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How to apply to set aside a default judgment

A **default judgment** is a judgment the court enters against you because you didn't respond to a claim in time. You may not have filed an acknowledgment of service or a defence. In money claims in the county court, this usually shows up as a **county court judgment (CCJ)**. Many people only find out about it when a letter arrives about enforcement or their credit file changes.

You can ask the court to **set aside** (cancel) a default judgment. The rules are in **Part 13 of the Civil Procedure Rules (CPR)**. This guide explains how it works in England and Wales. It is general information, not legal advice.

> **Before you start**
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> Before you start: you can do this yourself, and many people do. But court and benefit rules are strict. A missed deadline, the wrong form or missing evidence can mean your application is refused or your case is lost, even when you are in the right. If you're not confident, a vetted professional can check or prepare it for a fixed price agreed upfront.

Why it matters

GOV.UK explains that a CCJ stays on the Register of Judgments, Orders and Fines for **six years** unless you pay the full amount within one month. Lenders check that register. If the judgment is set aside, the claim usually goes back to the start, and you get a chance to defend it.

The two routes under CPR Part 13

Route 1: the court must set it aside (CPR 13.2)

The court **must** set aside a default judgment if it was **wrongly entered**. This applies, for example, if:

- you had already filed an acknowledgment of service or a defence when judgment was entered
- the time for responding had not actually run out

- you had already paid the whole claim, including any costs claimed, before judgment was entered

If one of these applies, the court has no discretion. Gather the evidence: proof of filing, a court receipt or email, or proof of payment.

Route 2: the court may set it aside (CPR 13.3)

In any other case, the court **may** set aside or vary the judgment if:

- you have a **real prospect of successfully defending** the claim, or
- there is **some other good reason** why the judgment should be set aside or why you should be allowed to defend

When deciding, the court **must** consider whether you applied **promptly**. No fixed number of days applies, but delay counts against you. Act as soon as you learn about the judgment.

The court can attach conditions when it makes an order (CPR 3.1(3) is referred to in Part 13). For example, it could require you to pay money into court.

What counts as a “real prospect” of defending?

You don’t need to prove you will win. You need to show that your defence is more than fanciful and has substance. Examples might include:

- you never owed the money, or you have already paid it
- the goods or services were defective and you have evidence
- the claim is for the wrong amount
- the claimant has sued the wrong person

Evidence makes the difference. Give the court contracts, emails, bank statements, photos and receipts, not just your account of events.

What could be “some other good reason”?

This depends on the facts. GOV.UK says you can apply if you did not receive, or did not respond to, the original claim. A common example is a claim sent to an old address. Explain clearly what happened and when, and back it up with documents such as a tenancy agreement, council tax bill or proof of when you moved.

How to apply

Step 1: Get the court papers

Find the judgment, the claim number and the court that issued it. If you never received the claim, ask the court for copies.

Step 2: Complete form N244

Use the **N244 application notice**. In section 3, say what you want, for example: “An order that the default judgment entered on [date] be set aside and that I be permitted to file a defence.” Our N244 guide explains each question.

Step 3: Provide evidence

CPR 13.4(3) says an application under rule 13.3 **must be supported by evidence**. This is usually a **witness statement** that explains:

1. when and how you found out about the judgment
2. why you didn't respond to the claim in time
3. why you have a real prospect of defending it, or what the other good reason is
4. that you acted promptly once you knew

Attach your supporting documents. Many applicants also attach a **draft defence** so the judge can see what the defence would look like. End the statement with a signed statement of truth.

Step 4: Pay the fee

GOV.UK states that the court fee for applying to set aside a judgment is **£321**, matching the EX50 fee for an application on notice. If you can't afford it, apply for **Help with Fees** (EX160 or online).

Step 5: Send it to the right court

Send the application to the court dealing with the case. Under CPR 13.4, if the claim was for a specified sum of money, you are an individual, and judgment was entered in a court that isn't your "home court", the application is normally sent to your home court.

Step 6: Attend the hearing

GOV.UK says you will have to go to a **private hearing** to explain your position, and that **if you do not attend, your application will be rejected**. Bring copies of everything for the judge and the claimant.

Could you agree it with the claimant?

Sometimes the claimant will agree to set the judgment aside, for example where it was clearly sent to the wrong address. An application by consent has a lower fee (**£126** for a consent application where no other fee is specified, according to EX50). Ask the court to confirm the correct fee before you pay.

If you do owe the money

Setting aside isn't the right tool if you accept the debt and just need more time. GOV.UK points you to form **N245** to ask to change the payment terms. Paying the full amount **within one month** lets you have the judgment removed from the register.

Free help

- **Citizens Advice** and local **law centres** can advise on debt and CCJs.
- **Support Through Court** helps people without a lawyer prepare forms and understand the process.
- Free debt advice is available if the underlying problem is debt. GOV.UK mentions the Breathing Space scheme, which is accessed through a debt adviser.

How MyFixedLegal can help

A set-aside application often depends on a clear, well-evidenced witness statement and a credible draft defence. You can **post your task on MyFixedLegal** and receive fixed-price quotes from vetted, insured solicitors, paralegals and McKenzie Friends within 48 hours. Your payment is held until you confirm the work is done. Our professionals work within the rules for their role. Solicitors can provide reserved legal services where they are authorised to do so; paralegals and McKenzie Friends support people representing themselves within what the law allows.

Not sure you've got it right? Get fixed-price quotes from vetted professionals. Payment is held until you confirm the work.

Post your task and get fixed-price quotes →

Frequently asked questions

Can I do this without legal help?

Yes. You have the right to represent yourself. The risk is in the detail: courts and tribunals expect the right form, the right evidence and the right deadlines, and they can't fix mistakes for you. Many people choose to have a professional check their paperwork before they send it. On MyFixedLegal you get fixed-price quotes within 48 hours, and you only pay when you confirm the work is done.

Is there a deadline to set aside a default judgment?

CPR Part 13 sets no fixed deadline, but the court must consider whether you applied promptly. Apply as soon as you know about the judgment.

How much does it cost to set aside a CCJ?

GOV.UK lists a court fee of £321 for an application to set aside a judgment. You may qualify for Help with Fees.

What if I never received the court claim?

GOV.UK says you can apply to set aside a judgment if you did not receive, or did not respond to, the original claim. Explain what happened in a witness statement with supporting evidence, and show what your defence would be.

Will the CCJ come off my credit file if it's set aside?

A judgment that has been set aside is no longer in force. If you're unsure, check the Register of Judgments and contact the court if the record is wrong.

This guide is general information about the law in England and Wales and is not legal advice. Check the official sources below, as fees and rules change.

Sources

- Justice.gov.uk: CPR Part 13 – Setting aside or varying default judgment
- Justice.gov.uk: CPR Part 12 – Default judgment
- GOV.UK: County court judgments for debt (including "Cancel the judgment")
- GOV.UK: Civil court fees (EX50)

- GOV.UK: Form N244 application notice
- GOV.UK: Get help with court fees
- Support Through Court