



## Claim Form (CPR Part 8)

In the  
{ MERGEFIELD  
TK\_PICOURTDETS\_tkCIVILCRT\_name }

Claim No.  
{ MERGEFIELD  
TK\_PICOURTDETS\_tkCLAIMNO }

Claimant

{ MERGEFIELD "LINKNAME\_TITLE\_1" } { MERGEFIELD "LINKNAME\_FORENAME\_1" } { MERGEFIELD  
"LINKNAME\_SURNAME\_1" }  
{ MERGEFIELD "CALCULATION\_ADDRESS" }

SEAL.

Defendant(s)

{ IF { MERGEFIELD TK\_PIDEF1DETAIL\_tkDEF1CONAME }= "" "{ MERGEFIELD  
TK\_PIDEF1DETAIL\_tkDEF1FORENAME } { MERGEFIELD TK\_PIDEF1DETAIL\_tkDEF1SURNAME }" "{  
MERGEFIELD TK\_PIDEF1DETAIL\_tkDEF1CONAME }" }

Does your claim include any issues under the Human Rights Act 1998?

Yes { FORMCHECKBOX } No { FORMCHECKBOX }

Details of Claim (*see also overleaf*)

{ FORMTEXT }

The Claimant seeks an order pursuant to CPR 44.12 (A):-

1. The Defendant to pay costs of and incidental to the Claimant's proposed claim, such costs to be assessed on the standard basis if not agreed and;

2. The costs of and incidental to this claim be subject of detailed assessment proceedings.

Full particulars are set out overleaf.

£

Defendant's  
name and  
address

{ IF { MERGEFIELD  
TK\_PIDEF1DETAIL\_tkDEF1CONAME }= "" "{  
MERGEFIELD  
TK\_PIDEF1DETAIL\_tkDEF1FORENAME } {  
MERGEFIELD  
TK\_PIDEF1DETAIL\_tkDEF1SURNAME }" "{  
MERGEFIELD  
TK\_PIDEF1DETAIL\_tkDEF1CONAME }" }  
{ MERGEFIELD  
TK\_PIDEF1DETAIL\_tkDEF1ADDRESS }

Court fee

{ FORMTEXT }

Solicitor's costs

{ FORMTEXT }

Issue date

{ FORMTEXT }

Details of claim continued		Claim No.
<p>1. The Claimant sought to recover damages against the Defendant for personal injury and losses arising from a road traffic accident that occurred on the [Insert Accident Date];</p> <p>2. The Claimant's claim was settled in the amount of [£{ FORMTEXT }] following the Claimant's acceptance of the Defendant's offer which was made on [{ FORMTEXT }] in relation to general damages and special damages. Copies of the letters detailing the offers and acceptance are attached for ease of reference;</p> <p>3. It was an express and/or implied term of the agreement that the Defendant would pay the Claimant's reasonable costs. In accordance with the fixed recoverable costs calculated in accordance with Rule 45.9 of the CPR;</p> <p>4. By way of a letter dated [{ FORMTEXT }] the Claimant sent a schedule of those costs in the total amount of [ ], to the Defendant's insurers, together with disbursement vouchers in respect of disbursements. The Defendant's insurers have refused to pay the Claimant's costs in full in accordance with Rule 45.9;</p> <p>5. Costs are claimed in accordance with the fixed recoverable costs allowable under Rule 45.9 of the CPR;</p> <p>6. The following documents are attached:-</p> <p>(a) Copy correspondence [{ FORMTEXT }]</p> <p>(b) Copy disbursement vouchers;</p> <p>(c) Draft Order.</p>		
<p><b>Statement of Truth</b></p> <p>*(I believe) (The Claimant believes) that the facts stated in these particulars of claim are true</p> <p>*I am duly authorised by the Claimant to sign this statement</p> <p>Full name { MERGEFIELD CALCULATION_FEE_EARNER_DESCRIPTION }</p> <p>Name of Claimant's solicitor's firm { MERGEFIELD PRACTICEINFO_PRACTICE_NAME }</p> <p>Signed { FORMTEXT } Position or office held { FORMTEXT }</p> <p>*(Claimant) (Litigation Friend) (Claimant's Solicitor) (if signing on behalf of firm or company)</p> <p>*delete as appropriate</p>		
<p>{ MERGEFIELD PRACTICEINFO_PRACTICE_NAME }</p> <p>{ MERGEFIELD PRACTICEINFO_DX_NO }</p> <p>{ MERGEFIELD PRACTICEINFO_HOUSE }</p> <p>{ MERGEFIELD PRACTICEINFO_AREA }</p> <p>{ MERGEFIELD PRACTICEINFO_POSTAL_TOWN }</p> <p>{ MERGEFIELD PRACTICEINFO_POSTCODE }</p>		<p>Claimant's or Claimant's solicitor's address to which documents should be sent if different from overleaf. If you are prepared to accept service by DX, fax or email, please add details.</p>

