

NOTES FOR DEFENDANT ON REPLYING TO THE CLAIM FORM

If you do not reply to this form, a judgment may be entered against you.

- If this claim form was received with the particulars of claim completed or attached, you must reply within 14 days of the date it was served on you.
- If the words *to follow* are written in the particulars of claim box, you should not reply until after you are served with the particulars of claim (which should be no more than 14 days after you received the claim form).

If the claim was sent by post, the date of service is taken as the second day after posting (see postmark). If the claim form was delivered or left at your address, the date of service will be the day after it was delivered.

You may either:

- pay the total amount i.e. the amount claimed, the court fee, coroner's fee and advocate's costs (if any), or
- admit that you owe all or part of the claim and ask for time to pay, or
- dispute the claim

The notes below tell you what to do. The response pack will tell you which forms to use for your reply. (The pack will accompany the particulars of claim if they are served after the claim form).

Court staff can tell you about court procedures, but they cannot give legal advice. If you need legal advice, for example about the likely success of disputing the claim, you should contact an advocate.

The address of the court office, to which any forms to be returned to the court must be sent, is —

Isle of Man Courts of Justice
Deemsters Walk
Bucks Road
Douglas
Isle of Man
IM1 3AR

Registration of Judgments

If this claim results in a judgment against you, details may be entered in a public register. They will then be passed to credit reference agencies which may then supply them to credit grantors and others seeking information on your financial standing. This may make it difficult for you to get credit.

Costs and interest

Additional costs and interest may be added to the amount claimed on the front of

the claim form if judgment is entered against you. If judgment is in respect of a debt which attracts contractual or statutory interest for late payment, the claimant may be entitled to further interest.

Your response and what happens next

Please read these notes carefully — they will help you decide what to do about this claim.

How to pay

Do not bring any payments to the court - they will not be accepted. When making payments to the claimant, quote the claimant's reference (if any) and the claim number.

Make sure that you keep records and can account for any payments made. Proof may be required if there is any disagreement. It is not safe to send cash by post.

Admitting the Claim

Claim for specified amount

If you admit all the claim, take or send the total amount claimed, including the court fee, coroner's fee, any interest and costs, to the claimant at the address for payment given on the claim form, within 14 days.

If you admit all the claim and you are asking for time to pay, complete Form HC2C and send it so as to reach the Court Office within 14 days. You must also send a copy to the claimant at the address given for payment on the claim form. The claimant will decide whether to accept your proposal for payment.

- If it is accepted, the claimant may request the court to enter judgment against you and you will be sent an order to pay.
- If it is not accepted, the court will decide how you should pay.

If you admit only part of the claim, complete Forms HC2C and HC2E (see *Disputing the Claim* overleaf) and deliver or send them so as to reach the Court Office within 14 days. You must also send a copy to the claimant. The claimant will decide whether to accept your part admission.

- If it is accepted, the claimant may request the court to enter judgment against you and the court will send you an order to pay.
- If your part admission is not accepted, the case will

	<p>proceed as a defended claim.</p>
<p>Claim for unspecified amount or return of goods, or non-money claim</p>	<p>If you admit liability for the whole claim but do not make an offer to satisfy the claim, complete Form HC2D and deliver send it so as to reach the Court Office within 14 days. This must be signed by you¹, your advocate or your litigation friend, as appropriate. You must also send a copy to the claimant.</p> <p>The claimant will decide if the offer is acceptable. The claimant must reply to the court within 14 days and send you a copy. If a reply is not received, the claim will be stayed.</p> <p>If the amount you have offered is accepted —</p> <ul style="list-style-type: none"> • the claimant may request the court to enter judgment against you for that amount, together with costs • if you have requested time to pay which is not accepted by the claimant, the rate of payment will be decided by the court. <p>If the amount you have offered is not accepted, the claimant may request the court to enter judgment against you for an amount to be decided by the court, and costs; and the court will enter judgment and refer the court file to a judge for directions for management of the case. You and the claimant will be sent a copy of the court's order.</p>
<p>Disputing the claim</p> <p>If you need longer than 14 days to prepare your defence or to contest the court's jurisdiction to try the claim, complete Form HC2B in duplicate and deliver or send it so as to reach the court within 14 days. This will allow you 28 days from the date of service of the particulars of claim to file your defence or make an application to contest the court's jurisdiction. The court will tell the claimant that your Acknowledgment of Service has been received.</p> <p>If the case proceeds as a defended claim, what happens next depends on the procedure to which it is allocated (see the heading of the claim form).</p> <ul style="list-style-type: none"> • If it is allocated to the Small Claims Procedure, it will be referred to a Judicial Officer, who will fix a date for either a preliminary hearing or a full hearing of the case. The court office will send you and the claimant details of the hearing. • If it is allocated to the Summary Procedure, the court will (unless an application for specific directions is made by the claimant or defendant) give standard directions for the management of the case, including a trial date and a timetable 	

