

NORTHERN TERRITORY OF AUSTRALIA

SMALL CLAIMS REGULATIONS

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SCHEDULE

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1982, No. 50*

Regulations under the *Small Claims Act*

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Small Claims Act*.

Dated this 6th day of August, 1982.

E.E. JOHNSTON
Administrator

SMALL CLAIMS REGULATIONS

1. CITATION

These Regulations may be cited as the Small Claims Regulations.

2. COMMENCEMENT

These Regulations shall come into operation on the date of commencement of the *Small Claims Amendment Act 1981*.

3. REFERENCE TO FORMS

In these Regulations, a reference to a form by number is a reference to the form so numbered in the Schedule.

* Notified in the *Northern Territory Government Gazette* on 13 August, 1982.

A. B. CAUPELL, Government Printer of the Northern Territory

Price: \$1.20

Small Claims Regulations

4. FORMS

For the purposes of the Act, a reference to a prescribed form in the section of the Act specified in Column 1 of the Table to this regulation shall be a reference to the form specified opposite thereto in Column 2 of that Table.

TABLE

Column 1 (reference to prescribed form in section of the Act)	Column 2 (form)
Sections 6(1) and 9(1) (wherever occurring)	Form 1
Sections 9(2) and 10(1)(b)	Form 2
Section 10(2)(b)	Form 3
Section 10(5)(a)	Form 2
Section 10(5) (second occurring)	Form 4
Section 10(6), (7)(a) and (b)	Form 2
Section 10(8)(b) and (9)	Form 4
Section 20(1)	Form 5
Section 44	Form 6
Section 46(1)	Form 7

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SCHEDULE

FORM 1

Sections 6(1) and 9(1)

(Front of Form 1)

(Title)

CLAIM

I, the abovenamed claimant, hereby claim from the abovenamed defendant the sum of \$ _____ on the following grounds:

(If insufficient space, a statement of claim should be attached)

Dated this _____ day of _____, 19 ____ .

.....
Signature of Claimant

NOTICE TO DEFENDANT

1. If you wish to contest this claim, you should complete the notice of defence (Form 2) and file it in the Court Office within 14 days after service of this notice whereupon you and the claimant will be notified of the time and place of an inquiry before the Court.

2. If you admit the claim, you may pay into court the sum of money which, in your view, represents the amount to which the claimant is entitled. If the claimant accepts the payment, the proceedings will not be pursued further. If the claimant does not accept the payment, the Court will fix a date for the assessment of the amount to be paid and you will be notified of the date as fixed.

Small Claims Regulations

3. If you do not file a notice of defence or pay money into court, within 14 days after service of this notice, judgment will be given against you. If the claim is for a specific amount, judgment will be for the amount claimed. If the claim is for or includes damages, judgment will be given subject to an assessment of the amount of damages payable by you. If an assessment is necessary, you and the claimant will be notified of the time and place of the assessment.

NOTICE TO CLAIMANT

1. Arrangements will be made by the Clerk to have the claim that you have filed served on the defendant. You will not be called upon to bear the expense of service, nor will you be required to pay any other fees in respect of the proceedings unless you obtain a judgment and seek to have the judgment enforced against the defendant. In the latter event, you will be required to pay the fees payable under the *Local Courts Act* for the enforcement of judgments.

2. If the defendant does any of the steps described in clauses 1 or 2 in the notice to defendant above, you will be notified accordingly.

3. If the defendant does not take any of the steps described in clauses 1 and 2 of the notice to defendant above within 14 days after service of the claim, the procedure described in clause 3 of that notice will be carried out.

Dated this _____ day of _____, 19 .

.....
Clerk of the Local Court

Small Claims Regulations

(Back of Form 1)

AFFIDAVIT OF SERVICE

(CLAIMANT)

I,
of
make oath and say as follows:

1. On the _____ day of _____, 19 __, I did cause a copy of this document to be served on the withinnamed claimant -

*(a) by personally delivering the said document to him;

*(b) by leaving the said document at his last known or usual place of residence/business with some person apparently not less than 16 years of age and apparently living/employed at that place; or

*(c) by posting the said document by certified mail to him at his last known or usual place of residence/business or his last known address,

at _____

*2 Annexed hereto and marked with the letters A and B respectively are a duly completed certified mail posting receipt and an acknowledgement of delivery of the postal article both issued pursuant to the Postal By-laws made under the *Postal Services Act 1975* of the Commonwealth.