## Notes for claimant on completing a Part 8 claim form

Please read all these guidance notes before you begin completing the claim form. The notes follow the order in which is required on the form.

Court staff can help you fill in the claim form and give information about procedure once it has been issued. But they cannot give legal advice. If you need legal advice for example, about the likely success of the claim or the evidence you need to prove it, you should contact a solicitor or a Citizens Advice Bureau. If you are filling in the claim form by hand, please use black ink and write in block capitals.

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.

Copy the completed claim form, the Defendant's notes for guidance and your written evidence so that you have one copy yourself, one copy for the court, and one copy for each Defendant. Send or take the forms and evidence to the court office with the appropriate fee. The court will tell you how much this is.

## Notes on completing the claim form

### Heading

You must fill in the heading of the form to indicate whether you want the claim to be issued in a county court or in the High Court. (The High Court means either a District Registry (attached to a county court) or the Royal Courts of Justice in London). There are restrictions on claims which may be issued in the high court (see 'Value' overleaf). Use whichever of the following is appropriate:

'In the.....County Court'

(Inserting the name of the court)

**or**

'In the High Court of Justice.....Division'

(Inserting e.g. 'Queen's Bench' or 'Chancery' as appropriate)

.....District Registry'

(Inserting the name of the District Registry)

**or**

'In the High Court of Justice.....Division,

(Inserting e.g. 'Queen's Bench' or 'Chancery' as appropriate)

Royal Courts of Justice'

### Claimant and Defendant details

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 1983, 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. 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:**

All known forenames and surname, whether Mr, Mrs, Miss, or other (e.g. Dr) and residential address (**including** postcode and telephone number) in England and Wales. Where the Defendant is a proprietor of a business, a partner in a firm or individual sued in the name of the club or other unincorporated association, the address for the service should be the usual or last known place of residence **or** principal place of business of the company, firm or club or other unincorporated association.

### Where the individual is:

**Under 18** write '(a child by Mr Joe Bloggs his litigation friend)' after the name. If the child is conducting the proceedings on their own behalf write '(a child)' after the child's name.

**A patient within the meaning of the Mental Health Act 1983** write '(by Mr Joe Bloggs his litigation friend)' after the patient's name.

Trading under another name

You must add the words 'trading as' and the trading name e.g.

'Mr John Smith trading as Smith's Groceries'.

**Suing or being sued in a representative capacity. you must say what that capacity is e.g. 'Mr Joe Bloggs as the representative of Mrs Sharon Bloggs (deceased)'.**

**Suing or being sued in the name of the club or other unincorporated association**

Add the words 'suing/sued on behalf of' followed by the name of the club or other unincorporated association.

#### **a firm**

enter the name of the firm followed by the words 'a firm' e.g. 'Bandbox – a firm' and an address for service which is either a partner's residential address or the principal or last known place of business.

#### **a corporation (other than a company)**

enter the full name of the company and the 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 company registered in England and Wales

Enter the name of the company and an address which is either the company's registered office **or** any place of business that has a real, or the most, connection with the claim e.g. the shop where the good were bought.

#### **An overseas company (defined by s744 of the Companies Act 1985)**

Enter the name of the company and either the address registered under s951 of the Act **or** the address of the place of business having a real, or the most connection with the claim.

**Details of claim**

Under this heading you must set out either:

The questions 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 the specific CPR Part or practice direction you must state which.

**Defendant's name and address**

Enter in this box the full name and address of the defendant to be served with the claim form. If the defendant is to be served outside England and Wales, you may need to obtain the court's permission.

