

## PRACTICE DIRECTION 14

## ADMISSIONS

**This Practice Direction supplements CPR Part 14**

## ADMISSIONS GENERALLY

**1.1**

- (1) Rules 14.1, 14.1A and 14.2 deal with the manner in which a defendant may make an admission of a claim or part of a claim.
- (2) Rule 14.1A makes provision about admissions made before commencement of a claim. It applies only to admissions made after 6th April 2007, and only in proceedings to which one of the following pre-action protocols apply –
  - (a) the pre-action protocol for personal injury claims;
  - (b) the pre-action protocol for the resolution of clinical disputes; or
  - (c) the pre-action protocol for disease and illness claims.

(The pre-action protocol for personal injury claims states that it is primarily designed for certain types of personal injury claim with a value of less than the fast track limit. But, paragraph 2.2 of the protocol indicates that it generally applies to all claims which include a claim for personal injury.)

- 1.2** Rules 14.3, 14.4, 14.5, 14.6 and 14.7 set out how judgment may be obtained on a written admission.

## FORMS

- 2.1** When particulars of claim are served on a defendant the forms for responding to the claim that will accompany them will include a form<sup>1</sup> for making an admission.
- 2.2** 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.

## RETURNING OR FILING THE ADMISSION

- 3.1** 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 14 days of service of the particulars of claim<sup>2</sup>.
- 3.2** 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, the admission form or other written notice of admission should be completed and filed with the court within 14 days of service of the particulars of claim<sup>3</sup>.

<sup>1</sup> Practice forms N9A (specified amount) or N9C (unspecified amount).

<sup>2</sup> Rules 14.2 and 14.4.

<sup>3</sup> Rules 14.2, 14.5, 14.6 and 14.7.

**3.3** The defendant may also file a defence under rule 15.2.

## REQUEST FOR TIME TO PAY

- 4.1** A defendant who makes an admission in respect of a claim for a specified sum of money or offers to pay a sum of money in respect of a claim for an unspecified sum may, in the admission form, make a request for time to pay<sup>1</sup>.
- 4.2** If the claimant accepts the defendant's request, he may obtain judgment by filing a request for judgment contained in Form N225A<sup>2</sup>; the court will then enter judgment for payment at the time and rate specified in the defendant's request<sup>3</sup>.
- 4.3** If the claimant does not accept the request for time to pay, he should file notice to that effect by completing Form N225A; the court will then enter judgment for the amount of the admission (less any payments made) at a time and rate of payment decided by the court (see rule 14.10).

## DETERMINING THE RATE OF PAYMENT

- 5.1** 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<sup>4</sup>, and
  - (3) any other relevant factors.
- 5.2** The time and rate of payment may be decided:
- (1) by a judge with or without a hearing, or
  - (2) by a court officer without a hearing provided that –
    - (a) the only claim is for a specified sum of money, and
    - (b) the amount outstanding is not more than £50,000 (including costs).
- 5.3** Where a decision has been made without a hearing whether by a court officer or by a judge, either party may apply for the decision to be re-determined by a judge<sup>5</sup>.
- 5.4** If the decision was made by a court officer the re-determination may take place without a hearing, unless a hearing is requested in the application notice.
- 5.5** If the decision was made by a judge the re-determination must be made at a hearing unless the parties otherwise agree.
- 5.6** Rule 14.13(2) describes how to apply for a re-determination.

## VARYING THE RATE OF PAYMENT

- 6.1** 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.

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<sup>1</sup> Rule 14.9.

<sup>2</sup> Rule 14.9(4).

<sup>3</sup> Rule 14.9(5) and (6).

<sup>4</sup> Practice form N225A.

<sup>5</sup> Rule 14.13(1).

**6.2** An application to vary under paragraph 6.1 above should be made in accordance with Part 23.

## WITHDRAWING AN ADMISSION

**7.1** An admission made under Part 14 may be withdrawn with the court's permission.

**7.2** 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 –

- (a) 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;
- (b) the conduct of the parties, including any conduct which led the party making the admission to do so;
- (c) the prejudice that may be caused to any person if the admission is withdrawn;
- (d) the prejudice that may be caused to any person if the application is refused;
- (e) 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;
- (f) 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
- (g) the interests of the administration of justice.

