

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.