

# ADMISSIONS

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## 14.1 Admissions made after commencement of proceedings

- (1) A party may admit the truth of the whole or any part of another party's case.
- (2) He may do this by giving notice in writing (such as in a statement of case or by letter).
- (3) Where the only remedy which the claimant is seeking is the payment of money, the defendant may also make an admission in accordance with –
  - (a) rule 14.4 (admission of whole claim for specified amount of money);
  - (b) rule 14.5 (admission of part of claim for specified amount of money);
  - (c) rule 14.6 (admission of liability to pay whole of claim for unspecified amount of money); or
  - (d) rule 14.7 (admission of liability to pay claim for unspecified amount of money where defendant offers a sum in satisfaction of the claim).
- (4) Where the defendant makes an admission as mentioned in paragraph (3), the claimant has a right to enter judgment except where –
  - (a) the defendant is a child or protected party; or
  - (b) the claimant is a child or protected party and the admission is made under rule 14.5 or 14.7.

(Rule 21.10 provides that, where a claim is made by or on behalf of a child or protected party or against a child or protected party, no settlement, compromise or payment shall be valid, so far as it relates to that person's claim, without the approval of the court)

- (5) The permission of the court is required to amend or withdraw an admission.

(Rule 3.1(3) provides that the court may attach conditions when it makes an order)

#### **14.1A Admissions made before commencement of proceedings**

- (1) A person may, by giving notice in writing, admit the truth of the whole or any part of another party's case before commencement of proceedings (a 'pre-action admission').
- (2) Paragraphs (3) to (5) of this rule apply to a pre-action admission made in the types of proceedings listed at paragraph 1.1(2) of the Practice Direction to this Part if one of the following conditions is met –
- (a) it is made after the party making it has received a letter of claim in accordance with the relevant pre-action protocol; or
  - (b) it is made before such letter of claim has been received, but it is stated to be made under Part 14.
- (3) A person may, by giving notice in writing, withdraw a pre-action admission –
- (a) before commencement of proceedings, if the person to whom the admission was made agrees;
  - (b) after commencement of proceedings, if all parties to the proceedings consent or with the permission of the court.
- (4) After commencement of proceedings –
- (a) any party may apply for judgment on the pre-action admission; and
  - (b) the party who made the pre-action admission may apply to withdraw it.
- (5) An application to withdraw a pre-action admission or to enter judgment on such an admission –
- (a) must be made in accordance with Part 23;
  - (b) may be made as a cross-application.

#### **14.2 Period for making an admission**

- (1) The period for returning an admission under rule 14.4 or for filing it under rules 14.5, 14.6 or 14.7 is –
- (a) 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
  - (b) in any other case, 14 days after service of the claim form.
- (2) Paragraph (1) is subject to the following rules –
- (a) rule 6.35 (which specifies how the period for filing or returning an admission is calculated where the claim form is served out of the jurisdiction under rule 6.32 or 6.33); and
  - (b) rule 6.12(3) (which requires the court to specify the period for responding to the particulars of claim when it makes an order under that rule).
- (3) A defendant may return an admission under rule 14.4 or file it under rules 14.5, 14.6 or 14.7 after the end of the period for returning or filing it specified in paragraph (1) if the claimant has not obtained default judgment under Part 12.
- (4) If he does so, this Part shall apply as if he had made the admission within that period.

### **14.3 Admission by notice in writing – application for judgment**

- (1) Where a party makes an admission under rule 14.1(2) (admission by notice in writing), any other party may apply for judgment on the admission.
- (2) Judgment shall be such judgment as it appears to the court that the applicant is entitled to on the admission.

### **14.4 Admission of whole of claim for specified amount of money**

- (1) This rule applies where –
  - (a) the only remedy which the claimant is seeking is the payment of a specified amount of money; and
  - (b) the defendant admits the whole of the claim.
- (2) The defendant may admit the claim by returning to the claimant an admission in the relevant practice form.
- (3) The claimant may obtain judgment by filing a request in the relevant practice form and, if he does so –
  - (a) if the defendant has not requested time to pay, the procedure in paragraphs (4) to (6) will apply;
  - (b) if the defendant has requested time to pay, the procedure in rule 14.9 will apply.
- (4) The claimant may specify in his request for judgment –
  - (a) the date by which the whole of the judgment debt is to be paid; or
  - (b) the times and rate at which it is to be paid by instalments.
- (5) On receipt of the request for judgment the court will enter judgment.
- (6) Judgment will be for the amount of the claim (less any payments made) and costs –
  - (a) to be paid by the date or at the rate specified in the request for judgment; or
  - (b) if none is specified, immediately.

