

SERVICE OUTSIDE THE JURISDICTION

FORM 161

(Rule 11.7)

Uniform Civil Procedure Rules 2005

(Notice to defendant served outside of Australia)

To the Defendant:

1. You have been served with an originating process outside Australia under Rule [specify the rule (#11.4 and Schedule 6 / #11.5)] of the Uniform Civil Procedure Rules 2005 which apply in the Supreme Court of New South Wales. A copy of the Rule is enclosed for your information. Rules 11.3 to 11.8AC show the scope of the jurisdiction of the Court in respect of claims against persons who are served outside Australia.

2. The grounds alleged by the plaintiff to support its claim to be entitled to serve you outside of Australia and in the case of rule 11.4, the paragraph/s of Schedule 6 relied upon are:

[specify grounds]

3. The Court may, on application made by you in accordance with the rules of Court, dismiss or stay the proceeding or set aside the service on you of this originating process. Without limiting the Court's powers in this regard, the Court may dismiss or stay the proceeding or set aside the service on you if satisfied that –

- (a) the service was not authorised by the rules of the Court; or
- (b) this Court is an inappropriate forum for the trial of the proceedings; or
- (c) the claim has insufficient prospects of success to warrant putting you to the time, expense and trouble of defending the claim.

4. Alternatively you may file an unconditional notice of appearance (in the form prescribed by the rules of the Court) within the time required under the rules of the Court.

5. If you file an unconditional notice of appearance, additional procedural obligations (such as an obligation to file a defence or an affidavit) may apply to you in accordance with the Rules of the Court.

6. If you do not make an application to set aside service referred to in paragraph 3 or file an unconditional notice of appearance, the Court may give leave to the plaintiff to proceed against you without further notice.