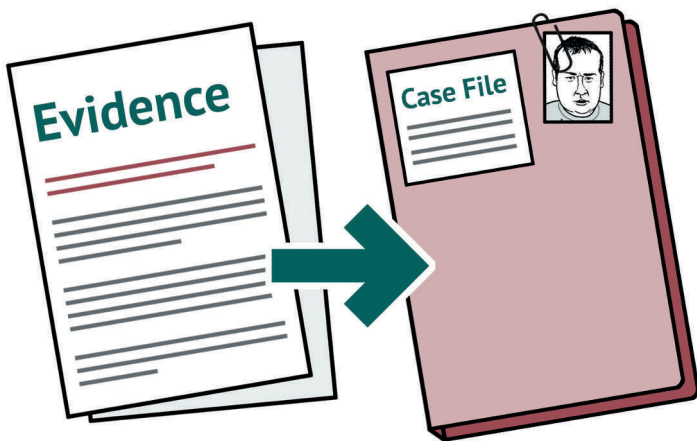


The letter should say when you want the money paid back by and if not that you will be taking legal action.

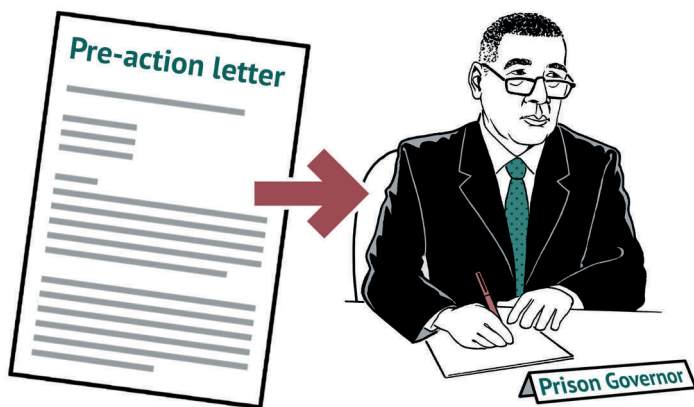




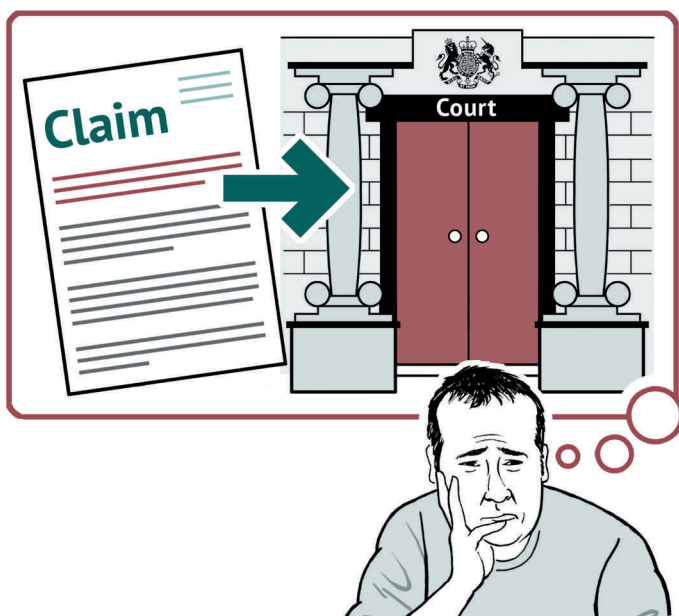
You should also attach a copy of the application you sent to the Governor.



You should keep a copy of all the evidence and paperwork in your case.



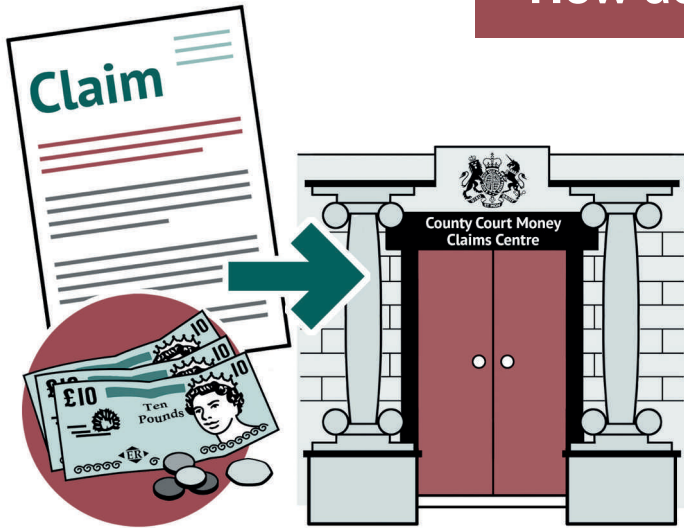
You should send a copy of the letter to the Director or Governor of the prison.



If you do not get a good response then you should file a claim in the County Court.



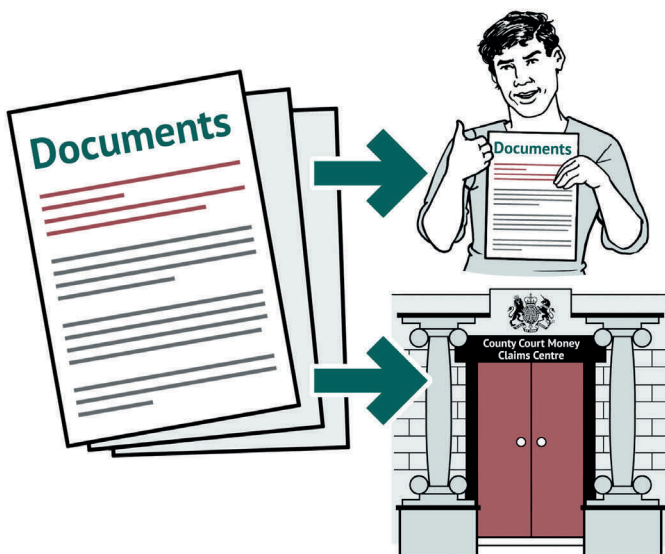
## How do you issue a claim?



If the claim is for money then you will have to send a Claim Form to the County Court Money Claims Centre.



The telephone number is:  
**0300 123 1372**



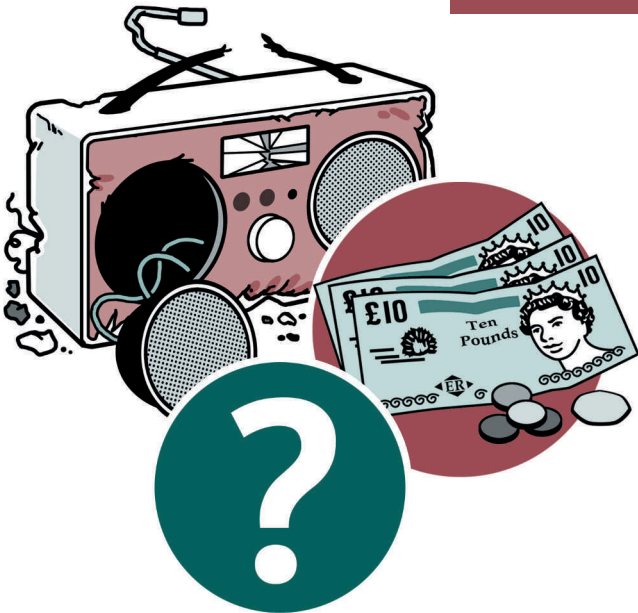
You must keep a copy of all the documents you send to court.

## How do I complete the claim form?



Please see 'Notes for completing a claim form', which you will find with this pack.

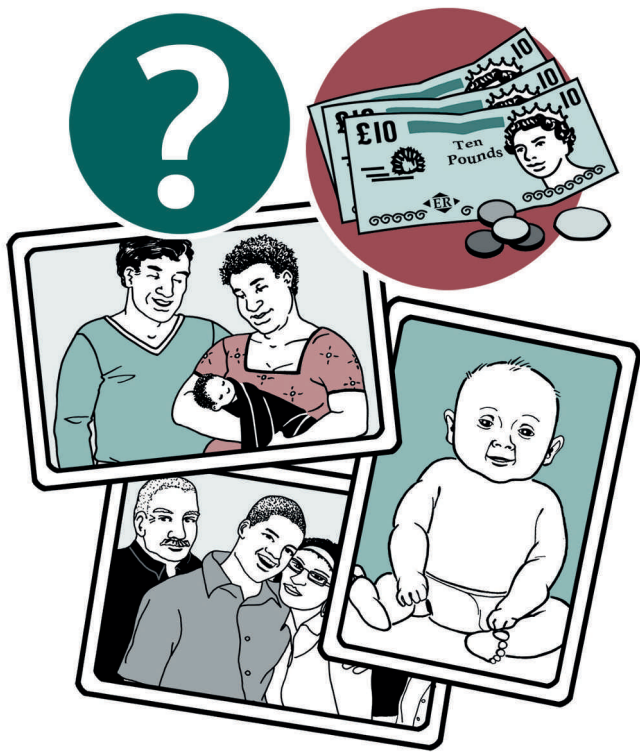
## How do I know the value of the claim?



The value of the claim is based on how much the item cost when it was lost or damaged.



You may not be able to say exactly how much the item cost.



This may be if it is an item like family photographs.



But you may be able to say that you cannot claim more than a certain amount, £5,000.00 for example.



This type of claim is known as an 'unspecified amount of money'.

## Can I claim interest on the money owed to me?



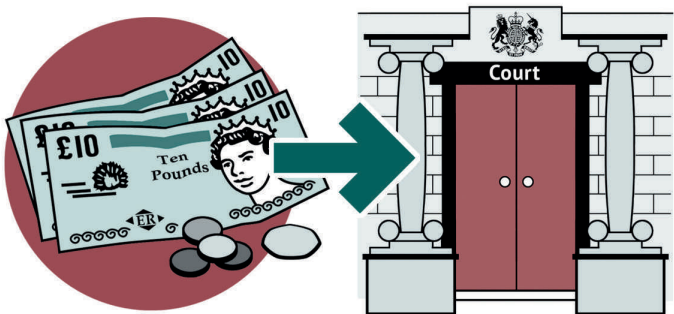
Yes. You can claim interest on the money owed to you.

You must add a sentence to your claim form:



***“The Claimant claims interest under section 69 of the County Courts Act 1984, to be assessed at a rate and for such a period as the court sees fit.”***

## Do I have to pay the court fees to bring a claim?



As you are in prison you may not need to pay the court fees, this is called a fee remission.



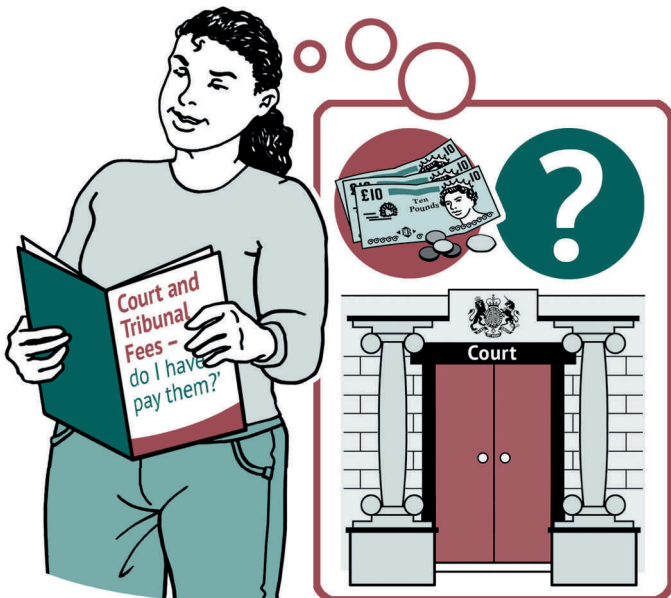
But you have to take the same test as everyone else to decide whether you have to pay the court fees.



