

# PART 16

## STATEMENTS OF CASE

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### PART NOT TO APPLY WHERE CLAIMANT USES PART 8 PROCEDURE

- 16.1 | This Part does not apply where the claimant uses the procedure set out in Part 8 (alternative procedure for claims).

### CONTENTS OF THE CLAIM FORM

- 16.2 | (1) The claim form must –
- (a) contain a concise statement of the nature of the claim;
  - (b) specify the remedy which the claimant seeks;
  - (c) where the claimant is making a claim for money, contain a statement of value in accordance with rule 16.3; and
  - (d) contain such other matters as may be set out in a practice direction.
- (2) If the particulars of claim specified in rule 16.4 are not contained in, or are not served with the claim form, the claimant must state on the claim form that the particulars of claim will follow.
- (3) If the claimant is claiming in a representative capacity, the claim form must state what that capacity is.
- (4) If the defendant is sued in a representative capacity, the claim form must state what that capacity is.
- (5) The court may grant any remedy to which the claimant is entitled even if that remedy is not specified in the claim form.

(Part 22 requires a claim form to be verified by a statement of truth)

## STATEMENT OF VALUE TO BE INCLUDED IN THE CLAIM FORM

- 16.3 |
- (1) This rule applies where the claimant is making a claim for money.
  - (2) The claimant must, in the claim form, state –
    - (a) the amount of money which he is claiming;
    - (b) that he expects to recover –
      - (i) not more than £5,000;
      - (ii) more than £5,000 but not more than £15,000; or
      - (iii) more than £15,000; or
    - (c) that he cannot say how much he expects to recover.
  - (3) In a claim for personal injuries, the claimant must also state in the claim form whether the amount which he expects to recover as general damages for pain, suffering and loss of amenity is –
    - (a) not more than £1,000; or
    - (b) more than £1,000.
  - (4) In a claim which includes a claim by a tenant of residential premises against his landlord where the tenant is seeking an order requiring the landlord to carry out repairs or other work to the premises, the claimant must also state in the claim form whether the amount he expects to recover as damages in respect of those repairs or other work is –
    - (a) not more than £1000; or
    - (b) more than £1000.
  - (5) If the claim form is to be issued in the High Court it must, where this rule applies –
    - (a) state that the claimant expects to recover more than £15,000;
    - (b) state that some other enactment provides that the claim may be commenced only in the High Court and specify that enactment;
    - (c) if the claim is a claim for personal injuries state that the claimant expects to recover £50,000 or more; or
    - (d) state that the claim is to be in one of the specialist High Court lists and state which list.
  - (6) When calculating how much he expects to recover, the claimant must disregard any possibility –
    - (a) that he may recover –
      - (i) interest;
      - (ii) costs;
    - (b) that the court may make a finding of contributory negligence against him;

- (c) that the defendant may make a counterclaim or that the defence may include a set-off; or
  - (d) that the defendant may be liable to pay an amount of money which the court awards to the claimant to the Secretary of State for Social Security under section 6 of the Social Security (Recovery of Benefits) Act 1997<sup>(18)</sup>.
- (7) The statement of value in the claim form does not limit the power of the court to give judgment for the amount which it finds the claimant is entitled to.

## CONTENTS OF THE PARTICULARS OF CLAIM

- 16.4 | (1) Particulars of claim must include –
- (a) a concise statement of the facts on which the claimant relies;
  - (b) if the claimant is seeking interest, a statement to that effect and the details set out in paragraph (2);
  - (c) if the claimant is seeking aggravated damages<sup>(GL)</sup> or exemplary damages<sup>(GL)</sup>, a statement to that effect and his grounds for claiming them;
  - (d) if the claimant is seeking provisional damages, a statement to that effect and his grounds for claiming them; and
  - (e) such other matters as may be set out in a practice direction.
- (2) If the claimant is seeking interest he must –
- (a) state whether he is doing so –
    - (i) under the terms of a contract;
    - (ii) under an enactment and if so which;
    - (iii) on some other basis and if so what that basis is; and
  - (b) if the claim is for a specified amount of money, state –
    - (i) the percentage rate at which interest is claimed;
    - (ii) the date from which it is claimed;
    - (iii) the date to which it is calculated, which must not be later than the date on which the claim form is issued;
    - (iv) the total amount of interest claimed to the date of calculation; and
    - (v) the daily rate at which interest accrues after that date.

(Part 22 requires particulars of claim to be verified by a statement of truth)

## CONTENTS OF DEFENCE

- 16.5 | (1) In his defence, the defendant must state –

(18) 1997 c.27.

- (a) which of the allegations in the particulars of claim he denies;
  - (b) which allegations he is unable to admit or deny, but which he requires the claimant to prove; and
  - (c) which allegations he admits.
- (2) Where the defendant denies an allegation –
- (a) he must state his reasons for doing so; and
  - (b) if he intends to put forward a different version of events from that given by the claimant, he must state his own version.
- (3) A defendant who –
- (a) fails to deal with an allegation; but
  - (b) has set out in his defence the nature of his case in relation to the issue to which that allegation is relevant, shall be taken to require that allegation to be proved.
- (4) Where the claim includes a money claim, a defendant shall be taken to require that any allegation relating to the amount of money claimed be proved unless he expressly admits the allegation.
- (5) Subject to paragraphs (3) and (4), a defendant who fails to deal with an allegation shall be taken to admit that allegation.
- (6) If the defendant disputes the claimant's statement of value under rule 16.3 he must –
- (a) state why he disputes it; and
  - (b) if he is able, give his own statement of the value of the claim.
- (7) If the defendant is defending in a representative capacity, he must state what that capacity is.
- (8) If the defendant has not filed an acknowledgment of service under Part 10, he must give an address for service.

(Part 22 requires a defence to be verified by a statement of truth)

(Rule 6.5 provides that an address for service must be within the jurisdiction)

## DEFENCE OF SET-OFF

### 16.6 | Where a defendant –

- (a) contends he is entitled to money from the claimant; and
  - (b) relies on this as a defence to the whole or part of the claim,
- the contention may be included in the defence and set off against the claim, whether or not it is also a Part 20 claim.

## REPLY TO DEFENCE

- 16.7 | (1) A claimant who does not file a reply to the defence shall not be taken to admit the matters raised in the defence.
- (2) A claimant who –
- (a) files a reply to a defence; but
  - (b) fails to deal with a matter raised in the defence,
- shall be taken to require that matter to be proved.

(Part 22 requires a reply to be verified by a statement of truth)

## COURT'S POWER TO DISPENSE WITH STATEMENTS OF CASE

- 16.8 | If a claim form has been –

- (a) issued in accordance with rule 7.2; and
- (b) served in accordance with rule 7.5,

the court may make an order that the claim will continue without any other statement of case.

(Other rules about the contents of statements of case can be found –

- (a) in Schedule 1, in the following RSC – O.77 (proceedings against the Crown); O.82 (defamation claims); O.88 (mortgage claims); O.97 (claims under section 1 of the Landlord and Tenant Act 1927); and
- (b) in Schedule 2, in the following CCR – O.6 (recovery of land; mortgage claims; mortgage claims – dwelling house and hire purchase); O.42 (proceedings against the Crown); O.43 (applications under sections 13 or 24 of the Landlord and Tenant Act 1954 and sections 24, 29, 30 or 40 of the Landlord and Tenant Act 1987); O.49 (applications under various statutes).