

## Notes for claimant on completing a claim form

Further information may be obtained from the court in a series of free leaflets.

- 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.
- Copy the completed claim form and the defendant's notes for guidance so that you have one copy for yourself, one copy for the court and one copy for each defendant. Send or take the forms 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). There are restrictions on claims which may be issued in the High Court (see 'Value' overleaf).

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 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 name. If the child is conducting proceedings on their own behalf write '(a child)' 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 e.g. payment of money; an order for return of goods or their value; an order to prevent a person doing an act; damages for personal injuries.

## Value

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

### Personal injuries

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”

### Housing disrepair

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 cost of the repairs or other work is estimated to be” followed by either:

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

If within this claim, you are making a claim for other damages, you must also write:

“I expect to recover as damages” followed by either:

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

## Issuing in the High Court

You may only issue in the High Court if one of the following statements applies to your claim:-

“By law, my claim must be issued in the High Court. The Act which provides this is .....(specify Act)”

**or**

“I expect to recover more than £15,000”

**or**

“My claim includes a claim for personal injuries and the value of the claim is £50,000 or more”

**or**

“My claim needs to be in a specialist High Court list, namely.....(state which list)”.

If one of the statements does apply and you wish to, or must by law, issue your claim in the High Court, write the words “I wish my claim to issue in the High Court because” followed by the relevant statement e.g. “I wish my claim to issue in the High Court because my claim includes a claim for personal injuries and the value of my claim is £50,000 or more.”

## Defendant's name and address

Enter in this box the full names and address of the defendant receiving the claim form (ie. one claim form for each defendant). If the defendant is to be served outside 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 and one for each defendant. Separate particulars of claim can either be served

- with the claim form **or**
- within 14 days after the date on which the claim form was served.

If your particulars of claim are served separately from the claim form, they must be served with the forms on which the defendant may reply to your claim.

### 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 must be in England or Wales. If you are willing to accept service by DX, fax or e-mail, add details.

## 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.