## How do I obtain a fee remission?



You will need to fill out an application for a fee remission and send it to the court office.

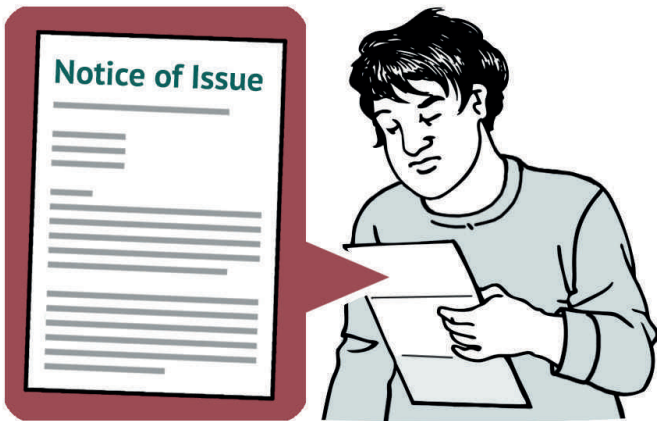


You can get more information from the booklet 'Court and Tribunal Fees – do I have to pay them?'

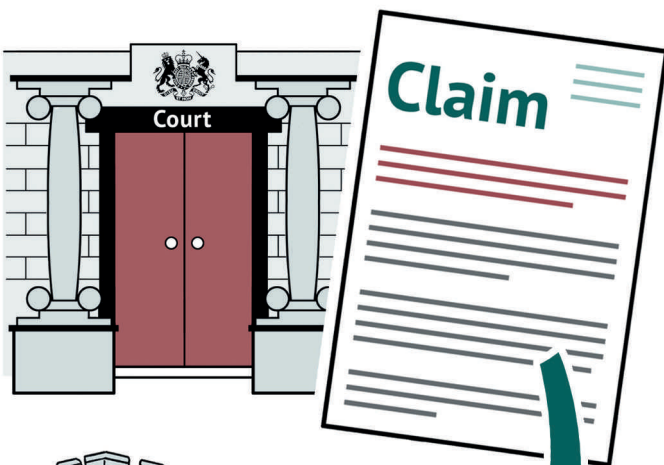


You must send all of your evidence with the application form.

## What happens after I have sent my claim to the court?



When the court gets your claim they will send you what is called a 'Notice of Issue'.



They will also send a copy of your claim to the defendant.

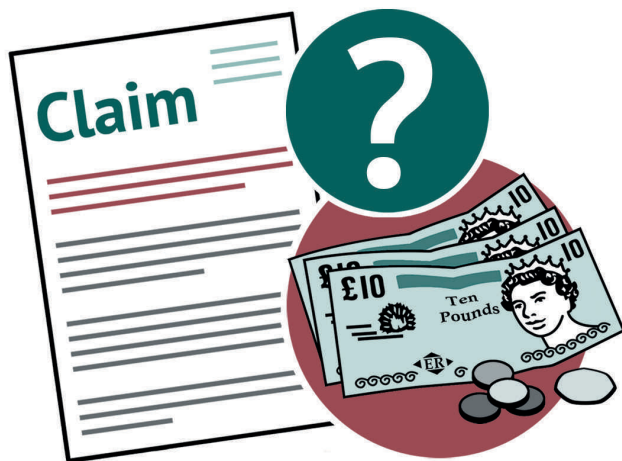


The defendant is usually the prison that has lost or damaged your property.

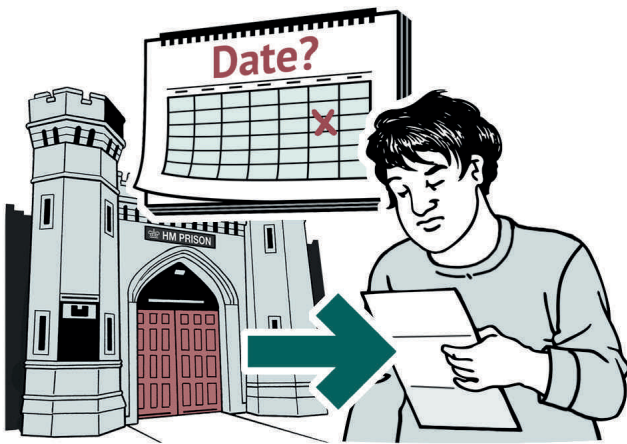


The defendant must then let you know what they want to do.

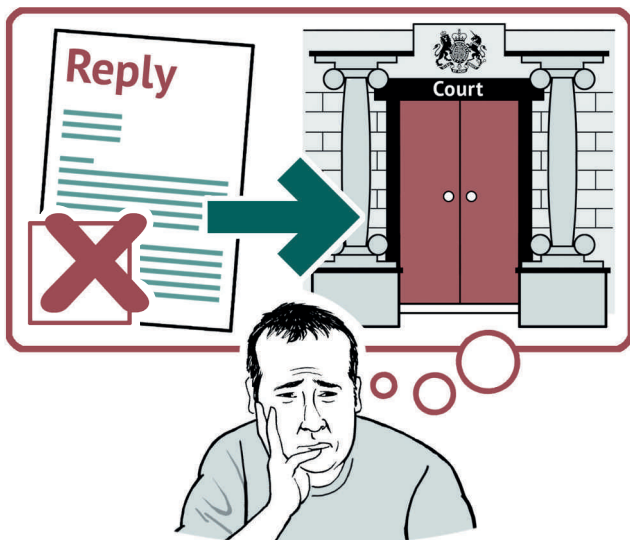
# What happens if the defendant does not respond to my claim?



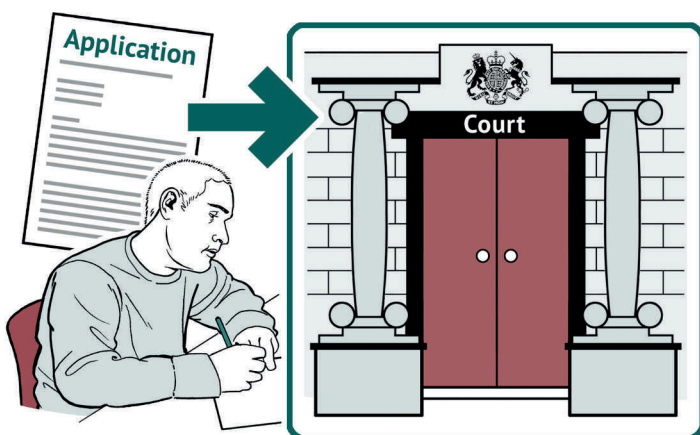
What happens depends on whether you claimed for an amount of money or an 'unspecified amount of money'.



The defendant should reply to you by a date noted on your Notice of Issue.

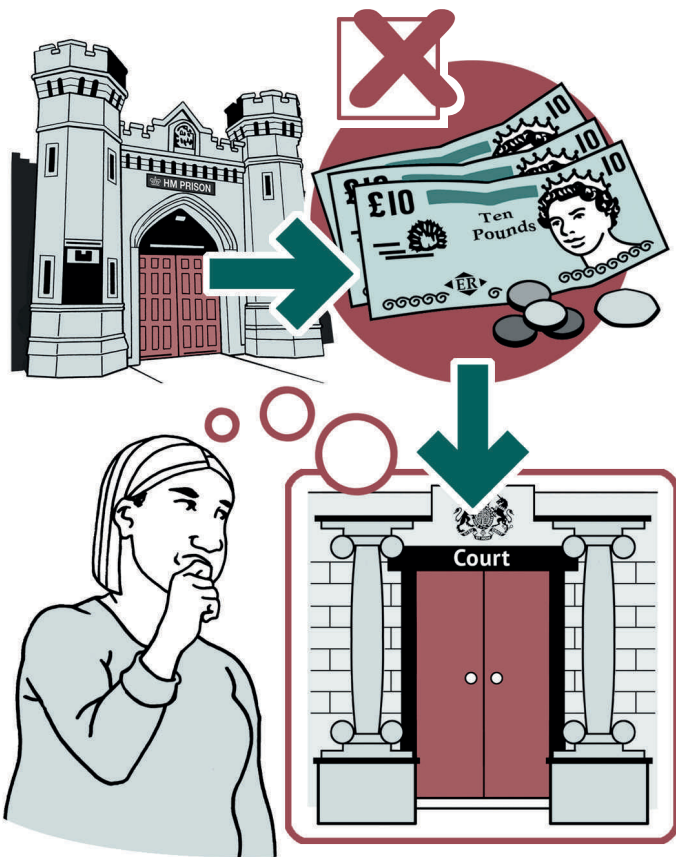


If they do not reply then you can ask the court to make them pay the amount they owe you.

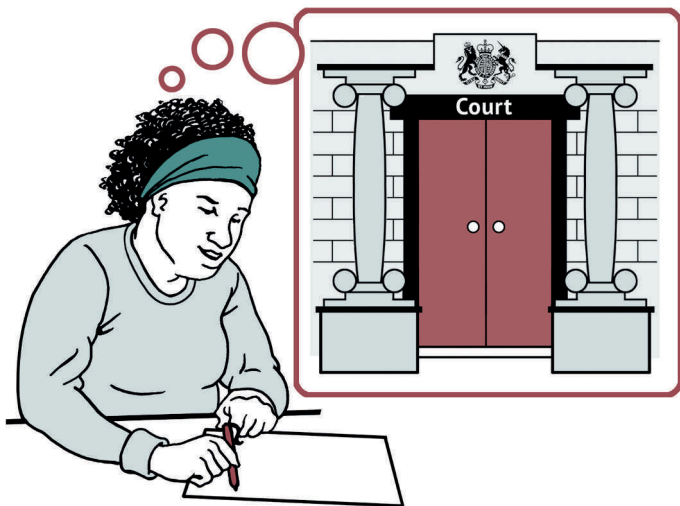


You must fill in an application form to do this.

## What happens if the defendant still does not pay?



If the defendant still does not pay you can ask the court to force the defendant to pay. This is called 'enforcing the judgement'.



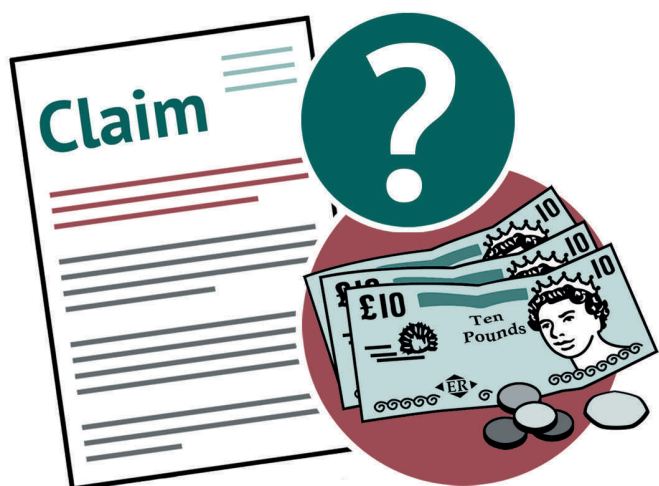
You will have to ask the court to do this.



