

# Notes for claimant on completing claim form N501

## Directors disqualification section 8A application

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 evidence to support your claim 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.

An application under section 8A of the Company Directors Disqualification Act which relates to a disqualification undertaking given under section 9B of the Act must be issued in the High Court, out of the office of the Companies Court Registrar at the Royal Courts of Justice.

Use whichever of the following is appropriate:

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

or

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

or

'In the High Court of Justice Chancery Division,  
Companies Court'

### 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 on 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. 'Bandbow - 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.

**Hearing**

Paragraph 30.3 of the Directors Disqualification Proceedings Practice Direction states that 'When the claim form is issued, the claimant will be given a date for the first hearing of the section 8A application'. Court staff will complete these details when a date for a hearing is fixed, before the claim form is served. However, you must complete the section below this with the details of the order you wish the court to make and fill in the details of your affidavit if you are attaching one to the form.

**Details of your claim**

You should set out the details of your claim here, unless you have chosen to set them out only in an attached affidavit.

**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.

**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).

In the case of a disqualification undertaking given under section 9B of the Act, the defendant to the section 8A application shall be the Office of Fair Trading or specified regulator which accepted the undertaking. In all other cases, the defendant shall be the Secretary of State for Trade and Industry.

Addresses for service on government departments are set out in the List of Authorised government Departments issued by the Cabinet Office under section 17 of the Crown Proceedings Act 1947, which is annexed to the Practice Direction supplementing Part 66 of the Civil Procedure Rules.

**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.

**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.

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