

HOW TO COMPLETE A TRESPASS NOTICE

If you want to keep someone off your premises, you need to serve a trespass notice on them and give a copy to the Police. Attached is an example of a blank trespass notice form.

The effect of a trespass notice is that within two years after the notice was served on the other party, that person will be prohibited from entering your place. If he/she does, you can call the Police who can then arrest the person and may charge them with an offence under the Trespass Act.

1st step: Fill in the top of the form

In the first lines of the attached trespass notice form, you fill in the name and address of the person you want to keep off your place (the other party).

In the next section of the form, you write down your address (the place you want the other party to stay off from) and your name. You need to be the legal occupier of the premises (ie. as owner/occupier or tenant). **Take a photocopy of the form that is now half complete.**

2nd step: Serving the "original" notice

To serve the document means that it must be given to the other party personally, (ie. it is not sufficient to stick it in the mailbox or leave it at the door). The document just needs to be handed to the person concerned and they do not need to sign it. However, it does not necessarily have to be you who serves the form on the other party, you can ask a friend to do it.

You or your friend can take the "original" half-completed form and serve it on the other party.

3rd step: Completing the "photocopied" form

After the original notice has been served on the other party, the person who has served the form needs to complete the rest of the photocopied form that was retained. That has to be done before a witness. Anyone aged over 18 can act as a witness, it does not have to be a lawyer.

The person who served the form writes down his/her name and the address where he/she has served the notice on the other party. In most cases, that will be the address or workplace of the other party. After the person who served the form has filled in the date and signed the form, the witness has to write down his/her name and sign the document.

4th step: File with the Police

After the photocopied trespass notice form is completely filled in, you take another photocopy of it, which you keep.

The Police should then be given the copy completed by the person who served the form. This is the evidence that the Police can use in any prosecution, should the trespassed person ignore the notice and come on to your premises again.

TRESPASS NOTICE

To: _____

Of: _____

NOTICE UNDER SECTION 4(1)(2) AND (4) TRESPASS ACT 1980

In accordance with the above Act and Section, you are hereby warned to stay off the place known as _____ and occupied by: _____

You are advised that, in accordance with the provisions of the Trespass Act 1980, it is an offence punishable by a fine not exceeding \$1000, or imprisonment not exceeding three months, to enter onto the aforementioned place within the space of TWO YEARS after you have received this warning, OR UNTIL SUCH TIME AS THIS NOTICE IS CANCELLED BY _____.

(occupier of property)

STATEMENT OF SERVICE

I, _____
(name, address, occupation)

certify that I delivered the original copy of this Notice on the above-mentioned by _____

(state method of delivery - personally or registered post)

on the _____ day of _____
(date notice delivered or sent)

Signed: _____

Witnessed by: _____
(witness signature)

(witness name)

(witness address)

**Original to person being trespassed
Copy kept for occupier's records
Copy to be filed with Police**

TRESPASS NOTICE

To: Arnold Smith

Of: 23 The Way, Porirua

NOTICE UNDER SECTION 4(1)(2) AND (4) TRESPASS ACT 1980

In accordance with the above Act and Section, you are hereby warned to stay off the place known as 27 The Way

and occupied by: Bessie Brown as owner/occupier

You are advised that, in accordance with the provisions of the Trespass Act 1980, it is an offence punishable by a fine not exceeding \$1000, or imprisonment not exceeding three months, to enter onto the aforementioned place within the space of TWO YEARS after you have received this warning, OR UNTIL SUCH TIME AS THIS NOTICE IS CANCELLED BY Bessie Brown
(occupier of property)

STATEMENT OF SERVICE

I, Trevor Brown of 27 The Way Porirua, Clerk

(name, address, occupation)

certify that I delivered the original copy of this Notice on the above-mentioned by personally delivering it to Arnold Smith at his address at 23 The Way, Porirua

(state method of delivery - personally or registered post)

on the 4th day of February 2005

(date notice delivered or sent)

Signed: T Brown

Witnessed by: Con Norm Green

(witness signature)

Norman Geoffry GREEN

(witness name)

Porirua Police

(witness address)

Original to person being trespassed

Copy kept for occupier's records

Copy to be filed with Police