

## **PART 15 Admissions**

### **PART 15**

#### **Making an admission 15.1 - 15.4**

##### **15.1**

A party may admit the truth of the whole or any part of another party's case by giving notice in writing (such as in a statement of case or by letter).

##### **15.2**

Where the only remedy which the claimant is seeking is the payment of money, the defendant may also make an admission in accordance with:

- (1) Rule 15.14 (admission of whole claim for specified amount of money);
- (2) Rule 15.18 (admission of part of claim for specified amount of money);
- (3) Rule 15.19 (admission of liability to pay whole of claim for unspecified amount of money); or
- (4) Rule 15.24 (admission of liability to pay claim for unspecified amount of money where defendant offers a sum in satisfaction of the claim).

##### **15.3**

Where the defendant makes an admission as mentioned in Rule 15.2, the claimant has a right to enter judgment.

##### **15.4**

The permission of the Court is required to amend or withdraw an admission.

#### **How to make an admission 15.5 - 15.7**

##### **15.5**

When the claim form is served on a defendant, the forms for responding to the claim that will accompany them will include a form for making an admission.

**15.6**

If the defendant wishes to make an admission in respect of the whole of a claim for a specified amount of money, the admission form or other written notice of the admission should be completed and returned to the claimant within the period set out in Rule 15.8.

**15.7**

If the defendant wishes to make an admission in respect of a part of a claim for a specified amount of money, or in respect of a claim for an unspecified amount of money:

(1) the admission form or other written notice of admission should be completed and filed with the Court within the period set out in Rule 15.8; and

(2) the defendant may also file a defence under Rule 16.3.

**Period for making an admission 15.8 - 15.11****15.8**

The period for returning an admission under Rule 15.14 or for filing it under Rules 15.18, 15.19 or 15.24 is:

(1) where the defendant is served with a claim form which states that particulars of claim will follow, 14 days after service of the particulars; and

(2) in any other case, 14 days after service of the claim form.

**15.9**

Rule 15.8 is subject to the following rules:

(1) Rule 9.56 (which specifies how the period for filing or returning an admission is calculated where the claim form is served out of the jurisdiction); and

(2) Rule 9.48 (which requires the Court to specify the period for responding to the particulars of claim when it makes an order under that rule).

**15.10**

A defendant may return an admission under Rule 15.14 or file it under Rules 15.18, 15.19 or 15.24 after the end of the period for returning or filing it specified in Rule 15.8 if the claimant has not obtained default judgment under Part 13.

**15.11**

If he does so, this Part shall apply as if he had made the admission within that period.

**Admission by notice in writing - Application for judgment 15.12 - 15.13****15.12**

Where a party makes an admission under Rule 15.1 (admission by notice in writing), any other party may apply for judgment on the admission.

**15.13**

Judgment shall be such as it appears to the Court that the applicant is entitled to on the admission.

**Admission of whole of claim for specified amount of money 15.14 - 15.17****15.14**

Where:

- (1) the only remedy which the claimant is seeking is the payment of a specified amount of money; and
- (2) the defendant admits the whole of the claim

the defendant may admit the claim by returning to the claimant an admission in Form 15/01 or Form 15/02.

**15.15**

The claimant may obtain judgment by filing a request in Form 13/01, and, if he does so:

- (1) if the defendant has not requested time to pay, the procedure in Rules 15.16 to 15.17 will apply;
- (2) if the defendant has requested time to pay, the procedure in Rules 15.33 to 15.38 will apply.

**15.16**

The claimant may specify in his request for judgment:

- (1) the date by which the whole of the judgment debt is to be paid; or

(2) the times and rate at which it is to be paid by instalments.

#### **15.17**

On receipt of the request for judgment the Court will enter judgment for the amount of the claim (less any payments made) and costs:

(1) to be paid by the date or at the rate specified in the request for judgment; or

(2) if none is specified, immediately.

### **Admission of part of a claim for a specified amount of money 15.18**

#### **15.18**

If the defendant admits part of a claim for a specified amount of money, the claimant may apply under Rule 15.12 for judgment on the admission.

### **Admission of liability to pay whole of claim for unspecified amount of money 15.19 - 15.23**

#### **15.19**

Where:

(1) the only remedy which the claimant is seeking is the payment of money;

(2) the amount of the claim is not specified; and

(3) the defendant admits liability but does not offer to pay a specified amount of money in satisfaction of the claim,

the defendant may admit the claim by filing an admission in the relevant Form P15/03.

#### **15.20**

On receipt of the admission, the Court will serve a copy on the claimant.

#### **15.21**

The claimant may obtain judgment by filing a request in Form P15/03.

**15.22**

If the claimant does not file a request for judgment within 14 days after service of the admission on him, the claim is stayed until he files the request.

**15.23**

On receipt of the request for judgment the Court will enter judgment for an amount to be decided by the Court and costs.

**Admission of liability to pay claim for unspecified amount of money where defendant offers a sum in satisfaction of the claim 15.24 - 15.31****15.24**

Where:

(1) the only remedy which the claimant is seeking is the payment of money;

(2) the amount of the claim is not specified; and

(3) the defendant

(a) admits liability; and

(b) offers to pay a specified amount of money in satisfaction of the claim

the defendant may admit the claim by filing an admission in Form P15/01.

**15.25**

On receipt of the admission, the Court will serve a notice on the claimant requiring him to return the notice stating whether or not he accepts the amount in satisfaction of the claim.

**15.26**

If the claimant does not file the notice within 14 days after it is served on him, the claim is stayed until he files the notice.