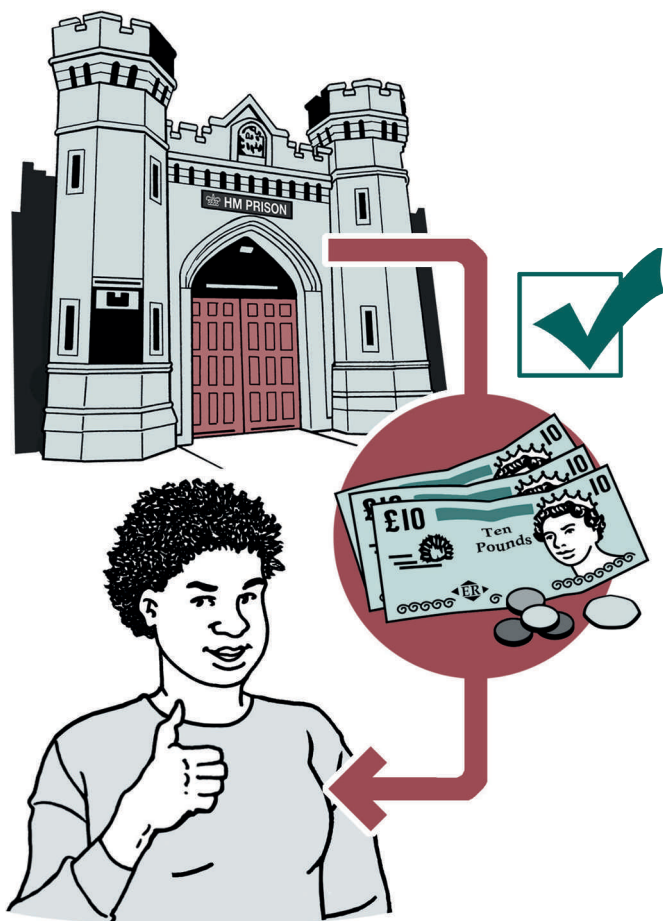
You may have to pay another fee. This fee will be added to the amount the defendant has to pay.



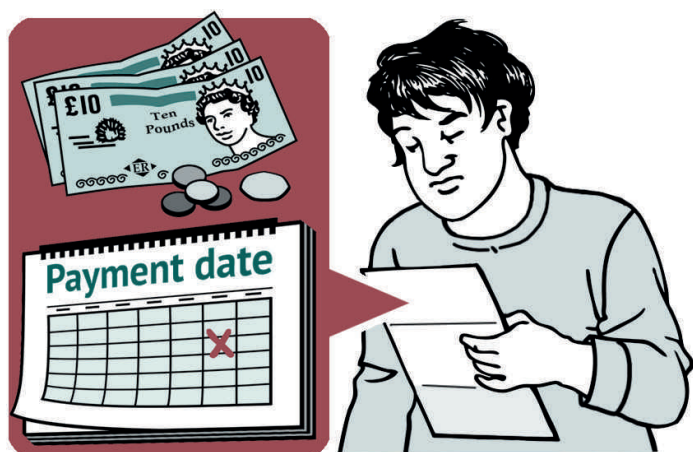
## What happens if the defendant admits my claim?



This will depend on whether you have claimed for an amount of money or an 'unspecified amount'.

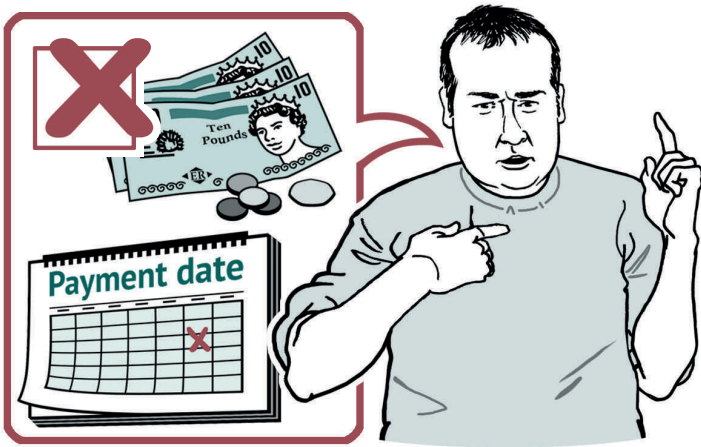


In both cases the defendant agrees to pay you the money they owe you.

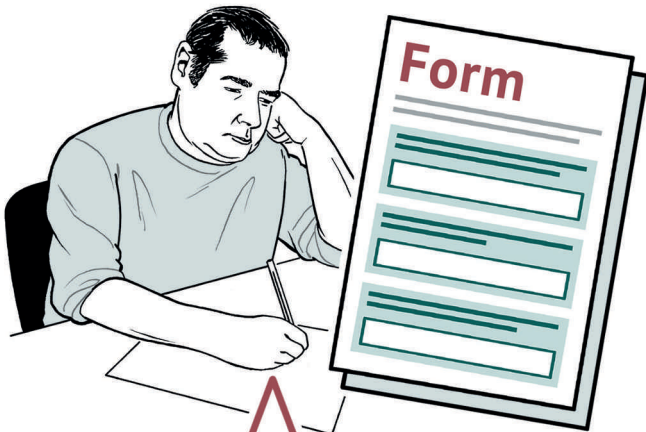


They may ask for extra-time to pay the money.

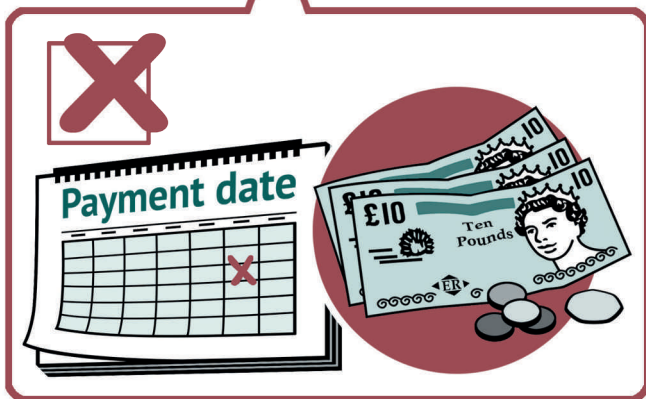
## Can I refuse the defendant's request to have extra time to pay?



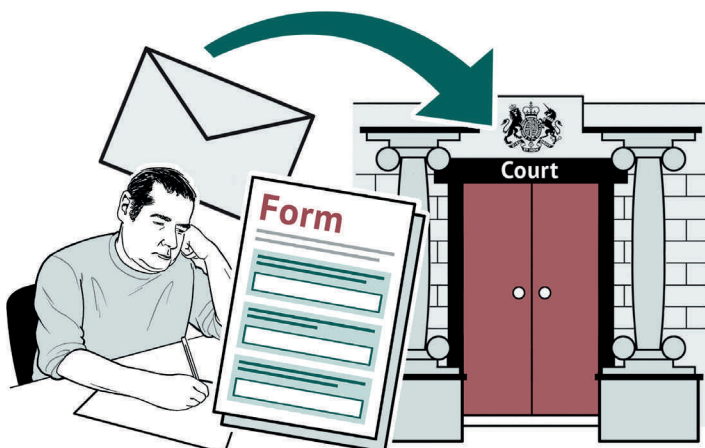
Yes. Although you are more likely to get the money if you give the defendant extra time to pay.

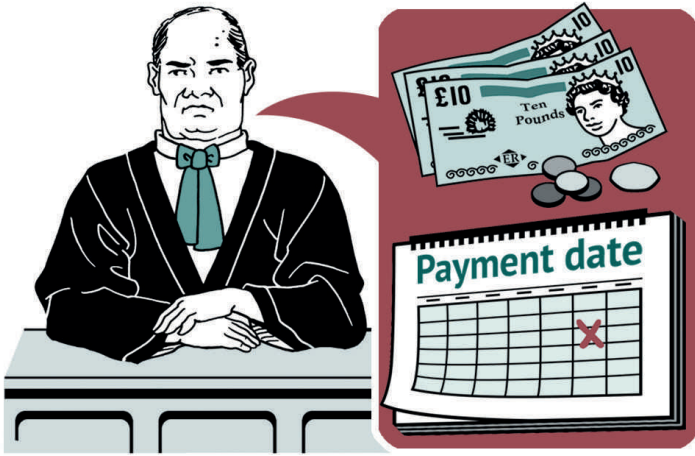


If you say no you must fill out a form and say why you do not want to give the defendant extra time.

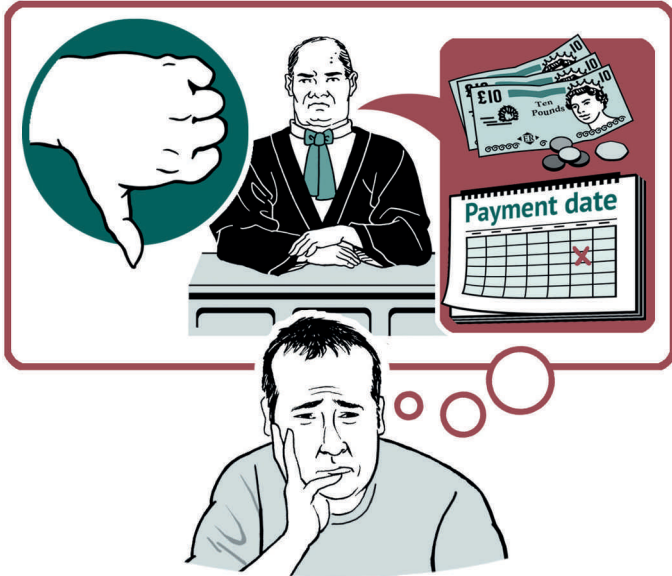


You should then send the form to the court.

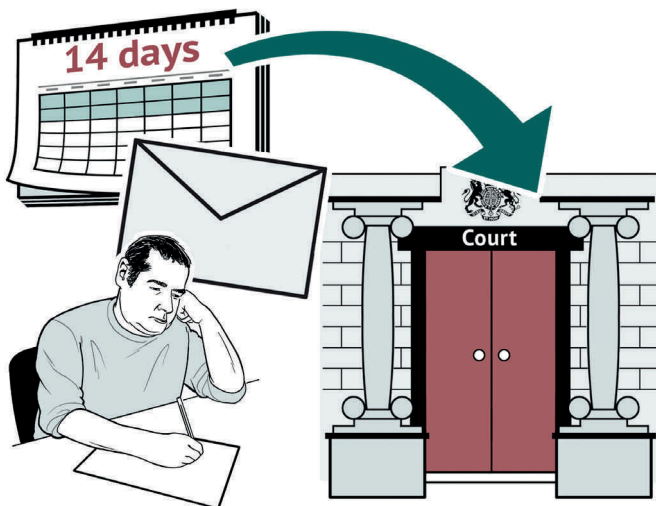




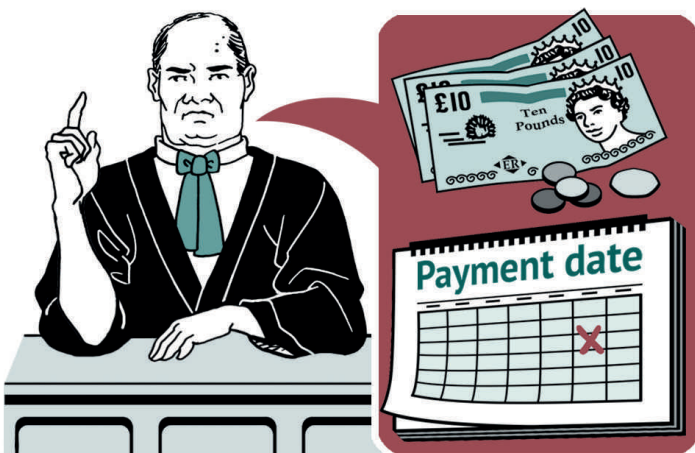
The court will decide when and how much the defendant should pay.



