



## NORTHERN TERRITORY OF AUSTRALIA

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Regulations 2001, No. 27\*

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### **Rules under the *Small Claims Act***

I, HUGH BURTON BRADLEY, the Chief Magistrate of the Local Court of the Northern Territory of Australia, in pursuance of section 50(1) of the *Small Claims Act*, make the following rules.

Dated 20 March 2001.

H. BRADLEY  
Chief Magistrate

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\* Notified in the *Northern Territory Government Gazette* on 30 May 2001.

**AMENDMENTS OF SMALL CLAIMS RULES**

**1. Principal Rules**

The Small Claims Rules are in these Rules referred to as the Principal Rules.

**2. Content and form**

Rule 3.05 of the Principal Rules is amended by omitting subrule (1) and substituting the following:

"(1) A document (including a form) to be used in the Court is to be prepared in accordance with subrules (2) and (3) but strict compliance with those subrules is not required and substantial compliance, or the compliance that the circumstances require, is sufficient."

**3. Declaration of service**

Rule 6.15 of the Principal Rules is amended –

- (a) by omitting "A" and substituting "(1) A"; and
- (b) by adding at the end the following:

"(2) A person who makes a declaration of service must include in the declaration a description of each document served or annex to the declaration a copy of each document served."

**4. Schedule 1**

Schedule 1 to the Principal Rules is amended by –

- (a) omitting from Form 6A "with  
*(clearly describe document served)*" and substituting the following:

"\* with the original of the document/s that is/are annexed to this declaration.

\* with *(give a description of the document/s)*";

- (b) by adding at the end of item 4 in the part of Forms 7A, 7B and 7C headed "INSTRUCTIONS FOR DEFENDANT – PLEASE READ CAREFULLY" the following:

**"Warning: IF THE PLAINTIFF OBTAINS AN ORDER AGAINST YOU AND JUDGMENT IS ENTERED AGAINST YOU, THE JUDGMENT DEBT (THE AMOUNT YOU MUST PAY TO THE PLAINTIFF) CARRIES INTEREST FROM THE DATE OF JUDGMENT AT THE RATE FIXED IN ACCORDANCE WITH RULE 59.02 OF THE**

*Small Claims Rules*

**SUPREME COURT RULES. INFORMATION ABOUT THE JUDGMENT DEBT MAY BE GIVEN TO CREDIT INFORMATION SUPPLIERS.";** and

(c) by inserting in Form 22G after "# Enter date." the following:

**"NOTICE TO JUDGMENT DEBTOR:** To prove your statutory declaration of financial circumstances and for the Court to fully examine your ability to pay the money owing, you must bring to the hearing documents such as pay slips, tax returns, bank account statements and passbooks, rent slips, statement of unemployment/sickness/disability benefits or any other document which may be of assistance to the Court. If you do not bring these documents, the Court may adjourn the hearing and order you to produce them."

**5. Further amendments**

The Principal Rules are amended as set out in the Schedule.

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**SCHEDULE**

Rule 5

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Provision	Amendment	
	omit	substitute
Rule 6.05(c)	"section 220 of that Law"	"the requirements of that Law relating to the service of documents on a company"
Schedule 1		
Form 5A	"Registrar" (first occurring)	
Part A of Form 8A	"Registrar"	
Form 12A	"Registrar" (first occurring)	

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