* (Strike out where not applicable)

Sworn by me at _____ the _____ day of _____, 19 __.

Before me:

.....
(Title in full of person taking oath)

Small Claims Regulations

AFFIDAVIT OF SERVICE

(DEFENDANT)

I,
of
make oath and say as follows:

1. On the
day of
, 19
I did cause a copy of this document to be served on
the withinnamed defendant -

*(a) by personally delivering the said document to
him;

*(b) by leaving the said document at his last known
or usual place of residence/business with some
person apparently not less than 16 years of age
and apparently living/employed at that place; or

*(c) by posting the said document by certified mail
to him at his last known or usual place of
residence/business or his last known address,

at

*2 Annexed hereto and marked with the letters A and B
respectively are a duly completed certified mail
posting receipt and an acknowledgement of delivery of
the postal article both issued pursuant to the Postal
By-laws made under the Postal Services Act 1975 of
the Commonwealth.

* (Strike out where not applicable)

Sworn by me at
of
, 19
the
day

Before me:

.....
(Title in full of person taking oath)

Small Claims Regulations

FORM 2

Sections 9(2), 10(1)(b),
(5)(a), (6), (7)(a) and (b)

(Front of Form 2)

(Title)

NOTICE OF DEFENCE

To the Clerk of the Local Court.

TAKE NOTICE that I, (name and address of defendant),
intend to defend the claim made against me in these
proceedings on the following grounds:

* At the inquiry, I intend to rely upon a set-off or
counter-claim, particulars of which are as follows:

Dated this day of , 19 .

.....
Defendant

* Strike out if inappropriate.

Small Claims Regulations

(Back of Form 2)

AFFIDAVIT OF SERVICE
(CLAIMANT)

I,
of
make oath and say as follows:

1. On the _____ day of _____, 19____,
I did cause a copy of this document to be served on
the withinnamed claimant -

*(a) by personally delivering the said document to
him;

*(b) by leaving the said document at his last known
or usual place of residence/business with some
person apparently not less than 16 years of age
and apparently living/employed at that place; or

*(c) by posting the said document by certified mail
to him at his last known or usual place of
residence/business or his last known address,

at

*2 Annexed hereto and marked with the letters A and B
respectively are a duly completed certified mail
posting receipt and an acknowledgement of delivery of
the postal article both issued pursuant to the Postal
By-laws made under the *Postal Services Act 1975* of
the Commonwealth.

* (Strike out where not applicable)

Sworn by me at _____ the _____ day
of _____, 19____.

Before me:

.....
(Title in full of person taking oath)

Small Claims Regulations

FORM 3

Section 10(2)(b)

(Title)

NOTICE OF ACCEPTANCE OF SUM PAID INTO COURT

To the Clerk of the Local Court.

TAKE NOTICE that I (*name and address of claimant*), accept the sum of \$ _____ paid by the defendant into court in full satisfaction of my claim.

Dated this _____ day of _____, 19 ____ .

.....
Claimant

Small Claims Regulations

FORM 4

Section 10(5), (8)(b) and (9)

(Front of Form 4)

NOTICE OF INQUIRY

To (names and addresses of claimant and defendant).

1. TAKE NOTICE that an inquiry into this claim will be conducted by a Magistrate at _____ on the _____ day of _____ 19 __, at _____ o'clock in the _____.

2. The purpose of the inquiry is -

- (a) to decide the claim,
(b) to assess the amount of damages.

(Strike out (a) or (b) if not applicable)

3. You should attend the inquiry with your witnesses and bring with you all documents relating to the claim.

4. If the claimant fails to attend, the claim may be struck out.

5. If the defendant fails to attend, judgment may be entered against him or damages assessed against him in his absence.

6. Should you require any information regarding these proceedings or the procedure to be followed, you are invited to contact the Court office (telephone number _____).

Dated this _____ day of _____, 19 __.

.....
Clerk of the Local Court

Small Claims Regulations

(Back of Form 4)

AFFIDAVIT OF SERVICE

(CLAIMANT)

I, _____, of _____, make oath and say as follows:

1. On the _____ day of _____, 19____, I did cause a copy of this document to be served on the withinnamed claimant -

*(a) by personally delivering the said document to him;

*(b) by leaving the said document at his last known or usual place of residence/business with some person apparently not less than 16 years of age and apparently living/employed at that place; or

*(c) by posting the said document by certified mail to him at his last known or usual place of residence/business or his last known address,

at _____

*2 Annexed hereto and marked with the letters A and B respectively are a duly completed certified mail posting receipt and an acknowledgement of delivery of the postal article both issued pursuant to the Postal By-laws made under the Postal Services Act 1975 of the Commonwealth.

