

The court will prepare a judgment (judgment for claimant) for the defendant to pay at the rate suggested. A copy of the order will be sent to both you and the defendant.

If you do not accept the amount offered and the rate of payment, complete form **HC7C** - Request for a Judgment stating your reasons and return it to the court.

What happens if I accept the amount offered but object to the defendant's suggested rate of payment?

If you object to the rate of payment, you can ask that a court officer decide what would be a reasonable rate.

Complete form **HC7C** - Request for a Judgment. You must state why you object to the rate and the time of payment offered by the defendant.

Take or send the completed form to the Court Office with a copy of the defendant's admission form. It is a good idea to keep a copy of both forms for yourself.

A member of the court staff will consider the details given in the defendant's admission form and your objections and make an assessment of what would be reasonable for the defendant to pay.

You and the defendant will be sent an order. The order will tell the defendant that the order was made after the court officer has made a decision to explain why it might be different from the original offer. It will also tell the defendant:

- how much to pay;
- when to pay it; and

the address to which payments should be sent.

Can I object to the rate of payment fixed by the court officer?

Yes. You, or the defendant, can object to the rate of payment set by the court officer. You must do this within 14 days of receiving the order.

You should apply to the court saying why you object to the rate of payment decided by the court officer. You should send a copy of your application to the defendant. A judge will decide what would be a reasonable way for the defendant to pay. The judge can decide to deal with your objections with or without a hearing. If there is to be a hearing the court will send you a notice setting out the time, date and place the hearing will be held.

If there is a hearing and you do not attend, the judge may still make an order. After the hearing, or after the judge has made a decision on the papers without a hearing, the court will send you an order setting out the judge's decision. If the judge varies the previous order you and the defendant will receive a copy of the new order (after the new decision).


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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ISLE OF MAN
COURTS OF JUSTICE

Defendant admits my claim, I did not claim a fixed amount

Claimant guidance in the Small Claims Procedure

HCG05

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

www.courts.im

This leaflet will tell you what will happen if you are claiming an unspecified amount (an amount of money which is not a fixed amount), and the person you are claiming against (the defendant) admits that all the money is owed.

All forms are available online at www.courts.im or from the Court Office.

How will I know if the defendant admits my claim?

The defendant will fill in form **HC2D** — Admission Form and send it to you. This is called 'admitting liability' (admitting responsibility) for payment.

The date by which this should be done is 14 days after the date of service (shown on the coroner's notice of service or the **HC10** - Certificate of Service. The court will send you a copy of the admission form. The defendant may:

- admit liability for your claim without saying how much is admitted;
 - admit liability for your claim and offer a sum of money in satisfaction; or
- admit liability for your claim, offer a sum of money in satisfaction and ask to pay that sum by instalments or at a future date.

When do I have to reply to the admission?

If the defendant admits liability without saying how much is admitted, you should file a **HC7C - Request for a Judgment** within 14 days of receiving the admission. If you do not file the request, the claim will be stayed (suspended) until you do.

If the defendant admits liability and offers a sum of money in satisfaction of the claim, you have fourteen days after the service of the admission to file and serve on the defendant a notice stating whether or not you accept the amount of money offered. If you do not file this notice the claim will be stayed (suspended) until you do.

What should I do if the defendant has admitted liability for my claim without saying how much is admitted?

You should complete form **HC7C** - Request for a Judgment asking the court to make an order that the defendant pay you an amount of money that the court will decide.

How will the court decide how much the defendant should pay?

When the court receives your form **HC7C** - Request for a Judgment the court file will be referred to a judge. The judge will decide:

- whether a court hearing is necessary; and
- what you need to do to help the judge make a decision as to the amount of money you are entitled to, for example, what evidence you should provide.

This is called giving "directions". Once the judge has made a decision, you and the defendant will be sent an order. This will say that you are entitled to judgment on liability and will set out the directions the judge has given.

The judge may give directions either:

- allocating your claim to the small claims procedure; or
- directing that your claim is given a 'preliminary' hearing.

What will happen at a preliminary hearing?

If your case is listed for a preliminary hearing, you will find it useful to read the leaflet **HCG07** - I am coming to a court hearing, what do I need to know?

At the preliminary hearing the judge may either:

- give more detailed directions about, e.g. the documents and other evidence needed for the judge to make a final decision about the amount; or

- decide the amount the defendant has to pay, if it is a simple case which does not need a lengthy hearing.

What will happen in your claim will depend on:-

- the likely amount of the damages;
 - whether the defendant is likely to dispute that amount; and
- whether the judge feels there is enough proof in the papers available at the hearing to make his final decision.

What will happen after the preliminary hearing?

Courts staff will set out what the judge decided in an order. Copies will be sent to you and the defendant.

What happens if the defendant admits my claim and offers a sum of money to settle it?

You must decide whether you are prepared to accept the amount offered by the defendant. If you do, you should complete form **HC7C** - Request for a Judgment and send or take it to the court by the date shown on it.

If you do not accept the amount offered by the defendant, you should complete form **HC7C** - Request for a Judgment and return it to the court. The court will enter judgment on liability and a judge will decide what happens next. Both you and the defendant will be sent a copy of the court's order, which will include a date for a directions hearing.

What happens if the defendant admits my claim, offers a sum of money to settle it, but asks to pay the amount by instalments or at a future date?

If you accept the amount offered and the rate of payment suggested, complete form **HC7C** - Request for a Judgment and return it to the court.