Guidance on Using the Notice of Defence Template

(Form 96 of the District Court Rules 2014)

About the notice of defence

If you have been served with an application for a restraining order, or an application to vary or discharge a restraining order, you must use this form if you want to defend the application.

When defending an application for a restraining order (or to vary/discharge a restraining order), in addition to form 96, you must also file and serve an affidavit in support of the defence.

If you are the protected person who is a party to an application to vary or discharge a restraining order, you may apply to the court to keep your address confidential from the other parties to the proceeding. If you wish to keep your address confidential please:

* Do not enter your address when filling in this form, and
* File a notice of residential address and request for confidentiality (form 95).

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.

No: Enter the CIV number (court reference number) if known.

In the District Court at Choose an item.

Under the Harassment Act 1997

Between: Applicant’s full name, address and occupation.

(applicant)

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

(respondent)

If the applicant has kept their address confidential their address should be omitted in the heading above. If there is an associated respondent, enter their details as well.

Notice of defence

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.

**NOTE: enter enough lines above so this section is at the bottom of the cover page.**

Filed by your name, the applicant in person.

**To** the Registrar

And

**To** the applicant:

Note: if you are serving this notice on parties other than the applicant, specify above.

I, full name, address, occupation, the your role, give notice that I intend to defend the application for specify.

**Affidavit in support**

I rely on the content of the affidavit dated date filed in support of this notice.

Date:

Signature: (sign here)

Your role

This notice is filed by your name whose address for service is address.