

# Notes for claimant on completing claim form N500

## Directors disqualification application

Please read all of these guidance notes before you begin completing the claim form. The notes follow the order in which information 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 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.
- You must file evidence to support your claim with the claim form in the form of an affidavit or affirmation or where permitted by rule 3(2) of the Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules 1986, a report by the Official Receiver.
- Copy the completed claim form, the defendant's notes for guidance and your written evidence so that you have one copy for 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 Companies Court at the Royal Courts of Justice in London).

Use whichever of the following is appropriate:

- ‘In the ..... county court’  
(inserting the name of the court)
- or**
- ‘In the High Court of Justice Chancery Division  
..... District Registry’  
(inserting the name of the District Registry)
- or**
- ‘In the High Court of Justice Chancery Division,  
Companies Court’

A disqualification application under section 9A of the Company Directors Disqualification Act must be issued in the High Court, out of the office of the Companies Court Registrar at the Royal Courts of Justice.

The section of text beginning ‘In the matter of...’ is included to comply with paragraph 5.1 of the Directors Disqualification Proceedings Practice Direction. You should insert the name of the relevant company(ies) after this text.

### Claimant and defendant details

As the person issuing the claim, you are called the ‘claimant’; the person you are suing is called the ‘defendant’. You must provide the following information about yourself **and** the defendant according to the capacity on 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, Ms or Other e.g. Dr) and residential address (**including** postcode and telephone and any fax or e-mail number) in England and Wales. 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 for 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:**

##### **a firm:**

Enter the name of the firm followed by the words ‘a firm’ e.g. ‘Bandbow - 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 e.g. the shop where the goods 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 s691 of the Act or the address of the place of business having a real, or the most, connection with the claim.

**Hearing**

Paragraph 4.3 of the Practice Direction states that 'When the claim form is issued, the claimant will be given a date for the first hearing of the disqualification application'. Court staff will complete these details when a date for a hearing is fixed, before the claim form is served. You should fill in the blanks in the sentence below the dates with the claimant's name and the section of the Company Directors Disqualification Act 1986 under which you are seeking the defendant's disqualification. You should then complete the empty section with the details of the order you wish the court to make, and delete the sections in the following sentence as appropriate.

**Details of your claim**

You should set out the details of your claim here, unless you have chosen to set them out only in an attached affidavit or report.

**Evidence**

The evidence in support of the claim must be set out in an attached affidavit or report, which must include a statement of the matters by reference to which it is alleged that a disqualification order should be made against the defendant.

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**Defendant's name and address**

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

**Endorsement**

If the claim is not brought under section 7, 8 or 9A of the Company Directors Disqualification Act 1986, paragraphs 3, 5 and 6 of the endorsement should be deleted.

**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.

**Address for documents**

Insert in this box the address at which you wish to receive documents, if different from the address you have already given under the heading 'Claimant'. The address you give must be either that of your solicitors or your residential or business address and must be in England or Wales. If you live or carry on business outside of England and Wales, you can give some other address within England and Wales.