**15.27**

If the claimant accepts the offer he may obtain judgment by filing a request in Form P13/01 and if he does so:

(1) if the defendant has not requested time to pay, the procedure in Rules 15.28 to 15.31 will apply;

(2) if the defendant has requested time to pay, the procedure in Rules 15.33 to 15.38 will apply.

### **15.28**

The claimant may specify in his request for judgment:

(1) the date by which the whole of the judgment debt is to be paid; or

(2) the times and rate at which it is to be paid by instalments.

### **15.29**

On receipt of the request for judgment, the Court will enter judgment for the amount offered by the defendant (less any payments made) and costs:

(1) to be paid on the date or at the rate specified in the request for judgment; or

(2) if no such date or rate is specified, to be paid immediately.

### **15.30**

If the claimant does not accept the amount offered by the defendant, he may obtain judgment by filing a request in Form P15/03.

### **15.31**

Judgment under Rule 15.30 will be for an amount to be decided by the Court and costs.

## **Directions in relation to outstanding matters 15.32**

### **15.32**

Where the Court enters judgment under Rules 15.23 or 15.30 for an amount to be decided by the Court, it will give any directions it considers appropriate.

## **Request for time to pay 15.33 - 15.38**

### **15.33**

A defendant who makes an admission under Rules 15.14, 15.18 or 15.24 (admission relating to a claim for a specified amount of money or offering to pay a specified amount of money) may make a request for time to pay.

**15.34**

A request for time to pay is a proposal about the date of payment or a proposal to pay by instalments at the times and rate specified in the request.

**15.36**

If the defendant is requesting time to pay he should complete as fully as possible the statement of means contained in the admission form, or otherwise give in writing the same details of his means as could have been given in the admission form.

**15.37**

If the claimant accepts the defendant's request, he may obtain judgment by filing a request in Form P13/01.

**15.38**

On receipt of the request for judgment, the Court will enter judgment:

- (1) where Rule 15.14 applies, for the amount of the claim (less any payments made) and costs;
- (2) where Rule 15.18 applies, for the amount admitted (less any payments made) and costs; or
- (3) where Rule 15.24 applies, for the amount offered by the defendant (less any payments made) and costs; and
- (4) (in all cases) for payment at the time and rate specified in the defendant's request for time to pay.

**Determination of rate of payment 15.39 - 15.48****15.39**

Where the defendant has made a request for time to pay under Rule 15.33 if the claimant does not accept the defendant's proposals for payment, he must file a notice in Form P13/01.

**15.40**

Where the defendant's admission was served direct on the claimant, a copy of the admission and the request for time to pay must be filed with the claimant's notice.

**15.41**

When the Court receives the claimant's notice, it will enter judgment for the amount admitted (less

any payments made) to be paid at the time and rate of payment determined by the Registrar.

**15.42**

Where the Registrar is to determine the time and rate of payment, he may do so without a hearing.

**15.43**

If there is to be a hearing to determine the time and rate of payment, the Court must give each party at least 7 days' notice of the hearing.

**15.44**

Where the Registrar has determined the time and rate of payment under Rule 15.42, either party may apply for the decision to be re-determined by a Judge.

**15.45**

An application for re-determination must be made within 14 days after service of the determination on the applicant.

**15.46**

In deciding the time and rate of payment the Court will take into account:

- (1) the defendant's statement of means set out in the admission form or in any other written notice of the admission filed,
- (2) the claimant's objections to the defendant's request set out in the claimant's notice, and
- (3) any other relevant factors.

**15.47**

Either party may, on account of a change in circumstances since the date of the decision (or re-determination as the case may be) apply to vary the time and rate of payment of instalments still remaining unpaid.

**15.48**

An application to vary under Rule 15.47 above should be made in accordance with Part 23.



## **Interest 15.49 - 15.51**

### **15.49**

Judgment under Rule 15.14 (admission of whole of claim for specified amount of money) shall include the amount of interest claimed to the date of judgment if:

(1) the claim form includes the details required by Rule 17.18;

(2) where interest is claimed under

(a) Articles 118 or 119 of the Contract Law 2004;

(b) Articles 17, 18 or 32 of the Law of Damages and Remedies 2005;

(c) Article 121(b) of the Law of Obligations 2005; or

(d) Article 80 of the DIFC Employment Law 2005;

the rate is no higher than the rate of interest fixed by these Rules under Article 39(2)(a) of the Court Law payable on judgment debts at the date when the claim form was issued; and

(3) the claimant's request for judgment includes a calculation of the interest claimed for the period from the date up to which interest was stated to be calculated in the claim form to the date of the request for judgment.

### **15.50**

In any case where judgment is entered under Rule 15.14 and the conditions in Rule 15.49 are not satisfied judgment shall be for an amount of interest to be decided by the Court.

### **15.51**

Where judgment is entered for an amount of interest to be decided by the Court, the Court will give directions for the management of the case.

## **Withdrawing an admission 15.52 - 15.53**

### **15.52**

An admission made under this Part may be withdrawn with the Court's permission.

### **15.53**

In deciding whether to give permission for an admission to be withdrawn, the Court will have regard

to all the circumstances of the case, including:

- (1) the grounds upon which the applicant seeks to withdraw the admission including whether or not new evidence has come to light which was not available at the time the admission was made;
- (2) the conduct of the parties, including any conduct which led the party making the admission to do so;
- (3) the prejudice that may be caused to any person if the admission is withdrawn;
- (4) the prejudice that may be caused to any person if the application is refused;
- (5) the stage in the proceedings at which the application to withdraw is made, in particular in relation to the date or period fixed for trial;
- (6) the prospects of success (if the admission is withdrawn) of the claim or part of the claim in relation to which the offer was made; and
- (7) the interests of the administration of justice.