

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 evidence to support your claim either in or with the claim form in the form of an affidavit or affirmation.
- 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). Section 8A (3) of the Company Directors Disqualification Act 1986 identifies the courts which have jurisdiction to deal with Section 8A applications.

Use whichever of the following is appropriate:

'In the.....county court'
(inserting the name of the court)

or

'In the High Court of Justice Chancery Division
and District Registry'
(inserting the name of the District Registry)

or

'In the High Court of Justice Chancery Division, Companies Court
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'. 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) 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:

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 s69 1 of the Act or the address of the place of business having a real, or the most, connection with the claim.

Defendant's name and address

Enter in this box the full name and address of the defendant to be served with the claim form (ie. one claim form for each defendant).

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 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 of 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.

Evidence

Evidence in section 8A applications must be by affidavit. The affidavit in support of the section 8A application must be filed in court at the same time as the Claim Form. Any exhibits to the affidavit must be lodged with the Court at the same time. Copies of the affidavit and exhibits must be served with the claim form on the Defendant.

Notes for defendant

(Part 8 Claim Form: Disqualification Proceedings: Section 8A Applications)

Please read these notes carefully - they will help you to decide what to do about this claim.

- You have 14 days from the date on which you were served with the claim form (see below) in which to respond to the claim by completing and returning the acknowledgement of service enclosed with this claim form. The acknowledgement of service should be completed and returned to the Court Office and a copy sent to the claimant named on the claim form.
- If you **do not return** the acknowledgement of service, you will be allowed to attend any hearing of this claim but you will not be allowed to take part in the hearing unless the court gives you permission to do so.

Court staff can tell you about procedures but they cannot give legal advice. If you need legal advice, you should contact a solicitor or Citizens Advice Bureau immediately

Responding to this claim

Time for responding

The completed acknowledgement of service must be returned to the court office at Companies Court, General Office, Room TM 2.09, The Royal Courts of Justice, The Strand, London, WC2A 2LL (and a copy sent to the claimant [named on the claim form] [*details*]) within 14 days of the date on which the claim form was served on you. If the claim form was

- sent by post, the 14 days begins 7 days from the date of the postmark on the envelope.
- delivered or left at your address, the 14 days begins the day after it was delivered.
- handed to you personally, the 14 days begins on the day it was given to you.

Completing the acknowledgment of service

You should complete section A and/or B as appropriate **and all** of section C

Written evidence

Any evidence which you wish to be taken into consideration by the Court must be filed in Court within 28 days from the date of service of the claim form upon you. The evidence must be in the form of an affidavit.

Serving other parties

At the same time as you file your affidavit evidence with the court, you must also send copies of both the form and any written evidence to the Claimant named on the claim form.

What happens next

The date of the first hearing of the claim is set out under “Details of Claim” above.

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.