

Notes for Claimant on completing an IN REM claim form

Further information may be obtained from the Admiralty & Commercial Registry, room E200 Royal Courts of Justice, London, WC2A 2LL. Tel. 0171 936 6112 Fax. 0171 936 6245.

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

You may only issue an IN REM claim form in the Admiralty Court of the High Court (The High Court means either a District Registry attached to a County Court or the Royal Courts of Justice in London).

Staff can help you fill in the claim form and give information about the procedure once it has been issued. But they cannot give legal advice. If you need legal advice, for example, about the likely success of your 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.

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. **You will need an additional copy of the claim form if you are seeking to arrest a vessel.** Send or take the forms to the court office with the appropriate fee. The court will tell you how much this is.

N.B. The time for filing an Acknowledgment of Service in an IN REM claim is within 14 days of service of the CLAIM FORM irrespective of whether or not the PARTICULARS OF CLAIM are served with it. The CLAIM FORM must therefore be served with the forms on which the defendant may reply to your claim.

Notes on completing the claim form

Heading

You should add to the heading the name of the court in which you are issuing:

either 'Royal Courts of Justice' or

'..... District Registry'
(inserting name of the District Registry)

Ship and port details

You should supply the name of the vessel or vessels you are proceeding against and the **Port of Registry** (not the Port where the vessel may be berthed). If you do not know the Port of Registry you should insert 'port of registry unknown'. If you are proceeding in addition or separately against other property, e.g. cargo, you should describe it.

Claimant 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), or 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.

The Claimant in an in rem claim, whether or not an individual, may be named or described. If not named, you must provide a name upon the request of any other party. If described rather than named you must still give an address. See below as to the appropriate address.

Descriptions that may be used are 'The owners of the ship 'X' or 'The owners of cargo lately laden on board the vessel 'Y'. Court staff can advise you of other acceptable descriptions.

You must provide the following information about yourself according to the capacity in which you are suing. When suing as:-

an individual by name:

All known forenames and surname, (whether Mr, Mrs, Miss, Ms or Other e.g. Dr) and residential address (including postcode and telephone number) in England and Wales.

an individual by name who is under 18 write '(a child by Mr John Smith his litigation friend)' after the child's name

a patient within the meaning of the mental Health Act 1983

write "(by Mr John Smith his litigation friend)" after the patient's name

as an individual 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"

in a representative capacity

you must say what that capacity is e.g. "Mr John Smith as the representative of Mrs Mary Smith (deceased)

in the name of a club or other unincorporated association

add the words "suing 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 corporation 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.

an overseas company (defined by s744 of the Companies Act 1985):

Enter the name of the company and either the address registered under s691 of the Act or the address of the place of business having a real or the most, connection with the claim

Defendant details

The defendant **must** be described and not named.

'The owners and/or demise charterers of the ship 'Z', unless it is known that the ship either is, or is not, under demise charter when the claim can be issued simply against 'the owners of the ship 'Z' or 'the demise charterers of the ship 'Z'

In ownership and/or possession actions, the defendant may be described as 'all other persons claiming ownership and/or possession of the ship 'A'.

When action is taken against cargo and/or freight the defendant may be described as 'owners of cargo now or lately laden on board the ship 'X' together with the freight earned thereon.

The defendant in an action against the proceeds of a Judicial sale by the Admiralty Marshal should be described as 'the owners of the proceeds of sale of the vessel 'Y'

Permutations of the above can be used as appropriate. The Court staff will advise you as necessary.

Brief details of claim

Note: the facts and full details about your claim should be set out in the 'particulars of claim' (see note under 'Particulars of Claim').

You must set out under **this** heading:

- a concise statement of the nature of your claim in rem
- the remedy you are seeking
- if your claim is for money, the amount you are claiming
- the amount of any interest you are claiming

If your claim is in foreign currency you should endorse the claim form with a certificate as to the sterling equivalent. Court staff will inform you of the appropriate certificate.

Particulars of claim

You may include your particulars of claim on the claim form in the space provided or in a separate document which you should head 'Particulars of Claim'. It should include the names and/or descriptions of the parties, the court, the claim number and your address for service and also contain a statement of truth. You should keep a copy for yourself, provide one for the court and one for each defendant.

Separate particulars of claim can either be served

- with the claim form **or**
- within 75 days after the date on which the claim form was served, provided that the service of the particulars of claim is not later than 12 months from the date of issue of the claim form.

Note: If the particulars of claim are not contained or served with the claim form you must include the following statement "Particulars of claim will follow if an acknowledgment of service is filed indicating an intention to defend the claim."

Your particulars of claim must include

- a concise statement of the facts on which you rely
- a statement (if applicable) to the effect that you are seeking aggravated damages or exemplary damages
- details of any interest which you are claiming
- any other matters required for your type of claim as set out in the relevant practice directions

Note: You are not required to complete and serve particulars of claim if your claim is in respect of a collision between ships.

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 or (in the case of a corporation) the mayor, chairman, president or town clerk.