

CHAPTER 18

DEFENCES AND ANSWERS

Form and lodging of defences

18.1.-(1) Defences to an action shall consist of-

- (a) numbered answers corresponding to the articles of the condescence annexed to the summons; and
- (b) appropriate pleas-in-law.

(2) Subject to rule 46.6 (ship collisions and preliminary acts), defences to an action shall be lodged in process within 7 days after the date on which the summons has called, or, if the seventh day is in vacation, on the next day on which a summons may be called.

Contesting jurisdiction

18.2.-(1) Where a defender seeks to contest the jurisdiction of the court, he may-

- (a) lodge defences relating both to jurisdiction and the substantive issues of the action without submitting to the jurisdiction of the court; or
- (b) lodge defences relating only to the question of jurisdiction in the first instance.

(2) Where a defender lodges defences under paragraph (1)(b) and is unsuccessful in contesting jurisdiction, the court shall allow the defender to amend his defences to defend on the substantive issues of the action within such period as the court thinks fit.

Answers

18.3.-(1) This rule applies to answers lodged to a petition, counterclaim, minute or note.

(2) Answers shall consist of-

- (a) numbered answers corresponding to the paragraphs of the statement of facts in the writ to which they apply; and
- (b) appropriate pleas-in-law.

(3) Answers may be lodged at any time within the period of notice specified in the interlocutor calling for answers.