

Form 2.12 Third-party notice

Court Procedures Rules 2006

(see r 303 (Third-party notice—content etc))

In the *[Supreme/Magistrates] Court of the Australian Capital Territory

No *[SC/MC] of (year)

**(if proceeding in Magistrates Court, name and provision number of law under which Magistrates Court has jurisdiction to decide claim)*

(name)

Plaintiff

(name)

Defendant

(name)

Third party

TO: *(name of third party)* of *(address)*

Take notice that the plaintiff has brought a claim against the defendant, particulars of which are stated in the documents served on you with this notice.

And take notice that the defendant *[claims against you a contribution or indemnity or relief as stated in this notice / requires an issue stated in this notice to be decided not only as between the plaintiff and defendant but also between either of them and you].

Filed on behalf of the defendant by:

(the defendant's address for service and telephone number (if any) or, if the defendant is represented by a solicitor and the solicitor is the agent of another solicitor, the name and place of business of the other solicitor)

Claim

The defendant claims against the third party relying on the facts claimed in the attached statement of claim.

Nature of claim:

Relief claimed (*if a claim is for exemplary damages or aggravated damages, this must be specified—see r 50 (5) (a) (Originating claim—content etc)*):

*Interest claimed:

*Costs claimed (*if a claim is for a debt or liquidated demand, costs must be specifically claimed (see r 303 (6) (Third-party notice—content etc)*):

Defendant

**(if the defendant is an individual)*

Full name:

*[Home/Business] address:

**(if the defendant is a corporation)*

Name:

(if the corporation is a company or registered body within the meaning of the Corporations Act 2001 (Cwlth))

*[Australian Company Number/Australian Registered Body Number]:

Type of body:

Address of *[registered office/public officer]:

*Representative capacity in which defendant sues:

**(if the defendant is represented by a solicitor)*

Solicitor's full name:

(if the solicitor practises in a firm of solicitors)

*Solicitor's firm:

Solicitor's full business address:

Solicitor's telephone no:

*Name, address and telephone no of solicitor's agent:

Address for service of documents

(set out defendant's address for service)

(if represented by a solicitor the following information may be given)

*Document exchange box no:

(if postal address different from address for service)

*Postal address:

*Fax:

*Email address:

Third party *(so far as known)

**(if the third party is an individual)*

Full name:

*[Home/Business] address:

**(if the third party is a corporation)*

Name:

(if the corporation is a company or a registered body within the meaning of the Corporations Act 2001 (Cwlth))

*[Australian Company Number/Australian Registered Body Number]:

Type of body:

Address of *[registered office/public officer]:

*Representative capacity in which third party is sued:

Date:

(signature of defendant or defendant's solicitor):

(name of defendant or defendant's solicitor)

Notice to third party

You must file a defence, or a notice of intention to respond and a defence, to the third-party notice in the Court within 28 days after the day the notice is served on you (see rule 102 (Notice of intention to respond or defence—filing and service)).

If you do not file a defence, or a notice of intention to respond and a defence, within this time—

- the proceeding may be heard in your absence; or
- default judgment may be entered, or an order made, against you.

***Certificate that third-party notice has reasonable prospects of success**

(complete this section if Civil Law (Wrongs) Act 2002, s 188 applies to the third-party notice)

I, *(solicitor's full name)* certify that I believe, on the basis of provable facts and a reasonably arguable view of the law, that this third-party notice has reasonable prospects of success.

Date:

(signature of defendant's solicitor)

(name of defendant's solicitor)

**omit if, or whichever is, inapplicable*

Endnotes

This republication includes amendments made under the Legislation Act, part 11.3 (Editorial changes).

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