

Claim

No.

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**IN THE HIGH COURT OF JUSTICE OF THE ISLE OF MAN
CIVIL DIVISION**

	PROCEDURE	
Parties		
<table border="1" style="width: 80%; margin: 0 auto;"> <tr> <td style="height: 40px;"></td> </tr> </table>		Claimant(s)
<table border="1" style="width: 80%; margin: 0 auto;"> <tr> <td style="height: 40px;"></td> </tr> </table>		Defendant(s)
The Claimant applies for permission to serve the claim form outside the jurisdiction on		
The following information is relied on in support of this application		
<i>Enter an 'X' for whichever of the following applies</i>		
<input type="checkbox"/> The claim is for a remedy against a person domiciled or ordinarily resident within the jurisdiction		
<input type="checkbox"/> The claim is for an injunction ordering the defendant to do or refrain from doing an act within the jurisdiction		
<input type="checkbox"/> *The claim is against someone on whom the claim form has been or will be served (otherwise than outside the jurisdiction) and —		
(i) there is between the claimant and that person a real issue which it is reasonable for the court to try and		
(ii) the claimant wishes to serve the claim form on another person who is a necessary or proper party to that claim		
<input type="checkbox"/> The claim is for an interim remedy under section 56B of the High Court Act 1991		
<input type="checkbox"/> The claim is an additional claim and the person to be served is a necessary or proper party to the claim or additional claim		
<input type="checkbox"/> The claim is made in respect of a contract which —		
<input type="checkbox"/> was made within the jurisdiction		
<input type="checkbox"/> was made by or through an agent trading or residing within the jurisdiction		

- is governed by Manx law or
- contains a term to the effect that the court shall have jurisdiction to determine any claim in respect of the contract
- The claim is made in respect of a breach of contract committed within the jurisdiction
- The claim is for a declaration that no contract exists where, if the contract were found to exist, it would comply with any of these conditions, viz. it was made within the jurisdiction, or by or through an agent trading or residing within the jurisdiction, it is governed by Manx law, or it contains a term to the effect that the court shall have jurisdiction to determine any claim in respect of the contract
- The claim is made in tort and —
 - the damage was sustained within the jurisdiction or
 - the damage sustained resulted from an act committed within the jurisdiction
- The claim is to enforce a judgment or arbitral award
- The whole subject matter of the claim relates to property located within the jurisdiction
- **The claim is for a remedy which might be obtained in proceedings relating to the trusts of a written instrument where —
 - the trusts ought to be executed according to Manx law and
 - the person on whom the claim form is to be served is a trustee of the trusts or interested in the claim
- The claim is for a remedy which might be obtained in proceedings for the administration of the estate of a person who died domiciled within the jurisdiction
- The claim is made in probate proceedings which includes a claim for the rectification of a will
- The claim is for a remedy against the defendant as constructive trustee where the defendant's alleged liability arises out of acts committed within the jurisdiction
- The claim is for restitution where the defendant's alleged liability arises out of acts committed within the jurisdiction
- The claim is by the Treasury and relates to duties, taxes or bona vacantia
- The claim is by a party to proceedings for an order that the court exercise its power under section 53 of the High Court Act 1991 to make a costs order in favour of or against a person who is not a party to those proceedings
- The claim is in the nature of salvage and part of the services took place within the jurisdiction
- The claim is made under the following statutory provision —
 - the Nuclear Installations Act 1965 (an Act of Parliament)
 - the Social Security Contributions and Benefits Act 1992 (an Act of Parliament)
 - the Proceeds of Crime Act 2008
 - the Inheritance (Provision for Family and Dependents) Act 1982
 - Schedule 2 to the Immigration Act 1971 (an Act of Parliament)

the Pensions Act 1995 (an Act of Parliament)

Service of the claim form outside the jurisdiction is justified on the following special grounds (*state grounds*)—

The Claimant believes that [his][her] claim has a reasonable prospect of success (*delete if application is made on ground marked ** above*)
(set out brief reasons below)

*Where application is made on ground marked * above*

The claimant believes for the following reasons that there is, between the claimant and the person on whom the claim form has been or will be served, a real issue which it is reasonable for the court to try (*state reasons*)

If you need to continue on a separate sheet please use the prescribed form – 'HCC CONTINUATION SHEET'

<input type="checkbox"/> The Defendant's address is	
<input type="checkbox"/> The Defendant's address is not known but [he][she] is likely to be found in (<i>specify place, country or territory</i>)	

State how the applicant wishes the application to be dealt with: <input type="checkbox"/> At a hearing <input type="checkbox"/> Without a hearing <input type="checkbox"/> At a telephone hearing	
How long is the hearing expected to last? hours minutes	
I attach draft order	
Statement of truth [I believe] [The applicant believes] that the facts stated in this section (and any continuation sheets) are true. delete as appropriate Signed (type or print full name here) [Applicant] ['s advocate] [Litigation friend] delete as appropriate	
Position or office held (if signed on behalf of a company or other corporation):	
Date	
Applicant or applicant's advocate's address in the Isle of Man (including postcode) to which documents should be sent:	Telephone no
	Fax no. (if appropriate)
	E-mail (if appropriate)
	Reference (if any)

Notes for guidance

Court staff cannot give legal advice. If you need information or advice on a legal problem you should contact an advocate.

Court fee

A court fee may be payable, depending on the type of application you are making. Court staff will give you information about fees.

Completing the form

Heading

Enter the claim number, procedure and parties as on the claim form.

Description of order

A draft of the order must be attached to the application. The draft order must specify the periods within which the defendant may —

- (a) file an acknowledgment of service;
- (b) file or serve an admission; and
- (c) file a defence.

Grounds for order

Set out the reasons why you are applying for the order.

Hearing

Most applications will require a hearing and you will be expected to attend. The court will allocate a hearing date and time for the application. Please indicate in a covering letter any dates that you are unavailable, with reasons, within the next 6 weeks.

Duration of hearing

If you do not know how long the hearing will take, do not guess but leave these boxes blank.

Signature

The application must be signed and include your current address and contact details. If you agree that the court and the other parties may communicate with you by telephone, fax or email, complete the details before taking or sending the form to the court.

Address

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