

STATEMENT OF CLAIM

COURT DETAILS

Court	Write 'Local Court'
#Division	Write 'Small Claims Division'
#List	Leave blank or delete
Registry	Write the location of the court where you will file your claim. For example, Downing Centre, Parramatta, Dubbo
Case number	The court will write the case number

TITLE OF PROCEEDINGS

[First] plaintiff
Delete 'First' if only one
Plaintiff

[name]

The owner of the damaged car will usually be the plaintiff in the court case. For example,

- If the car is registered in your name, write your name and family name
- If you are a sole trader and the car was used as part of your business, write your first name and family name (e.g. Marley Lee trading as ML Importers)
- If the car is registered in the name of a company, write the company name and ACN (e.g. ML Importers Ltd ACN 123456789)
- If the car is registered in the name of an association, write the association name (e.g. Parramatta Crystal Club Inc).

#Second plaintiff #Number of
plaintiffs (if more than two)

Delete all if only one plaintiff
If two plaintiffs: delete the words
'Number of plaintiffs'
If three or more plaintiffs: delete the
words 'Second plaintiff'

[#name #number]

Refer to Party Details at rear for full list of parties]

Delete this part if only one plaintiff
If two plaintiffs: write the name of second plaintiff
If three or more plaintiffs: write the total number of plaintiffs. Then
write name of each plaintiff under the 'Further details about the
plaintiffs' section below.

[First] defendant
Delete 'First' if only one defendant

[name] Write:

- First name and family name if the defendant is an individual, or
- First name and family name plus business name (e.g. Fiona Frame trading as Fantastic Florists) if the defendant is a sole trader, or
- Company name and ACN (e.g. Fantastic Florists Pty Ltd ACN

123456789) if the defendant is a company , or Association name (e.g. Blacktown Floristry Club Inc) if the defendant is an association .

#Second defendant #Number of defendants (if more than two)

[#name #number

Refer to Party Details at rear for full list of parties]

Delete if only one defendant
If two defendants: delete the words 'Number of defendants'
If three or more defendants: delete the words 'Second defendant'

Delete all if only one defendant.

If two defendants write:

- First name and family name if the second defendant is an individual, or
- First name and family name plus business name (e.g. Fiona Frame trading as Fantastic Florists) if the second defendant is a sole trader, or
- Company name and ACN (e.g. Fantastic Florists Pty Ltd ACN 123456789) if the second defendant is a company, or Association name (e.g. Blacktown Floristry Club Inc) if the defendant is an association.

If three or more defendants: write the total number of defendants then write the names of each defendant on the 'details about defendants' section below.

FILING DETAILS

Filed for

[name] plaintiff[s] Write 'Your name, plaintiff'

Contact name and telephone

[name] [telephone] If you are not represented by a lawyer this should be your own name and telephone number

Contact email

[email address] Write your email address

TYPE OF CLAIM

[Select type of claim from the list provided in section 6 of the Guide to preparing documents, available on the UCPR website www.ucprforms.justice.nsw.gov.au by clicking on the link to Publications, or at any NSW court registry]

You will need to select the type of claim that matches your claim, for example:

Torts - Negligence - Motor Vehicle Accident – Driver

A claim for money to repair damage to your vehicle and other related expenses where the defendant is the driver of the vehicle that you claim caused the accident. Use this Type of Claim if you are claiming against another driver for the costs of repairs to your car

OR

Torts - Negligence - Motor Vehicle Accident - Write Off

A claim for money to recover the value of your vehicle and other related expenses where your vehicle has been 'written off' and where the defendant is the driver of the vehicle that you claimed caused the accident. Use this Type of Claim if you are claiming against another driver for the market value of your car, if your car is written off. If you are making this type of claim, you should get legal advice.

OR

Torts - Negligence - Motor Vehicle Accident - Vicarious Liability

A claim for money to repair damage to your vehicle and other related expenses resulting from a motor vehicle accident where the defendant was not the driver of the vehicle causing the accident. For example, where the other driver is the employee of the owner of the vehicle. [Use this Type of Claim if you are claiming against the owner, not the driver, of the other vehicle for the cost of repairs to your car.](#) If you are making this type of claim, you should get legal advice.

You can find a full list of matter types on the [UCPR website](#) under Table 6.4 Types of claim applicable to Local Court proceedings.

If you select the incorrect matter type, it will not affect your claim.