You or the defendant can say no to the new decision.



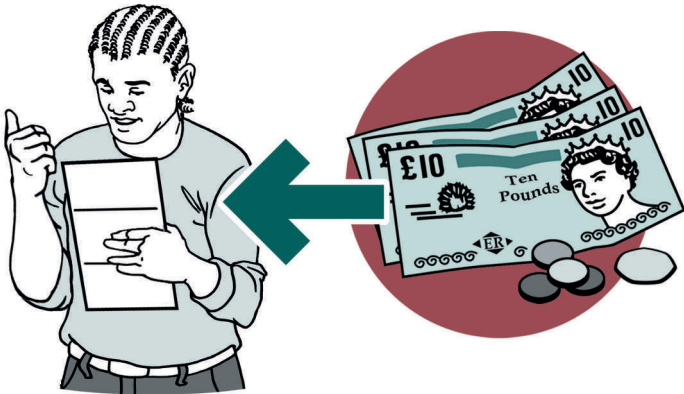
You or the defendant must write to the court within 14 days.



The judge will then make a decision.

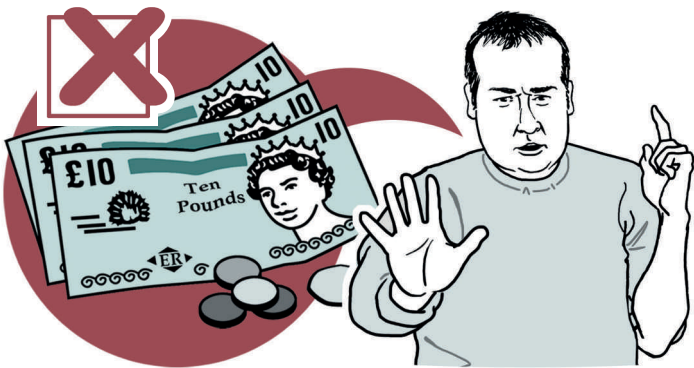


## What if I accept the defendant's offer?



If you accept the defendant's offer and agree on the sum of money, the court will ask the defendant to pay you the amount.

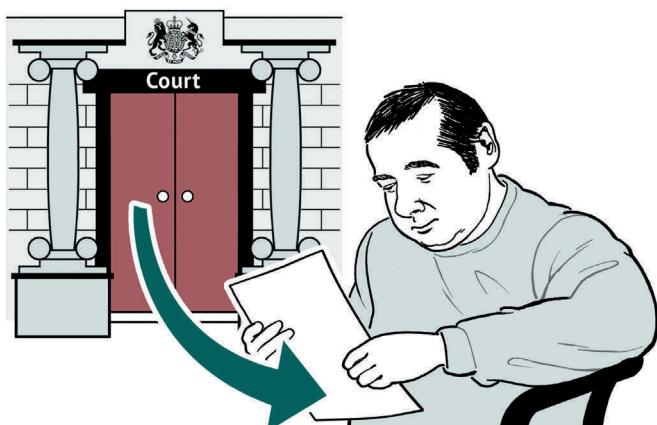
## What if I do not accept the defendant's offer?



You may not agree on the amount of money offered by the defendant.



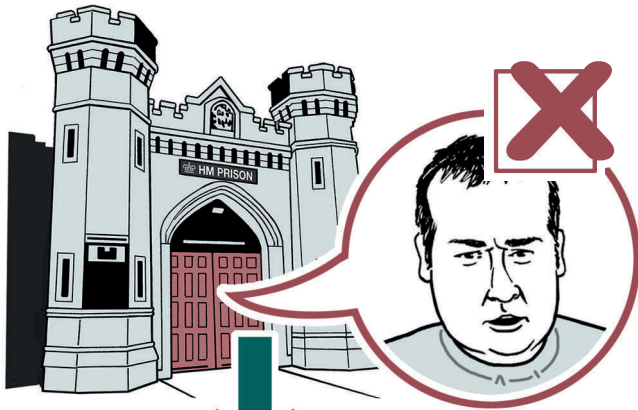
If so you must fill the bottom half of the 'Notice of Admission' and send it to the court.



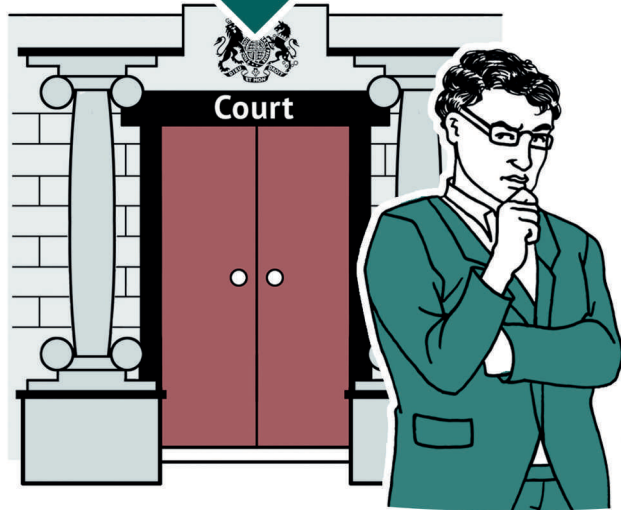
The court will let both of you know what to do next. This may be a hearing.



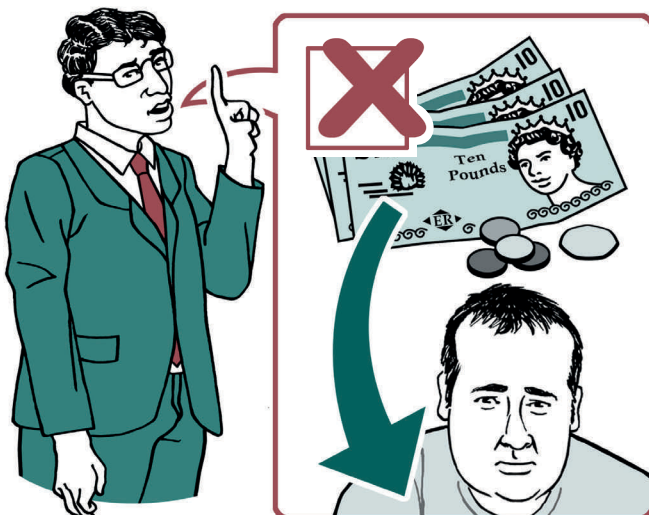
## What happens if the defendant disagrees with the claim?



If the defendant disagrees with your claim they will send their defence to the court.

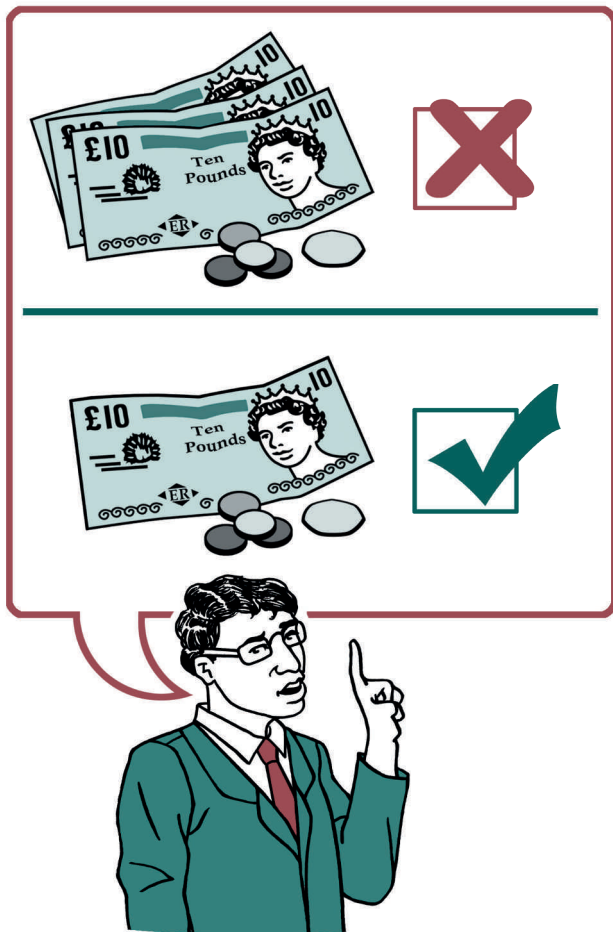


The defendant has 14 days to do this.

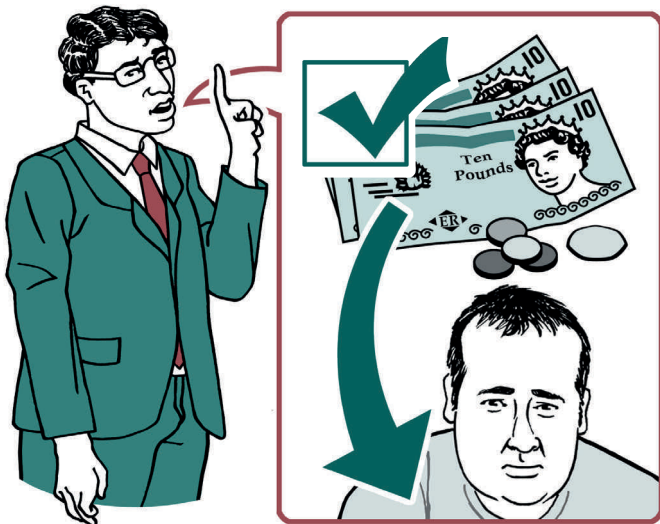


The defendant can defend the claim in 3 ways:

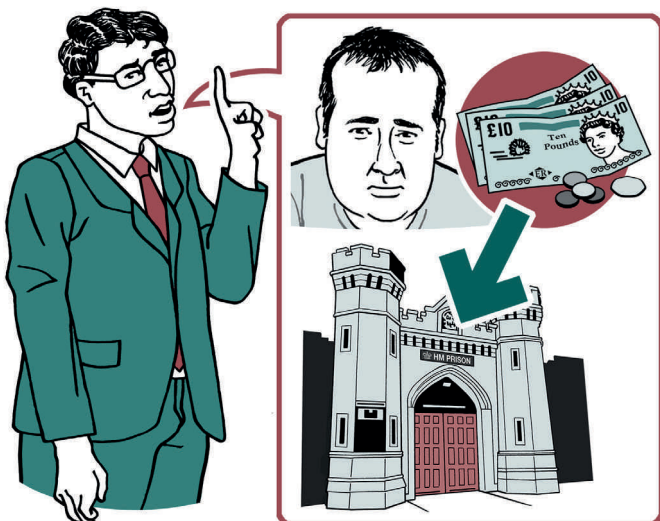
- They can say that they do not owe you any money



- They can say they owe you some of the money

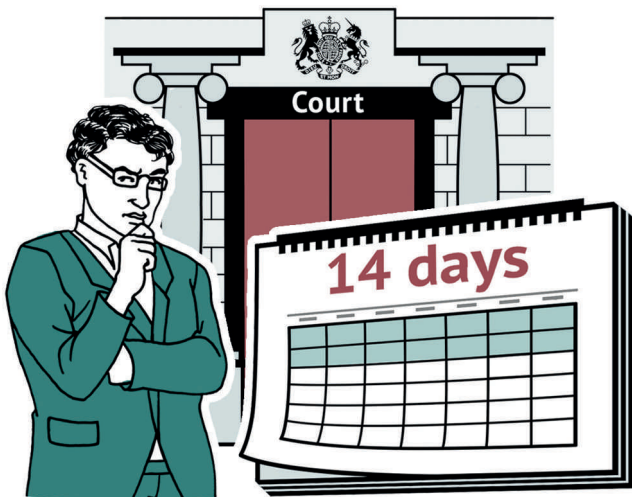


- They can say that they have already paid you



They can also make a 'counterclaim' which means that they will say that you owe them the money.

