



# Notes for guidance on completing the Defence and Counterclaim



The following notes are a step by step guide to completing the Defence and Counterclaim. They tell you what information is needed for each of the numbered sections in the form.

## **Section 1- Details of the parties**

This section requires you to provide the Court with your full name, address, telephone number, fax number and email address. It also requires you to provide the contact details of the person who is making the claim against you (the Claimant). It is important that you provide as many details as possible so that the Court knows how to contact you and the other party/parties to the proceedings.

## **Section 2- Contesting the jurisdiction of the court**

You must indicate in this section whether or not you are contesting the jurisdiction (i.e. 'the legal authority') of the Court. If you are not contesting the Court's jurisdiction, then tick the 'no' box and move on to Section 3. If, however, you are arguing that the Court has no legal authority to hear the case against you, then you should tick the 'yes' box and then go on to explain why you say that that is so. You can then move on to section 7.

## **Section 3- Admitting the claim**

If you do not admit the claim that is being made against you, tick the 'no' box and move on to section 4. If, however, you admit the claim, or any part of it, then tick the 'yes' box. If you are only admitting part of the claim, ensure that you explain what part of the claim you are admitting. You can then go on to explain why you dispute part of the claim in section 4.

## **Section 4- Disputing the claim**

If you dispute the claim against you, or any part of it, then you must provide the Court with details. It is also important that if you are relying upon any law (such as QFC Law or QFC Regulations) you indicate which laws and/or regulations you are relying upon. When setting out your defence, you should aim to provide no more than 25 typed pages of submissions. Many defences can be clearly and concisely set out in under 10 pages and so you should not aim to provide the Court with a 25 page Defence if you can set it out clearly in fewer pages.

## **Section 5- Counterclaims**

If you wish to make a claim against the Claimant (a 'counterclaim') you should identify your reasons for doing so, remembering to briefly detail any facts relied upon and referring to any laws (such as QFC Law or QFC Regulations) which you believe are important in helping you to establish your counterclaim. When setting out your counterclaim, you should aim to provide no more than 25 typed pages of submissions. Many counterclaims can be clearly and concisely set out in under 10 pages and so you should not aim to provide the Court with a 25 page counterclaim if you can set it out in fewer pages.

If you do not wish to make a counterclaim, then you can leave this section blank.

## **Section 6- Supporting documentation**

If you are submitting extra documents along with your Defence (such as a contract or other business document) you should list the documents in this section and identify why they are important. The Court does not, at this stage, need to see every single document which you believe relates to your defence. You should simply provide only those documents which you believe are essential in helping you defend the claim which is being brought against you.

## **Section 7- Extensions of time**

If you wish to contest the jurisdiction of the Court, you must notify the Court and the Claimant (using the Defence and Counterclaim) within 14 days of service on you of the Claim Form. If you are admitting or disputing the claim, or any part of it, you must file and serve a copy of the Defence and Counterclaim on the Court and the Claimant within 28 days of service (or deemed service) of the Claim Form. If you are responding out of time, you must explain why your response is late and why it would be in the interests of justice for the Court to consider it. If you fail to do this, the Court will not accept service of your Defence and will instead return the form to you.

## **Section 8- Legal representation**

In this section you should tell the Court whether or not you are legally represented. If you are not, then you should tick the 'no' box. If you are legally represented then your lawyer should be completing the form for you. If you are legally represented but are completing the form yourself, then you should provide your lawyer's contact details so the Court knows how to get in touch with them.

## **Section 9- Language**

Proceedings before the Court will usually be conducted in English and all documents submitted to the Court (including the Defence and Counterclaim) must be completed in English (although you may, if you wish, submit duplicate copies in Arabic). If you are content for the Court proceedings to be conducted in English, then you should tick the 'English' box. If, however, you wish to have your case conducted in Arabic, you should tick the 'Arabic' box. Remember that if you wish to have the proceedings conducted in Arabic, you must still provide the Court with a copy of the Defence and Counterclaim (and any documents relied upon) in English.

## **Section 10- Acknowledgements and statement of truth**

This section must be completed and signed by you or by your lawyer on your behalf. Where you are completing the Defence and Counterclaim on behalf of a registered company or corporation, it must be signed by either a director, treasurer, secretary, chief executive, manager or other officer of the company or, in the case of a corporation, the mayor, chairman, president or town clerk.

Proceedings for contempt of court may be brought against any person who signs a statement of truth without an honest belief in its truth.