(Rule 14.14 deals with the circumstances in which judgment under this rule may include interest)

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

- (1) This rule applies where –
  - (a) the only remedy which the claimant is seeking is the payment of a specified amount of money; and
  - (b) the defendant admits part of the claim.
- (2) The defendant may admit part of the claim by filing an admission in the relevant practice form.
- (3) On receipt of the admission, the court will serve a notice on the claimant requiring him to return the notice stating that –
  - (a) he accepts the amount admitted in satisfaction of the claim;
  - (b) he does not accept the amount admitted by the defendant and wishes the proceedings to continue; or
  - (c) if the defendant has requested time to pay, he accepts the amount admitted in satisfaction of the claim, but not the defendant's proposals as to payment.

- (4) The claimant must –
  - (a) file the notice; and
  - (b) serve a copy on the defendant, within 14 days after it is served on him.
- (5) If the claimant does not file the notice within 14 days after it is served on him, the claim is stayed<sup>(GL)</sup> until he files the notice.
- (6) If the claimant accepts the amount admitted in satisfaction of the claim, he may obtain judgment by filing a request in the relevant practice form and, if he does so –
  - (a) if the defendant has not requested time to pay, the procedure in paragraphs (7) to (9) will apply;
  - (b) if the defendant has requested time to pay, the procedure in rule 14.9 will apply.
- (7) The claimant may specify in his request for judgment –
  - (a) the date by which the whole of the judgment debt is to be paid; or
  - (b) the time and rate at which it is to be paid by instalments.
- (8) On receipt of the request for judgment, the court will enter judgment.
- (9) Judgment will be for the amount admitted (less any payments made) and costs –
  - (a) to be paid by the date or at the rate specified in the request for judgment; or
  - (b) if none is specified, immediately.

(If the claimant files notice under paragraph (3) that he wishes the proceedings to continue, the procedure which then follows is set out in Part 26)

#### **14.6 Admission of liability to pay whole of claim for unspecified amount of money**

- (1) This rule applies where –
  - (a) the only remedy which the claimant is seeking is the payment of money;
  - (b) the amount of the claim is not specified; and
  - (c) the defendant admits liability but does not offer to pay a specified amount of money in satisfaction of the claim.
- (2) The defendant may admit the claim by filing an admission in the relevant practice form.
- (3) On receipt of the admission, the court will serve a copy on the claimant.
- (4) The claimant may obtain judgment by filing a request in the relevant practice form.
- (5) If the claimant does not file a request for judgment within 14 days after service of the admission on him, the claim is stayed <sup>(GL)</sup> until he files the request.
- (6) On receipt of the request for judgment the court will enter judgment.
- (7) Judgment will be for an amount to be decided by the court and costs.

#### **14.7 Admission of liability to pay claim for unspecified amount of money where defendant offers a sum in satisfaction of the claim**

- (1) This rule applies where –
  - (a) the only remedy which the claimant is seeking is the payment of money;
  - (b) the amount of the claim is not specified; and
  - (c) the defendant –

- (i) admits liability; and
  - (ii) offers to pay a specified amount of money in satisfaction of the claim.
- (2) The defendant may admit the claim by filing an admission in the relevant practice form.
- (3) 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.
- (4) If the claimant does not file the notice within 14 days after it is served on him, the claim is stayed<sup>(GL)</sup> until he files the notice.
- (5) If the claimant accepts the offer he may obtain judgment by filing a request in the relevant practice form and if he does so –
  - (a) if the defendant has not requested time to pay, the procedure in paragraphs (6) to (8) will apply;
  - (b) if the defendant has requested time to pay, the procedure in rule 14.9 will apply.
- (6) The claimant may specify in his request for judgment –
  - (a) the date by which the whole of the judgment debt is to be paid; or
  - (b) the times and rate at which it is to be paid by instalments.
- (7) On receipt of the request for judgment, the court will enter judgment.
- (8) Judgment will be for the amount offered by the defendant (less any payments made) and costs –
  - (a) to be paid on the date or at the rate specified in the request for judgment; or
  - (b) if none is specified, immediately.
- (9) If the claimant does not accept the amount offered by the defendant, he may obtain judgment by filing a request in the relevant practice form.
- (10) Judgment under paragraph (9) will be for an amount to be decided by the court and costs.