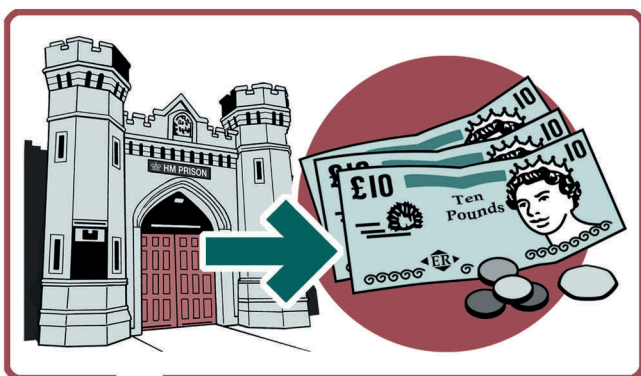
## What if the defendant does not file a defence in time?



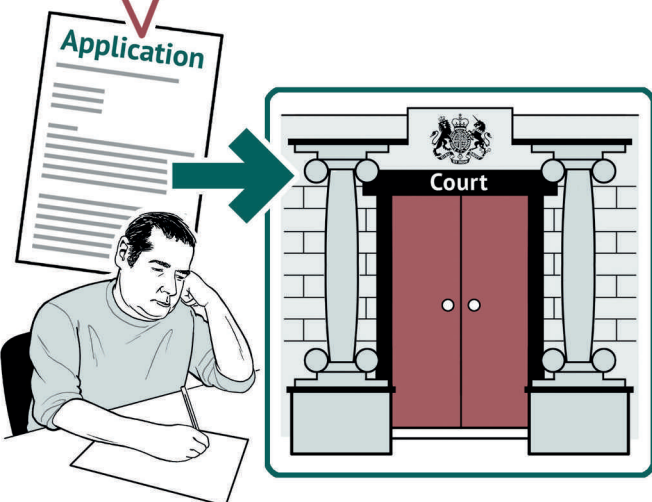
The defendant must send their defence to the court in 14 days.



What happens depends on whether you claimed for an amount of money or an 'unspecified amount of money'.



You can ask the court to make them pay the amount they owe you. You must fill in an application form to do this.





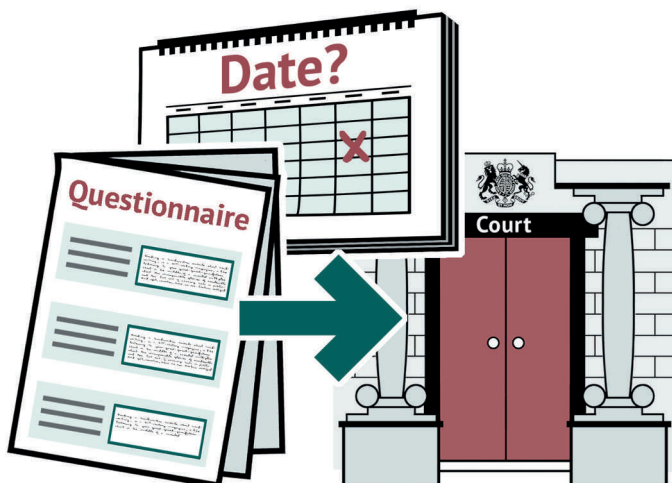
## What happens if all of the claim is defended?



The court will send you a questionnaire to fill out. This is called The Directions Questionnaire. This will help the court decide what to do.



You should contact the defendant to talk about the information you are going to put on the questionnaire.



You must return the questionnaire to the court by the date it tells you to.



## Do I have to discuss the Directions Questionnaire form with the other side?



The judge will expect you and the defendant to talk to each other.



The court will expect you to talk about and agree on things like arrangements for giving each other evidence.

## What is the Small Claims Mediation Service?



This service is provided by the Court and is free.



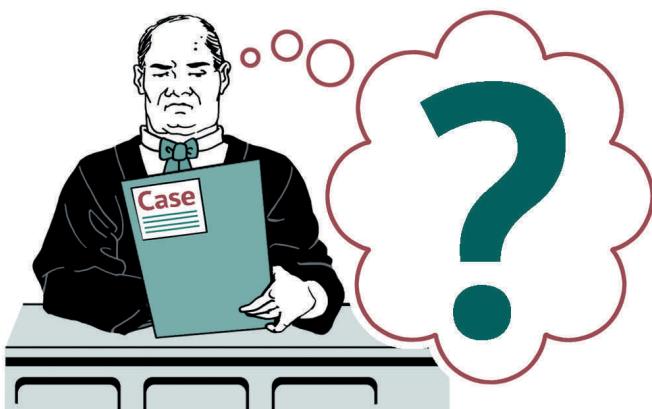
You can use the service to help you settle the matter with the defendant.



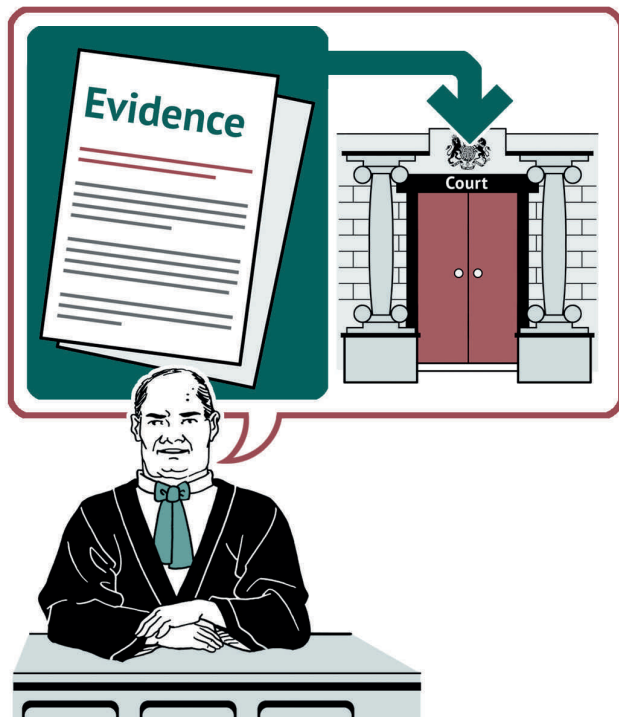
Mediation is a way of sorting a matter out without going to court.



## What happens when the court receives The Directions Questionnaire?



The judge will look at the case and decide what happens next.

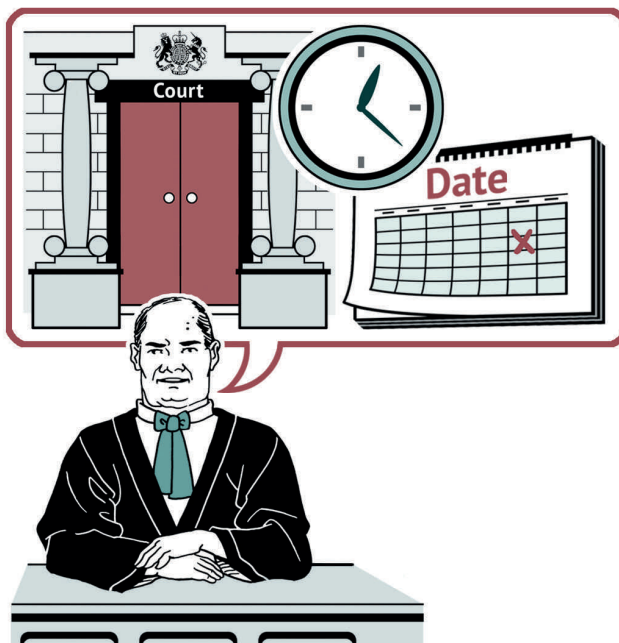


This may include:

- Asking more evidence to be sent to the court

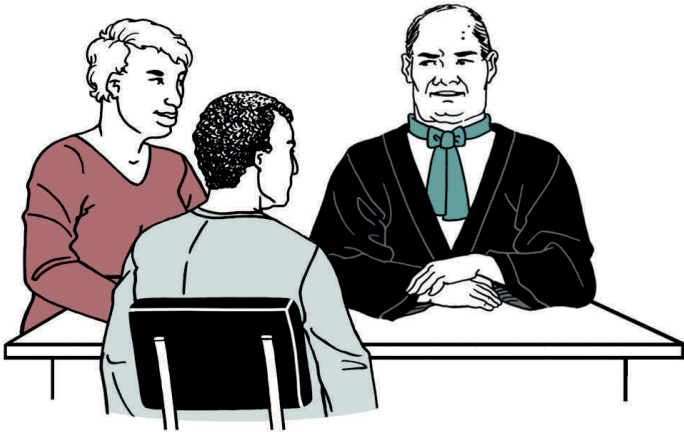


- Giving information about mediation so the matter can be settled out of court

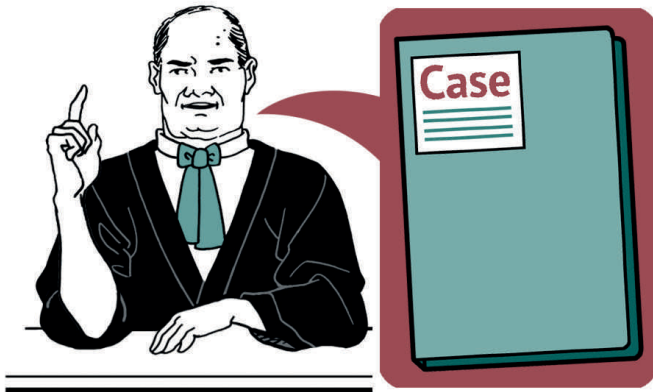


- Giving information on the time and place of the hearing and how long it will last

## I have been told that a preliminary hearing will happen – what does this mean?

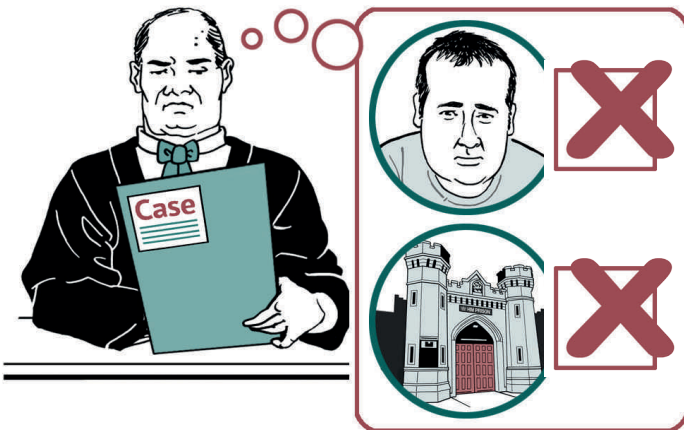


Sometimes a judge will hold a smaller hearing before the main hearing date.

