



Western Australia

Magistrates Court (General) Rules 2005

Compare between:

[21 Sep 2023, 03-p0-01] and [20 Sep 2024, 03-q0-02]

Magistrates Court (General) Rules 2005

Part 1 — Preliminary

1. Citation

These rules are the *Magistrates Court (General) Rules 2005*.

2. Commencement

These rules come into operation on the day on which the *Magistrates Court Act 2004* comes into operation.

3. Terms used

In these rules, unless the contrary intention appears —

Act means the *Magistrates Court Act 2004*;

approved form means a form approved by the Chief Magistrate;

approved user, of the ECMS, has the meaning given in the *Criminal Procedure Regulations 2005* regulation 3(1);

CPA means the *Criminal Procedure Act 2004*;

ECMS means the electronic case management system for the management of proceedings in Western Australian courts and tribunals;

ECMS exempt, in relation to a document, has the meaning given in the *Magistrates Court (Civil Proceedings) Rules 2005* rule 96;

Form, if followed by a number, means the form of that number in Schedule 2;

lodge a document, means to lodge it with the Court together with any fee required to be paid under the *Magistrates Court (Fees) Regulations 2005*;

non-police registry means a registry where there is at least one registrar who is not a deputy registrar appointed under the Act section 26(5);

police registry means a registry where the only registrar is a deputy registrar appointed under the Act section 26(5);

registry means a registry of the Court;

working day means a day other than a Saturday, a Sunday, or a public holiday.

[Rule 3 amended: Gazette 23 Nov 2007 p. 5862; 15 Aug 2014 p. 2938; 31 Dec 2019 p. 4674-5; SL 2021/25 r. 15.]

Part 2 — Administrative matters

Division 1 — Court seals

4. Form and number of court seals

- (1) The Court's seal is to be in a form or forms approved by the Chief Magistrate.
- (2) The Principal Registrar must ensure that each registry has at least one such seal.

5. Custody of court seals

The registrar in charge of a registry must ensure that the Court's seals are kept in safe custody and are used in accordance with these rules and any other applicable written law.

6. Use of court seals

A person must not apply the Court's seal to a document unless he or she is —

- (a) a registrar; or
- (b) a person authorised to do so by a registrar.

7. Applying court seal electronically

For the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 10, a document that is required to be sealed by the Court is authenticated if —

- (a) the Court issues the document in an electronic form; and
- (b) the electronic document bears a facsimile of the Court's seal.

[Rule 7 inserted: Gazette 15 Aug 2014 p. 2938.]

Division 2 — Registry matters

8. Registry at which applications commencing a case must be lodged

Except as provided in —

- (a) Parts 6 to 9; and
- (b) the *Magistrates Court (Civil Proceedings) Rules 2005* rule 98; and
- (c) the *Magistrates Court (Minor Cases Procedure) Rules 2005* rule 46,

an application that is to commence a case may be lodged at any registry.

[Rule 8 inserted: Gazette 24 Aug 2007 p. 4322; amended: SL 2021/25 r. 16.]

8A. Registry at which documents must be lodged if a case has commenced

- (1) Unless these rules provide otherwise, a document that is to be lodged in respect of a case that has been commenced must be lodged at the registry at which the case is being conducted.
- (2) An application made by a prosecutor without notice to the accused for an order under the CPA section 138 must be lodged at the registry of the Court sitting at Perth.
- (3) For the purposes of subrule (1), a document that is lodged by using the ECMS is taken to have been lodged at the registry where the case is being conducted.

[Rule 8A inserted: Gazette 24 Aug 2007 p. 4323; amended: Gazette 23 Nov 2007 p. 5862; SL 2021/25 r. 17; SL 2022/54 r. 6.]

8B. Application for cancellation of surety undertaking

An application made in accordance with the *Bail Regulations 1988* regulation 9A for cancellation of a surety undertaking may be lodged at any registry of the Court.

[Rule 8B inserted: SL 2022/54 r. 7.]

9. Some documents may be rejected for lodgment

A registrar may refuse to accept for lodging any form that does not contain the information required by the form and any document that does not comply with rules of court made by the Court or with any other written law.

10. Leave to lodge a refused document, application for (Act s. 17)

An application under the Act section 17 to a magistrate for leave to lodge a document that a registrar has refused to accept must be made by lodging a Form 1A.

[Rule 10 amended: Gazette 23 Nov 2007 p. 5862.]

Division 3 — Lodging and serving documents electronically

11A. Certain rules do not apply to civil proceedings

Rules 11, 12 and 13A do not apply to or in relation to proceedings in the civil jurisdiction of the Magistrates Court.

[Rule 11A inserted: SL 2021/25 r. 18.]

11. Lodging documents by fax

- (1) Subject to this rule, a document may be lodged by fax.
- (2) A person wanting to lodge a document at a registry by fax must use the published fax number for that registry.
- (3) A document that, with any attachments and a cover page, is more than 20 pages long, must not be lodged by fax.

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- (4) A document that is sent by fax to a registry must have a cover page stating —
- (a) the sender's name, postal address, document exchange number (if any), telephone number and fax number; and
 - (b) the number of pages (including the cover page) being sent by fax.
- (5) A person that lodges a document by fax must —
- (a) endorse the first page of the original document with —
 - (i) a statement that the document is the original of a document sent by fax; and
 - (ii) the date and time the document was sent by fax; and
 - (b) keep the endorsed original document and the fax machine's report evidencing the successful transmission of the document; and
 - (c) if directed to do so by the Court, produce the items in paragraph (b) to the Court.
- (6) A document lodged by fax at a registry is to be taken to have been lodged —
- (a) if the whole document is received before 4 pm on a day when the registry is open for business, on that day;
 - (b) otherwise, on the next day when the registry is open for business.
- (7) If a document is sent by fax to a registry but not in accordance with this rule —
- (a) the document is to be taken not to have been lodged at the registry; and
 - (b) a registrar must notify the person who sent it of the fact.

[Rule 11 amended: SL 2021/25 r. 19.]

12. Lodging documents through Court's website

- (1) Subject to the requirements of the Court's website, a person may lodge a document electronically by lodging an electronic version of it by means of the Court's website.
- (2) A document that must be signed by or on behalf of a person cannot be lodged electronically under this rule unless —
 - (a) the document is an affidavit; or
 - (b) the document is lodged by —
 - (i) the person who signed it; or
 - (ii) the person on whose behalf it was signed; or
 - (iii) a person who is acting for either of those persons.
- (3) A document lodged electronically under this rule that is to be signed by or on behalf of the person by whom it is lodged is authenticated for the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 10 if —
 - (a) the Court's website records the identity of the person who lodges the document; and
 - (b) the name of the person who signed the document is stated in the electronic version of the document at any place where the person's signature is required.
- (4) An affidavit lodged electronically under this rule is authenticated for the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 10 if —
 - (a) an electronic version of it that includes the signatures on it is lodged; or
 - (b) the electronic version that is lodged includes a statement of the name of the person who signed the affidavit at any place where a signature appears in the paper version.

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- (5) A person by or on behalf of whom an affidavit is lodged under this rule must —
- (a) have possession of the paper version signed according to law; and
 - (b) ensure that, subject to any order of the Court, arrangements are made for the retention of the paper version.
- (6) A document lodged electronically under this rule which is directed to a registry is to be taken to have been lodged at the registry —
- (a) if the whole document is received before 4 pm on a day when the registry is open for business, on that day;
 - (b) otherwise, on the next day when the registry is open for business.
- (7) If a document sent electronically to a registry by means of the Court's website is not sent in accordance with the requirements of the Court's website and this rule —
- (a) the document is to be taken not to have been lodged at the registry; and
 - (b) a registrar must notify the person who sent it of the fact.
- (8) A person by or on behalf of whom a document is lodged electronically under this rule must ensure that the paper version of the document is available at any conference or hearing in the case concerned.
- (9) The Court may at any time, on the application of a party or on its own initiative, order a person who has lodged a document electronically under this rule to lodge the paper version of the document.

[Rule 12 inserted: Gazette 15 Aug 2014 p. 2938-40; amended: SL 2021/25 r. 20.]