* (Strike out where not applicable)

Sworn by me at _____ the _____ day of _____, 19____.

Before me:

.....
(Title in full of person taking oath)

Small Claims Regulations

AFFIDAVIT OF SERVICE

(DEFENDANT)

I,
of
make oath and say as follows:

1. On the _____ day of _____, 19____, I did cause a copy of this document to be served on the withinnamed defendant -

*(a) by personally delivering the said document to him;

*(b) by leaving the said document at his last known or usual place of residence/business with some person apparently not less than 16 years of age and apparently living/employed at that place; or

*(c) by posting the said document by certified mail to him at his last known or usual place of residence/business or his last known address,

at

*2 Annexed hereto and marked with the letters A and B respectively are a duly completed certified mail posting receipt and an acknowledgement of delivery of the postal article both issued pursuant to the Postal By-laws made under the *Postal Services Act 1975* of the Commonwealth.

* (Strike out where not applicable)

Sworn by me at _____ the _____ day
of _____, 19____.

Before me:

.....
(Title in full of person taking oath)

Small Claims Regulations

FORM 5

Section 20(1)

(Front of Form 5)

(Title)

SUMMONS TO WITNESS

To (name and address of witness).

TAKE NOTICE that you are required to attend before the Local Court (or investigator) at the day of , 19 , at o'clock in the to give such evidence as you know concerning the matter of the abovementioned claim. (Where books, documents or writings are required to be produced add and also to bring with you and produce to the Court (or investigator) the following books, documents or writings:

or such of them that are in your custody or control).

Dated this day of , 19 .

.....
Magistrate*
Clerk of the Local Court*

* Strike out whichever is inappropriate.

Small Claims Regulations

(Back of Form 5)

AFFIDAVIT OF SERVICE
(WITNESS)

I,
of
make oath and say as follows:

1. On the _____ day of _____, 19____,
I did cause a copy of this document to be served on
the withinnamed witness -

*(a) by personally delivering the said document to
him;

*(b) by leaving the said document at his last known
or usual place of residence/business with some
person apparently not less than 16 years of age
and apparently living/employed at that place; or

*(c) by posting the said document by certified mail
to him at his last known or usual place of
residence/business or his last known address,

at

*2 Annexed hereto and marked with the letters A and B
respectively are a duly completed certified mail
posting receipt and an acknowledgement of delivery of
the postal article both issued pursuant to the Postal
By-laws made under the *Postal Services Act 1975* of
the Commonwealth.

* (Strike out where not applicable)

Sworn by me at _____ the _____ day
of _____, 19____.

Before me:

.....
(Title in full of person taking oath)

Small Claims Regulations

FORM 6

Section 44

NORTHERN TERRITORY OF AUSTRALIA

Small Claims Act

In the Local Court Claim No. of 19 .

BETWEEN (CLAIMANT)

OF

AND

(DEFENDANT)

OF

Small Claims Regulations

FORM 7

Section 46(1)

(Front of Form 7)

(Title)

APPLICATION TO THE COURT

I, (*name and address of applicant*), hereby apply to the Court for the following order (*or orders*):

This application has been set down for hearing by the Court at _____ on the _____ day of _____ 19 _____, at _____ o'clock in the _____, or so soon thereafter as the course of business will permit.

Dated this _____ day of _____, 19 _____.

.....
Applicant

Small Claims Regulations

(Back of Form 7)

AFFIDAVIT OF SERVICE

I, _____, of _____ make oath and say as follows:

1. On the _____ day of _____, 19____, I did cause a copy of this document to be served on the _____

*(a) by personally delivering the said document to him;

*(b) by leaving the said document at his last known or usual place of residence/business with some person apparently not less than 16 years of age and apparently living/employed at that place; or

*(c) by posting the said document by certified mail to him at his last known or usual place of residence/business or his last known address,

at _____

*2 Annexed hereto and marked with the letters A and B respectively are a duly completed certified mail posting receipt and an acknowledgement of delivery of the postal article both issued pursuant to the Postal By-laws made under the Postal Services Act 1975 of the Commonwealth.

* (Strike out where not applicable)

Sworn by me at _____ the _____ day of _____, 19____.

Before me:

.....
(Title in full of person taking oath)
