

# Notes for claimant on completing a Part 8 claim form

- Please read all of these guidance notes before you begin completing the claim form. The notes follow the order in which information is required on the form.
- Court staff can help you fill in the claim form and give information about procedure once it has been issued. But they cannot give legal advice. If you need legal advice, for example, about the likely success of your claim or the evidence you need to prove it, you should contact a solicitor or a Citizens Advice Bureau.
- If you are filling in the claim form by hand, please use black ink and write in block capitals.
- You must file any written evidence to support your claim either in or with the claim form. Your written evidence must be verified by a statement of truth.
- Copy the completed claim form, the defendant's notes for guidance and your written evidence so that you have one copy for yourself, one copy for the court and one copy for each defendant. Send or take the forms and evidence to the court office with the appropriate fee. The court will tell you how much this is.

## Notes on completing the claim form

### Heading

You must fill in the heading of the form to indicate whether you want the claim to be issued in a county court or in the High Court (The High Court means either a District Registry (attached to a county court) or the Royal Courts of Justice in London).

Use whichever of the following is appropriate:

'In the .....County Court'

(inserting the name of the court)

**or**

'In the High Court of Justice.....Division'

(inserting eg. 'Queen's Bench' or 'Chancery' as appropriate)

.....District Registry'

(inserting the name of the District Registry)

**or**

'In the High Court of Justice.....Division,

(inserting eg. 'Queen's Bench' or 'Chancery' as appropriate)

Royal Courts of Justice'

### Claimant and defendant details

As the person issuing the claim, you are called the 'claimant'; the person you are suing is called the 'defendant'. Claimants who are under 18 years old (unless otherwise permitted by the court) and patients within the meaning of the Mental Health Act 1983 must have a litigation friend to issue and conduct court proceedings on their behalf. Court staff will tell you more about what you need to do if this applies to you.

You must provide the following information about yourself **and** the defendant according to the capacity in which you are suing and in which the defendant is being sued. When suing or being sued as:-

#### **an individual:**

All known forenames and surname, whether Mr, Mrs, Miss, Ms or Other (e.g. Dr) and residential address (**including** postcode and telephone and any fax or e-mail number) within the United Kingdom or in any other European Economic Area (EEA) state. Where the defendant is a proprietor of a business, a partner in a firm or an individual sued in the name of a club or other unincorporated association, the address for service should be the usual or last known place of residence **or** principal place of business of the company, firm or club or other unincorporated association.

#### **Where the individual is:**

**under 18** write '(a child by Mr Joe Bloggs his litigation friend)' after the child's name.

**a patient within the meaning of the Mental Health Act 1983** write '(by Mr Joe Bloggs his litigation friend)' after the patient's name.

#### **trading under another name**

you must add the words 'trading as' and the trading name e.g. 'Mr John Smith trading as Smith's Groceries'

#### **suing or being sued in a representative capacity**

you must say what that capacity is e.g. 'Mr Joe Bloggs as the representative of Mrs Sharon Bloggs (deceased)'

#### **suing or being sued in the name of a club or other unincorporated association**

add the words 'suing/sued on behalf of' followed by the name of the club or other unincorporated association.

#### **a firm**

enter the name of the firm followed by the words 'a firm' e.g. 'Bandbox - a firm' and an address for service which is either a partner's residential address or the principal or last known place of business.

#### **a corporation (other than a company)**

enter the full name of the corporation and the address which is either its principal office **or** any other place where the corporation carries on activities and which has a real connection with the claim.

#### **a company registered in England and Wales**

enter the name of the company and an address which is either the company's registered office **or** any place of business that has a real, or the most, connection with the claim e.g. the shop where the goods were bought.

#### **an overseas company (defined by s744 of the Companies Act 1985)**

enter the name of the company and either the address registered under s691 of the Act **or** the address of the place of business having a real, or the most, connection with the claim.

## Details of claim

Under this heading you must set out either

- the question(s) you wish the court to decide; **or**
- the remedy you are seeking and the legal basis for your claim; **and**
- if your claim is being made under a specific CPR Part or practice direction, you must state which.

## Defendant's name and address

Enter in this box the full name and address of the defendant to be served with the claim form (i.e. one claim form for each defendant). If the defendant is to be served outside the European Economic Area, you may need to obtain the court's permission.

## Address for documents

Insert in this box the address at which you wish to receive documents, if different from the address you have already given under the heading 'Claimant'. The address you give must be either the business address of your solicitor or European Lawyer or your own residential or business address within the UK or in any other EEA state.

## Statement of truth

This must be signed by you, by your solicitor or your litigation friend, as appropriate.

Where the claimant is a registered company or a corporation the claim must be signed by either the 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.