13A. Lodging documents by means of ECMS

- (1) An approved user may lodge a document electronically by providing the information required for the completion of the document by means of the ECMS.
- (2) If a document is or must be signed by a person who is not, or who is not acting on behalf of, the person lodging it, the document cannot be lodged electronically under this rule unless it is an affidavit.
- (3) A document lodged electronically under this rule that is to be signed by or on behalf of the person lodging it is authenticated for the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 10 if —
 - (a) the ECMS records the identity of the person who lodges the document; and
 - (b) the name of the person who lodges the document is stated in the electronic version of the document at any place where the person's signature is required.
- (4) An affidavit lodged electronically under this rule is authenticated for the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 10 if the electronic version that is lodged includes a statement of the name of the person who signed the affidavit at any place where a signature appears in the paper version.
- (5) A person who lodges an affidavit under this rule must —
 - (a) have possession of the paper version signed according to law; and
 - (b) ensure that arrangements are made for the retention of the paper version subject to any order of the Court.
- (6) A document lodged under this rule is taken to have been lodged on the day and at the time recorded by the ECMS.

- (7) If a document sent electronically to a registry by means of the ECMS is not sent in accordance with the requirements of the ECMS and this rule —
- (a) the document is to be taken not to have been lodged at the registry; and
 - (b) a registrar must notify the person who sent it of the fact.

[Rule 13A inserted: Gazette 15 Aug 2014 p. 2940-1; amended: Gazette 18 Dec 2015 p. 5077; 31 Dec 2019 p. 4675; SL 2021/25 r. 21; SL 2021/133 r. 7.]

13B. Making documents available to court by means of ECMS

- (1) An approved user may make a document available to the Court electronically by means of the ECMS.
- (2) A document that is required to be signed and is made available electronically under this rule is authenticated for the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 10 if the name of the person who signed the document is stated in the electronic version of the document at any place where a signature appears in the paper version of the document.
- (3) A person who makes available a document under this rule that is required to be signed must, subject to any order of the Court, be satisfied that arrangements have been made for the paper version of the document to be retained.

[Rule 13B inserted: Gazette 15 Aug 2014 p. 2941; amended: Gazette 31 Dec 2019 p. 4675.]

13C. Access to applications, notices and other documents through ECMS

- (1) A requirement to notify a person or give them a copy of a document in relation to a proceeding is satisfied, on a day, if —
 - (a) the notice or document becomes accessible using the ECMS to the person before 5 pm on that day; and

- (b) electronic notification that the notice or document is accessible is sent to the person before 5.00 p.m. on that day; and
 - (c) the person is not a person who —
 - (i) is ECMS exempt; and
 - (ii) does not have access to the ECMS in relation to the proceeding.
- (2) In subrule (1) —
electronic notification, in relation to a person, includes notification via an email sent to an email address provided by the person.

[Rule 13C inserted: SL 2021/25 r. 22.]

13D. Listing matters for hearing using ECMS

- (1) This rule applies to a requirement to list an appeal for hearing under rule 28 or list an application for hearing under Part 7 or 8.
- (2) The requirement to list an appeal for hearing is satisfied if the ECMS lists the appeal.
- (3) The requirement to list an application for hearing or insert hearing details on a form is satisfied if the ECMS lists the application or inserts the details (as the case may be).

[Rule 13D inserted: SL 2021/25 r. 22.]

13. Electronic address for service

- (1) A person may give an electronic address for service in accordance with this rule.
- (2) A person may give a fax number as an address for service by providing —
 - (a) a residential or business address; and
 - (b) a fax number that operates at that address.

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- (3) A person who is not registered by the Court's website as a person authorised to lodge documents electronically may give an email address as an address for service by providing —
 - (a) a residential or business address; and
 - (b) an email address at which documents may be given to, or accepted on behalf of, the person.
- (4) If a legal practitioner practises in a business with one or more other legal practitioners or people —
 - (a) any fax number provided under subrule (2) must be the fax number of the business and not that of the legal practitioner personally; and
 - (b) any email address provided under subrule (3) must be the email address of the business and not that of the legal practitioner personally.
- (5) A self-represented person who resides in Australia and is registered by the Court's website as a person authorised to lodge documents electronically may give an email address as an address for service by providing —
 - (a) a residential or business address; and
 - (b) an email address that is the email address of the party provided in connection with that registration.
- (6) A legal practitioner, or the business for which a legal practitioner works, that has a business address in Australia and is registered by the Court's website as a person authorised to lodge documents electronically may give an email address as an address for service by providing —
 - (a) a residential or business address; and
 - (b) an email address that is the email address of the legal practitioner or business provided in connection with that registration.
- (7) A person who under this rule provides an address for service that is a fax number or an email address is to be taken to consent

to being served with documents by fax at that fax number, or as an attachment to an email sent to that email address, as the case may be.

- (8) If a person's fax number or email address provided under this rule changes, the person must lodge and serve a notice of change of address as soon as practicable after the change occurs.
- (9) The notice of change of address for service must be in the approved form.

[Rule 13 inserted: Gazette 15 Aug 2014 p. 2941-3; amended: SL 2022/106 r. 6.]

14. Service by fax or email

- (1) If rules of court require a person to serve a document, the person may serve the document —
 - (a) if the party has provided a fax number under rule 13(2), by sending the document by fax to that number; or
 - (b) if the party has provided an email address under rule 13, by sending the document as an attachment to an email sent to that address.
- (2) A document cannot be served by email under subrule (1) if under rule 12(2) or 13A(2) it cannot be lodged electronically.
- (3) Rule 11(4) and (5), with any necessary changes, apply to a document being served by fax in the same way as they apply to a document being lodged by fax.
- (4) A document served by email that must be signed by a person is authenticated for the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 10 if the electronic version of the document that is served states the name of the person whose signature is required at each place where the signature is required.

- (5) A document that is served by email or fax on a person is to be taken to have been served —
 - (a) if the whole document is sent before 4.30 p.m. on a working day, on that day;
 - (b) otherwise, on the next working day.
- (6) Subrule (1), with any necessary changes, applies to the service by the Court of any document on a party.
- (7) This rule does not prevent a person from consenting to being served in a manner other than in accordance with rules of court.

[Rule 14 amended: Gazette 15 Aug 2014 p. 2943; 18 Dec 2015 p. 5077.]

15A. Documents issued by Court by means of ECMS

- (1) For the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 12(1), a document that is required to be issued to a person by the Court is issued to the person if —
 - (a) the person is an approved user of the ECMS in respect of a document of that type and an electronic version of the document is issued to the person by means of the ECMS; or
 - (b) the person has provided an email address for service and an electronic version of the document is sent by email to the person at that address.
- (2) For the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 10, a document issued by the Court that must be signed by the person issuing it is authenticated if —
 - (a) the Court issues the document in an electronic form by means of the ECMS; and
 - (b) the electronic document identifies the person who issued it.

- (3) A document that is issued to a person in accordance with subrule (1) is to be taken to have been issued —
- (a) if the whole document is available before 4.30 p.m. on a working day, on that day;
 - (b) otherwise, on the next working day.

[Rule 15A inserted: Gazette 15 Aug 2014 p. 2943-4; amended: Gazette 31 Dec 2019 p. 4675; SL 2021/133 r. 8.]

Division 4 — Recording proceedings

15. Terms used

In this Division, unless the contrary intention appears —

proceedings means any proceedings in the civil or criminal jurisdiction of the Court;

record means any thing or process —

- (a) upon or by which information is recorded or stored; or
- (b) by means of which a meaning can be conveyed by any means in a visible or recoverable form,

whether or not the use or assistance of some electronic, electrical, mechanical, chemical or other device or process is required to recover or convey the information or meaning;

registrar does not include a deputy registrar.

16. Application of these rules

These rules apply to and in relation to all proceedings that are —

- (a) pending when these rules commence; or
- (b) commenced on or after these rules commence.

17. Transcripts may be in electronic form

These rules do not prevent a transcript of proceedings being in an electronic form.

18. Proceedings that are to be recorded and transcribed

- (1) A registrar may direct that the whole or a part of any proceedings or class of proceedings be recorded.
- (2) A registrar may direct how proceedings are to be recorded.
- (3) A registrar may direct that the whole or a part of any record or class of record be transcribed into written English.

