

**FORM 1A: NOTES FOR DEFENDANT**

**NOTES FOR DEFENDANT**

**This Form is important. When you get this document you should consider getting legal advice.**

**ACTION TO BE TAKEN ON RECEIPT OF THIS FORM**

The claimant is making a claim against you in the court. **If you do nothing judgment may be entered against you.** That means that the claimant will be entitled to take steps to enforce payment from you of any money he is claiming and you will have no right to be heard except as to the amount of any costs claimed or as to the way in which you can pay the judgment unless you apply to set judgment aside.

**What you can do**

**You can**

**A. Defend the claim**

If you would like to do this you must:

Complete the form of appearance and return it to the court office so that they receive it within EIGHT DAYS of the date on which you received this form.

AND, provided that a statement of case was served on you with the claim form—

Complete the form of defence or submit some other form of defence showing why you dispute the claim and giving full details of all the facts on which you intend to rely if there is a trial. This must be delivered or sent to the court office so that they receive it within TWENTY-EIGHT days of the date on which you received this form and a copy must be served on the claimant's attorney-at-law (or the claimant if he has no attorney-at-law) at the address for service given.

If no statement of case is served with the claim form you need not file and serve a defence until TWENTY-EIGHT days after the statement of case is served on you.

After you have filed your defence you will be given details of the date, time and place of a case management conference at which a Judge will decide what issues have to be determined by the court and give directions about what needs to be done before the case is tried. You **MUST** attend that hearing.

**B. Admit the whole of the claim**

Complete the form of appearance stating that you admit the claim and return it to the court office so that they receive it within EIGHT DAYS of the date on which you received this form.

If you can pay the amount stated on the claim form including fees, costs and interest you should pay this to the claimant within EIGHT days and no further steps can be taken against you. You must add interest at the daily rate shown from the date stated on the claim form. If you cannot pay this sum in full you may apply to the court to pay by instalments. If you wish to do so you must complete the Application to pay by instalments form (Form 3A) and return this to the court with your appearance.

**REPUBLIC OF TRINIDAD AND TOBAGO  
SUPREME COURT OF JUDICATURE**

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*Civil Proceedings Rules 1998*

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**C. Admit part of the claim and defend the rest**

Complete the form of appearance stating how much you admit and return it to the court office so that they receive it within EIGHT DAYS of the date on which you received this form AND complete the form of defence as outlined under section A above.

You **may** also—

Pay the amount that you admit direct to the claimant OR apply to pay that sum by instalments. If so you should follow the procedure as outlined under section B above.

**D. Make a claim against the claimant**

If you would like to do this you **must**

Complete the form of appearance and return it to the court office so that they receive it within EIGHT DAYS of the date on which you received this Form AND complete the form of defence giving details of your defence (if any) to the claim as under A above and also the claim that you are making against the claimant and return it to the court office so that they receive it within TWENTY-EIGHT days of the date on which you received this form.

If you admit the claim but wish to counterclaim you should say so. If your counterclaim is for a lower sum than the claim you **may** pay the difference between the amount that the claimant claims from you and the amount that you claim from him direct to the claimant OR apply to pay that sum by instalments. If so you should follow the procedure indicated under B. You will then be given details of the date, time and place of a case management conference at which a Judge will decide what issues have to be determined by the court and give directions about what needs to be done before the case is tried. You **MUST** attend that hearing.

**REMEMBER IF YOU DO NOTHING, JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT ANY FURTHER WARNING.**

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