

NOTES FOR DEFENDANT ON REPLYING TO THE CLAIM FORM

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

You must reply within 14 days of the date it was served on you.

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.

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 immediately.

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
IM 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.

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 additional claimant(s) may be entitled to further interest.

Your response and what happens next

Please read these notes carefully — they will help you to 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 additional claimant, quote the additional 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

Complete the form of admission (HC2C if the additional claim is for a specified amount or HC2D if it is for an unspecified amount) and send it so as reach the Courts Office within 14 days. You must also send a copy to the additional claimant(s) and all the other parties listed on the claim form.

The claimant(s) may apply to the court for judgment to be entered on your admission. The court will arrange a hearing and tell you and the claimant(s) where and when to attend.

Disputing the claim

Complete the form of defence (either HC2E if the additional claim is for a specified amount or HC2F if it is for an unspecified amount) and return it so as reach the Courts Office within 14 days. You must also send a copy to the additional claimant(s) and all the other parties listed on the claim form.

At the same time as you return the form of defence, you must apply to the court for directions as to the management of the additional claimant(s). This may be done by a letter addressed to the Chief Registrar.

On receipt of your defence, the court will arrange a hearing and tell you and the claimant when and where to attend. At the hearing the judge will usually give directions as to the future case management of the claim but may make any other order, e.g. striking out all or part of a statement of case.

If you need longer than 14 days to prepare your defence, complete the acknowledgment of service Form HC16C and return it so as reach the Courts Office within 14 days. This will allow you 28 days from the date of service of the claim form to file your defence.

Contesting the court's jurisdiction

Complete the acknowledgment of service Form HC16C in duplicate and return it so as reach the Courts Office within 14 days. You should make an application to the court within 28 days of service of the claim form.

If you do nothing

If you do nothing or you send an acknowledgment of service to the court but fail to send your defence, you will be considered to have admitted the claim and be bound by any judgment or decision made in the main claim where it relates to this additional claim against you.

Address to which documents should be sent

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.

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).