

I admit the claim for an unspecified amount - what do I do?

If the claim is not for a fixed amount (an unspecified amount) you should complete form **HC2D** – Admission Form. You may:

- admit liability for the whole claim without saying how much is admitted; or
- admit liability for the whole claim but want the court to decide the amount you should pay; or
- admit liability for the claim and offer a fixed sum of money to settle it;

Take or send one copy of the form to the Court Office at:-

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

Take or send the other copy to the claimant at the address to which documents or payments should be sent at the end of the claim form.

Please remember that this and other leaflets can only provide you with a general idea of what is likely to happen. They cannot explain everything about court rules, costs and procedures which may affect different claims in different ways. Court staff can provide you with information, tell you about court forms and procedures, but they cannot give you legal advice or answer questions like "Will I win my case?", "What evidence do I need?" You should seek legal advice from an advocate. A list of Manx advocates is available through the Isle of Man Law Society.

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Other leaflets in the series:-

For the claimant

HCG01—What is a small claim?

HCG02—How to make a small claim

HCG03—No reply to my claim

HCG04—The defendant admits my claim, I claimed a fixed amount

HCG05—The defendant admits my claim, I did not claim a fixed amount

HCG06—The defendant disputes all or part of my claim

HCG07—I am coming to a court hearing, what do I need to know?

HCG08—I have a judgment but the defendant has not paid

HCG09—How do I apply for execution?

HCG10—How do I apply for an attachment of earnings order?

HCG11—How do I apply for a charging order?

HCG12—How do I apply for an arrestment order?

For the defendant

HCG13—A claim has been made against me, what should I do?

HCG14—Defending a claim

HCG15—Paying my judgment

HCG16—I cannot pay my judgment, what can I do?

HCG17—I have received a charging order, what is it?


HCG18—I am coming to a court hearing, what do I need to know?

HCG19—Registered judgments, what does this mean?

www.courts.im

Deemsters Walk, Bucks Road, Douglas
Isle of Man IM1 3AR

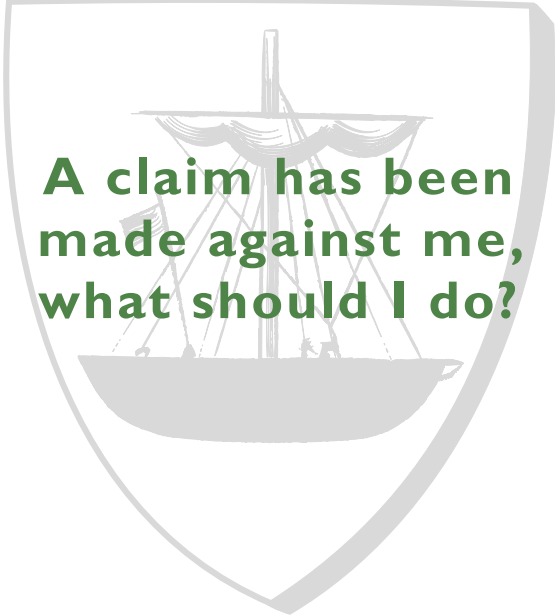
Phone: +44 (0) 1624 685265
email: enquiries@courts.im



ISLE OF MAN
COURTS OF JUSTICE

A claim has been made against me, what do I do? **HCG13**

Defendant guidance in the Small Claims Procedure



A claim has been made against me, what should I do?

www.courts.im

What should I do when I receive a claim form?

You have a limited time in which to reply to the claim. **Do not ignore it, act quickly.**

First check the section of the claim form headed "particulars of claim". If it states that the particulars of claim are to follow, you should not reply until you receive them (which should be within 14 days of receiving the claim form).

If the "particulars of claim" section is completed or states that the particulars are attached you must reply within 14 days of the date you received it (the "date of service").

Remember to post your reply at least two days before the end of the 14 day period if you are sending by post.

What will happen if I do nothing?

If you do nothing it could result in a judgment against you. This means that you will be ordered by the court to pay the amount of the claim, or an amount decided by the court, and costs.

The court will send you a copy of the judgment and your name and address will be entered on the Judgments Register and the Register of Judgments, Orders and Fines in England and Wales maintained by Registry Trust Ltd.

The credit industry (e.g. banks and building societies) use the information on these registers to establish a person's credit worthiness. If your name is on these registers it could lead to you being refused credit.

For more information see the leaflet **HCG19**—Registered judgments—What does it mean?

How do I reply to the claim form?

A "response pack" will be sent to you with the claim form or the particulars of claim if they were served separately. The response pack contains all the forms you need, with guidance notes, to reply to the claim.

You may either:-

- pay the amount claimed;
- admit all or part of the claim or liability for the claim and ask for time to pay; or
- dispute (defend) the claim.

If the claim is for a specified amount (a fixed amount of money), the response pack will contain:

- Form **HC2B** - Acknowledgment of Service
- Form **HC2C** - Admission Form;
- Form **HC2E** - Defence & Counterclaim Form.

If the claim is for an unspecified amount (not for a fixed amount of money) , the response pack will contain:

- Form **HC2B** - Acknowledgment of Service;
- Form **HC2D** - Admission Form;
- Form **HC2F** - Defence & Counterclaim Form.

Before you complete any of these forms, be sure and read HC1B - Notes for defendant attached to the claim form.

I owe the money and want to pay it straightaway. How should I do this?

You can send or take the money to the claimant at the address shown on the claim form for payments or documents. It is a good idea to ask for a receipt.

You must make sure that your payment arrives no later than 14 days after you received the particulars of claim. If you do not, the claimant may have requested the court to enter a judgment against you.

The amount of money you should pay is shown in the box at the bottom of the front page of the claim form under "Total Amount". If the claimant is claiming interest, you will have to add the daily interest to that amount.

What can I do if I admit I owe the money but cannot afford to pay it all now?

If you admit that you owe the money but cannot afford to pay it all at once, you can ask for time to pay. Fill in form **HC2C** – Admission Form. Complete all the details about your income and expenses and how you would like to pay.

Take or send the other copy to the claimant at the address to which documents or payments should be sent at the end of the claim form.

The claimant will decide whether to accept your proposal for payment.

What happens if the claimant rejects my proposal for payment?

If the claimant applies for judgment against you as a result of you making the admission and he also rejects your offer of how to pay he/she must give the reasons to the court in the request for judgment form wherein he can also put forward his proposal of how and when you should pay. His proposal can include payment to be made immediately or for instalments.

The court will then consider your offer and the claimant's proposals and make a decision as to how it feels the payments should be made. If either you or the claimant wishes the order to be re-determined you must file an application within 14 days of service on you of the order.