19. Recorders and transcribers, duties of

- (1) In this rule a reference to recording proceedings or to transcribing records of proceedings includes a reference to copying a record or transcript of proceedings.
- (2) A person who records proceedings or who transcribes records of proceedings or who checks the accuracy of transcripts of proceedings is, while doing so, an officer of the Court and must obey any directions of a magistrate or a registrar in respect of those activities.
- (3) A person who records proceedings must —
 - (a) before the proceedings commence, check that the recording equipment is working properly; and
 - (b) during the proceedings, monitor the recording equipment and ensure that an accurate record is made; and
 - (c) identify the record.
- (4) A person who transcribes a record of proceedings must —
 - (a) enter in a register the identification of the record; and
 - (b) accurately transcribe the record into written English; and
 - (c) include on each page of the transcript information to identify the proceedings and the speakers and any other matter directed by a registrar.

- (5) A person who checks a transcript, or who copies a record or transcript, of proceedings must —
- (a) ensure that the transcript is an accurate transcription of the record, or that the copy is an accurate copy, as the case requires; and
 - (b) having done so, certify that it is accurate.
- (6) A person who records, copies, transcribes or checks the accuracy of transcripts of proceedings must at all times ensure the safe custody of the record of the proceedings.

20. Accuracy of transcript, requesting check of

- (1) Whether or not a transcript or a copy has been certified under these rules to be accurate, a person may apply to a registrar to have the accuracy of a specific part of the transcript checked.
- (2) On such an application a registrar must cause the transcript to be checked for accuracy, corrected if necessary and certified to be accurate.

21. Certificate of accuracy, form of

A certificate given under this Part as to the accuracy of a transcript of a record of proceedings must comply with the *Evidence Act 1906* section 50A(2).

22. Recordings and transcripts, custody of

A registrar must ensure that the recording and any transcript of the recording of proceedings —

- (a) are sufficiently registered and marked for identification; and
- (b) are kept in safe custody; and
- (c) unless the Court orders to the contrary, are not destroyed until at least 2 years after the conclusion of the proceedings, or the last date for commencing any appeal in relation to the proceedings, whichever is the later.

Part 3 — Delegated jurisdiction

Division 1 — General

23. Oaths, who may administer

Any Court officer assisting the Court, when it is constituted by a magistrate or by one or more JPs, may administer an oath or affirmation to any person who the Court requires to be sworn.

Division 2 — Registrar's jurisdiction

24. Civil jurisdiction of registrars

(1) In a civil case, a registrar has the jurisdiction conferred on a registrar by the *Magistrates Court (Civil Proceedings) Rules 2005* in addition to the jurisdiction conferred by others of these rules.

(2) When a registrar exercises the conferred jurisdiction, the registrar can exercise any power of the Court that could be exercised if a magistrate were exercising that jurisdiction.

[Rule 24 amended: Gazette 24 Aug 2007 p. 4323.]

25. Criminal jurisdiction of registrars

(1) In this rule —

registrar does not include a deputy registrar.

(2) In a criminal case, the jurisdiction conferred by this rule is in addition to the jurisdiction conferred by others of these rules.

(3) A registrar has jurisdiction to deal with an application made under the CPA for an adjournment and to perform the court's functions under the CPA section 75.

- (4) A registrar has jurisdiction to grant or adjourn, but not to refuse, an application made under the CPA section 71 if —
 - (a) it is made in the circumstances described in the CPA section 72(1) or (2); and
 - (b) it is not made by an accused who is in custody and who seeks to be released on bail until the hearing at which the charge is to be dealt with again.
- (5) If an application made under the CPA section 71(1) or (2) includes an application made under the CPA section 71(3), a registrar may only grant the application made under the CPA section 71(3) if the registrar grants the application made under the CPA section 71(1) or (2).

Division 3 — Appeals against decisions by a registrar

26. Commencing an appeal (Act s. 29)

- (1) If under the Act section 29(1) a person who is dissatisfied with a decision made by a registrar wants to appeal to a magistrate, the person must lodge 2 copies, and one copy for each other party, of these documents —
 - (a) a Form 1B; and
 - (b) a copy of the registrar's decision; and
 - (c) any other documents necessary to decide the appeal.
- (2) The appellant must serve one copy of the lodged documents on each other party within 14 days after the date on which the documents are lodged.
- (3) A magistrate may, by order, extend the period in subrule (2), and may do so even if the period has elapsed.
- (4) An application for an order under subrule (3) —
 - (a) is not required to be served on any other party; and

- (b) may be dealt with in the absence of the parties.

[Rule 26 amended: Gazette 23 Nov 2007 p. 5862; 26 Jul 2013 p. 3346.]

27A. Order for substituted service or dispensing with service

- (1) If the appellant cannot serve on another party the documents lodged under rule 26(1), a magistrate may, on application made by the appellant —
- (a) order that the appellant may take whatever steps are set out in the order to bring the matter to the attention of the other party; or
 - (b) if it is appropriate in the circumstances, order that the requirement for service be dispensed with altogether.
- (2) An application for an order under subrule (1) —
- (a) is not required to be served on any other party; and
 - (b) may be dealt with in the absence of the parties.
- (3) If a magistrate makes an order under subrule (1)(a) —
- (a) the magistrate may order that the documents are to be taken to have been served on the happening of any event specified in the order, or on the expiry of any period specified in the order; and
 - (b) when the steps set out in the order have been taken, the appellant must lodge an affidavit of service completed by the person who has taken those steps and stating —
 - (i) what steps were taken; and
 - (ii) when those steps were taken; and
 - (iii) who took those steps.
- (4) If a magistrate makes an order under subrule (1), the magistrate may make whatever directions are necessary or desirable with

respect to the listing of the appeal for hearing and the notification of the parties.

[Rule 27A inserted: Gazette 26 Jul 2013 p. 3346-7.]

27. Appeal does not stay the case

The commencement of an appeal under the Act section 29(1) does not stay the case concerned unless a magistrate orders otherwise.

28. Listing the appeal for hearing

- (1) When the documents lodged under rule 26(1) are served, a registrar must list the appeal for hearing and notify the parties.
- (2) The appeal must be listed at least 21 days after the date on which the documents lodged under rule 26(1) are served.
- (3) Subrules (1) and (2) are subject to any directions made under rule 27A(4).

[Rule 28 amended: Gazette 26 Jul 2013 p. 3347.]

Part 3A — General matters

[Heading inserted: Gazette 24 Aug 2007 p. 4323.]

28A. Magistrates, addressing etc.

In court and in relation to court proceedings, a magistrate is entitled —

- (a) to be addressed as “Your Honour”; and
- (b) to be referred to as “His Honour” or “Her Honour”.

[Rule 28A inserted: Gazette 24 Aug 2007 p. 4323.]

28B. Civil cases, dealing with in chambers

- (1) In this rule —

civil case means proceedings in the Court involving or in connection with the Court’s civil jurisdiction.

- (2) The Court, on the application of a party or on its own initiative, may deal with a civil case, or an aspect of a civil case, in chambers.

[Rule 28B inserted: Gazette 17 May 2011 p. 1823.]

Part 4 — Contempt of court

29. Terms used

In this Part —

contempt has the meaning given by the Act section 16;

defendant means a person who is alleged to have committed a contempt.

30. Summonses and warrants (Act s. 16), form of

- (1) A warrant issued under the Act section 16(2) —
 - (a) for a person who has committed a contempt of court under the Act section 15(2) must be in the form of Form 12 in the *Criminal Procedure Regulations 2005* Schedule 1;
 - (b) for any other person who has committed a contempt of court, must be in the form of Form 1 in the *Criminal Procedure Regulations 2005* Schedule 1.
- (2) A summons issued under the Act section 16(2) must be in the form of Form 4 in the *Criminal Procedure Regulations 2005* Schedule 1 adapted as necessary.

31. When contempt may be dealt with summarily

- (1) If an alleged contempt occurs —
 - (a) while the Court, constituted by a magistrate or JP, is sitting; or
 - (b) in respect of a magistrate or JP who is about to, or who has just, constituted the Court,

and the magistrate or JP is satisfied that the alleged contempt should be dealt with immediately because it is an immediate threat to the authority of the Court or to the integrity of the proceedings, the officer may deal with it summarily.

