

SCHEDULE 1

## The Simple Procedure Rules

### Part 4: How to respond to a claim

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#### 4.1 What is this Part about?

- (1) This Part is about how the respondent responds to a claim and what the court will do with that response.

#### 4.2.1 How do you respond to a claim?

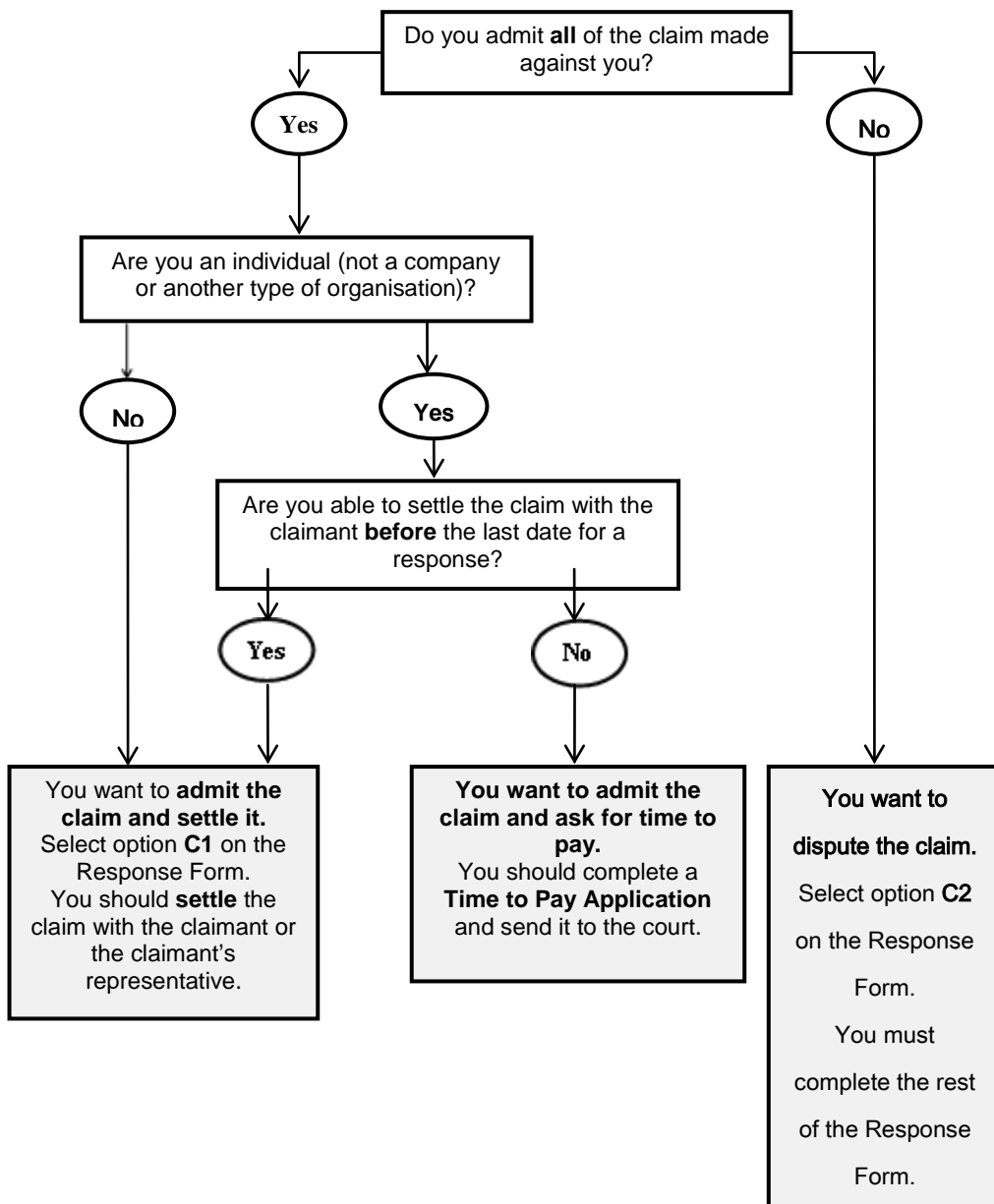
- (1) The respondent must respond to the claim by the last date for a response.
- (2) The respondent may respond to a claim in one of two ways:
  - (a) By completing a Response Form and sending it to the court and the claimant, or
  - (b) If the respondent wants to admit the claim and ask for time to pay, by completing a Time to Pay Application and sending it to the court.

#### 4.3 What responses can you make?

- (1) There are three ways in which the respondent may respond to the claim.
- (2) The respondent may:

- (a) admit the claim and settle it before the last date for a response,
- (b) admit the claim and ask the court for time to pay (see Part 5), or
- (c) dispute the claim or part of the claim (such as the amount the respondent should pay the claimant).

(3) This flow-chart sets out how the respondent may respond to a claim:



#### **4.4 What has to go in the Response Form?**

- (1) The respondent must set out in the Response Form the following information:
  - (a) which facts (if any) set out in the Claim Form that the respondent agrees with,
  - (b) which facts (if any) set out in the Claim Form that the respondent disagrees with and why,
  - (c) why the respondent thinks that the claimant should not get what was asked for in the Claim Form, or why the claimant should only get some of what was asked for in the Claim Form,
  - (d) what steps the respondent has already taken (if any) to try to resolve the dispute with the claimant.
- (2) The respondent must indicate in the Response Form if the respondent thinks that there should be any additional respondents.
- (3) The respondent must list in the Response Form any documents, files, or other evidence that the respondent thinks support the response.
- (4) The respondent must list in the Response Form any witnesses that the respondent thinks support the response.

#### **4.5 What will the court do with the Response Form?**

- (1) When the court receives a Response Form, the sheriff clerk must register it.
- (2) The sheriff clerk must then present the Claim Form, the Confirmation of Formal Service and the Response Form to the sheriff (see Part 7).