Guidance on using the statement of claim template

About the statement of claim

To commence civil proceedings in the District Court, you must file a statement of claim.

The statement of claim must be accompanied by a Notice of Proceedings (Form 1) and a List of Documents Relied On (Form 6).

The content of the Statement of Claim is set by r5.28-5.37 of the District Court Rules 2014. As a minimum it must include a description of the cause of action, a description of the order sought from the Court, and details of the amount claimed, including details as to the basis for any interest claimed.

The statement of claim must be filed (with the service copy/copies) in the District Court before it can be served. If your claim is accepted for filing the Court will return the service copy/copies to you to serve on the defendant(s).

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 and sign it.

In the District Court

Choose an item. Registry

No: Enter the CIV number (court reference 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 the plaintiff’s full name, address and occupation.

(plaintiff)

And: Enter the defendant’s full name, address and occupation.

(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 this is a counterclaim, don’t repeat the fields above for the counterclaim. Instead, change “(plaintiff)” to read, for example “(plaintiff and counterclaim defendant)”. .

Statement of claim

Fill out the option that applies and delete the other option. **NOTE: enter enough lines above so this 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.

The plaintiff claims:

**Background to cause(s) of action:**

Here specify the facts, in chronological order, that led to your cause/s of action. Please number each paragraph.

**Cause(s) of action:**

Here state your ground for bringing legal proceedings against the defendant. Please number each paragraph.

**Application for relief**

On the above basis the plaintiff seeks the following relief or remedy:

Here specify the order/s that you want the court to make. Please number each paragraph.

Date: Enter date here (may be handwritten)

Signature: (sign here)

Name: Enter your name. If you are signing on behalf of an organisation, also state your role within the organisation and state whether you are an authorised signatory

Note: Please **complete one** of the following two options, and **delete** the option that does not apply. (If a solicitor is filing the document, see Form 12 of the Schedule).

If you are an individual:

This document is filed by the role in proceedings, e.g. “plaintiff” in person. The address for service of the role in proceedings, e.g. “plaintiff” is address.

If you are an organisation:

This document is filed by name of person filing document, an authorised officer for the role in proceedings, e.g. “plaintiff”. The address for service of the role in proceedings, e.g. “plaintiff” is address.