- (2) If a magistrate or JP decides to deal with an alleged contempt summarily, he or she must if practicable, orally inform the defendant of the nature and particulars of the alleged contempt.

32. Contempts not dealt with summarily may be referred to Attorney General

- (1) This rule and rule 33 apply if an alleged contempt is not dealt with summarily.
- (2) If the alleged contempt occurs while the Court, constituted by a magistrate or JP, is sitting, or occurs in respect of a magistrate or JP, he or she may refer it to the Attorney General.
- (3) If the alleged contempt occurs in the presence of or in respect of a registrar when performing functions delegated to the registrar under the Act section 28, the registrar may refer it to the Chief Magistrate who may refer it to the Attorney General.
- (4) If the alleged contempt occurs in any other circumstances, the Chief Magistrate may refer it to the Attorney General.
- (5) A referral of an alleged contempt to the Attorney General must set out the details of the act or omission that are considered to constitute the alleged contempt.

33. Attorney General may prosecute alleged contempt

- (1) The Attorney General may commence and conduct proceedings in the Court against a person for a contempt of court allegedly committed by the person.
- (2) To commence proceedings for an alleged contempt, the Attorney General must lodge a written charge against the defendant that sets out the details of the act or omission that constitute the alleged contempt.
- (3) The charge must be served on the defendant together with written notice of a hearing date for it and written notice that at

the hearing he or she is entitled to be represented by a legal practitioner and to call any person as a witness.

[Rule 33 amended: SL 2022/106 r. 6.]

34. Charge of contempt, hearing of

At the hearing of a charge of contempt lodged by the Attorney General —

- (a) the Court must be constituted by a magistrate; and
- (b) the Court must not be constituted so as to include any Court officer in whose presence or in respect of whom the alleged contempt was committed; and
- (c) a certificate by —
 - (i) the magistrate or JP who was constituting the Court when, or in respect of whom, the alleged contempt was committed; or
 - (ii) the registrar in whose presence, or in respect of whom, the alleged contempt was committed; or
 - (iii) the Chief Magistrate,
setting out the details of the act or omission that constitute the alleged contempt is, in the absence of evidence to the contrary, evidence of its contents; and
- (d) any transcript of the proceedings in which the alleged contempt was committed is admissible.

35. Procedure for contempts generally

The procedure for dealing with an alleged contempt, whether summarily or otherwise, is to be the same, so far as is practicable, as that followed in the Supreme Court when it is dealing with an alleged contempt except so far as this Part provides otherwise.

36. Outcome of contempt proceedings to be recorded

- (1) Whether an alleged contempt is dealt with summarily or otherwise, the person constituting the Court must record the Court's decision about the alleged contempt and any order made as a result.
- (2) A registrar must issue to the defendant a notice advising the defendant of the Court's decision, any order made as a result, and any punishment imposed.

[Rule 36 amended: SL 2021/25 r. 23.]

Part 5 — Court records

Division 1 — Requests under Act s. 33(3) or (7)

[Heading inserted: Gazette 11 Mar 2014 p. 573.]

**37. Request to inspect or obtain a copy of a document
(Act s. 33(3) or (7))**

- (1) A request under the Act section 33(3) or (7) must be made by lodging a Form 1.
- (2) When the request is lodged, a registrar may —
 - (a) grant it, if satisfied that the person making it is entitled under the Act section 33(3) or (7) to inspect or obtain a copy of the document requested; or
 - (b) refer it to a magistrate.
- (3) A magistrate to whom a request is referred may, in chambers —
 - (a) without hearing the person making the request, grant it; or
 - (b) order a registrar to list the request for hearing by a magistrate.
- (4) A magistrate hearing the request may grant or refuse it.

*[Rule 37 inserted: Gazette 8 Apr 2008 p. 1335-6;
amended: Gazette 7 Jan 2011 p. 51.]*

Division 2 — Applications under Act s. 33(4) or (8)

[Heading inserted: Gazette 11 Mar 2014 p. 573.]

38A. Term used: civil litigation information

In this Division —

civil litigation information means any of the following information in relation to a case —

- (a) the names of the parties;

- (b) the amount and nature of the claim;
- (c) the amount of any judgment entered;
- (d) whether the case has been dismissed or discontinued.

[Rule 38A inserted: SL 2023/148 r. 8.]

38. Application for leave (Act s. 33(4))

- (1) An application for leave under the Act section 33(4) must be made by lodging a Form 2.
- (2) When the application is lodged, a registrar may grant it or refer it to a magistrate.
- (3) A magistrate to whom an application is referred may, in chambers —
 - (a) without hearing the applicant, grant the application; or
 - (b) order a registrar to list the application for hearing by a magistrate.
- (4) A magistrate hearing the application may grant or refuse it.

*[Rule 38 inserted: Gazette 8 Apr 2008 p. 1336;
amended: Gazette 7 Jan 2011 p. 52.]*

39. Application for access to information (Act s. 33(8))

- (1A) A person seeking access under section 33(8) of the Act to information held by the Court may —
 - (a) make an application under this rule; or
 - (b) if the information is civil litigation information, make an application under rule 39A.
- (1) An application under this rule must be made by lodging a Form 3A together with an affidavit supporting the application.
- (2) When the application is lodged, a registrar —
 - (a) must refer it to a magistrate; and

- (b) may attach to it a written report on the administrative implications of granting it.
- (3) A magistrate to whom an application is referred may, in chambers —
 - (a) without hearing the applicant, grant the application; or
 - (b) order a registrar to list the application for hearing by a magistrate.
- (4) If under subrule (2)(b) a registrar has attached a report to an application, a magistrate must consider the report before determining the application.
- (5) A magistrate hearing the application may grant or refuse it.

*[Rule 39 inserted: Gazette 8 Apr 2008 p. 1336;
amended: Gazette 7 Jan 2011 p. 52; SL 2023/148 r. 9.]*

**39A. Application for access to civil litigation information
(Act s. 33(8))**

- (1) A person seeking access under section 33(8) of the Act to civil litigation information may make an application under this rule.
- (2) The application must be lodged in the approved form.
- (3) A registrar may —
 - (a) grant the application; or
 - (b) refuse the application; or
 - (c) refer the application to a magistrate, and may attach to it a written report on the administrative implications of granting it.
- (4) A magistrate to whom an application is referred may, in chambers —
 - (a) without hearing the applicant, grant the application; or
 - (b) order a registrar to list the application for hearing by a magistrate.

Magistrates Court (General) Rules 2005

Part 5 Court records

Division 3 Transcripts and exhibits for media organisations under Act
s. 33(9)(b)

r. 40A

- (5) If under subrule (4)(c) a registrar has attached a report to an application, a magistrate must consider the report before determining the application.
- (6) A magistrate hearing the application may grant or refuse it.
[Rule 39A inserted: SL 2023/148 r. 10.]

**Division 3 — Transcripts and exhibits for media organisations
under Act s. 33(9)(b)**

[Heading inserted: Gazette 11 Mar 2014 p. 574.]

40A. Terms used

In this Division —

application means an application under rule 40B;

exhibit has the meaning given in rule 40B(b);

media organisation means an organisation that disseminates news or information to the public through the press or by means of radio, television or the internet;

relevant record, in relation to an application, means a transcript or exhibit the subject of the application;

transcript has the meaning given in rule 40B(a).

[Rule 40A inserted: Gazette 11 Mar 2014 p. 574.]

40B. Media organisation may apply for transcript or exhibit

For the purposes of section 33(9)(b) of the Act, a media organisation may apply to the Court for leave to inspect or obtain a copy of —

- (a) the record, or the certified transcript of the record, of any proceedings in the case (a **transcript**); or
- (b) any other document (including in an electronic form) tendered in evidence in the case (an **exhibit**).

[Rule 40B inserted: Gazette 11 Mar 2014 p. 574.]

40C. Making applications

- (1) An application must be made by lodging a Form 1.
- (2) The relevant media organisation need not give notice of the application to any party to the case unless an order is made under rule 40E(2)(a).

[Rule 40C inserted: Gazette 11 Mar 2014 p. 574.]

