



## County Court – varying payments on a judgment

Fact sheet no. 51 EW County Court - varying payments on a judgment

May 2019

This fact sheet explains how you can ask a court to reduce the payments on a county court judgment (CCJ).

Use this fact sheet to:

- see if you can apply for a redetermination;
- find out how to make an application to vary an instalment order;
- understand which court form you should use; and
- help you stop a creditor from using enforcement against you.

If you cannot afford the payments on a CCJ, it is important to apply to reduce them as soon as you can. Keeping up to date with the payments a court has told you to make stops creditors from using most kinds of enforcement. For example, a creditor will not be able to ask the court to send bailiffs (also known as enforcement agents) or take money from your wages.

There are different ways of asking the court to reduce the payments on a CCJ. You can apply for a 'redetermination' or a 'variation'. Which application you should make depends on how the decision about how much you should pay was made.

### Budgeting

The court will only reduce payments on a CCJ if you can prove that you cannot afford the payments you have been asked to make.

Use **Your budget** to work out offers of repayment on all your non-priority debts, so you can show the offer you are making is fair.

#### Important:



##### what this fact sheet covers

This fact sheet explains about the rules in the County Court. The rules in other courts are different. **Contact us for advice.**

#### Information:



##### parking penalties

You cannot apply to a court to pay a parking penalty charge issued by a local authority by instalments. **Contact us for advice.**



## Redetermination of the CCJ

You can only apply for a redetermination if **all** of the following apply.

- You cannot afford the payments that you have been asked to make.
- You admitted the claim and made an offer of payment, but the creditor did not accept your offer.
- After the creditor did not accept your offer, the court set the rate of payment, but there was no hearing.

Once you have been served with an order to pay the CCJ, you only have **14 days** to ask for a redetermination. You can usually ask for a redetermination by sending a letter to the court, although you can sometimes be asked to complete form **N244** instead. Check with the court. The case will normally be transferred to your local County Court hearing centre if there is going to be a hearing. **There is no fee to pay.**

If you have run out of time to apply for a redetermination, you may still be able to apply to vary the CCJ. See the later section **Vary using form N244**.

## Applying for a redetermination

- Explain that you cannot afford the payments you have been asked to make, and say what you can afford to pay. Include a copy of your **budget summary**.
- Tell the court you are asking for a redetermination under rule **14.13 of the Civil Procedure Rules**.
- Say if you want a hearing. It is usually best to ask for a hearing because it gives you a chance to speak to the judge. If you do not want a hearing, you will need to include a witness statement with evidence to show why the payment should be changed. **Contact us for advice.**

If the original decision was made by a judge, the redetermination will have to be made at a hearing, unless both you and the creditor say you do not want one.

The court will decide whether the rate of payment should be reduced. The court does not have to agree to change the original order.

As long as you stick to any new payments that are agreed, your creditor will not be able to use bailiffs or ask for money to be taken from your wages. If your creditor has already applied to do either of these things, **contact us for advice.**



My Money Steps is our free, independent and confidential online debt advice service. My Money Steps will help you work out a budget and give you a personalised action plan setting out practical steps to deal with your debts.

[www.mymoneysteps.org](http://www.mymoneysteps.org)



Freephone **0808 808 4000**  
[www.nationaldebtline.org](http://www.nationaldebtline.org)



## Varying a judgment

Varying the payment is at the court's discretion, so it does not have to agree to vary the payment. The court will decide if changing the payment is fair to both you and the creditor. The court will only vary the payments if you cannot afford the payments you have been asked to make

You will have to pay a fee to apply for a variation, unless you qualify for help.

**See our fact sheet:**  
**Help with court fees**



### extra advice:



#### negotiate with the creditor

You could try negotiating directly with your creditor to see if they will accept reduced payments without going back to court. Send them a copy of your **budget summary**. This could save you paying the fee to the court. However, remember that if you don't pay what the court originally told you to pay, the creditor could still choose to take enforcement action.

## Vary using form N245

You can apply for a variation using form **N245** if:

- you did not reply to the claim form;
- you replied admitting the claim, but did not make an offer to pay;
- you replied admitting the claim, and the creditor accepted your offer of payment; or
- you defended the claim but lost.

Complete a **personal budget**. Make sure you include all your income and outgoings from your budget on form **N245**. If you are a couple, it is usually best to include your total household income and outgoings. Make sure you include details of all the payments you make on your debts. This will make it clear to the court that you can only afford to pay the amount you have offered. **Contact us for advice** if you have any problems filling in the form.

- Send or take the **N245** to the court that made the CCJ, unless the case has already been transferred to your local county court hearing centre.
- You will have to pay your fee to the court when you give them the application, unless you qualify for help.
- Keep a copy of the completed form. The court will send the creditor a copy of your application form.

### Extra advice:



#### court forms

You can find most court forms using the court form finder on the **HM Courts and Tribunals Service** website. You can fill in application forms online and print them off to sign and send to court.



My Money Steps is our free, independent and confidential online debt advice service. My Money Steps will help you work out a budget and give you a personalised action plan setting out practical steps to deal with your debts.

