

Form 20 - Notice of motion

See UCPR Part 18 for more information.

Unless the UCPR provide otherwise, you must prepare a notice of motion if you are making an interlocutory or other application in the proceedings (see UCPR 18.1).

The courts receive large numbers of some types of application (eg an application for default judgment on a liquidated claim). The Uniform Rules Committee has approved specific forms for the more common types of notice of motion. You must use the specific form if one has been approved for the type of application you are making to the court.

The UCPR allow the court to deal with some notices of motion in the absence of the parties.

In the notice of motion, you must:

- state whether the application is to be dealt with in the absence of the parties (ie not in the court room), if relevant, or
- provide for a hearing date, if the application is to be dealt with in court. The registry will insert the hearing date and time, but you may insert this information if known (eg if the court has adjourned a matter for hearing of a motion on a particular date).

See UCPR 18.2, 18.4 and 18.5 for more information about how and when to serve a notice of motion.

See UCPR 18.3 and paragraph 2.2 of this Guide for more information about how to describe the persons who are filing or who are affected by a notice of motion.

Unless the court orders otherwise, a notice of motion must be served at least 3 days before the hearing date of the motion. You must include the following information if the court orders that the notice of motion has to be served by a particular time.

TIME FOR SERVICE

This notice of motion is to be served on or before [time and date] as ordered by the court on [date].

You must include the street address, postal address and telephone number of the court registry. You should:

- copy the registry street address, postal address and telephone number from the statement of claim or summons, or
- if relevant, include details of the street address, postal address and telephone number of the registry where the court has transferred the proceedings.