

Form 36

RESPONSE TO LETTER OF CLAIM FOR DEFAMATION ACTIONS

To: [Claimant / claimant's solicitors]
[Address]

SECTION 1 - INTRODUCTION

State that you / your client acknowledge(s) receipt of the letter of claim dated [date] and its enclosures on [date of receipt].

SECTION 2 – RESPONSE TO THE LETTER OF CLAIM

- (a) State whether, and to what, extent the claim is accepted, whether more information is required or whether the claim is rejected.
- (b) If the claim is fully accepted, state that you / your client accept(s) the claim and the remedies which you are / your client is willing to offer (for example, retraction, clarification, apology, undertaking, offer of amends¹ and/or monetary payment (in which case, specify the quantum and as far as possible, refer to relevant case precedents and/or other authorities)).
- (c) If the claim is partially accepted:
 - (i) state the areas of the claim which you / your client accept(s);
 - (ii) state the areas of the claim which you / your client dispute(s) and why;
 - (iii) state the remedies which you are / your client is willing to offer, if any (for example, retraction, clarification, apology, undertaking, offer of amends and/or monetary payment (in which case, specify the quantum and as far as possible, refer to relevant case precedents and/or other authorities)).
- (d) If more information in relation to the claim is required, specify the additional information required and why.
- (e) If the claim is rejected:
 - (i) state that you / your client reject(s) the claim;
 - (ii) where applicable, state that you / your client disagree(s) with the claimant's interpretation of the words complained of and identify the meanings which you / your client attribute(s) to those words;

¹ Please refer to section 7 of the Defamation Act (Cap 75).

- (iii) where applicable, indicate which substantive defence you / your client wish(es) to rely on and the relevant facts in support of that defence (for example, the defences of justification, absolute / qualified privilege or fair comment).
- (f) If there is a counterclaim for defamation, provide the information set out at Form 34 of Appendix A1 to these Practice Directions.

SECTION 3 – ADR OPTIONS AND CONCLUSION

State whether you are / your client is agreeable to any of the ADR options proposed by the claimant in the letter of claim. If you are not / your client is not agreeable to the proposed ADR option(s), counter-propose your / your client's preferred ADR option(s) as a form of dispute resolution.

If you do not / your client does not wish to engage in ADR, please state the reasons.

Yours faithfully

[Signed off by potential defendant / potential defendant's solicitors]