

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.

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?

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ISLE OF MAN
COURTS OF JUSTICE

Defendant admits my claim, I claimed a fixed amount.

Claimant guidance in the Small Claims Procedure

HCG04

The defendant admits my claim, I claimed a fixed amount.

www.courts.im

This leaflet will tell you what will happen if you are claiming a specified amount (a fixed sum of money) 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/public counter.

How will I know if the defendant admits my claim?

The defendant will fill in form **HC2C** - Admission Form and send it to you. The date by which this should be done is fourteen days after the date of service (shown on the coroner's notice of service or the certificate of service **HC10** – Certificate of Service).

As well as admitting that the money is owed the defendant can also ask for time to pay, either by instalments or at some future date. Before you do anything, you must first decide if the rate and time of payment offered by the defendant are acceptable to you.

What do I do if I accept the defendant's offer of payment?

You can ask the court to enter judgment (called 'entering judgment on admission'). This means that you are asking the court to make an order that the defendant pays you the amount of your claim and the costs of issuing it in the terms offered by the defendant.

To make the request you should fill in form **HC7A** – Request for Judgment and send or take it to the court. You do not have to pay a fee for this.

If the defendant admits your claim but does not make any offer of payment, you must decide how you want the money to be paid. Think carefully about this. Although you may feel that you would like all the money paid at once, you might be more likely to get paid if it is paid by instalments over a period of time.

What do I do if I accept the admission but I do not accept the rate and time of payment offered by the defendant?

Complete form **HC7A** – Request for Judgment. Indicate that you accept the admission and state why you object to the rate and the time of payment offered by the defendant. You should also indicate the rate and time of payment that you believe is reasonable.

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

What will the court do with my completed form?

Judgment will be entered for the amount admitted and accepted and the court officer will consider the details given in the defendant's admission form as well as 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 consideration 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 paid.

You should note that if the defendant does not pay after receiving the order, the court will not take any steps to obtain payment unless you ask it to. This is called 'enforcing your judgment'. You will have to choose the method of enforcement and pay a fee; the court will tell you how much this is.

Do I have to accept the court officer's decision?

No. You, or the defendant, can object to the rate of payment set by the court officer.

You must do this within fourteen days of receiving the order. You should apply to the court saying why you object to the rate of payment determined 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 date, time 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 re-determination).