40D. Who may deal with applications

- (1) When the application is lodged, a registrar must refer it to a magistrate unless subrule (2) applies.
- (2) A registrar may, without hearing the relevant media organisation, grant an application if —
 - (a) the relevant record was the subject of a previous application in the case; and
 - (b) the application was granted by a magistrate.
- (3) A magistrate to whom an application is referred under subrule (1) may, in chambers —
 - (a) without hearing the relevant media organisation, grant the application; or
 - (b) order a registrar to list the application for hearing by a magistrate.

[Rule 40D inserted: Gazette 11 Mar 2014 p. 574-5.]

40E. Dealing with applications

- (1) A magistrate or registrar dealing with an application may deal with the application even though no party to the case has been served with it.
- (2) A magistrate dealing with an application may —
 - (a) order the relevant media organisation to serve any other person, specified in the order, with the application and a

notice in an approved form entitling the person to be heard on the application; and

- (b) deal with the application accordingly.
- (3) A magistrate dealing with an application may grant or refuse it.
- (4) A magistrate dealing with an application, if satisfied the relevant media organisation has sufficient cause to be granted leave, may grant the application subject to —
 - (a) any order made under the CPA section 171; and
 - (b) any information contained in a pre-sentence report ordered under the *Sentencing Act 1995* section 20 indicating that it would be inappropriate to grant the application; and
 - (c) any other order or written law that prohibits or restricts the publication or possession of the relevant record.

[Rule 40E inserted: Gazette 11 Mar 2014 p. 575.]

40F. Court’s power to publish unaffected

This Division does not prevent the Court from publishing, on its own initiative, all or any part of the proceedings in a case to any person, and in any manner, it thinks fit.

[Rule 40F inserted: Gazette 11 Mar 2014 p. 575.]

Division 4 — Information generally under Act s. 33(9)(b)

[Heading inserted: Gazette 11 Mar 2014 p. 575.]

40. Criminal cases, information about available on request

- (1) Except as provided in any order under the *Criminal Procedure Act 2004* section 171, in respect of criminal proceedings in the Court, any person is entitled, on request, to the following information relating to a particular case —
 - (a) the name of the accused;

- (b) in relation to each charge in that case against the accused —
 - (i) the charge; and
 - (ii) any conviction or order made in respect of the charge; and
 - (iii) any penalty imposed on the accused in relation to the charge.
- (2) A request may be made at a registry —
 - (a) orally, in person or by telephone; or
 - (b) in writing, by mail, fax or email.
- (3) Nothing in subrule (1) entitles a person to obtain information about the accused's criminal history other than information in respect of a charge in the case to which the request relates.

*[Rule 40 inserted: Gazette 8 Apr 2008 p. 1337;
amended: Gazette 4 Dec 2018 p. 4629-30.]*

41A. Civil cases, certain people entitled on request to certain information about

- (1) In this rule —
 - approved recipient*** means a person who is approved in writing by the Attorney General as a person entitled to receive searchable information;
 - searchable information*** means any of the following information in respect of civil proceedings in the Court —
 - (a) the names and addresses of the parties;
 - (b) the amount and nature of the claim;
 - (c) the amount of any judgment entered;
 - (d) whether the case has been dismissed or discontinued.
- (2) An approved recipient is entitled, on request, to obtain searchable information in relation to a case.

- (3) A request under subrule (2) must be made in writing, by mail, fax or email.
- (4) When the request is lodged, a registrar must, on each working day in the period of 12 months after the lodgment, provide the approved recipient with such searchable information that has not already been provided to the recipient in relation to each case before the Court.
- (5) If suitable facilities exist at the Court to enable the searchable information to be provided by email to an approved recipient, then the registrar must not provide the information except by email.

*[Rule 41A inserted: Gazette 8 Apr 2008 p. 1337;
amended: Gazette 31 Dec 2013 p. 6548.]*

41. Conditions on access to records may be imposed

- (1) A registrar or magistrate granting a request referred to in rule 37 or 40 or an application referred to in rule 38, 39 or 40B may impose any conditions on the applicant's access to the record as is just.
- (2) Without limiting subrule (1), conditions may be imposed —
 - (a) to prevent the record from being damaged, interfered with or lost;
 - (b) to prevent the improper use or publication of the record or any information in it.

[Rule 41 amended: Gazette 8 Apr 2008 p. 1338; 11 Mar 2014 p. 576.]

Part 6 — *Criminal Procedure Act 2004* rules

42. Interpretation

In this Part, unless the contrary intention appears, a term defined in the CPA has the same meaning as it has in the CPA.

43. Prescribed court officers

For the purposes of the CPA each registrar is prescribed to be a prescribed court officer.

44. Prosecutions, where they must be commenced

- (1) A prosecution for an offence must be commenced in the registry nearest to the place where the offence was allegedly committed.
- (2) Despite subrule (1), if an offence is allegedly committed in a suburb listed in Schedule 1, a prosecution for the alleged offence must be commenced in the registry listed opposite that suburb in Schedule 1.
- (3) If it is not known where an alleged offence was committed, a prosecution for it must be commenced in the registry nearest to where the accused usually lives.
- (4) Despite subrule (3), if an accused usually lives in a suburb listed in Schedule 1, a prosecution for the alleged offence must be commenced in the registry listed opposite that suburb in Schedule 1.
- (5) A prosecution for an offence that is one of 2 or more offences the prosecutions of which are to be dealt with together may be commenced in the registry nearest to the place where any one of the prosecutions may be commenced in accordance with subrule (1), (2), (3) or (4).
- (6) Despite subrules (1) to (5), a prosecution for an alleged offence may be commenced in a registry that is not a registry where it is required by those subrules to be commenced if the registrar in

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charge of the registry is satisfied that there is good reason for the prosecution to be commenced in that registry.

- (7) If a prosecution for an offence is not commenced in a registry in accordance with subrules (1) to (6), the Court sitting at the place where the prosecution is commenced may, under the CPA section 135, order that prosecution be conducted at a registry where it should have been commenced.

45. Manner of lodging prosecution notice (CPA s. 24)

- (1) Unless subrule (2) applies, a prosecution notice must be lodged by means of the ECMS in accordance with rule 13A.
- (2) A prosecution notice may be lodged by handing a hard copy of the notice to the Court if —
- (a) the person lodging the notice does not have access to the ECMS; or
 - (b) the Court agrees to the notice being lodged in that manner.
- (3) If a hard copy of a prosecution notice is handed to the Court, an officer of the Court must —
- (a) enter the details of the prosecution notice into the ECMS; and
 - (b) ensure that the original document is retained on the Court's records.

[Rule 45 inserted: Gazette 15 Aug 2014 p. 2944; amended: Gazette 31 Dec 2019 p. 4675.]

45A. Substituted prosecution notices

- (1) In this rule —
- substituted prosecution notice* means a prosecution notice that is intended to replace a prosecution notice that has been lodged but not finally disposed of.

- (2) If a substituted prosecution notice is lodged but not served on the accused, and the accused fails to appear for the next court appearance scheduled in relation to the original prosecution notice, the charges contained in the substituted prosecution notice must —
- (a) be removed from the list of matters for hearing; or
 - (b) held in a temporary list and only formally listed when the accused next appears in relation to the original prosecution notice.

[Rule 45A inserted: Gazette 15 Aug 2014 p. 2945.]

45B. Form of remand warrant for accused

A remand warrant for an accused must be in the form of the *Criminal Procedure Regulations 2005* Schedule 1 Form 2.

[Rule 45B inserted: Gazette 15 Aug 2014 p. 2945.]

46. Summons etc., amendment of (CPA s. 34)

A prescribed court officer must not, under the CPA section 34, amend the court date in a summons or a court hearing notice after the summons has been lodged with the Court.

46A. Disclosure requirements, applications relating to (CPA s. 138)

An application made by a prosecutor without notice to the accused for an order under the CPA section 138 must be heard by a magistrate sitting in chambers at the Court sitting at Perth.

[Rule 46A inserted: Gazette 24 Aug 2007 p. 4323; amended: Gazette 23 Nov 2007 p. 5862.]

46B. Magistrates and registrars to verify orders

- (1) If a magistrate or a registrar makes an order in respect of a prosecution notice the magistrate or registrar must —
 - (a) ensure that the order is noted on a hard copy of the prosecution notice and sign or initial the order; or
 - (b) ensure that the order is noted on the electronic version of the prosecution notice and verify the making of the order by means of the ECMS.
- (2) If under subrule (1)(a) an order is noted on a hard copy of the prosecution notice, an officer of the Court must ensure that the order is also noted on the electronic version of the prosecution notice.

