

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.
- This form should not be filled in by hand.
- 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.
- You must file any written evidence to support your claim either in or with the claim form. Your written evidence must be verified by a statement of truth.

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.

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.

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.

Providing information about yourself and the defendant(s)

You must provide the full address (including postcode) for yourself and 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 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

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).

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.

Where the individual (claimant or defendant) is trading under another name, you must enter his or her full unabbreviated

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| | <p>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> . |

Details of claim

Under this heading you must set out either:-

- the question(s) you wish the court to decide; or
- the remedy you are seeking and the legal basis for your claim; and
- if your claim is being made under a specific rule of court, you must state which.

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.*

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 defendant to be served. The court will keep one copy, and stamp and return the others to you.

You must then arrange for the coroner to serve a stamped copy of the claim form, together with form HC3B (notes for defendant) and form HC4A (acknowledgement of service), on every defendant. (If a defendant is represented by an advocate who is authorised to accept service, you may serve the documents by taking or sending them to the advocate's business address.)

As to service on one 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.

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).

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).