Letter before action template

A letter before claim under the Practice Direction on Pre-Action Conduct and Protocols. Fill in the square brackets and delete what doesn't apply.

Opening

Put the date at the top of the first page. For a debt owed by an individual, post the letter that day or the next, and email it too if you have their address.

[Firm letterhead]

[Date]

[Name and address]

Our reference: [reference]

Letter before claim: [what the claim is for]

Dear [name],

The claim

We write about [what the claim is for]. [If you act for a client: We act for [client name].]

The claim is based on [the agreement, with its date and the parties to it, or the duty owed].

[What happened, briefly and in date order.]

What we ask you to do

Please pay £[amount] by [date]. [For a claim that isn't for money: what you want them to do, and by when.]

The amount is made up of [each item and its amount, less anything already paid].

Interest [is or is not] being added. [If it is: the rate, what entitles you to it and the date it runs from.]

Documents

We enclose copies of [the key documents the claim relies on]. Please send us copies of any documents you rely on.

Your reply

For any claim except a debt owed by an individual. The Practice Direction expects a reply within a reasonable time: 14 days in a straightforward case and no more than 3 months in a very complex one.

Please reply within [14 days] of the date of this letter. Tell us whether you accept the claim. If you don't, tell us why, which facts and parts of the claim you dispute, and whether you have a counterclaim, with its details.

Your reply: a debt owed by an individual

Use this instead of the section above when a business claims a debt from an individual or a sole trader. The Pre-Action Protocol for Debt Claims applies.

You have 30 days from the date at the top of this letter to reply on the enclosed Reply Form. Please send it to [address or email].

Our agreement with you is [in writing, dated [date], between [parties]. You can ask us for a copy] [or: oral, made by [who] on [date] at [place], when we agreed [what was agreed]].

You can pay by [method, with the account details or address]. If you would like to discuss paying in instalments, please contact [name] on [phone or email].

[If instalments are being paid or have been offered: why the offer isn't acceptable and why you are still considering a claim.]

If you are getting debt advice, please say so on the Reply Form and we will give you time to get it. The enclosed Information Sheet lists free advice services.

Settling without court

We would rather settle this without going to court. [We are willing to discuss [payment terms, a meeting or mediation].] Please tell us in your reply whether you would consider [negotiation or mediation].

If you don't reply

If we have not heard from you by [date], we may start court proceedings without writing to you again, and we will show the court this letter when it decides who pays the costs.

Enclosures

[Copies of the key documents.]

[For a debt owed by an individual: an up-to-date statement of account showing any interest and charges added, the Information Sheet and Reply Form from Annex 1 of the Pre-Action Protocol for Debt Claims, and a Financial Statement form.]

Yours sincerely,

[Name and role]

Before it goes: a checklist

- ☐ Every fact, date and figure matches the file. A knowingly false statement in a pre-action letter can lead to proceedings for contempt of court.
- ☐ The amount matches the statement of account, with anything already paid taken off.
- ☐ For your firm's own bill: it was signed and delivered at least one month ago.
- ☐ For a debt owed by an individual: the reply date is 30 days from the date at the top, and the Information Sheet, Reply Form and Financial Statement form are enclosed.
- ☐ If the limitation period is close, you can issue in time and ask the court to pause the claim while you finish these steps.