

N536

Notice in relation to derivative claim

For claims involving a body corporate that is not a company or a trade union

To ('the corporation')

Name of body corporate

in relation to a claim by

Name of claimant

Attached to this notice are:

- a copy of the claim form to which this notice relates;
- an application under rule 19.15 of the Civil Procedure Rules 1998 for permission to continue the claim; and
- copies of the evidence to be relied on by the claimant in obtaining permission to continue the claim.

The claim is a derivative claim. Under the Civil Procedure Rules 1998, the claimant must obtain the permission of the court to continue the claim. A brief summary of the procedure follows.

The court will make its initial decision on the basis of the evidence filed by the claimant (copies are attached to this notice) and at present the [corporation] does not need to acknowledge service, file a defence or become involved in any other way. Initially the court may make its decision on the documents only, without a hearing; if it dismisses the application, the claimant may request reconsideration of that decision at a hearing but even at that hearing no additional evidence will be taken into account. If the court considers that the evidence filed by the claimant does not disclose a prima facie case, it will dismiss the application. It may then make consequential orders. If it does not dismiss the application at that stage, the court will adjourn the application to allow the corporation to obtain and file evidence and be heard on the application, and will make any necessary orders.

The court will notify the [corporation] of the outcome of each stage of the process.