#### **14.8 Allocation of claims in relation to outstanding matters**

Where the court enters judgment under rule 14.6 or 14.7 for an amount to be decided by the court it will –

- (a) give any directions it considers appropriate; and
- (b) if it considers it appropriate, allocate the case.

#### **14.9 Request for time to pay**

- (1) A defendant who makes an admission under rules 14.4, 14.5 or 14.7 (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.
- (2) 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.
- (3) The defendant's request for time to pay must be served or filed (as the case may be) with his admission.
- (4) If the claimant accepts the defendant's request, he may obtain judgment by filing a request in the relevant practice form.
- (5) On receipt of the request for judgment, the court will enter judgment.

- (6) Judgment will be –
- (a) where rule 14.4 applies, for the amount of the claim (less any payments made) and costs;
  - (b) where rule 14.5 applies, for the amount admitted (less any payments made) and costs; or
  - (c) where rule 14.7 applies, for the amount offered by the defendant (less any payments made) and costs; and
- (in all cases) will be for payment at the time and rate specified in the defendant's request for time to pay.

(Rule 14.10 sets out the procedure to be followed if the claimant does not accept the defendant's request for time to pay)

#### **14.10 Determination of rate of payment**

- (1) This rule applies where the defendant makes a request for time to pay under rule 14.9.
- (2) If the claimant does not accept the defendant's proposals for payment, he must file a notice in the relevant practice form.
- (3) 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.
- (4) 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 court.

#### **14.11 Determination of rate of payment by court officer**

- (1) A court officer may exercise the powers of the court under rule 14.10(4) where the amount outstanding (including costs) is not more than £50,000.
- (2) Where a court officer is to determine the time and rate of payment, he must do so without a hearing.

#### **14.12 Determination of rate of payment by judge**

- (1) Where a judge is to determine the time and rate of payment, he may do so without a hearing.
- (2) Where a judge is to determine the time and rate of payment at a hearing, the proceedings must be transferred automatically to the defendant's home court if –
  - (a) the only claim is for a specified amount of money;
  - (b) the defendant is an individual;
  - (c) the claim has not been transferred to another defendant's home court under rule 13.4 (application to set aside<sup>(GL)</sup> or vary default judgment – procedure) or rule 26.2 (automatic transfer);
  - (d) the claim was not started in the defendant's home court; and
  - (e) the claim was not started in a specialist list.

(Rule 2.3 explains which court is a defendant's home court)

- (3) 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.

#### **14.13 Right of re-determination**

- (1) Where –

- (a) a court officer has determined the time and rate of payment under rule 14.11; or
  - (b) a judge has determined the time and rate of payment under rule 14.12 without a hearing, either party may apply for the decision to be re-determined by a judge.
- (2) An application for re-determination must be made within 14 days after service of the determination on the applicant.
- (3) Where an application for re-determination is made, the proceedings must be transferred to the defendant's home court if –
- (a) the only claim (apart from a claim for interest or costs) is for a specified amount of money;
  - (b) the defendant is an individual;
  - (c) the claim has not been transferred to another defendant's home court under rule 13.4 (application to set aside<sup>(GL)</sup> or vary default judgment – procedure) or rule 26.2 (automatic transfer);
  - (d) the claim was not started in the defendant's home court; and
  - (e) the claim was not started in a specialist list.

(Rule 2.3 explains which court is a defendant's home court)

#### **14.14 Interest**

- (1) Judgment under rule 14.4 (admission of whole of claim for specified amount of money) shall include the amount of interest claimed to the date of judgment if –
- (a) the particulars of claim include the details required by rule 16.4;
  - (b) where interest is claimed under section 35A of the Supreme Court Act 1981<sup>1</sup> or section 69 of the County Courts Act 1984<sup>2</sup>, the rate is no higher than the rate of interest payable on judgment debts at the date when the claim form was issued; and
  - (c) 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.
- (2) In any case where judgment is entered under rule 14.4 and the conditions in paragraph (1) are not satisfied judgment shall be for an amount of interest to be decided by the court.
- (3) 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.

<sup>1</sup> 1981 c.54. Section 35A was inserted by the Administration of Justice Act 1982 (c.53), section 15(1), Schedule 1, Part I.

<sup>2</sup> 1984 c.28. Schedule 69 was amended by the Courts and Legal Services Act 1990 (c.41), section 125(3), Schedule 18, paragraph 46.

