Notes for defendant on replying to the Part 8 claim form

Please read these notes carefully - they will help you decide what to do about this claim. Further information may be obtained from the Circuit Commercial Court Guide

- You have *(14 days) ( ) from the date on which you were served with the claim form *(see below)* in which to respond to the claim by completing and returning the acknowledgment of service enclosed with this claim form.
- If you **do not return** the acknowledgment of service, you will be allowed to attend any hearing of the claim but you will **not** be allowed to take part in the hearing unless the court gives you permission to do so.

Responding to this claim

Time for responding

The completed acknowledgment of service must be returned to the court office within *(14 days) ( ) of the date on which the claim form was served on you. If the claim form was

- sent by post, the *(14 days) ( ) begins 2 business days from the date of the postmark on the envelope.
- delivered or left at your address, the *(14 days) ( ) begins the second business day after it was delivered.
- handed to you personally, the *(14 days) ( ) begins on the second business day it was given to you.

Completing the acknowledgment of service

You should complete section A, B, **or** C as appropriate **and all** of section D.

Section A - contesting the claim
If you wish to contest the remedy sought by the claimant in the claim form, you should complete section A. If you seek a remedy different from that sought by the claimant, you should give full details in the space provided.

Section B - disputing the court's jurisdiction
You should indicate your intention by completing section B and filing an application disputing the court's jurisdiction within 14 days of filing your acknowledgment of service at the court. The court will arrange a hearing date for the application and tell you and the claimant when and where to attend.

Section C - objecting to the use of procedure
If you believe that the claimant should not have issued the claim under Part 8 because:

- there **is** a substantial dispute of fact involved; and
- you do not agree that the rule or practice direction stated does provide for the claimant to use this procedure

you should complete section C setting out your reasons in the space provided.

Written evidence

- If you wish to serve and file evidence in answer to the claimant's written evidence, you must send it to the court and to any other party within 28 days after filing an acknowledgment of service.
- Where you intend to dispute jurisdiction, only evidence in support of your application under CPR Part 11 need be filed. Your application and evidence must be filed within 28 days after filing an acknowledgment of service.

Serving other parties

At the same time as you file your completed acknowledgment of service (and any written evidence) with the court, you must also send copies of both the form and any written evidence to any other party named on the claim form.

What happens next

The claimant may, within 14 days of receiving any written evidence from you, file further evidence in reply. The case management procedure set out in the Circuit Commercial Court Guide will apply.

Note: The court may already have given directions or arranged a hearing. If so, you will have received a copy with the claim form. You should comply with any directions and attend any hearing in addition to completing, filing and serving your acknowledgment of service.

Statement of truth

This must be signed by you or by your solicitor as appropriate.

Where the defendant is a registered company or a corporation the statement of truth must be signed by either the director, treasurer, secretary, chief executive, manager or other officer of the company or the company's solicitor or (in the case of a corporation which is not a registered company) any of the persons in the positions previously described or the mayor, chairman, president or town clerk or other similar officer of the corporation or the corporation's solicitor.

**claimant should alter where appropriate if the claim form is to be served out of the jurisdiction: see CPR Part 6.*

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