¹ Where the defendant is a company or other corporation, the form must be signed by a person holding a senior position in the corporation (see rule 1.4(3) of the Rules of Court).

<p>for the steps to be taken before the trial, and will send you and the claimant details of the directions.</p> <ul style="list-style-type: none"> If it is allocated to the Ordinary Procedure, it is for the claimant to make an application for directions for the management of the case. You will be given details of the hearing of the application. (If the claimant fails to make such an application, you may make an application for directions yourself.) 	
<p>Claim for specified amount</p>	<p>If you wish to dispute the full amount claimed or wish to claim against the claimant (a 'counterclaim'), complete Form HC2E and deliver or send it so as to reach the court within 14 days. You must also send a copy to the claimant.</p> <p>To start a Counterclaim, you will have to pay a fee.</p> <p>If you admit part of the claim, complete Forms HC2C and HC2E and deliver or send them both so as to reach the court within 14 days. You must also send a copy of each form to the claimant. The claimant will decide whether to accept your part admission in satisfaction of the claim (see under <i>Admitting the Claim — specified amount</i> above). If the claimant does not accept the amount you have admitted, the case will proceed as a defended claim.</p> <p>If you dispute the claim because you have already paid it, complete Form HC2E and send it so as to reach the Courts Office within 14 days. You must also send a copy to the claimant. The claimant will have to decide whether to proceed with the claim or withdraw it and notify the court and you within 28 days. If the claimant wishes to proceed, the case will proceed as a defended claim.</p>
<p>Claim for unspecified amount or return of goods, or non-money claim</p>	<p>If you dispute the claim or wish to make a claim against the claimant (a 'counterclaim'), complete Form HC2F and deliver or send it so as to reach the Courts Office within 14 days. You must also send a copy to the claimant.</p> <p>To start a Counterclaim, you will have to pay a fee.</p>

<p>Personal injuries claim</p>	<p>If the claim is for personal injuries and the claimant has attached a medical report to the particulars of claim, in your defence you should state whether you:</p> <ul style="list-style-type: none"> • agree with the report, or • dispute all or part of the report (you must give your reasons for doing so), or • neither agree nor dispute the report or have no knowledge of the report <p>Where you have obtained your own medical report, you should attach it to your defence.</p> <p>If the claim is for personal injuries and the claimant has attached a schedule of past and future expenses and losses, in your defence you must state which of the items you:</p> <ul style="list-style-type: none"> • agree, or • dispute (you must supply alternative figures where appropriate) or • neither agree nor dispute or have no knowledge of the items.
<p>Address to which documents should be sent</p> <p>This must be either your advocate's address, your own residential or business address in the Isle of Man or (if you live elsewhere) some other address in the Isle of Man.</p>	
<p>Statement of truth</p> <p>This must be signed by you², by your advocate or your litigation friend (only applicable where defendant is a minor or a patient under the Mental Health Act 1998), as appropriate.</p>	

² Where the defendant is a company or other corporation, the statement of truth must be signed by a person holding a senior position in the corporation (as to which, see rule 1.4(3) of the Rules of Court).