**Address for documents**

Insert in this box the address at which you wish to receive documents and/or payments, if different from the address you have already given under the heading 'Claimant'. The address must be in England or Wales. If you are willing to accept service by DX, fax or e-mail add details.

**Statement of truth**

This must be signed by you, by your solicitor or your litigation friend, as appropriate.

Where the Claimant is a registered company or a corporation the claim must be signed by either the director, treasurer, secretary, chief executive, manager or other officer of the company, chairman, president or town clerk.

**Notes for the Defendant (Part 8 claim form)**

**Please read these notes carefully – they will help you decide what to do about this claim.**

- You have 14 days from the date on which you were served with the claim form to respond to the claim.
- If you do not return the acknowledgment of service, you will be allowed to attend any hearing of this claim but you will not be allowed to take part in the hearing unless the court gives you permission to do so.
- Court staff can tell you about procedures but they cannot give legal advice. If you need legal advice, you should contact a solicitor or Citizens Advice Bureau.

#### Time for responding

The completed acknowledgment of service must be returned to the court office within 14 days \* of the date on which the claim form was served on you. If the claim form was:

Sent by post, the 14 days \* begins 2 days from the date of the postmark on the envelope.

Delivered or left at your address, the 14 days begins the day it was delivered.

Handed to you personally, the 14 days \* begins on the day it was given to you.

#### Completing the acknowledgment of service

You should complete sections A – E as appropriate. In all cases you must complete sections F and G.

#### Section A – not contesting the claim

If you do not wish to contest the remedy sought by the claimant in the claim form, you should complete section A. In some cases the claimant may only be seeking the court's directions as to how to act, rather than seeking a specific order. In these circumstances if you wish the court to direct the claimant in a certain way, give brief details.

#### Section B – contesting the claim

If you do wish to contest the remedy sought by the Claimant, in the claimant in the claim form, you should complete section B. If you seek a remedy different than that sought by the claimant, you should give details in the space provided.

#### Section C – disputing the court's jurisdiction

You should indicate your intention by completing section B and filling an application disputing the courts jurisdiction with 14 days of filing your acknowledgement of service at the court. The court will arrange a hearing date for the application and tell you and the claimant when and where to attend.

#### Section D – objecting to use of procedure

If you believe the claimant should not have issued the claim under part 8 because:

- There is a substantial dispute of fact involved; and
- You do not agree that the rule or practice direction stated does provide the claimant to use this procedure.

You should complete section C before setting out your reasons in the space provided.

#### Section E – written evidence

Complete this section if you wish to rely on written evidence.

You send your written evidence to the court with your acknowledgement of service. It must be verified by a statement of truth or the court may disallow it. If you have agreed with the other party(ies) and extension of time for filing your written evidence, a copy of your written agreement must be filed with your acknowledgement of service. Please note that the agreement can only extend time by 14 days from the date you file your acknowledgement of service.

Claims under section 1 of the inheritance (Provision for Family and Dependents) Act 1975

A defendant who is a personal representative of the deceased must file and serve written evidence which must state to the best of that person's ability:

- Full details of the value of the deceased's net estate as defined in section 25 of the Act.
- The person of classes of person beneficially interested in the estate, and
  - the names and (unless they are parties to the claim) addresses of all living beneficiaries; and
  - the value of their interest in the estate so far as they are known;
- whether any living beneficiary (and if so, naming him) is a child or patient with the meaning of rule 21.1(2); and
- any facts which might affect the exercise of the court's powers under the Act.

#### Section F – name of defendant

Print your full name, or the full name of the defendant on whose behalf you are completing this form.

#### Serving other parties

You must send to any other party named on the claim form, copies of both the acknowledgment of service and any written evidence, at the same time as you file them with the court.

#### What happens next

The Claimant may, within 14 days of receiving any written evidence from you, file further evidence in reply. On receipt of your acknowledgment of service, the court file will be referred to the judge for directions on disposal of the claim. The court will contact you and tell you what to do next.

#### Statement of truth

This must be signed by you, by your solicitor or your litigation friend, as appropriate.

Where the defendant is a registered company or a corporation the response must be signed by either the director, reassure, secretary, chief executive, manager or other officer of the company or (in case of a corporation) the mayor, chairman, president or town clerk.

\* For claims under the Inheritance [provision for family and dependants] Act 1975 the period is 21 days.