

NOTES FOR ADDITIONAL CLAIMANT ON COMPLETING 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 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.

Permission for additional claim

Unless you issue your additional claim before or at the same time as filing your defence to the main claim, you will first need to obtain the court's permission to do so.

Heading

Copy the claim number, the procedure and the names of the claimant(s) and defendant(s) from the main claim form.

You should enter your name in the *Additional Claimant(s)* box and the name of the person you are claiming against in the *Additional Defendant(s)* box. 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.

Providing information about yourself and the additional defendant

You must provide the full address (including postcode) for yourself and each additional 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 each additional 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 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 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.</p>
any other corporation	<p>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</p>

	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>Additional defendant's name and address</p> <p>Enter in this box the title, full names, address and postcode of each additional defendant receiving the claim form (use one claim form for each additional defendant). <i>The address in this box must be in the Isle of Man, unless an additional 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.</i></p>	
<p>Particulars of claim</p> <p>Under this heading you should set out</p>	

- 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 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, and your address for documents 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.

Service of claim form

You must take or send to the court 2 copies of the claim form, plus an additional copy for each party to be served. The court will keep one copy, and stamp and return the others to you.

You must then take or send a stamped copy of the claim form and a response pack to every party to the proceedings at the address given on the main claim form. If an additional defendant is not a party to the main claim, the additional claimant must apply to the court for permission to add the person(s) as a defendant to the additional claim.

If the court gives permission to file the additional claim, the claim form must be served within the time specified by the court. If the claim is made without the need for the court's permission —

- it must be served at the same time as the defence, if it is a counterclaim against an existing party
- it must be served within 14 days after the date of issue, in any other case.

The Response Pack must include —

- Form HC2A (covering sheet)
- Form HC16C (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

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.

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)