

Magistrates Court (Civil Jurisdiction) Rules 2004—Form 3

(see s 18 (4))

Special claim

(page 1)

In The Magistrates Court
20

No of

AT CANBERRA

[Between *A.B.*

Plaintiff

] and *C.D.*

Defendant

*(Name and address of defendant to be served
inserted if claim to be served by post)*

To the defendant:

1 The plaintiff claims the amount set out below. Particulars of the claim are set out on page 2.

Claim

Court fees

Costs

Service fees

Total amount of claim and costs _____

2 If you intend to defend the whole of any part of the plaintiff's claim, you should, within 21 days after service on you of the claim, file a notice of grounds of defence.

- 3 Unless you file such a notice within that time, the plaintiff may proceed with his or her claim and final judgment may be entered in your absence.
- 4 You may at any time before judgment pay the amount claimed to the Registrar together with the costs incurred by the plaintiff before the payment. If you do so you will avoid further cost in the proceedings.
- 5 You may at any time before judgment confess to the whole or part of the plaintiff's claim and you may apply to the court for an order for leave to pay the amount due by instalments. You and the plaintiff may sign and file an agreement as to the amount due in terms of payment. Any order made, or agreement filed, as to instalments will be binding on the plaintiff so long as the instalments are paid when due.

Dated _____ 20 .

Registrar

The plaintiff's legal practitioner is _____ and his
or her office address is _____
(*or* the plaintiff's address for service is _____)

(page 2)

Particulars of plaintiff's claim

The plaintiff's claim is as follows:

Dated _____ 20

Plaintiff

(*or* Plaintiff's legal practitioner)

(page 3)

Affidavit of service

I, _____ of _____ being duly
sworn, say:

On _____ 20 _____ I served

at _____
with this claim by—

- *(a) delivering a copy of it to that person personally;
- *(b) by leaving a copy of it at that person’s last known place of residence
(*or* business) with a person apparently resident (*or* employed) at that
place and apparently over the age of 16 years.

Sworn before me at _____ on _____ 20 _____ .

Justice of the Peace

**(Delete whichever is inapplicable)*

Application for postal service of claim

I _____ request that the defendant
be served with this claim by post, and I certify that—

- (a) I have reason to believe that the claim, if sent to the defendant at the
address specified in the claim, will come to the defendant’s knowledge
within a reasonable time after the date on which the claim would be
delivered in the ordinary course of post; and
- (b) I (*or* the plaintiff) understand(s) that if judgment is obtained as a result
of postal service and is afterwards set aside on the ground that the
service did not give the defendant adequate notice of the proceedings,
I (*or* the plaintiff) may be ordered to pay the costs of setting aside the
judgment.

Dated _____ 20 _____ .

Plaintiff
(*or* Plaintiff’s legal practitioner)

Endnotes

- 1 This form was originally in the Magistrates Court (Civil Jurisdiction) Act 1982 (the **authorising Act**), schedule 1. Under amendments made by the Legislation (Consequential Amendments) Act 2001, the form was omitted from the authorising Act and became a form approved under section 471 of that Act (see amdt 1.2791, amdt 1.2793).
- 2 Under the Court Procedures Act 2004 A2004-59, pt 8, this form became a form approved under that Act
- 3 This republication includes amendments made under the Legislation Act, part 11.3 (Editorial changes).

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