Guidance on Using the Third Party Notice

Template

(Form 5 of the District Court Rules 2014)

About the Third Party Notice

Use this form if you are the defendant, and you wish to join a person to the proceedings who is not already a party.

You may issue a third party notice if you claim the third party needs to be involved in the proceedings that the plaintiff issued against you, or that the third party owes you something that is connected with the proceedings. For more details, see [Rule 4.4 of the District Court Rules 2014](http://www.legislation.govt.nz/regulation/public/2014/0179/latest/DLM4874108.html).

You must issue the third party notice within 10 working days after the expiry of the deadline for serving your statement of defence (or within a longer time with leave of the court).

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: Plaintiff’s full name, address and occupation.

(plaintiff)

And: Defendant’s full name, address and occupation.

(defendant)

And: Third party’s full name, address and occupation.

(third party)

Note: if there are more than two parties involved, list their names, addresses and occupations in the format above.

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

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

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

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.

To: full name, place of residence and occupation of third party

**This document notifies you that –**

**Claim by plaintiff against defendant**

1. This proceeding has been brought by the plaintiff against the defendant, in which the plaintiff claims the relief set out in the plaintiff’s notice of claim (copy attached), and service of this notice makes you a party to the proceeding.

The defendant has/has notfiled a response to the claim.

A copy of that response is served with this document. (Note: delete this sentence if it does not apply).

**Claim by defendant against you**

1. The defendant claims relief or a remedy against you in respect of, or arising out of, the plaintiff’s claim. That relief or remedy and the grounds on which it is claimed are set out in the defendant’s notice of claim (copy attached).

**Can I dispute the claims made against the defendant and me?**

1. Yes. If you want to dispute the plaintiff’s claim against the defendant or the defendant’s claim against you, you must, within 25 working days after the date on which you are served with this notice:

Note: if the notice is served outside of New Zealand, substitute “25” in the paragraph above with “30”.

1. file in the District Court at Court location (e.g. “Manukau”) your response to the plaintiff’s claim or the defendant’s claim, or both, as the case may be; and
2. serve a copy of that response on the plaintiff and the defendant and on the other parties to the proceeding.

**What if I fail to dispute the claims?**

1. If you do not file a response within the prescribed time –
2. you will be treated as having admitted –
   1. the plaintiff’s claim against the defendant; and
   2. the defendant’s right to the relief or remedy that the defendant claims against you; and
   3. the validity of any judgment that may be given in the proceeding, whether by consent, default, or otherwise; and
3. you will be bound by any judgment given, which may be enforced against you under the rules of court.

**Hearing of proceeding**

1. The hearing of the proceeding, if a hearing is necessary, will take place at Court location (e.g. “Manukau”) at a time to be fixed by the court.

Include the following sentence only if there is a court order:

This notice is issued under an order of the court made on date

Date: Enter date here (may be handwritten)

Signature: (sign here)

Name: Enter your name

Select your role