

SCHEDULE 1

Rule 7(2)

“PART 14
ADMISSIONS

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Admissions made before commencement of proceedings

- 14.1.**—(1) A person may, by notice in writing—
- (a) admit the whole or any part of another party’s case before commencement of proceedings (a “pre-action admission”);
 - (b) withdraw a pre-action admission before commencement of proceedings, if the person to whom the admission was made agrees.
- (2) After commencement of proceedings—
- (a) any party may apply to the court for judgment on the pre-action admission; and
 - (b) the maker of the pre-action admission may apply to the court for permission to withdraw it.

Admissions made after commencement of proceedings

- 14.2.**—(1) After commencement of proceedings, a party may admit, by notice in writing, the whole or any part of another party’s claim or case.
- (2) Where the claim is for money only, the defendant may admit, by notice in writing—
- (a) the whole or part of the claim for a specified amount;
 - (b) the whole or part of the claim for an unspecified amount; or
 - (c) liability for an unspecified amount to be determined.
- (3) The defendant may offer, by notice in writing, a sum in satisfaction of a claim for a specified or unspecified amount.
- (4) Where a defendant—
- (a) admits liability to pay the whole of or part of a claim for a specified sum of money;

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- (b) admits liability to pay the whole of a claim for an unspecified amount of money; or
- (c) admits liability to pay a claim for an unspecified amount of money and offers a sum in satisfaction of the claim,

the claimant may file a request for judgment.

(5) Where a claimant files a request for judgment under paragraph (4) the court shall enter judgment.

(6) Where a defendant makes an admission under paragraph (4)(a), or makes an admission under paragraph (4)(c) and the claimant accepts the amount offered, the judgment shall be in accordance with the admission (less any payments made) and costs and shall—

- (a) subject to paragraph (8) below, give effect to any agreement between the parties on time to pay;
- (b) provide for payment at a time and rate decided by the court where there is no such agreement and the defendant has requested time to pay;
- (c) subject to paragraph (8) below, provide for payment on a date or at a rate specified by the claimant, where the defendant has not requested time to pay;
- (d) provide for payment immediately, where the claimant has not so specified and the defendant has not requested time to pay.

(7) Where the defendant makes an admission under paragraph (4)(b), the judgment shall be for an amount decided by the court and costs.

(8) If a repayment date is agreed or (where the defendant has not requested time to pay) is specified by the claimant and that date has passed before the court's judgment is made, the judgment must still be in accordance with the admission but—

- (a) if the whole amount owed is due by the date that has passed, the judgment must state that payment must be made immediately;
- (b) if the amount owed is to be paid by instalments and the date the first instalment is due has passed, the judgment must state that the first instalment must be paid by the date falling one calendar month after the date of the judgment, with subsequent instalments payable at calendar monthly intervals after that.

(9) Where the defendant makes an admission under paragraph (4)(c) but the claimant does not accept the amount offered, the judgment shall be for an amount decided by the court and costs.

(10) Where the claimant or defendant is a child or protected party, the approval of the court is required under rule 21.10 for any settlement, compromise, payment or acceptance of money paid into court.

(11) The court's permission is required to amend or withdraw an admission.

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

Admissions made under the RTA Protocol, the EL/PL Protocol or the RTA Small Claims Protocol

14.3.—(1) This rule applies to a pre-action admission made in a case to which one of the following applies—

- (a) the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents (“the RTA Protocol”);
- (b) the Pre-action Protocol for Low Value Personal Injury (Employers’ Liability and Public Liability) Claims (“the EL/PL Protocol”);

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- (c) the Pre-Action Protocol for Personal Injury Claims below the Small Claims Limit in Road Traffic Accidents (“the RTA Small Claims Protocol”).
- (2) The defendant may, by giving notice in writing, withdraw an admission of causation—
 - (a) before commencement of proceedings—
 - (i) during the initial consideration period (or any extension to that period) where the RTA Protocol or the EL/PL Protocol applies, as defined in the relevant Protocol; or
 - (ii) at any time if the person to whom the admission was made agrees; or
 - (b) after commencement of proceedings—
 - (i) if all the parties to the proceedings consent; or
 - (ii) with the court’s permission on an application under Part 23.
- (3) Where the RTA Small Claims Protocol applies, the defendant’s admissions may be withdrawn under paragraph 8.9 of that Protocol.
- (4) The defendant may, by giving notice in writing withdraw any other pre-action admission after commencement of proceedings—
 - (a) if all the parties to the proceedings consent; or
 - (b) with the permission of the court on an application under Part 23.

Application for judgment on admission

- 14.4.**—(1) Where a party applies for judgment on an admission, the court shall give such judgment as it considers the applicant is entitled to.
- (2) If the claim is not admitted in full, the claimant may give written notice that the claim is to continue in relation to the balance not admitted to be due.
- (3) The court shall give appropriate directions for determination of any outstanding issues.

Application for permission to withdraw admission

- 14.5.** In deciding whether to give permission for an admission to be withdrawn, the court shall consider all the circumstances of the case, including—
 - (a) the grounds for seeking to withdraw the admission;
 - (b) whether there is new evidence that was not available when the admission was made;
 - (c) the conduct of the parties;
 - (d) any prejudice to any person if the admission is withdrawn or not permitted to be withdrawn;
 - (e) what stage the proceedings have reached; in particular, whether a date or period has been fixed for the trial;
 - (f) the prospects of success of the claim or of the part of it to which the admission relates; and
 - (g) the interests of the administration of justice.

Time to pay

- 14.6.**—(1) A claimant filing a request to enter judgment on an admission, or a defendant who admits all or part of a money claim may include a notice in writing of—
 - (a) the date by which the judgment debt is to be paid; or

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

(2) A request or admission under paragraph (1) may include a calculation of interest up to the date of the application or request and continuing thereafter.

(3) A defendant requesting time to pay must include in the notice a statement of income, outgoings, assets and liabilities.

(4) Where the rate of payment is determined by the court under rule 14.2(6)(b), the rate may be determined by a court officer, without a hearing, if the amount outstanding (including interest and costs) is not more than £50,000.

(5) A party may by notice in writing, within 14 days of the court officer's determination, request a re-determination by a judge.

(6) The judge shall determine the rate of payment without a hearing unless the judge directs otherwise.

(7) Where there is a relevant change of circumstances after the court's determination, either party may apply to vary the time and rate of payment of instalments.

Request for judgment for an amount of money to be decided by the court – claims in the Civil National Business Centre

14.7.—(1) If a claimant files a request for judgment in the Civil National Business Centre, for an amount of money to be decided by the court, the claim shall be sent to the preferred hearing centre.

(2) If a claim is sent to a preferred hearing centre under paragraph (1), any further correspondence must be sent to, and any further requests must be made at, the hearing centre to which the claim was sent.”