[Rule 46B inserted: Gazette 15 Aug 2014 p. 2945-6; amended: Gazette 31 Dec 2019 p. 4675.]

**Part 7 — *Fines, Penalties and Infringement Notices*
Enforcement Act 1994 rules**

47. Terms used

In this Part —

Act means the *Fines, Penalties and Infringement Notices Enforcement Act 1994*;

prosecuting authority has the meaning given in the Act.

[Rule 47 amended: Gazette 12 Aug 2014 p. 2892.]

48. Application to cancel licence suspension order (Act s. 101)

- (1) An application under the Act section 101 must be made by lodging a Form 3 at the registry closest to where the alleged offence took place.
- (2) On accepting a Form 3, a registrar must —
 - (a) list the application for hearing on the earliest convenient date; and
 - (b) insert the hearing details on the form; and
 - (c) at least 5 clear days before the date set by the Court for the hearing of the application, return one copy of the form to the applicant and give one copy to each of the following —
 - (i) the Commissioner of Police;
 - (ii) if the Commissioner of Police is not the relevant prosecuting authority, the relevant prosecuting authority.

[Rule 48 amended: Gazette 11 Mar 2014 p. 576; 12 Aug 2014 p. 2892-3.]

r. 49A

49A. Application to cancel enforcement warrant (Act s. 101AA)

- (1) An application under the Act section 101AA must be made by lodging a Form 4AA at the registry closest to where the alleged offence took place.
- (2) On accepting a Form 4AA, a registrar must —
 - (a) list the application for hearing on the earliest convenient date; and
 - (b) insert the hearing details on the form; and
 - (c) at least 5 clear days before the date set by the Court for the hearing of the application, return one copy of the form to the applicant and give one copy to the relevant prosecuting authority; and
 - (d) as soon as practicable after reaching a decision on the application, the Court must advise the Sheriff referred to in the *Supreme Court Act 1935* section 156 of that decision.

*[Rule 49A inserted: Gazette 20 Aug 2013 p. 3818;
amended: Gazette 11 Mar 2014 p. 576; 12 Aug 2014 p. 2893.]*

49. Application to cancel licence suspension order (Act s. 101A)

- (1) An application under the Act section 101A must be made by lodging a Form 4 at the registry closest to where the alleged offence took place.
- (2) On accepting a Form 4, a registrar must —
 - (a) list the application for hearing on the earliest convenient date; and
 - (b) insert the hearing details on the form; and
 - (c) at least 5 clear days before the date set by the Court for the hearing of the application, return one copy of the

form to the applicant and give one copy to the relevant
prosecuting authority.

*[Rule 49 amended: Gazette 11 Mar 2014 p. 576; 12 Aug 2014
p. 2893.]*

Part 8 — Road traffic legislation rules

[Heading amended: Gazette 8 Jan 2015 p. 161.]

50. Terms used

In this Part —

CEO has the meaning given in the *Road Traffic (Administration) Act 2008* section 4;

RT (AD) Act means the *Road Traffic (Authorisation to Drive) Act 2008*;

RTA means the *Road Traffic Act 1974*.

[Rule 50 amended: Gazette 15 Feb 2011 p. 537; 8 Jan 2015 p. 162.]

50A. Application under RTA s. 71B, how to be made

- (1) An application under the RTA section 71B(7) must be made by lodging a Form 4A and any affidavit that the applicant proposes to tender at the hearing of the application.
- (2) When a form and any affidavit is lodged under this rule, 2 copies must also be lodged.

[Rule 50A inserted: Gazette 23 Nov 2007 p. 5863.]

50B. Application under RTA s. 71F, how to be made

- (1) An application under the RTA section 71F(1) must be made by lodging a Form 4B, accompanied by a copy of the disqualification notice and any affidavit that the applicant proposes to tender at the hearing of the application.
- (2) When a form and any affidavit is lodged under this rule, 2 copies must also be lodged.

[Rule 50B inserted: Gazette 31 Jul 2012 p. 3690.]

51. Application under RT (AD) Act s. 27 or 35, how to be made

- (1) An application under the RT (AD) Act section 27 must be made by lodging the approved form together with an affidavit supporting the application.

[(2) deleted]

- (3) An application under the RT (AD) Act section 35(1) must be made by lodging the approved form together with an affidavit supporting the application.

- (4) An application under the RT (AD) Act section 35(2) must be made by lodging —

- (a) a Form 8 and any affidavit that the applicant proposes to tender at the hearing of the application; and
- (b) a copy of the record of the convictions of the holder of the extraordinary licence to which the application relates.

- (5) When a form and affidavit are lodged under this rule, 2 copies must also be lodged.

[Rule 51 amended: Gazette 15 Feb 2011 p. 537; 8 Jan 2015 p. 162; 26 Mar 2019 p. 947; SL 2021/25 r. 24; SL 2022/180 r. 4.]

51A. Application under RTA s. 80J, how to be made

- (1) An application under the RTA section 80J(5) or (6) must be made by lodging a Form 9 and any affidavit that the applicant proposes to tender at the hearing of the application.

- (2) When a form and any affidavit is lodged under this rule, 2 copies must also be lodged.

[Rule 51A inserted: Gazette 3 Oct 2008 p. 4485.]

r. 51AA

51AA. Application for return of item in or on confiscated motor cycle (RTA s. 80V(3))

- (1) An application under the RTA section 80V(3) must be made by lodging the approved form and any affidavit that the applicant proposes to tender at the hearing of the application.
- (2) When a form and any affidavit is lodged under this rule, 2 copies must also be lodged.

[Rule 51AA inserted: SL 2022/180 r. 5.]

51B. Registries where applications may be lodged

- (1) An application referred to in rule 50A may be lodged at the nearest non-police registry to the place where the keys that are the subject of the application are being held.
- (2) An application referred to in rule 50B or 51 may be lodged at any registry of the Court, including a police registry.
- (3) An application referred to in rule 51A or 51AA may be lodged at the nearest non-police registry to the place where the uncollected vehicle or item that is the subject of the application is being held.

[Rule 51B inserted: Gazette 23 Nov 2007 p. 5863; amended: Gazette 23 May 2008 p. 1992; 3 Oct 2008 p. 4486; 31 Jul 2012 p. 3690; SL 2022/180 r. 6.]

52. Registrar's functions when application is made

- (1a) On accepting a Form 4A or 9, or an approved form lodged under rule 51AA, a registrar must —
 - (a) list the application for hearing on the earliest convenient date; and
 - (b) insert the hearing details on the form; and
 - (c) return 1 copy of the form to the applicant and issue 1 copy to the Commissioner of Police at least 5 clear days before the date set by the Court for the hearing of it.

- (1) A registrar may reject an application made under rule 51 if the registrar has reason to believe that the application cannot be made to or heard by the Court under the RT (AD) Act section 29 or 35(3).
- (2A) On accepting a Form 4B, a registrar must —
 - (a) list the application for hearing on the earliest convenient date that is at least 14 clear days after the date on which the form is lodged; and
 - (b) insert the hearing details on the form; and
 - (c) return 1 copy of the form to the applicant and issue 1 copy to the Commissioner of Police at least 14 clear days before the date set by the Court for the hearing of it.
- (2) On accepting an application under the RT (AD) Act section 27, a registrar must —
 - (a) list the application for hearing on the earliest convenient date that is at least 14 clear days after the date on which the form is lodged; and
 - (b) insert the hearing details on the form; and
 - (c) return 1 copy of the form to the applicant and issue 1 copy to the CEO.
- (3) On accepting an application under the RT (AD) Act section 35(1), a registrar must —
 - (a) list the application for hearing on the earliest convenient date; and
 - (b) insert the hearing details on the form; and
 - (c) return 1 copy of the form to the applicant and issue 1 copy to the CEO.