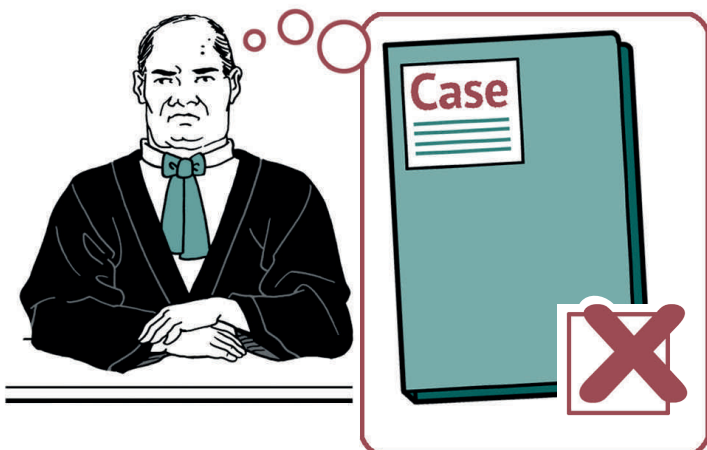


This is because:

- The case is unusual and the judge wants to explain things to each side



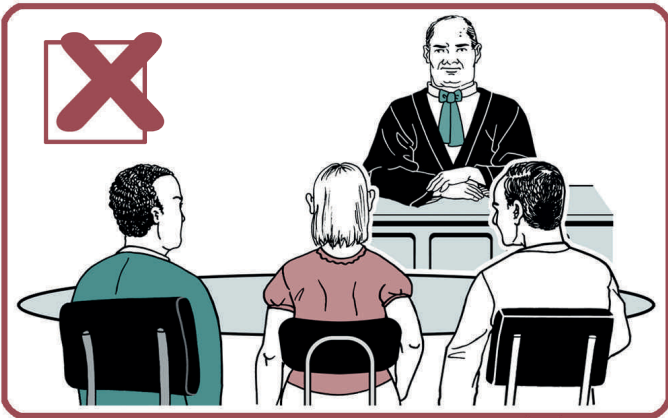
- The judge thinks no-one will win and wants to close the case quickly



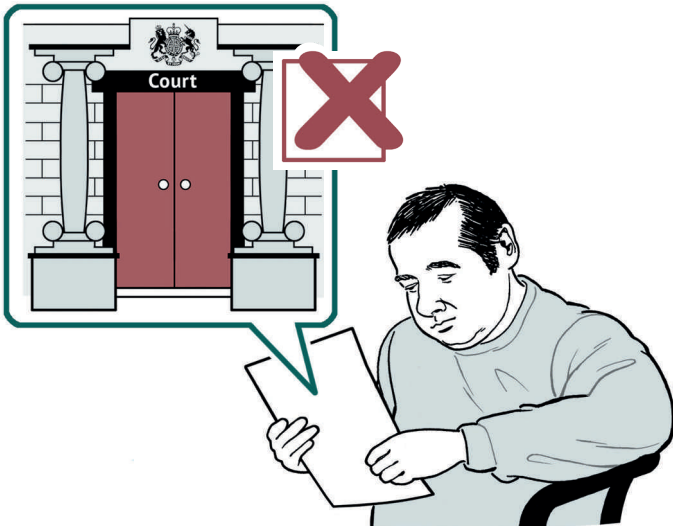
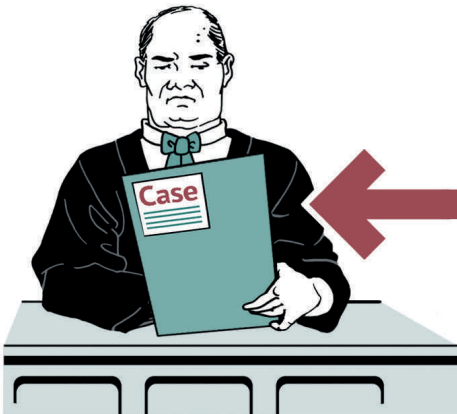
- The judge doesn't think there is a case and wants to close it



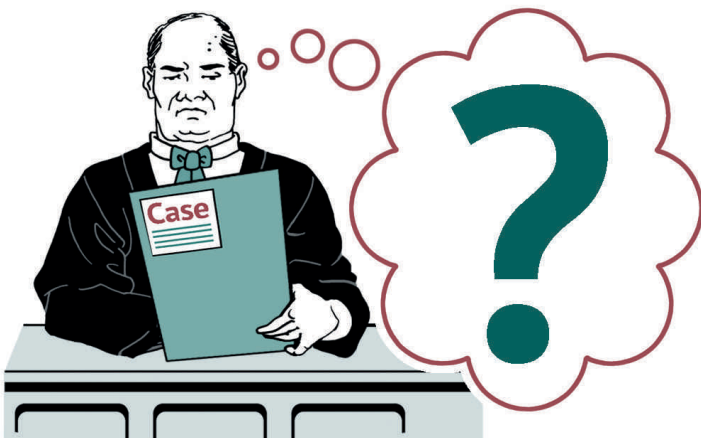
## Will there always be a hearing?



No. The judge may deal with the case without a hearing.

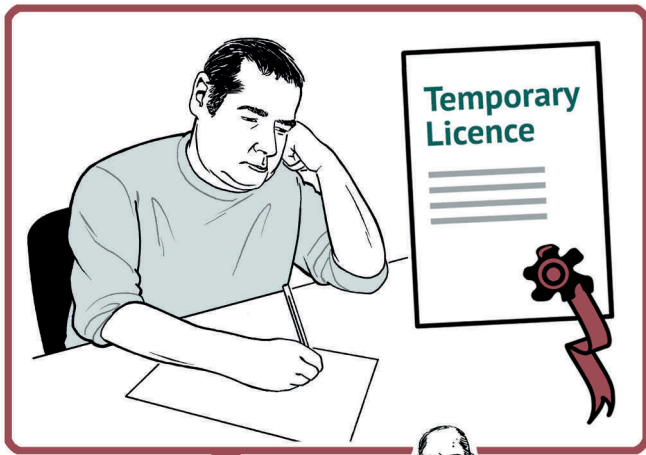


You will be sent information telling you there is no hearing.

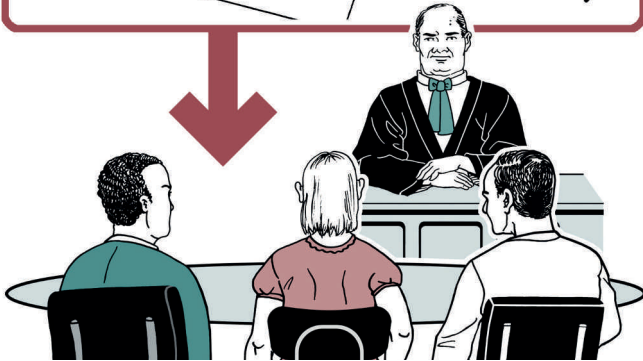


The judge will make a decision by looking at the written evidence.

## If there is a hearing, can I attend?



Yes. You can apply for a Release on Temporary License (ROTL) to attend the hearing.

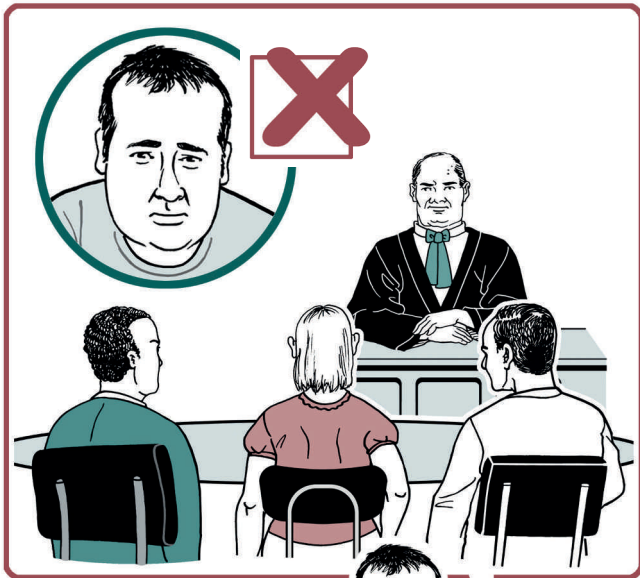


Otherwise, you need permission from the prison.

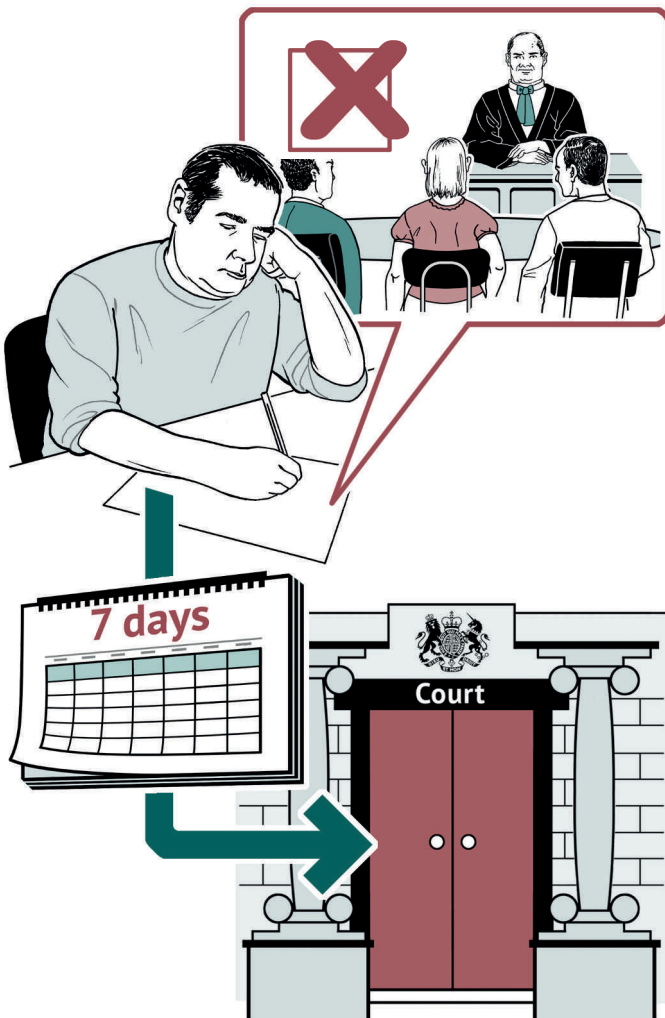


You can take part in the hearing using video link or three way telephone connection.

## Can a hearing go ahead without my attendance?



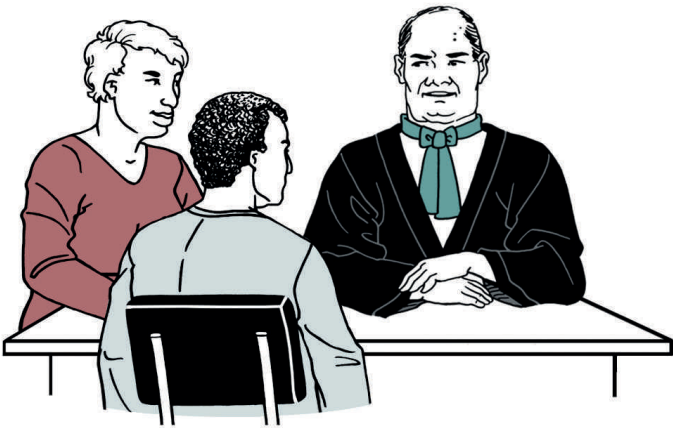
Yes. If you do not want to attend the hearing you can ask the court to deal with the claim without you there.



