



New South Wales

DISTRICT COURT RULES 1973

FORMS

In pursuance of Part 47 rule 2 (2) of the District Court Rules 1973, I have amended the Forms approved for use in the Court as follows:

(a) Form 1

Omit the Form and replace with the following:

Form 1

Heading of any document filed before judgment, and any form of judgment

(Words in italic are explanatory and are not required to be endorsed when completing the form)

(First page of a document. See Part 47 rule 1)

(Leave a clear space of at least 50 millimetres from the top of the page)

IN THE DISTRICT COURT OF
NEW SOUTH WALES AT
SYDNEY (*or as the case may be*)
MOTOR ACCIDENTS LIST (*or
other list, as the case may be*)
(Where the document is filed other
than **at** the proper place)
Filed at

No: of 19

(Describe the document)

NOTICE OF MOTION

case of an aff

AFFIDAVIT

(Pt 30 r 2)
(and show the name of the deponent and date of swearing)

Deponent: G.H.

Sworn :1-1-19

Filed for the (*full name of filing party*)

Do not describe the document on the right side of this document. The substance of the document shall be commenced on the right hand side of the document A margin of not less than 25 millimetres shall be kept clear on the left hand side of the page. The dividing line to the left hand side shall be about 7.5 millimetres from the left hand edge of the page. The substance of a Scotts Schedule, Information Sheet or other document that cannot conveniently be entered onto the first page may commence on the following page. Where there is insufficient space of the left hand side of the page to include particulars of all the parties. this space may also be used to included particulars of parties and the substance of the document may be commenced on the following page. Where appropriate the words "appellant" and "applicant" should be substituted in lieu of "plaintiff", the word "respondent" for "defendant" and the word "third party" for "cross defendant". Where more than one defendant, cross-claimant or cross—defendant is named, the words "first", "second" or as the case may be, should be inserted before the word defendant, cross claimant or cross defendant. Highlight the name of the document and the filing party by including a solid line above and below that information.

A.B.

Plaintiff

C.D.

First Defendant

E.F

Second Defendant

E.F

Cross-Claimant

G.H.

Cross-Defendant

Principal & Co
22 Main St
Sydney 2000
DX xxxx Sydney
Phone: (02) xxxx xxxx
Fax: (02) xxxx xxxx

Agent & Co
20 Main St
Sydney 2000
DX xxxx Sydney
Phone: (02) xxxx xxxx
Fax: ((02) xxxx xxxx

(b) Omit Form 2, and replace with the following:

..

Form 2

**Heading of any document filed after judgement,
other than a form of judgment**

Follow Form 2 but substitute Judgment Creditor for Plaintiff and Judgment Debtor for Defendant.

(c) Form 7—Memorandum to be placed at the foot of any process of the Court

Replace the figure "9.30 am" with figure "8.30 am" where first occurring.

Replace the figure "4.00 pm" with the figure "4.30 pm" where first occurring.

Add the word "generally" after the word "open" where it secondly occurs.

(d) Form 8—Ordinary Statement of Claim

Before the line commencing "The Plaintiff claims". add the following lines:

"Plaintiff's name, address, postcode and occupation:

Defendant's name, address, postcode and occupation:"

Replace the words

"If you file such a notice the action will be heard (if either party requires a hearing) at the first place mentioned in the heading of this document."

with the words

"This claim will be heard at the Court mentioned in this claim in accordance with a timetable given by the Court, a copy of which is attached to this claim."

(e) Form 9—Statement of Liquidated Claim

Delete the Form and replace with the following:

"Follow Form 8, but in the notes "To the defendant" Paragraph 1 add after the words "the rules" the words "and verified by your affidavit". and after the words "This claim will be heard". add the words "after the first defence is filed"."

(f) After Form 9, add the following form:

"Form 9A

Summons

Plaintiff's name, address, postcode and occupation:

Defendant's name, address, postcode and occupation

at (full address of Court) claim the following relief:

(state the relief required)

upon the grounds set hereunder or in the affidavit of annexed hereto:

You are liable to suffer judgment or an order against you unless the prescribed form of notice of your appearance is received in the Registry:

(g) Form 10—Memorandum of Consent to Jurisdiction

Replace the figure “\$100,000” with the words “the jurisdiction of the Court”.