- (4) On accepting a Form 8, a registrar must —
- (a) list the application for hearing on the earliest convenient date that is at least 14 clear days after the date on which the form is lodged; and
 - (b) insert the hearing details on the form; and
 - (c) return 2 copies of the form to the CEO.
- (5) On receiving the copies of a Form 8 from a registrar, the CEO must serve 1 copy on the holder of the extraordinary licence to which the application relates in accordance with the CPA Schedule 2 clause 2 or 3.
- (6) For the purposes of rule 15A(1), a copy of a form that a registrar must issue under this rule is taken to be a document that is required to be issued by the Court.

[Rule 52 amended: Gazette 24 Aug 2007 p. 4324; 23 Nov 2007 p. 5863; 23 May 2008 p. 1992; 3 Oct 2008 p. 4486; 15 Feb 2011 p. 537; 31 Jul 2012 p. 3690; 8 Jan 2015 p. 163; SL 2021/25 r. 25; SL 2021/133 r. 9; SL 2022/180 r. 7.]

53. Appearance at hearing of application

[(1a) deleted]

- (1) If the Court is satisfied that an application made under the RTA section 71B(7), 71F(1), 80J(5) or (6) or 80V(3) has been issued to the Commissioner of Police, the Court may deal with the application in the absence of the Commissioner of Police.
- (1A) If the Court is satisfied that an application made under the RT (AD) Act section 27 or 35(1) has been issued to the CEO, the Court may deal with the application in the absence of the CEO.
- (2) If the Court is satisfied that the holder of the extraordinary licence to which an application made under the RT (AD) Act section 35(2) relates has been served with it, the Court may deal with it in the absence of the holder.

[Rule 53 amended: Gazette 23 Nov 2007 p. 5863; 3 Oct 2008 p. 4486; 15 Feb 2011 p. 537; 31 Jul 2012 p. 3690; 8 Jan 2015 p. 164; SL 2021/133 r. 10; SL 2022/180 r. 8.]

54. Hearing of application, procedure on

At the hearing of an application made under the RT (AD) Act section 27 or 35(2) —

- (a) the applicant bears the onus of proof; and
- (b) the standard of proof is on the balance of probabilities; and
- (c) affidavit evidence may be adduced by a party if the maker of the affidavit is present.

[Rule 54 amended: Gazette 24 Aug 2007 p. 4324; 23 May 2008 p. 1992; 15 Feb 2011 p. 537; 8 Jan 2015 p. 164.]

55. CEO to be notified of decision

As soon as practicable after the Court decides an application to which this Part applies, a registrar must give the CEO notice of the decision including the details of any order made.

[Rule 55 amended: Gazette 8 Jan 2015 p. 165.]

Part 9 — Criminal Investigation Act 2006 rules

[Heading inserted: Gazette 24 Aug 2007 p. 4324.]

56. Application under *Criminal Investigation Act 2006* s. 151, how to be made

- (1) An application under the *Criminal Investigation Act 2006* section 151(4) must be made by lodging a Form 10 and every seized record relating to the application.
- (2) The application must be lodged with —
 - (a) one or more affidavits that state the facts and circumstances on which it is based; and
 - (b) any records that are to be lodged with the application.
- (3) When a form and affidavits are lodged under this rule, 2 copies must also be lodged.

[Rule 56 inserted: Gazette 24 Aug 2007 p. 4324-5; amended: SL 2022/180 r. 9.]

57. Registries where applications may be lodged

An application under rule 56 may be lodged at the nearest non-police registry to the place where the records were seized.

[Rule 57 inserted: Gazette 24 Aug 2007 p. 4325; amended: Gazette 23 Nov 2007 p. 5864.]

58. Registrar's functions when application is made

On accepting a Form 10, a registrar must —

- (a) list the application for hearing on the earliest convenient date; and
- (b) insert the hearing details on the form; and
- (c) return the 2 copies of the form and any affidavits to the applicant.

[Rule 58 inserted: Gazette 24 Aug 2007 p. 4325.]

59. Application must be served

The applicant must serve a copy of the application and affidavits on every person entitled to possession of the records at least 5 clear days before the date listed for the hearing of the application.

[Rule 59 inserted: Gazette 24 Aug 2007 p. 4325.]

Schedule 1 — Suburbs and registries

[r. 44]

[Heading inserted: Gazette 11 Mar 2014 p. 576.]

Suburb (A-L)	Registry	Suburb (M-Z)	Registry
Alexander Heights	Joondalup	Maddington	Armadale
Alfred Cove	Fremantle	Madeley	Joondalup
Alkimos	Joondalup	Madora Bay	Mandurah
Anketell	Rockingham	Mahogany Creek	Midland
Applecross	Perth	Maida Vale	Armadale
Araluen	Armadale	Malaga	Midland
Ardross	Perth	Malmalling	Midland
Armadale	Armadale	Mandogalup	Rockingham
Ascot	Perth	Mandurah	Mandurah
Ashby	Joondalup	Manning	Perth
Ashendon	Armadale	Marangaroo	Joondalup
Ashfield	Midland	Mardella	Armadale
Attadale	Fremantle	Mariginiup	Joondalup
Atwell	Fremantle	Marmion	Joondalup
Aubin Grove	Armadale	Martin	Armadale
Aveley	Midland	Maylands	Perth
Bailup	Midland	Meadow Springs	Mandurah
Balcatta	Perth	Medina	Rockingham
Baldivis	Rockingham	Melaleuca	Joondalup
Balga	Perth	Melville	Fremantle
Ballajura	Midland	Menora	Perth
Banjup	Rockingham	Merriwa	Joondalup
Banksia	Mandurah	Middle Swan	Midland
Banksia Grove	Joondalup	Midland	Midland

Suburb (A-L)	Registry	Suburb (M-Z)	Registry
Barragup	Mandurah	Midvale	Midland
Baskerville	Midland	Millendon	Midland
Bassendean	Midland	Mindarie	Joondalup
Bateman	Fremantle	Mirrabooka	Perth
Bayswater	Perth	Morley	Perth
Beaconsfield	Fremantle	Mosman Park	Perth
Beckenham	Armadale	Mount Claremont	Perth
Bedford	Perth	Mount Hawthorn	Perth
Bedforddale	Armadale	Mount Helena	Midland
Beechboro	Midland	Mount Lawley	Perth
Beechina	Midland	Mount Nasura	Armadale
Beeliar	Fremantle	Mount Pleasant	Perth
Beldon	Joondalup	Mount Richon	Armadale
Belhus	Midland	Mullaloo	Joondalup
Bellevue	Midland	Mundaring	Midland
Belmont	Perth	Mundijong	Armadale
Bentley	Armadale	Munster	Fremantle
Bertram	Rockingham	Murdoch	Fremantle
Bibra Lake	Fremantle	Myara	Mandurah
Bickley	Armadale	Myaree	Fremantle
Bicton	Fremantle	Nambeelup	Mandurah
Booragoon	Fremantle	Naval Base	Rockingham
Bouvard	Mandurah	Nedlands	Perth
Boya	Midland	Neerabup	Joondalup
Brabham	Midland	Nirimba	Mandurah
Brentwood	Fremantle	Nollamara	Perth
Brigadoon	Midland	Noranda	Perth

Magistrates Court (General) Rules 2005
Schedule 1 Suburbs and registries

Suburb (A-L)	Registry	Suburb (M-Z)	Registry
Brookdale	Armadale	North Beach	Perth
Bull Creek	Fremantle	North Coogee	Fremantle
Bullsbrook	Midland	North Dandalup	Mandurah
Burns Beach	Joondalup	North Fremantle	Fremantle
Burrendah	Fremantle	North Lake	Fremantle
Burswood	Perth	North Perth	Perth
Butler	Joondalup	North Yunderup	Mandurah
Byford	Armadale	Northbridge	Perth
Calista	Rockingham	Nowergup	Joondalup
Camillo	Armadale	O'Connor	Fremantle
Canning Mills	Armadale	Oakford	Armadale
Canning Vale	Armadale	Oakley	Mandurah
Cannington	Armadale	Ocean Reef	Joondalup
Carabooda	Joondalup	Oldbury	Armadale
Cardup	Armadale	Orange Grove	Armadale
Carine	Perth	Orelia	Rockingham
Carlisle	Perth	Osborne Park	Perth
Carmel	Armadale	Padbury	Joondalup
Carramar	Joondalup	Palmyra	Fremantle
Casuarina	Rockingham	Parkerville	Midland
Caversham	Midland	Parkwood	Armadale
Challenger	Rockingham	Parmelia	Rockingham
Champion Lakes	Armadale	Pauls Valley	Armadale
Chidlow	Midland	Pearsall	Joondalup
Chittering	Midland	Peppermint Grove	Fremantle
Churchlands	Perth	Peron	Rockingham
City Beach	Perth	Perth	Perth

