

NOTES FOR CLAIMANT ON COMPLETING A CLAIM FORM FOR POSSESSION

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 Courts 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

- If the claim is against trespassers and you consider that there is unlikely to be a substantial dispute of fact, enter *CHANCERY* in this box.
- If you and all the defendants agree that the claim should be dealt with under the small claims procedure, enter *SMALL CLAIMS* in this box.
- If you are making a money claim for more than £100,000, enter *ORDINARY* in this box.
- Otherwise enter *SUMMARY* in this box.

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.

If the claim is against trespassers some or all of whose identities are unknown, you should give the defendant as *Persons unknown*.

Providing information about yourself and the defendant

You must provide the full address (including postcode) for yourself and (except where given as *Persons unknown*) each 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 (except where given as *Persons unknown*) each defendant according to the capacity in which you are suing and in which each 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 a 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 or 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	<p>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.</p>
a company incorporated or registered in the Isle of Man	<p>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.</p>
a company incorporated outside the Isle of Man	<p>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</p>

	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 Mrs 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 Mrs Jane Jones his litigation friend</i> .

Brief details of claim

Under this heading insert:

- the address or description of the land, possession of which you are claiming
- if you are claiming money as well, the amount claimed and the grounds of the claim, eg. *arrears of rent*.

Particulars of claim

You do not have to include particulars of claim in the claim form. You can set them out in a separate document, which must be filed and served with the claim form. In that case, enter *attached*. The document must include the same heading (claim no., title of court, procedure, parties) as the claim form, all the following information, your address for documents and a signed statement of truth (see below).

1. Residential property

Tick the appropriate box.

2. Grounds of the claim

Tick the appropriate box and give further details as appropriate.

3. Claim against trespasser(s)

Give details of your interest in the land (eg. weekly tenant, freeholder) and the circumstances in which the land has been occupied without permission.

If you do not know the names of all the defendants, tick the box.

4. Money claim

If you are claiming money as well (eg. arrears of rent), give a breakdown of the amount claimed.

Defendant's name and address

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). *The address in this box must be in the Isle of Man, unless the defendant is to be served outside the Isle of Man (in which case you must obtain the court's permission). Use form HC8C Application Notice (permission to serve outside the jurisdiction) to make an application.*

If a defendant is given as *Persons unknown*, insert *To be served in accordance with rule 13.4.*

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 accept service by fax or e-mail, add details.

Serving the claim form

If the claim is against trespassers as *Persons unknown*, the claim form may be served by either

- attaching copies of the claim form and any documents listed below to the main door or some other part of the land so that they are clearly visible and, if practicable, inserting copies of those documents in a sealed transparent envelope addressed to 'the occupiers' through the letter box, or
- placing stakes in the land in places where they are clearly visible and attaching to each stake copies of the claim form and any documents listed below in a sealed transparent envelope addressed to 'the occupiers'.

In any other case the claim form must be served by the coroner on each named 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 will need to prove service of the claim form.

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).

Documents to accompany the claim form

Each copy of the claim form which is to be served on a defendant (or by service on the land, in the case of a claim is against trespassers as *Persons unknown*) must be accompanied by the following documents as appropriate:

- the *Notes for Defendant* (form HC5B, or form HC5C in the case of a claim against trespassers)
- a form of defence (form HC6)
- if particulars of claim are not included in the claim form, the particulars of claim on a separate sheet (see above)
- in the case of a claim against trespassers, any witness statements filed with the claim form
- if the claim includes a claim for money, a form of admission (HC2C).

All written evidence whether in a witness statement or an affidavit must be typed and a typed copy of any manuscript evidence should also be exhibited to the relevant witness statement, affidavit or other document adducing the same.