You must write a letter to the court telling them why you do not want to attend.

The letter must arrive at the court 7 days before the hearing.

## What should I do in preparation for the hearing?

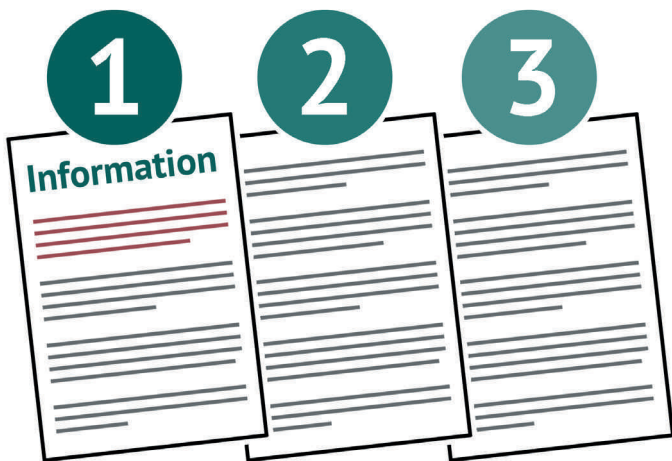


You should follow all of the instructions the judge has given before the hearing e.g. send copies of documents to the defendant.



Before the hearing you should:

- Read through all your paperwork



- Make sure your documents are in the right order



- Make a note of things you want to say



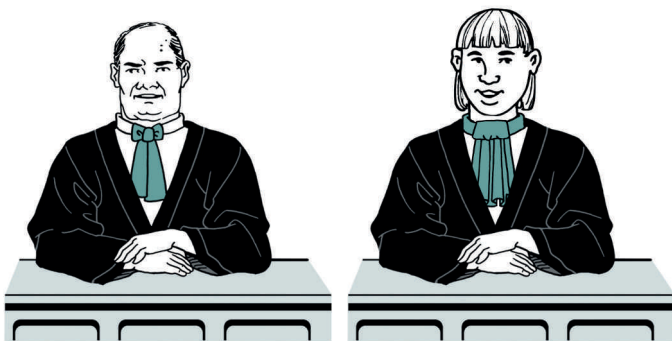


- Make of a note of your answers to issues that have been raised by the defendant

## What will happen at the hearing?



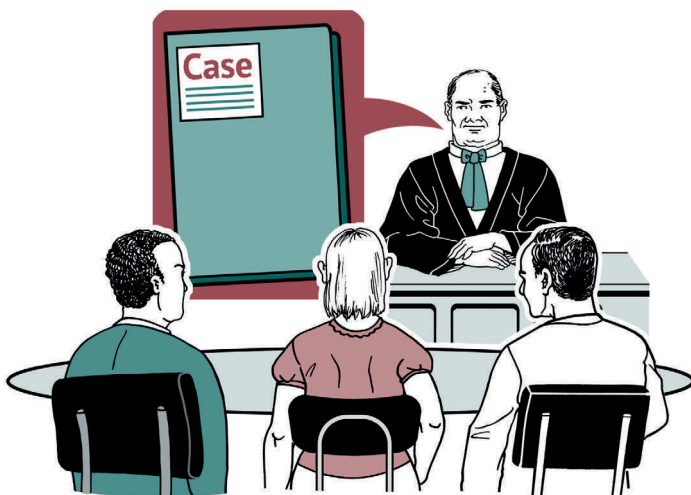
The judge will speak first to check who everyone is.



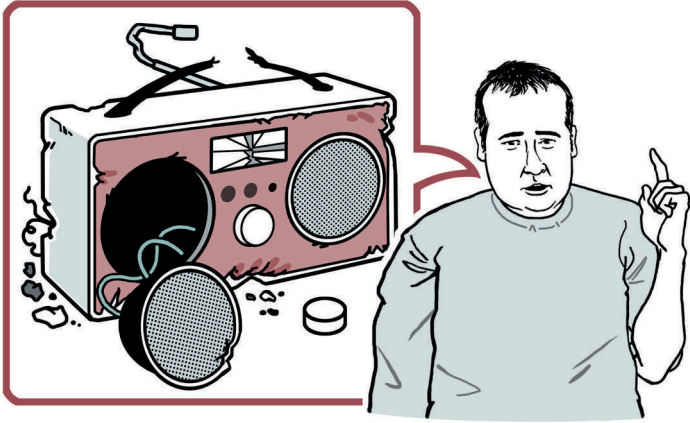
**Sir**

**Madam**

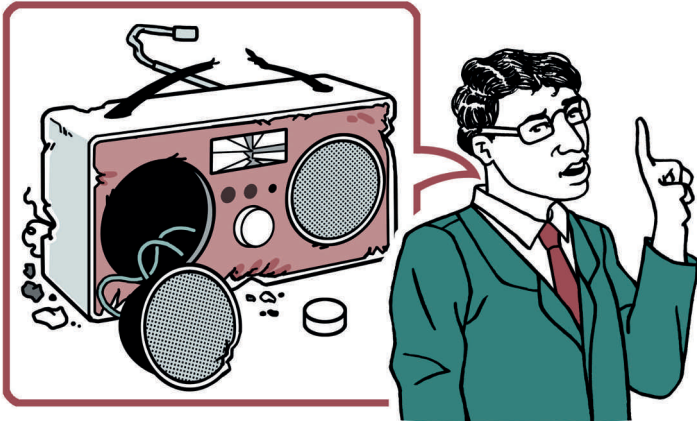
You should call the judge Sir or Madam.



The judge will ask everyone to be seated and then explain the case.



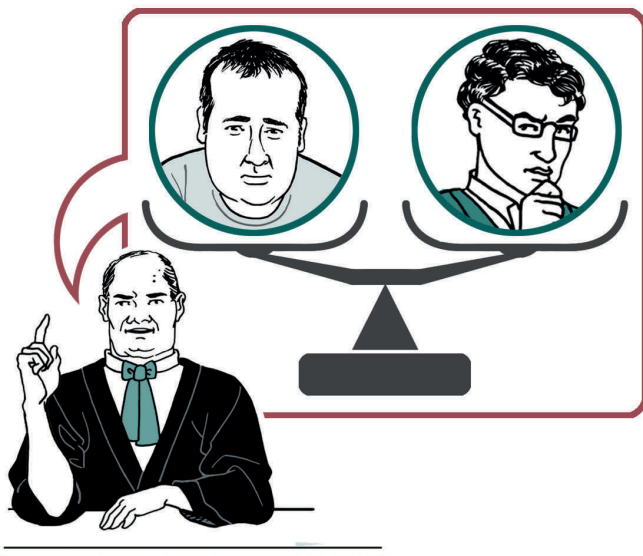
You will be asked to speak first and give your reasons or evidence.



The defendant will then speak and give their evidence.



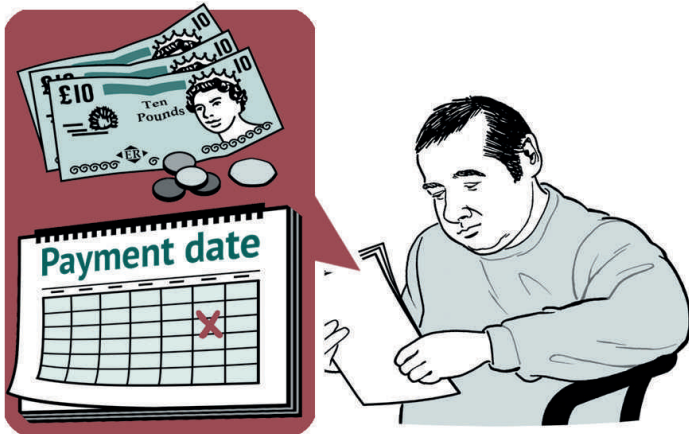
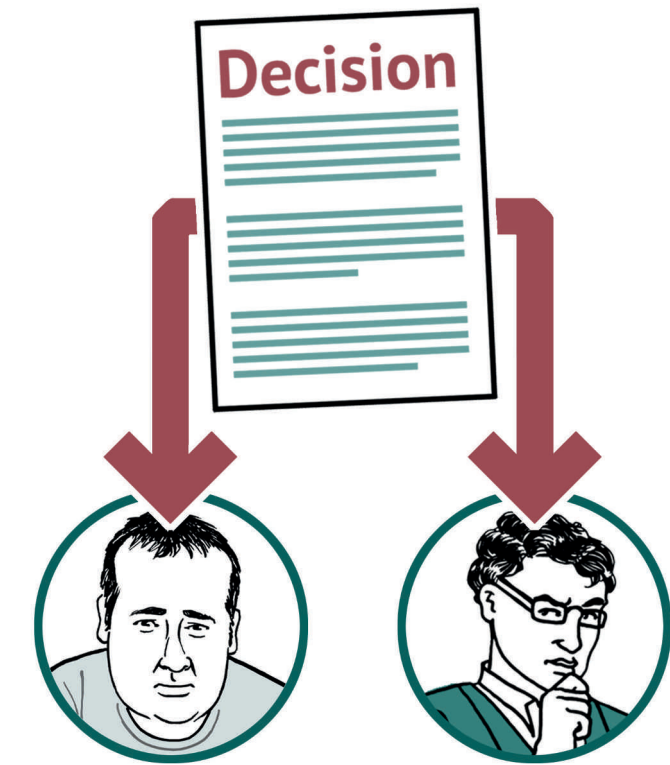
You can then ask each other questions.



The judge will make a decision and give reasons.

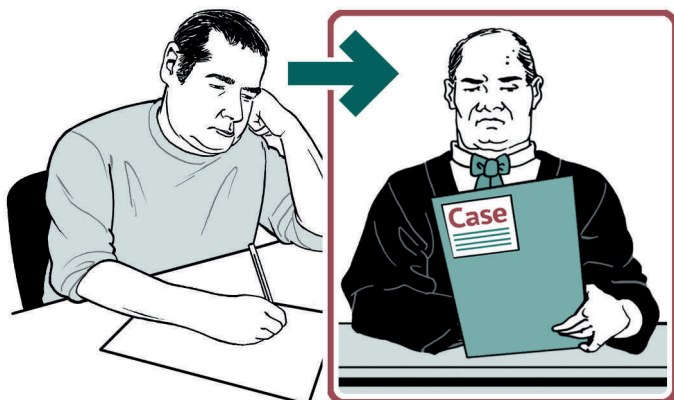
## What happens after the hearing?

You will both be sent a copy of the decision.

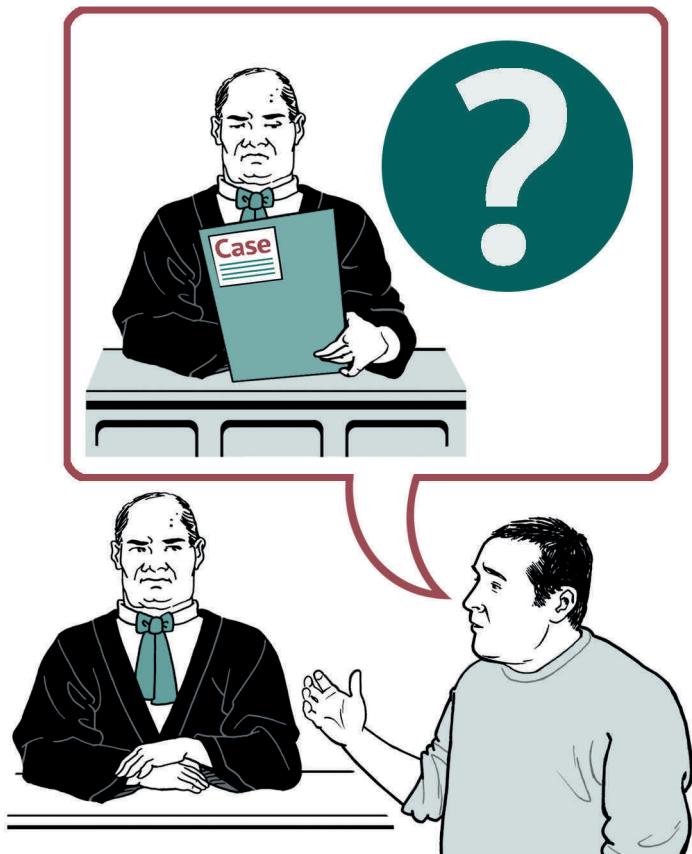


If you win the case then you will be told when you will receive the money.

