Guidance on Using the Affidavit Template

About the affidavit

When you are required, or wish to, produce evidence by way of affidavit this template can be used.

However where the form of the affidavit has been prescribed by the District Court Rules, those forms must be used instead, namely:

* Affidavit of service (form 16)
* Affidavit of documents (form 22)
* Affidavit in support of application for a charging order (form 50)
* Affidavit in support of garnishee summons (form 70), and
* Affidavit as to whereabouts of deposit book (form 76)

How to use the template

All the required fields are set out in the template on the following two pages.

The sections that you have to fill out are marked with red text. The red text explains what you need to put in. These are fillable form fields, so click on the red text and start typing. The red text will be replaced by the content that you type. If you want to leave the field blank, just enter a space.

The blue text is explanatory notes. Delete these notes before printing the form.

Formatting your form

Before printing the form, check that the pages are numbered. Numbering should start at page 1 on the page after the cover page (i.e. the cover page should not be numbered). The template is set up to automatically number the pages in this matter.

You may print the form either single or double-sided. However, the cover sheet must not be double sided. If you print double sided you must adjust the margins as follows:

* In the “Margins” section in Word, select “Custom Margins”. In the box that pops up, find the field called “Multiple pages”. Select “Mirror Margins” from the dropdown menu, and click OK.
* The wide margin should now be on the left of every front page, and on the right of every reverse page.

Once you have completed the form, print it, and take it to a court, a lawyer or a JP, to sign and swear or affirm it.

In the District Court

Choose an item. Registry

No: Enter the CIV number if known

Under the: Enter the Act under which the proceeding is being brought (for example, “Fair Trading Act 1986”). Delete this line if not applicable.

In the matter of Enter in a few words what the dispute is about. For example, “a breach of contract”.

Between: Enter plaintiff’s name. If there is more than one plaintiff, it is not necessary to list all the names. Enter the name of the first plaintiff, followed by “and another” or “and others”. For example “J. Smith and others”.

(plaintiff)

And: Enter defendant’s name here. If there is more than one defendant, it is not necessary to list all the names. Enter the name of the first defendant, followed by “and another” or “and others”. For example, “J. Smith and others”.

(defendant)

Note: if there are additional parties involved in the proceeding who are not plaintiffs or defendants/respondents, repeat the fields above for them. Specify the role of the party, e.g. “defendant’s insurer”, “third party”, etc.

If there is a counterclaim, repeat the fields above for any counterclaim plaintiffs/defendants.

Affidavit by Deponent’s name

Next event date: Next court event date (if known). Delete this line if unknown.

Judicial officer: Judge hearing next event (if known). Delete line if unknown.

Fill out the option that applies and delete the other option.

**NOTE**: the party who files the affidavit is not necessarily the person who makes the affidavit. The term ‘party’ means a party to the legal proceeding; the party would be presenting the affidavit as evidence for their case. **NOTE:** enter enough lines above sothis section is at the bottom of the cover page.

For an individual: Filed by Person’s name, the Your role in proceedings, e.g. “plaintiff” in person.

OR; for an organisation: Filed by Person’s name, an authorised officer for the Your organisation’s role in proceedings, e.g. “plaintiff”, Enter the name of the organisation.

I, enter the full name, place of residence (only the city or town is required) and occupation of the deponent, swear/affirm:

Here detail the evidence you wish to present to the court by way of affidavit. Please remember to number each paragraph. When referencing documents attached to the affidavit (if any) please remember to refer to their exhibit reference; e.g. “The letter of Joe Bloggs to John Smith dated 01 January 2015 (the **exhibit marked “A”).”**

Sign this affidavit in front of a person authorised to take an oath or declaration.

Signature of deponent:

Sworn/affirmed at:

(a solicitor of the High Court of New Zealand/Registrar/Deputy Registrar)