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| **STATEMENT OF ADMISSION**  **Rule 38(1) of Magistrates’ Courts (Civil Procedure), Subordinate Court Act (Chapter 6, R 3)** | **STATEMENT OF ADMISSION**  **Rule 38(1) of Magistrates’ Courts (Civil Procedure), Subordinate Court Act (Chapter 6, R 3)** |
| 1. **Fill in this form if:**  * You admit to (i) partial or (ii) whole claim. * Do not fill in this form if you are disputing to the whole claim. * **NOTE:** Filling in this form is fully **voluntary**.  1. **How to fill the form?**  * If you are admitting to the claim in **full**, tick the necessary box. Once you have filed in the form, you do not need to appear on the fixed mention/court date. * If you are admitting to **part of the claim**, state the admitted amount in the box. You are then required to file in your Defence for the disputed claim two weeks from the date you filed the statement of admission. You may inquire with the Court’s Legal Assistant on filing a Defence (and Counterclaim, if any). A new date will be given for you to appear in court.  1. **What happens after you file in this form?**  * Court will send a copy of your form to the Plaintiff who will subsequently apply for a Consent Judgment to be entered against you. * A Consent judgment will be entered against you **without cost for appearance in court.** This is subject to no appearance(s) being made previouslyfor other applications.      1. **What happens if you admit to part of the claim?**  * Once you have filed in your form admitting to parts of the claim, a Consent Judgment **without cost for appearance** will be entered for the partial claim admitted. * Once you have filed in your defence for the disputed claim, the matter will go to trial for determination. * If the court finds against you, a Judgment will be entered against you **with cost for the proceedings on the disputed claim.**  1. **How to file the form?**  * You may return this form in an envelope with the label “**Attention to: Civil Section, Magistrates’ Court”** at the Magistrates’ Court Registry. * You are to include a copy of your identity card or proof of identity. If you are a company, you are to include proof that you are a director (copy of Form 16/17 or Form X) or if you are not the director, proof that you have been authorised to act for the said company and a copy of the business registration certificate. * You are to return this form to the court **at least 3 working days before the mention/court date**. * Upon receipt of the form, the court’s legal assistant will provide you with guidance on the next step in the proceedings.  1. **What happens if you do not file in a statement of admission?**  * You are required to appear before the court on the date fixed in the summon. * If you **do not fill** in this form, and you **failed to attend court** on the fixed date, the Plaintiff can apply for Judgment in Default against you with cost. | **Attention To:**  **The Honourable Magistrate,**  **Magistrates’ Court**  **Bandar Seri Begawan / Tutong / Kuala Belait**  **Case Number:**  **MCCS/\_\_\_\_\_\_\_\_\_/ \_\_\_\_\_\_\_\_\_\_\_\_/ \_\_\_\_\_\_\_\_\_\_\_\_**   |  |  | | --- | --- | | Defendant’s full name and IC No / Proof of Identity  (If Company, Name of person representing and Business Registration No) | | | **Phone Number** |  | | **Email** |  |   **Tick the appropriate box:**   |  |  | | --- | --- | | I understand and admit this claim in full. |  | | I understand and admit to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and intend to dispute \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |   Enclosed is a copy of my identity card / proof of identity.  (**For Company/Business**) Enclosed is a proof of my directorship/authorisation letter and a copy of the business registration certificate.  **I DECLARE THE DETAILS ABOVE ARE TRUE.**   |  |  | | --- | --- | | Signature and company’s stamp (if relevant) |  | | Date |  |  |  |  | | --- | --- | | If signing on behalf of a company / business, please state your position in the said company and company’s stamp: |  |   **Important Notice:**   |  | | --- | | 1. Failing to file your Defence for the claim disputed within 14 days of filing the ‘Statement of Admission’, the Plaintiff can apply for Judgment in Default of Defence to be entered against you with cost. | | 1. If you change your mind and agree to the disputed claim, you may file in another ‘Statement of Admission’ before the 14 days/new mention date. However, if the case has been mentioned in court, the Plaintiff is at liberty to apply for cost for those appearances. | | 1. If you appear before the court and admit to the disputed claim, the Plaintiff may apply for Consent Judgment with cost against you. | |