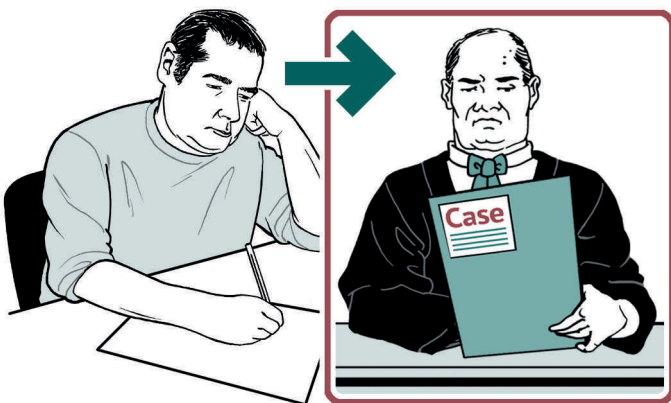
## If I am not happy with the decision – can I appeal?



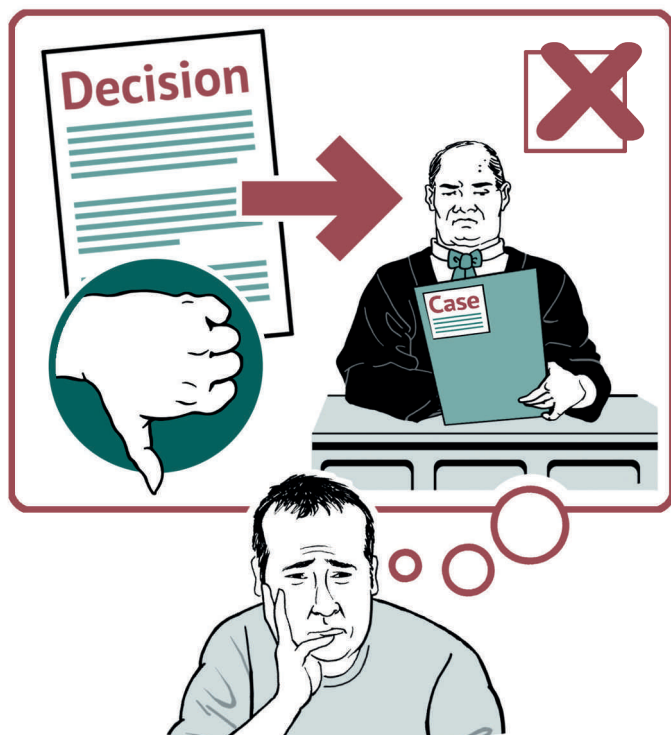
If your claim is not successful you can appeal which means you can ask the court to look at the decisions again.



You need to ask for permission to do this. You can ask the judge at the end of the hearing.



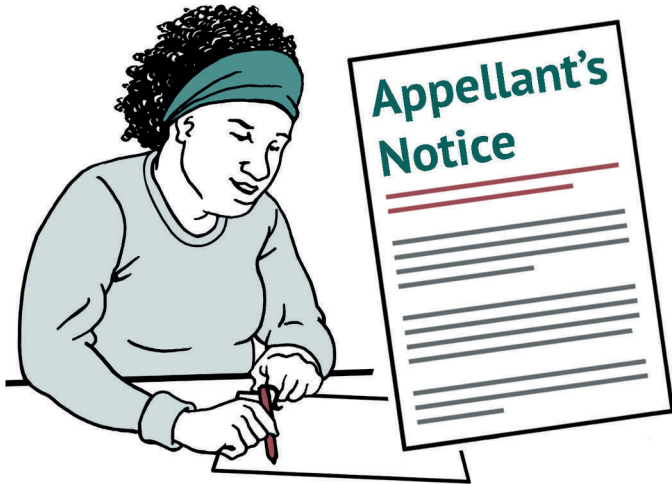
Or you can ask in writing.



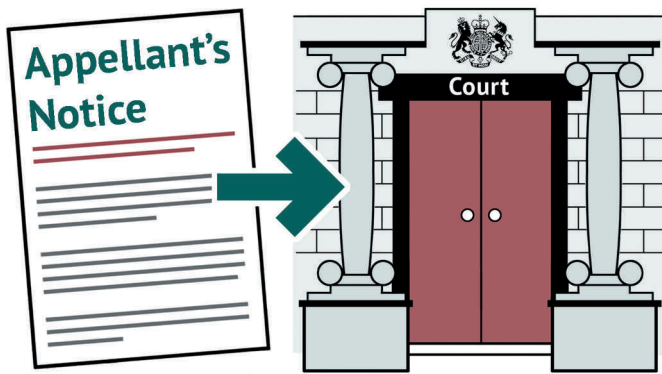
You must have a good reason to appeal. You cannot appeal just because you think the decision is wrong.



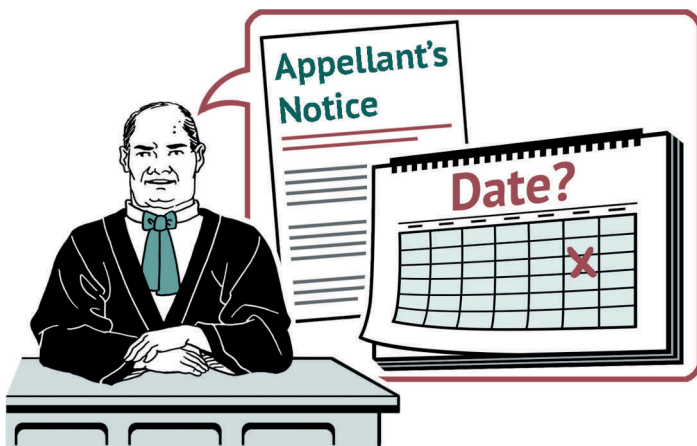
## What is an Appellant's notice, and how do I file it?



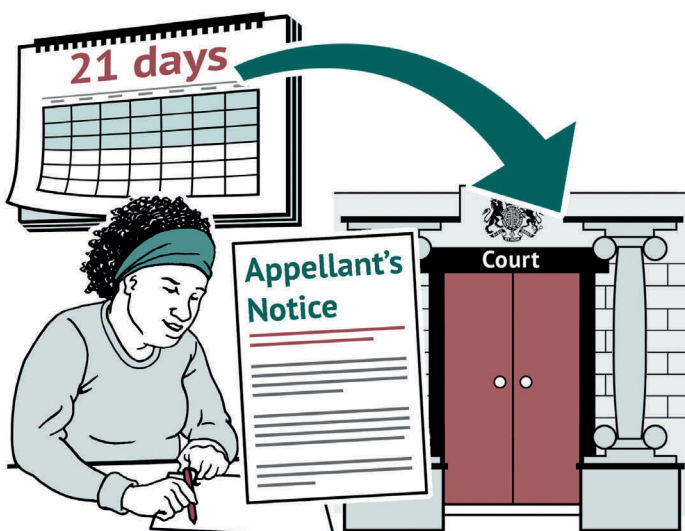
If you have permission from the judge to appeal you must fill in the Appellant's notice.



The Appellant's notice is a form which you send to the court. This is known as 'filing an appeal'.



You must fill out the form and send it to the court within the time that the Judge has told you at the hearing.

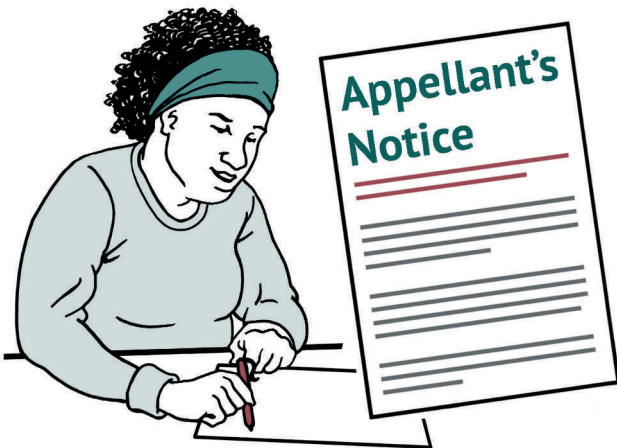


If the judge does not tell you a time limit it is within 21 days.

## What if 21 days has passed – can I still appeal?

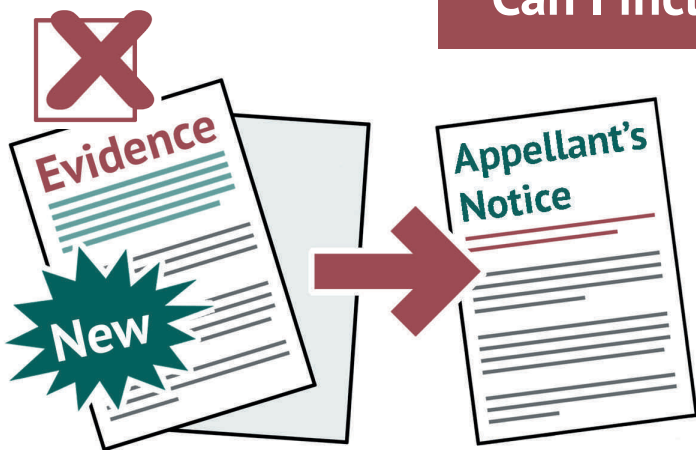


You can appeal after 21 days but you must have a good reason to do so.



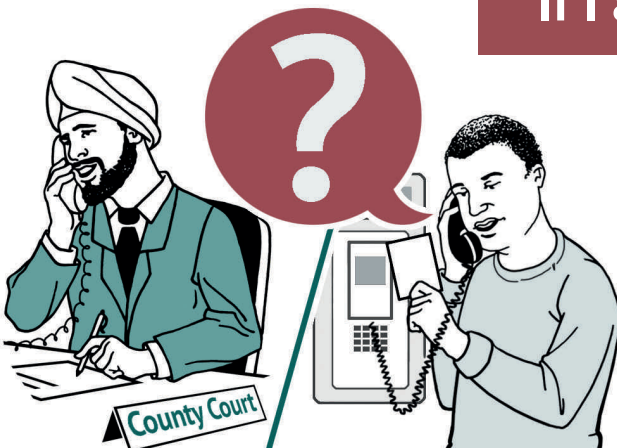
If you want to appeal after the 21 days you must fill out the Appellant's Notice.

## Can I include new evidence in my appeal?



You cannot use new evidence in your application unless you have the appeal court's permission.

## If I appeal, which court do I appeal to?



You can find out from the County Court who you should contact to appeal.

## **PRISONERS' ADVICE SERVICE**

THE INDEPENDENT LEGAL CHARITY PROVIDING INFORMATION AND REPRESENTATION TO PRISONERS



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