# NORTHERN TERRITORY OF AUSTRALIA

# SMALL CLAIMS REGULATIONS

# TABLE OF PROVISIONS

# Regulation

- 1. Citation
- 2. Commencement
- 3. Reference to forms
  4. Forms

# 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.

Price: \$1.20

<sup>\*</sup> Notified in the Northern Territory Government Gazette on 13 August, 1982.

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

### 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	Column 2
(reference to prescribed form in section of the Act)	(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

## **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.

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	
					 Local		

# (Back of Form 1)

# AFFIDAVIT OF SERVICE

# (CLAIMANT)

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Befor	e me	:													
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# AFFIDAVIT OF SERVICE

(DEFENDANT)

I, of make	oath	and say as	follows	;:			,
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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.

(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 <i>Postal Services Act</i> 1975 of the Commonwealth.
	* (Strike out where not applicable)
Swor of	n by me at the day , 19 .
Befo	
 (Tit	le in full of person taking oath)

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

### 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  $$\rm on$$  the  $$\rm day\; of$$  19 , at  $$\rm 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

# (Back of Form 4)

# AFFIDAVIT OF SERVICE

(CLAIMANT)

I, of make	oath	and	l say	as	foll	ows:							,
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# AFFIDAVIT OF SERVICE

(DEFENDANT)

I, of make	oath	and	say	as fo	llow	s:							
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	*(b)	or per	usual son a	pla ppare	ce o	f res	side: les	nce/b s th	ousin an 10	ess 5 ye	last with ars o plac	son f ag	ne ge
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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 on 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.

# (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 -
	<pre>*(a) by personally delivering the said document to     him;</pre>
	*(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 <i>Postal Services Act</i> 1975 of the Commonwealth.
	* (Strike out where not applicable)
Swori of	n by me at the day , 19 .
Befor	re me:
 (Tit)	le in full of person taking oath)

# 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

### 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

# (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 the	
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	*(b) by leaving the said document at his last kno or usual place of residence/business with so person apparently not less than 16 years of a and apparently living/employed at that place;	me ige
	(c) by posting the said document by certified ma to him at his last known or usual place residence/business or his last known addres	of
	at	
*2	Annexed hereto and marked with the letters A and respectively are a duly completed certified maposting receipt and an acknowledgement of delivery the postal article both issued pursuant to the Post By-laws made under the Postal Services Act 1975 the Commonwealth.	of al
	* (Strike out where not applicable)	
Sworn	by me at the , 19 .	lay
Befor	e me:	
(Tit	e in full of person taking oath)	