[on separate page]

[Note: If the completed RELIEF CLAIMED will fit in the available space appearing after TYPE OF CLAIM on the first page of this form, you may delete the page break, include the RELIEF CLAIMED on the first page and start this page with PLEADINGS AND PARTICULARS.]

RELIEF CLAIMED

1 Write a brief statement of what orders you want the court to make, for example 'That the defendant pay the plaintiff the total amount claimed below'

2 Delete 2 or leave blank

[If you are making a liquidated claim (ie claiming a specific amount of money), include the following information:]

Amount of claim	\$ Write the total amount of your claim
Interest	\$ Write the amount of interest claimed - you can only claim interest if your claim is \$1000 or more. For more information, see Working out interest.
Filing fees	\$ Write the fee you paid for filing this form
Service fees	\$ Write the service fee (if applicable)
Solicitors fees	\$ Leave blank if you are representing yourself
TOTAL	\$ Add up all the amounts listed above and write the total

PLEADINGS AND PARTICULARS

In this section you need to write a clear description of your claim in numbered paragraphs. You should refer to yourself as the plaintiff, and the other party as the defendant. You need to include:

- 1 the details of your car including make, model and registration number
- 2 the details of the defendant's car including the make, model and registration number
- 3 the date, time and place where the accident happened
- 4 the details about how the accident happened
- 5 a brief explanation of why the other driver was negligent. To do this you can write a bold heading called "**Particulars of Negligence**" and then list the reasons why the other driver was negligent. For examples of Particulars of Negligence, see [Sample statement of claim – car accidents](#) and [Example pleadings and particulars – car accidents](#). It is important that you provide the particulars (details) of the other driver's negligence so that the court and the other driver know why you think the accident was the other driver's fault. You need to make sure that the particulars of negligence are relevant to the circumstances of the accident.

6 a description of the damage caused by the other driver to your car and/or to any other property that was in your car at the time of the accident

7 the costs of the repairs to your car, or an estimate of the costs to repair your car. You can write a bold heading called "**Particulars of Damage**" and then list the costs of repairing each part of your car that was damaged in the accident. For an example of Particulars of Damage, see [Sample Statement of Claim – car accidents](#).

8 The total amount of your claim.

- Claiming the costs of completed repairs

If you are claiming for the costs of repairs to your car that you have already had done, you can include a paragraph that says something like:

"The plaintiff claims the sum of \$xxxx.xx being the actual costs incurred by the plaintiff in repairing the plaintiff's motor vehicle."

- Claiming the costs of repairs to be done

If you are claiming for the costs of repairs to your car on the basis of a quote, but you haven't had the repairs done yet, you can include a paragraph that says something like:

"The plaintiff claims the sum of \$xxxx.xx being the estimated costs of repairing the plaintiff's motor vehicle."

- Claiming the costs of a write-off

If you are claiming for the replacement cost of your car after it has been written off, you can include a paragraph that says something like this:

"The plaintiff claims the sum of \$xxxx.xx being the market value of the plaintiff's motor vehicle before the accident less the salvage value of the plaintiff's motor vehicle after the accident."

The salvage value means the amount that you would be able to get if you were able to sell the damaged car as is, for example for scrap metal and/or parts.

- whether you are claiming interest and how the interest is calculated. You can only claim interest if your claim is more than \$1,000.



You should make sure you give proper particulars of your claim. If you don't, the defendant can ask for 'further and better particulars', which will mean that your claim might be delayed. If this happens, you may have to pay the legal costs of the defendant. If the pre-trial review date is 'adjourned' (put off to another date) because you have not given proper particulars, you might be ordered to pay some of the legal costs of the defendant.

SIGNATURE

I acknowledge that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature

Once you have completed the form, sign in this space

Capacity

[eg authorised officer, role of party] Write 'Plaintiff', or your capacity if signing on behalf of a company or organisation e.g. 'Director of Plaintiff' or 'Authorised Officer of Plaintiff'

Date of signature

Write the date you signed the form

NOTICE TO DEFENDANT You do not need to fill in anything in these sections

If you do not file a defence within 28 days of being served with this statement of claim:

- **You will be in default in these proceedings.**
- **The court may enter judgment against you without any further notice to you.**

The judgment may be for the relief claimed in the statement of claim and for the plaintiff's costs of bringing these proceedings. The court may provide third parties with details of any default judgment entered against you.