(h) Form 14—Notice of Application (to commence proceedings)

Before the line commencing “The applicant will”, add the following lines:

“Applicant’s name, address, postcode and occupation:

Respondent’s name, address, postcode and occupation:”

(i) Form 15—Notice of Appeal (to commence proceedings)

Before the line commencing “The appellant appeals”, add the following lines:

“Appellant’s name, address, postcode and occupation:

Respondent’s name, address, postcode and occupation:”

(j) After Form 27I, add the following form:

Form 27J

Certificate of Attempted Settlement

This is to certify that I, (Solicitor/Counsel) of state that I have the conduct of this matter on behalf of the plaintiff/defendant/cross-claimant.

I further certify that:

1. I have made bona fide efforts to settle this matter.
2. On the instructions of my client, I served on (enter date) an offer of compromise on the other parties in this action.

or:

2. An offer of compromises has not yet been served for the following reasons:
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(k) Form 29—Affidavit of Debt

Replace the line commencing ”(Where appropriate)”, with the lines

3. Since the commencement of the action, payments have been made or credits accrued to the amount of \$ reducing the plaintiffs claim to \$

4. Interest is claimed pursuant to section 83A (or as the case may be) in the sum of \$
5. The sum of \$ is claimed in respect of filing the claim and the sum of \$ is claimed in respect of the service of the claim by the Sheriff (or as the case may be).
6. The sum of \$ is claimed in respect of professional costs for the entering of default judgment.*

(l) Form 31—Statement of Confession

Add the word “full” before the word “amount” where it first appears.

Add the word “being” before the word “part”.

(m) Form 48—Notice of Cross Claim

Delete the form and replace with the following form:
“

Form 48

Notice of Cross-Claim

(Pt 20 r 1 (2))

Name, address, postcode, and occupation of Cross-Claimant:

Name, address, postcode and occupation of Cross-Defendant:

The Cross-Claimant claims \$ in respect of the cause of action pleaded overleaf.

To the Cross-Defendant:

1. You are liable to suffer judgment unless notice of your grounds of defence prepared in accordance with the rules, is received in the registry at [address] within 28 days after service of this Cross-Claim upon you. This claim will be heard at the Court mentioned in this claim in accordance with a timetable given by the Court, a copy of which is attached to this claim. If that place is inconvenient to you, you may have a right to have the action transferred to a more convenient place.
2. You may at any time before judgment pay the amount claimed into the registry, whereupon further proceedings against you in the action will be stayed, but you will remain liable for the costs incurred by the Cross-Claimant before the payment.

3. You may at any time before judgment confess the Cross-Claimant's claim or part thereof, and you may apply for an order for leave to pay the amount due by instalments. (Forms for these purposes are obtainable at any Registry). You and the Cross-Claimant may sign and file an agreement to the amount due and 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.

The Cross-Claimant pleads the cause of action as follows:

1. [plead as required by the rules].

(n) Form 81—Affidavit in support of application for garnishee order

Delete the line "(As to statement made on information and belief see Pt 28 r. 5(3).)"

Before the line beginning with the words "3. The abovenamed garnishee", add the line "2a. Interest in the sum of \$ _____ is claimed pursuant to section 85 of the District Court Act, 1973."

(o) Form 82—Affidavit in support of application for garnishee order attaching wage or salary.

Delete the line "(As to statement made on information and belief see Pt 28 r. 5(3).)"

Before the line beginning with the words "3. The judgment debtor is in". add the line "2a. Interest payable under section 85 of the Act as at the date of swearing of this affidavit amounts to \$ _____"

(p) Form 133B—Certificate of Solicitor on Appointment of Tutor

After Form 133A, add the following Form.

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Form 133B

Certificate of Solicitor on Appointment of Tutor

(Pt 45 r4 (6))

I certify that the tutor to be appointed in this action has no interest in the proceedings adverse to that of the disable person.

1998 No 581

District Court Rules 1973

(q) Form 135A—Notice of Ceasing to Act

After Form 135, add the following Form.

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Form 135A

Notice of Ceasing to Act

(Pt 48 r4 (5))

EF of _____ has ceased to act as the legal representative of the plaintiff upon the grounds set out in the affidavit of GH sworn on

The last address of the plaintiff known to me was: _____ “

Dated this 18th day of _____ 1998.

The Hon. Justice R. O. Blanch.

Chief Judge.