District Court - Schedule C - Forms in civil proceedings

S.I. No. 17 of 2014

No. 40A.03

Personal injuries counterclaim

[*to be appended to the personal injuries defence*]

PERSONAL INJURIES COUNTERCLAIM Civil Liability and Courts Act 2004, section 12

STATEMENT OF COUNTERCLAIM

*Schedule C
O.40A, r.7*

[*A personal injuries counterclaim must contain a statement entitled “Statement of Counterclaim” which must*

*(a) set out, in numbered paragraphs, full and detailed particulars of—*

*(i) the nature of the claim and of each allegation, assertion or plea comprising that claim;*

*(ii) the injuries to the respondent alleged to have been occasioned by the wrong of the claimant;*

*(iii) the acts of the claimant constituting the said wrong and the circumstances relating to the commission of the said wrong;*

*(iv) each instance of negligence by the claimant,*

*(b) contain a schedule of full particulars of all items of special damage in respect of which the respondent is making a claim, and*

*(c) give details of the basis upon which jurisdiction is claimed.*

The following is a suggested format in which the indorsement might be presented:

*1. DESCRIPTION OF PARTIES*

*2. WRONG ALLEGED AGAINST THE CLAIMANT (OR AGAINST EACH CLAIMANT)*

*3. PARTICULARS OF THE ACTS OF THE CLAIMANT (OR OF EACH CLAIMANT) CONSTITUTING THE WRONG AND OF THE CIRCUMSTANCES RELATING TO THE COMMISSION OF THE WRONG*

*(Full particulars should be set out)*

*4. PARTICULARS OF EACH INSTANCE OF NEGLIGENCE BY THE CLAIMANT (OR BY EACH CLAIMANT)*

*(Full particulars should be set out)*

*5. PARTICULARS OF THE INJURIES TO THE RESPONDENT OCCASIONED BY THE WRONG OF THE CLAIMANT (OR OF EACH CLAIMANT)*

*6. RELIEFS CLAIMED BY THE RESPONDENT*

*7. The bringing of this personal injuries counterclaim requires to be authorised in accordance with \*section 14 \*section 17 \*section 32 \*section 36 \*section 49*

*\*rules under section 46(3) of the Personal Injuries Assessment Board Act 2003 and these personal injuries proceedings have been authorised by the Personal Injuries Assessment Board, under \*section 14 \*section 17 \*section 32 \*section 36*

*\*section 49 \*rules under section 46(3) by authorisation dated the .....day of ......20.... under reference number ........*

*Schedule*

*PARTICULARS OF ITEMS OF SPECIAL DAMAGE*

[conclude as in Form 40.02]