

## Notes for Part 20 claimant on completing a Part 20 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. Unless you issue your Part 20 claim before or at the same time as filing your defence to the main claim, (in other words the claim being brought against you as defendant) you will first need to obtain the court's permission to do so.
- 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.
- When you have completed the claim form, copy the claim form and the defendant's notes for guidance so that you have one copy for yourself, one copy for the court, one copy for the Part 20 defendant and a copy for each of the other parties to the main claim. Send or take the forms to the court office with the appropriate fee, the court will tell you how much this is.
- Unless the court has ordered otherwise, the Part 20 defendant should be served with the claim form within 14 days of your defence being filed, together with copies of all the statements of case filed in the main claim. The parties to the main claim must also at the same time be served with copies of the Part 20 claim form and particulars of claim, if these are separate from the claim.
- The defendant is added as a party to the main claim once served with the Part 20 claim form.

## Notes on completing the claim form

### Heading

The name of the court and the claim number will be the same as on the claim form in the main claim. You should copy those details on to your Part 20 claim form.

### Claimant and defendant details

You should copy the claimant and defendant details from the main claim into the claimant and defendant boxes. You should enter your name into the Part 20 claimant box and the name of the person you are claiming against into the Part 20 defendant box. 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 Part 20 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, telephone and any fax or e-mail number) in England and Wales. 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.

## Brief details of claim

**Note: The facts and full details about your claim and whether or not you are claiming interest, should be set out in the ‘particulars of claim’ (see note under ‘Particulars of Claim’).**

You must set out under **this** heading:

- a concise statement of the nature of your claim
- the remedy you are seeking

## Value

**Note:-**

**If you are issuing your Part 20 claim in the High Court, you do not have to give a statement of value.**

If you are issuing in the county court and claiming a fixed amount of money (a ‘specified amount’) write the amount in the box at the bottom right-hand corner of the claim form against ‘amount claimed’.

If you are not claiming a fixed amount of money (an ‘unspecified amount’) under ‘Value’ write “I expect to recover” followed by whichever of the following applies to your claim:

- “not more than £5,000” **or**
- “more than £5,000 but not more than £15,000” **or**
- “more than £15,000”

If your claim is for ‘not more than £5,000’ and includes a claim for **personal injuries**, you must also write “My claim includes a claim for personal injuries and the amount I expect to recover as damages for pain, suffering and loss of amenity is” followed by either:

- “not more than £1,000” **or**
- “more than £1,000”

If your claim is for ‘not more than £5,000’ and includes a claim for **housing disrepair** relating to residential premises, you must also write “My claim includes a claim against my landlord for housing disrepair relating to residential premises. The costs of the repairs and other work is estimated to be” followed by either:

- “not more than £1,000” **or**
- “more than £1,000”

“I expect to recover as damages in respect of repairs and other work” followed by either:

- “not more than £1,000” **or**
- “more than £1,000”

If you are not able to put a value on your claim, write “I cannot say how much I expect to recover”.

## Defendant’s name and address

Enter in this box the full names and address of the Part 20 defendant receiving the claim form (ie. one claim form for each Part 20 defendant). If the defendant is to be served outside of England and Wales, you may need to obtain the court’s permission.

## Particulars of claim

You may include your particulars of claim on the claim form in the space provided or in a separate document which you should head ‘Particulars of Claim’. It should include the names of the parties, the court, the claim number and your address for service and also contain a statement of truth. You should keep a copy for yourself, provide one for the court, one for each defendant and one for all other parties in the main claim. Separate particulars of claim **must** be served with the claim form. You should also attach copies of all statements of case already served in the main claim for service on the defendant.

### Your particulars of claim must include

- a concise statement of the facts on which you rely
- a statement (if applicable) to the effect that you are seeking aggravated damages or exemplary damages
- details of any interest which you are claiming
- any other matters required for your type of claim as set out in the relevant practice direction

## Address for documents

Insert in this box the address at which you wish to receive documents and/or payments, if different from the address you have already given under the heading ‘Claimant’. The address you give must be either that of your solicitors or your residential or business address and must be in England or Wales. If you live or carry on business outside England and Wales, you can give some other address within England and Wales.

## 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.