

NOTES FOR CLAIMANT ON COMPLETING A CLAIM FORM

Before you begin completing the claim form

- Please read all these guidance notes. The notes follow the order in which information is required on the form.
- When completing the claim form and filing any documents for all procedures save and except for the small claims procedure you must complete them and file them by:
 1. printing (including laser or inkjet printing); or
 2. typewriting (not a carbon copy)
- When completing the claim form or filing any documents in handwritten form for the small claims procedure you must 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 give information about court procedures, but cannot give legal advice. If you need legal advice, eg. about the likely success of your claim or the evidence you need to prove it, you should contact an advocate.

Procedure

You must enter in the box the procedure which is to be used —

- *SMALL CLAIMS* if your claim is for £10,000 or less (£5,000 or less if the claim is for personal injuries)
- *SUMMARY* if your claim is for £10,000 or more (£5,000 or more if the claim is for personal injuries), but for £100,000 or less
- *ORDINARY* in any other case

Parties

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 1998, 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

You must provide the full address (including postcode) for yourself and the defendant. The postcode for an address in the Isle of Man is in the Isle of Man telephone directory or online.

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	<p>You must give his or her full unabbreviated name where known, including the first name, any middle name and surname and his or her residential address (including postcode).</p> <p>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 should be the usual or last known place of residence or principal place of business of the company, firm, club or other association.</p> <p>Where the individual (claimant or defendant) 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. <i>John Smith trading as Smith's Garage</i>.</p> <p>Where the individual is suing or being sued in a representative capacity you must say what that capacity is e.g. <i>Richard Robinson as executor of the will of Mary Robinson (deceased)</i>.</p> <p>Where the individual is suing or being sued in the name of a club or other unincorporated association, add the words <i>suing/sued on behalf of</i> followed by the name of the club or other association.</p>
an unincorporated business or firm	You must give the full name of the business followed by the words (<i>a firm</i>), eg. <i>Smith & Jones (a firm)</i> . The address given may be either the residential address of one of the partners or the principal or last known place of business of the firm.
a company incorporated or registered in the Isle of Man	You must give the company's full name, including the appropriate suffix, ie. <i>Ltd</i> or <i>Plc</i> . You must give an address (including postcode) which is the company's registered office or any place of business in the Isle of Man that has a real, or the most, connection with the claim e.g. a shop where goods were bought.
a company incorporated outside the Isle of Man	You must give the company's full name including any suffix. If the company carries on business in the Isle of Man, you must provide an address in the Isle of Man which is either the registered address under s.313(1)(c) of the Companies Act 1931 or the address of the place of business having a real, or the most, connection with the claim. If the company does not carry on business in the Isle of Man, you must give an address which is the company's registered office or place of business that has a real, or the most, connection with the claim e.g. a shop where goods were bought.

any other corporation	You must give the full name of the corporation, and an 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 person under 18	You must give the person's full name followed by <i>a minor by Jane Jones his litigation friend</i> or, if the person is conducting proceedings on his or her own behalf, <i>a minor</i> .
a patient within the meaning of the Mental Health Act 1998	You must give the person's full name followed by <i>by Jane Jones his litigation friend</i> .
<p>Brief details of claim</p> <p>You must set out under this heading:</p> <ul style="list-style-type: none"> • a concise statement of the nature of your claim • the remedy you are seeking eg. payment of money, return of goods and /or damages 	
<p>Value</p> <p>If you are claiming a fixed amount of money (a 'specified amount'), give the amount here, and also in the box at the bottom right-hand corner of the claim form against 'amount claimed'.</p> <p>If you are not claiming a fixed amount of money (an 'unspecified amount'), enter <i>I expect to recover</i> followed by whichever of the following applies to your claim:</p> <ul style="list-style-type: none"> • <i>not more than £10,000* or</i> • <i>more than £10,000* but not more than £100,000 or</i> • <i>more than £100,000</i> <p>*If the claim is for personal injuries, enter <i>£5,000</i> here.</p> <p>If you are not able to put a value on your claim, enter <i>I cannot say how much I expect to recover</i>.</p> <p>If your claim includes interest, you should include in the 'amount claimed' any interest accrued up to the date of claim (but not interest due after that date, which should be included in the particulars of claim). The calculation of any claim for interest, whether due before or after the date of claim, must be set out in the particulars of claim.</p>	
<p>Defendant's name and address</p> <p>Enter in this box the title, full names, address and postcode of the defendant receiving the claim form (use one claim form for each defendant). <i>The address in this box must be in the Isle of Man</i>, unless the defendant is to be served outside the Isle of Man (in which case you must obtain the court's permission). Use form <i>HC8C</i></p>	

Application Notice (permission to serve outside the jurisdiction) to make an application.

Particulars of claim

Under this heading you should set out

- a concise statement of the facts on which you rely
- if you are seeking aggravated damages or exemplary damages, a statement to that effect
- details of any interest which you are claiming
- any other matters required for your type of claim as set out in an Act or in the rules of court

You do not have to include particulars of claim in the claim form. You can set them out in a separate document, which can be either filed with the claim form or filed and served not more than 14 days after the claim form is served. In that case, enter *attached* or *to follow*, as appropriate. The document must include the same heading (claim no., title of court, procedure, parties) as the claim form, and your address to which documents are to be sent and a signed statement of truth (see below).

Statement of truth

This must be signed by you¹, or by your advocate or your litigation friend, if appropriate.

Address for documents and payments

Insert in this box the address at which you wish to receive documents and payments. The address must be in the Isle of Man. If you are willing to receive documents by fax or e-mail, add details.

Process and Service of claim form

You must take or send to the court 2 copies of the claim form, plus an additional copy for each defendant to be served.

When your claim is processed by the court, one copy will be retained by the court and the appropriate number of copies of the processed claim form, together with any other documents you may have filed, will be left at the public counter for you to collect. Please allow 5 working days for the court to process the claim.

You must then arrange for the coroner to serve a stamped copy of the claim form on every defendant within the Isle of Man (If a defendant is represented by an advocate who is authorised to accept service, you may serve the claim form by taking or sending them to the advocate's business address.)

As to service on 1 or more defendants outside of the Isle of Man service must be effected pursuant to any relevant order after application is made to the court. Use

form *HC8C Application Notice (permission to serve outside the jurisdiction)* to make an application.

You must supply to the coroner, with every stamped copy of the claim form, a Response Pack, which the coroner will serve with the claim form. The Response Pack must include —

- Form HC2A (covering sheet)
- Form HC2B (acknowledgement of service)
- *either Form HC2C or Form HC2D (admission) and
- *either Form HC2E or Form HC2F (defence and counterclaim)

*depending on whether or not the claim is for a specified amount

The claim form must be served within 4 months after the date of issue (or, if the court has given leave for it to be served out of the jurisdiction, 6 months after the date of issue).

Claim stayed if it is not admitted or defended

Please be aware that there are time limits that apply after your claim has been issued, for example if you wish to apply for default judgment by request you must do so prior to the expiration of the time limits set out in rule 6.29 of the 2009 Rules of Court. If you do not apply before the time limit expires your claim will be automatically 'stayed' or stopped and you will need to make a formal application to the court for the 'stay' to be lifted. If that application is successful you will then be able to continue with your request for default judgment.

¹ Where the claimant is a company or other corporation, the statement of truth must be signed by a person holding a senior position in the corporation (as to which, see rule 1.4(3) of the Rules of Court).