

## 62) ARE YOU OWED MONEY - The latest in a series of articles by Iain Gregory of Caithness CAB

Regular readers of this column will recall that I have a personal war of attrition with TV Licensing who seem to believe that, simply because I buy the odd house to renovate, it automatically follows that I must have a TV set installed – which I do not. I won a major victory some years ago when I actually got compensation from TVL, which I promptly spent on a vast supply of toilet rolls and then sent a polite letter of thanks, assuring them that I would think of them every time I used the facilities. This was very satisfying.

At CCAB we often get inquiries from people who are owed money, or who have suffered a loss, because of the actions or omissions of a business or individual – for example where a firm has failed to provide goods or services you have paid for, where someone has refused to pay a tradesperson, or where a debt has not been settled – and there is a general belief that you have little redress. Many people are scared of going to court, or taking on a big firm, and this is where CCAB comes in and it is very satisfying indeed when we manage to get your money back.

It's always best to try and resolve things without court action and, if you have been wise enough to pay by credit card in full or in part (with at least £100 on the card,) we will pursue both the trader and the card provider. If an individual or business owes money to you, or has failed to provide a service, we will try writing to them first and then writing again warning of court action if they do not settle the debt within 14 days. If this doesn't work (and it often seems to for some reason when they see a letter signed by Jill or myself) then actually taking action is very easy. There is no need to be frightened of the process, the Sheriff Clerk's Office are very helpful, the system is designed to be as informal as possible, and CCAB are happy to help you with the paperwork. The process is known as "Simple Procedure" for sums claimed up to £5000. There is a straightforward form to complete (Claim Form 3A) which lays out the facts and which is sent to the court. We frequently find that when the firm in question is made aware that the process has started they will offer to settle – I have had a few cases where I have had "intimidating" letters from large firms and their lawyers stating they will "robustly defend" etc. I always ignore these and carry on with the process and suddenly we have a change of attitude.

So what does it cost? If you raise the action yourself (with CCAB help) it costs £19 for claims up to £200 and £102 for sums over £200. If you receive certain benefits, then you may be exempt from fees. Any award for expenses will be decided by the Sheriff. You can always speak to us first and have a look at <https://www.citizensadvice.org.uk/> where we have lots more information.

And now I must rescue Liz who seems to have got seriously stuck whilst trying on a new dress – one size too small