

NOTES FOR DEFENDANT ON REPLYING TO THE CLAIM FORM

The claimant is claiming possession of the property described in the claim form on the ground that the claimant has an immediate right to possession.

if you need advice you should go to an advocate. Court staff are unable to give legal advice.

The court will hear the claim for possession at the time and place stated in the claim form.

You are entitled to attend the hearing, in person or by an advocate, and tell the court why you think the court should not make an order for possession against you. If you do not attend, the court may make an order against you.

If you dispute the claimant's right to possession, or any of the facts stated in the claim form, you should file a defence in the Courts Office (using the form provided) within 14 days. If you fail to do so, you may still attend the hearing, but the court may take your failure to file a defence into account when deciding what costs you should pay. You must take or send a copy of the defence to the claimant at the address for documents given in the claim form.

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

Courts Office
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 available 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.

Money claim (this section applies only if the claim form includes a claim for money)**Admitting the claim**

If you admit all the money 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 money claim and you are asking for time to pay, complete Form HC2C and deliver or send it so as to reach the Courts Office within 14 days. You must also send a copy to the claimant at the address for documents given 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 money claim, complete Forms HC2C and HC6 (see below) and deliver or send them to the Courts 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 proceed as a defended claim.

Defending the claim

If you wish to dispute the money claim or wish to claim against the claimant (a 'counterclaim'), complete Form HC6 and deliver or send it to 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.

Statement of truth

This must be signed by you¹, 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.

¹ 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).