HOW TO RESPOND You do not need to fill in anything in these sections

Please read this statement of claim very carefully. If you have any trouble understanding it or require assistance on how to respond to the claim you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the claim from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

You can respond in one of the following ways:

- 1 If you intend to dispute the claim or part of the claim,** by filing a defence and/or making a cross-claim.
- 2 If money is claimed, and you believe you owe the money claimed,** by:
 - Paying the plaintiff all of the money and interest claimed. If you file a notice of payment under UCPR 6.17 further proceedings against you will be stayed unless the court otherwise orders.
 - Filing an acknowledgement of the claim.
 - Applying to the court for further time to pay the claim.
- 3 If money is claimed, and you believe you owe part of the money claimed,** by:
 - Paying the plaintiff that part of the money that is claimed.
 - Filing a defence in relation to the part that you do not believe is owed.

[on separate page]

[Do not include the affidavit verifying in Local Court proceedings. See Guide to preparing documents for other circumstances where affidavit not required.]

#AFFIDAVIT VERIFYING [Delete this section or leave blank](#)

Name

Address

Occupation

Date

I [#say on oath #affirm]:

1 #I am the [first] plaintiff.

#I am [give details of the capacity of the person making the affidavit and the facts that qualify the person to make the affidavit].

2 I believe that the allegations of fact in the statement of claim are true.

#SWORN #AFFIRMED at

Signature of deponent

Name of witness

Address of witness

Capacity of witness

[#Justice of the peace #Solicitor #Barrister #Commissioner for affidavits #Notary public]

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

1 #I saw the face of the deponent. [OR, delete whichever option is inapplicable]

#I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.*

2 #I have known the deponent for at least 12 months. [OR, delete whichever option is inapplicable]

#I have confirmed the deponent's identity using the following identification document:

Identification document relied on (may be original or certified copy) †

Signature of witness

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

[* The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]

[† "Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see Oaths Regulation 2011.]

[on separate page]

#PARTY DETAILS Fill in this section if there are more than two plaintiffs and/or more than two defendants. Otherwise delete or leave blank.

[Include only if more than two plaintiffs and/or more than two defendants.]

PARTIES TO THE PROCEEDINGS

Plaintiff[s]

[name] [role of party eg first plaintiff]

[repeat as required for each additional plaintiff]

Defendant[s]

[name] [role of party eg first defendant]

[repeat as required for each additional defendant]

FURTHER DETAILS ABOUT PLAINTIFF[S]

[First] plaintiff

Name

Write your first name and family name

Address

#[unit/level number] #[building name]

[The filing party must give the party's address.]

[street number] [street name] [street type]

[suburb/city] [state/territory] [postcode]

#[country (if not Australia)] Write your street address

#Frequent user identifier

[include if the plaintiff is a registered frequent user] Delete

[repeat the above information as required for the second and each additional plaintiff]

Contact details for plaintiff[s] acting in person or by authorised officer

#Name of authorised officer

Delete, unless a company or incorporated association is the plaintiff and you are representing the company or association. In this case put your name.

#Capacity to act for plaintiff[s]

Delete, unless a company or incorporated association is the plaintiff and you are representing the company or association. In this case put your role e.g. director, secretary, public officer.

Address for service

#as above

[The filing party must give an address for service This must be an address in NSW unless the exceptions listed in UCPR 4.5(3) apply. State "as above" if the filing party's address for service is the same as the filing party's address stated above.]

#[unit/level number] #[building name]

[street number] [street name] [street type]

[suburb/city] [state/territory] [postcode] This is the address that you want the court to send documents to you. It should be an address in NSW. Delete everything apart from 'as above' if your mailing address is the same as your street address above. Otherwise, delete 'as above' and fill in your mailing address

Telephone

Write your phone number

#Fax [Write your fax no, or delete if you don't have a fax](#)

Email [Write your email address](#)

DETAILS ABOUT DEFENDANT[S]

[First] defendant

Name [Write the name of defendant](#)

Address [#\[unit/level number\] #\[building name\]](#)
[\[street number\] \[street name\] \[street type\]](#)
[\[suburb/city\] \[state/territory\] \[postcode\]](#)
[#\[country \(if not Australia\)\] **Write the address for defendant**](#)

[repeat the above information as required for the second and each additional defendant]

[If there is more than one defendant repeat this section for each defendant.](#)