

Notes for claimant on completing a claim form

Before you begin completing the claim form

- You must think about whether alternative dispute resolution (ADR) is a better way to reach an agreement before going to court. The leaflet 'Making a claim? - Some questions to ask yourself' explains more about ADR and how you can attempt to settle your claim.
- Please read all of these guidance notes. The notes follow the order in which information is required on the form.
- 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.
- 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.

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

Notes on completing the claim form

Heading

You must fill in the heading of the form to indicate the name of the court where you want the claim to be issued.

The claimant and defendant

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.

Providing information about yourself and the defendant

full address including postcode

You should provide the full address including postcode for yourself and the defendant. The postcode for any address in the United Kingdom may be obtained free from the Royal Mail Address Management Guide, or their website at www.royalmail.com.

If an address does not have a postcode you will need to ask the judge for permission to serve the claim with this information missing. There is no additional fee for this, but if you omit a postcode and fail to ask permission of the judge the court will not allow your claim to be served on the defendant until you supply the missing postcode or a judge permits service without it.

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:

You must enter his or her full unabbreviated name where known, including their first name and any middle name, their last name and the title by which she or he is known (i.e. Mr., Mrs., Ms., Dr., etc.) and residential address (including postcode and telephone number). 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:

trading under another name

you must enter his or her full unabbreviated name where known, and the title by which he or she is known and the full name under which he or she is trading, 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.

an unincorporated business - a firm

In the case of a partnership (other than a limited liability partnership) you must enter the full name of the business followed by the suffix 'a firm'.

Enter the name of the firm followed by the words 'a firm' e.g. 'Bandbox - a firm' and an address including postcode for service. This may either be one of the partners residential addresses or the principal or last known place of business of the firm.

a company registered in England and Wales or a Limited Liability Partnership

In the case of a registered company or limited liability partnership, you must enter the full name of the company or partnership followed by the appropriate suffix, i.e. Ltd, Plc, LLP. You must provide an address, including postcode which is either the company's registered office or any place of business in England and Wales that has a real, or the most, connection with the claim e.g. a shop where goods were bought.

a corporation (other than a company)

enter the full name of the corporation and any suffix if appropriate and the address including postcode in England and Wales 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.

an overseas company (defined by s744 of the Companies Act 1985)

You must enter the company's full name and any suffix if appropriate and address including postcode. The address must either be the registered address under s691 of the Act or the address of the place of business having a real, or the most, connection with the claim.

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.

Brief details 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;

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'

Defendant's name and address

Enter in this box the title, full names, address and postcode 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 must set out under this heading:

- 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

Statement of truth

This must be signed by you, or by your solicitor or your litigation friend, if 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 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.