[www.mymoneysteps.org](http://www.mymoneysteps.org)



## What happens next

### If your creditor agrees to your application

They will notify the court. The court will then send you details of what has been agreed and when to pay.

### If the creditor does not agree to the offer of payment on your application

The court will work out how much you should pay from the information you have provided on the form. If the court decides you should pay more than you have offered, but you do not think you can afford what they have asked for, you can ask for a reconsideration. You only have **14 days** to ask for this.

Your creditor can also ask for a reconsideration, if they are unhappy with the court's decision.

If the court needs to make a reconsideration, there will be a hearing at your local County Court hearing centre.

## Vary using form N244

You can apply for a variation using form **N244** if you admitted the claim and:

- the rate of payment was set at a hearing;
- the rate of payment was set by redetermination; or
- you could have applied for a redetermination, but have run out of time.

However, you will normally only be allowed to vary the payment if your circumstances have changed since the original decision was made. For example, the court might accept your application if your income has reduced because you have lost your job.

- Give the case reference number. State the name of the creditor and give your name, and the names of anyone else involved if it is a joint claim.
- Say you are the applicant, and give your full name.
- Explain how your circumstances have changed, and say what you can afford to pay. Include a copy of your **budget summary**.
- Tell the court you are asking them to vary the payment under **practice direction 14 6.1 of the Civil Procedure Rules**.
- Say if you want a hearing. It is usually best to ask for a hearing because it gives you a chance to speak to the judge.
- If the judgment was not made at your local county court hearing centre, ask that the case is sent to it.

The court will decide if it is fair to change the payment. They will try to be fair to both you and the creditor.



My Money Steps is our free, independent and confidential online debt advice service. My Money Steps will help you work out a budget and give you a personalised action plan setting out practical steps to deal with your debts.

[www.mymoneysteps.org](http://www.mymoneysteps.org)



Freephone **0808 808 4000**

[www.nationaldebtline.org](http://www.nationaldebtline.org)



## Enforcement

If you miss a payment, or make it after the date set by the court, your creditor may take further action. This is called enforcement.

This could include asking the court to:

- send bailiffs to visit your home;
- tell your employer to deduct money from your wages;
- order your bank or someone who owes you money to pay the creditor; or
- order you to attend court to answer questions.

If your creditor applies for further action, **contact us for advice**. You may still be able to ask the court to suspend the action and make an offer to pay by instalments.

If you own property, your creditor may be able to apply for a charging order even if you have kept up to date with the payments you have been ordered to make.

**See our fact sheet:**  
**County Court – attachment  
of earnings orders**



**See our fact sheet:**  
**County Court – charging  
orders**



**See our fact sheet:**  
**County Court – stopping  
bailiff action**



## Your credit rating

If you have a CCJ, this will normally be recorded on a public register called the Register of Judgments, Orders and Fines. This information is also registered on your credit reference file. The information will stay on your credit reference file and the Register of Judgments, Orders and Fines for **six years** from the date the CCJ was made, unless you pay the CCJ in full within **one calendar month**.

If you pay the CCJ in full after **one calendar month**, you can ask for your entry to be marked as 'satisfied' if you provide proof of payment, but the CCJ will still stay on your credit reference file. This is likely to affect your ability to get credit.

**See our factsheet:**  
**Credit reference agencies  
and credit reports**



My Money Steps is our free, independent and confidential online debt advice service. My Money Steps will help you work out a budget and give you a personalised action plan setting out practical steps to deal with your debts.

[www.mymoneysteps.org](http://www.mymoneysteps.org)



## Defending a claim

If you attempt to defend the court claim but are unsuccessful in doing so the CCJ will not be registered unless:

- the court has ordered instalments to be paid; or
- the creditor takes steps to enforce the debt.

You should not defend a claim unless you have reasonable grounds to do this. If you have not got reasonable grounds, you may end up having to pay additional costs. If you are thinking about defending a claim, **contact us for advice**.

If no CCJ has been registered you could try to negotiate an affordable payment plan directly with the creditor. This would prevent the CCJ from being registered unless the creditor applies for enforcement measures through the court.

Alternatively, you could apply to the court for a variation, which is an instalment plan. If approved by the court this would prevent the creditor from being able to use any enforcement as long as you keep up with the payments, but the CCJ would be registered.



BUSINESS  
DEBTLINE

NATIONAL  
DEBTLINE

WISER  
ADVISER

National Debtline endeavour to keep our fact sheets as up-to-date as possible, however, we cannot be held responsible for changes in legislation or for developments in case law since this edition of the fact sheet was issued.

National Debtline is part of the Money Advice Trust. Money Advice Trust Registered Charity Number 1099506. A company limited by guarantee. Registered in England and Wales (Number 4741583). Registered office 21 Garlick Hill, London, WC4V 2AU. © Copyright National Debtline 2001.



My Money Steps is our free, independent and confidential online debt advice service. My Money Steps will help you work out a budget and give you a personalised action plan setting out practical steps to deal with your debts.

[www.mymoneysteps.org](http://www.mymoneysteps.org)

NATIONAL  
DEBTLINE

Freephone **0808 808 4000**

[www.nationaldebtline.org](http://www.nationaldebtline.org)