

Reasons to start a claim in a civil court

The claimant, i.e. the person who brings civil action in a court of law, might start a claim for a lot of reasons, for example: someone refuses to pay him/her money that they owe to him/her; someone does a job for him/her, but they do it badly (we call this bad workmanship); something that he/she paid for is not supplied to him/her; something that you bought is not working properly. 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.

1. The claimant is the person accused of doing some wrong. T ☐ F ☒
2. Bad workmanship means that a job was not done properly. T ☒ F ☐
3. The claim form is a document to request an amount of money from someone, when you think they owe it to you. T ☒ F ☐

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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. The person who starts the claim is called the claimant in the UK, the other party, accused of doing some wrong, is called the defendant. The claimant has to pay a sum of money for the court to start the claim.

1. Starting a claim means the same as starting proceedings. T ☒ F ☐
2. You can 'prosecute' someone in the civil court. T ☐ F ☒
3. The defendant is the lawyer who defends the accused person in a claim. T ☒ F ☒

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Civil claims

A claim is a legal action to obtain the application of rights protected by law against another party or to obtain money or property. Civil claims begin when an individual or a company believes that their rights have been violated in some way. So that when a dispute begins for injury or loss, normally a solicitor, who specialises in any sort of claims, helps the offended party to make a claim for compensation. The claim may have to be decided by a court. This process is called suing a claim of filing a claim. Issuing a claim in a court can be very expensive and should be regarded as a last resort.

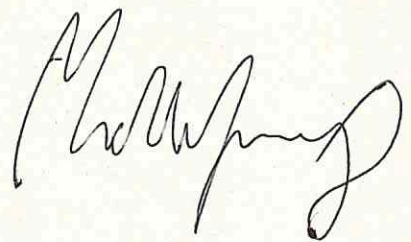
1. A claim is a wrong you have been subject to. T ☐ F ☒
2. The solicitor is the person who assists the offended party in a claim. T ☒ F ☐
3. A claim does not involve any costs. T ☐ F ☒



Reasons for going to court

The claimant (i.e. the person who brings civil action in a court of law) states that something happened that damaged him/her, but the defendant (i.e. the person accused of causing the damages) has the opportunity to say that this is not true. The reasons for going to court are called 'the grounds'. The grounds for an action in tort are that the defendant committed a tort. Sometimes a lawyer makes an agreement with a client: if the client does not win the case then he/she does not have to pay for the lawyer's services. This is called a 'no win no fee' arrangement.

1. The defendant can say that the things he is accused of are not true. T ☒ F ☐
2. The 'grounds' are the reasons for going to court. T ☒ F ☐
3. A 'no win no fee' agreement is a discount on the lawyers' fee for their services. T ☐ F ☒

A handwritten signature in black ink, appearing to be 'P. Williams', is written in the lower right area of the page.

Claim for compensation

When someone hurts you as a result of his or her actions, you need to consult a lawyer who specialises in the right area of tort. The lawyer will try to get you money from the careless person. This money is called 'compensation' or, more correctly, 'damages'. Sometimes the lawyers can't agree on the amount of damages. When this happens, the injured person may decide to sue the person who has hurt him/her. Suing someone is a more informal way of saying starting proceedings against someone in a civil court.

1. 'Damages' is money you can get as a compensation for a wrong you've been subject to. T ☐ F ☐
2. You sue someone when lawyers cannot agree on the amount of 'damages'. T ☐ F ☐
3. Starting proceedings against someone is the same as suing someone. T ☐ F ☐

The law of tort

The law of tort says that everyone has a civil duty to be careful and not to hurt or harm another person. Lawyers call this civil duty 'the duty of care'. Sometimes people breach this duty of care. To breach means to break. Very often they breach the duty of care by accident but sometimes they do it deliberately. If someone hurts or harms another person because of a breach, we call this harmful action a tort. The tort that happens most often is called negligence. Negligence is when someone is not careful enough and this person's carelessness hurts another person as a result.

1. The law of tort says that it is everyone's duty to behave carefully in order not to damage other people. T ☒ F ☐
2. If you cause an accident because of your carelessness you cannot be considered responsible for it. T ☐ F ☒
3. The most common type of tort is called negligence. T ☒ F ☐

Liam Dargatzis