PART 11 Acknowledgment Of Service

PART 11

Acknowledgment of service

11.1

Where the claimant uses the procedure set out in Part 8 (alternative procedure for claims) this Part applies subject to the modifications set out in Rules 8.13 to 8.15.

11.2

A defendant shall file an acknowledgment of service if:

(1) the claimant serves a claim form without serving particulars of claim;

(2) the defendant is unable to file a defence within the period specified in Rule 16.9; or

(3) the defendant wishes to dispute the Court 's jurisdiction.

11.3

A defendant who wishes to acknowledge service of a claim should do so by using Form P11/01.

Consequence of not filing an acknowledgment of service

11.4

If:

(1) a defendant fails to file an acknowledgment of service within the period specified in Rule 11.5; and

(2) does not within that period file a defence in accordance with Part 16 or serve or file an admission in accordance with Part 15,

the claimant may obtain default judgmentG if Part 13 allows it.

The period for filing an acknowledgment of service

11.5

The general rule is that the period for filing an acknowledgment of service is 14 days after service of the claim form.

The Overriding Objective

11.6

The general rule is subject to the following rules:

(1) Rule 9.56 (which specifies how the period for filing an acknowledgment of service is calculated where the claim form is served out of the DIFC and Dubai); and

(2) Rule 9.48 (which requires the Court to specify the period for responding to the particulars of claim when it makes an order under that Rule).

Notice to claimant that defendant has filed an acknowledgment of service

11.7

On filing an acknowledgement of service, the defendant must provide a copy to the claimant.

Contents of acknowledgment of service

11.8

An acknowledgment of service must:

(1) be signed by the defendant or his legal representative; and

(2) include the defendants' address for service.

11.9

Where the defendant is represented by a legal representative and the legal representative has signed the acknowledgment of service form, the address must be the legal representative's business address; otherwise the address for service that is given should be as set out in Rules 9.15 and 9.16.

11.10

Where the defendant is a company or other corporation, a person holding a senior position in the company or corporation may sign the acknowledgment of service on the defendant's behalf, but must state the position he holds.

11.11

Each of the following persons is a person holding a senior position:

(1) in respect of a registered company or corporation, a director, the treasurer, secretary, chief executive, manager or other officer of the company or corporation, and

(2) in respect of a corporation which is not a registered company, in addition to those persons set out in (1), the mayor, chairman, president, town clerk or similar officer of the corporation.

11.12

Where a claim is brought against a partnership:

(1) service must be acknowledged in the name of the partnership on behalf of all persons who were partners at the time when the cause of action accrued; and

(2) the acknowledgment of service may be signed by any of those partners, or by any person authorised by any of those partners to sign it.

General

11.13

The defendant's name should be set out in full on the acknowledgment of service.

11.14

Where the defendant's name has been incorrectly set out in the claim form, it should be correctly set out on the acknowledgment of service followed by the words 'described as' and the incorrect name.

11.15

If two or more defendants to a claim acknowledge service of a claim through the same legal representative at the same time, only one acknowledgment of service need be used.

11.16

An acknowledgment of service may be amended or withdrawn only with the permission of the Court.

The application must be made in accordance with Part 23 and supported by evidence.