Suburb (A-L)	Registry	Suburb (M-Z)	Registry
Claremont	Perth	Perth Airport	Perth
Clarkson	Joondalup	Piara Waters	Armadale
Cloverdale	Perth	Pickering Brook	Armadale
Como	Perth	Piesse Brook	Armadale
Connolly	Joondalup	Pinjar	Joondalup
Coodanup	Mandurah	Pinjarra	Mandurah
Coogee	Fremantle	Point Grey	Mandurah
Coolbellup	Fremantle	Port Kennedy	Rockingham
Coolbinia	Perth	Postans	Rockingham
Cooloongup	Rockingham	Pyrton	Midland
Cottesloe	Perth	Queens Park	Armadale
Craigie	Joondalup	Quinns Rocks	Joondalup
Crawley	Perth	Ravenswood	Mandurah
Cullacabardee	Midland	Red Hill	Midland
Currambine	Joondalup	Redcliffe	Perth
Daglish	Perth	Reservoir	Armadale
Dalkeith	Perth	Ridgewood	Joondalup
Darch	Joondalup	Riverton	Armadale
Darling Downs	Armadale	Rivervale	Perth
Darlington	Midland	Rockingham	Rockingham
Davis Park	Fremantle	Roleystone	Armadale
Dawesville	Mandurah	Rossmoyne	Armadale
Dayton	Midland	Rottnest Island	Fremantle
Dianella	Perth	Safety Bay	Rockingham
Doubleview	Perth	Salter Point	Perth
Dudley Park	Mandurah	Samson	Fremantle
Duncraig	Joondalup	San Remo	Mandurah

Magistrates Court (General) Rules 2005
Schedule 1 Suburbs and registries

Suburb (A-L)	Registry	Suburb (M-Z)	Registry
Dwellingup	Mandurah	Sawyers Valley	Midland
East Cannington	Armadale	Scarborough	Perth
East Fremantle	Fremantle	Secret Harbour	Rockingham
East Perth	Perth	Serpentine	Armadale
East Rockingham	Rockingham	Seville Grove	Armadale
East Victoria Park	Perth	Shelley	Armadale
Eden Hill	Midland	Shenton Park	Perth
Edgewater	Joondalup	Shoalwater	Rockingham
Eglinton	Joondalup	Silver Sands	Mandurah
Ellenbrook	Midland	Sinagra	Joondalup
Ellis	Fremantle	Singleton	Mandurah
Embleton	Perth	Sorrento	Joondalup
Erskine	Mandurah	South Fremantle	Fremantle
Fairbridge	Mandurah	South Guildford	Midland
Ferndale	Armadale	South Lake	Fremantle
Floreat	Perth	South Perth	Perth
Forrestdale	Armadale	South Yunderup	Mandurah
Forrestfield	Armadale	Southern River	Armadale
Fremantle	Fremantle	Spearwood	Fremantle
Furnissdale	Mandurah	Stake Hill	Mandurah
Gidgegannup	Midland	Stirling	Perth
Girrawheen	Joondalup	St James	Armadale
Glen Forrest	Midland	Stoneville	Midland
Glendalough	Perth	Stratton	Midland
Gleneagle	Armadale	Subiaco	Perth
Glengarry	Joondalup	Success	Fremantle
Gnangara	Joondalup	Swan View	Midland

Suburb (A-L)	Registry	Suburb (M-Z)	Registry
Golden Bay	Mandurah	Swanbourne	Perth
Gooseberry Hill	Armadale	Tamala Park	Joondalup
Gorrie	Midland	Tapping	Joondalup
Gosnells	Armadale	The Lakes	Midland
Greenfields	Mandurah	The Spectacles	Rockingham
Greenmount	Midland	The Vines	Midland
Greenwood	Joondalup	Thornlie	Armadale
Guildford	Midland	Treeby	Fremantle
Gwelup	Perth	Trigg	Perth
Hacketts Gully	Armadale	Tuart Hill	Perth
Halls Head	Mandurah	Two Rocks	Joondalup
Hamersley	Perth	Upper Swan	Midland
Hamilton Hill	Fremantle	Victoria Park	Perth
Hammond Park	Fremantle	Viveash	Midland
Harrisdale	Armadale	Waikiki	Rockingham
Haynes	Armadale	Walliston	Armadale
Hazelmere	Midland	Wandi	Rockingham
Heathridge	Joondalup	Wangara	Joondalup
Helena Valley	Midland	Wannanup	Mandurah
Henderson	Fremantle	Wanneroo	Joondalup
Henley Brook	Midland	Warnbro	Rockingham
Herdsman	Perth	Warwick	Joondalup
Herne Hill	Midland	Waterford	Perth
High Wycombe	Armadale	Watermans Bay	Perth
Highgate	Perth	Wattle Grove	Armadale
Hilbert	Armadale	Wattleup	Fremantle
Hillarys	Joondalup	Wellard	Rockingham

Magistrates Court (General) Rules 2005
Schedule 1 Suburbs and registries

Suburb (A-L)	Registry	Suburb (M-Z)	Registry
Hillman	Rockingham	Welshpool	Perth
Hilton	Fremantle	Wembley	Perth
Hocking	Joondalup	Wembley Downs	Perth
Hope Valley	Rockingham	West Leederville	Perth
Hopeland	Rockingham	West Perth	Perth
Hovea	Midland	West Pinjarra	Mandurah
Huntingdale	Armadale	West Swan	Midland
Iluka	Joondalup	Westminster	Perth
Inglewood	Perth	Whitby	Armadale
Innaloo	Perth	White Gum Valley	Fremantle
Jandabup	Joondalup	Whiteman	Midland
Jandakot	Fremantle	Whittaker	Mandurah
Jane Brook	Midland	Willagee	Fremantle
Jarrahdale	Armadale	Willetton	Armadale
Jindalee	Joondalup	Wilson	Armadale
Jolimont	Perth	Winthrop	Fremantle
Joondalup	Joondalup	Woodbridge	Midland
Joondanna	Perth	Woodlands	Perth
Kalamunda	Armadale	Woodvale	Joondalup
Kallaroo	Joondalup	Wooroloo	Midland
Karawara	Perth	Wungong	Armadale
Kardinya	Fremantle	Yanchep	Joondalup
Karnup	Rockingham	Yangebup	Fremantle
Karragullen	Armadale	Yokine	Perth
Karrakatta	Perth		
Karrakup	Armadale		
Karrinyup	Perth		

Suburb (A-L)	Registry	Suburb (M-Z)	Registry
Kelmscott	Armadale		
Kensington	Perth		
Kenwick	Armadale		
Kewdale	Perth		
Keysbrook	Armadale		
Kiara	Midland		
Kings Park	Perth		
Kingsley	Joondalup		
Kinross	Joondalup		
Koondoola	Joondalup		
Koongamia	Midland		
Kwinana	Rockingham		
Kwinana Beach	Rockingham		
Kwinana Town Centre	Rockingham		
Lakelands	Mandurah		
Landsdale	Joondalup		
Langford	Armadale		
Lathlain	Perth		
Leda	Rockingham		
Leederville	Perth		
Leeming	Fremantle		
Lesley	Armadale		
Lesmurdie	Armadale		
Lexia	Midland		
Lockridge	Midland		
Lynwood	Armadale		

*[Schedule 1 inserted: Gazette 11 Mar 2014 p. 576-82; amended:
SL 2022/180 r. 10.]*

Form 1A

Schedule 2 — Forms

[r. 3]

1A. Application for leave to lodge a document (r. 10)

<i>Magistrates Court Act 2004</i> s. 17(3) Magistrates Court at No:		Application for leave to lodge a document	
Applicant	Full name		
	Address		
	Telephone	Fax	
	Email address		
Case details	Case No.	Civil/Criminal	
	Parties		
Document to be lodged			
Application	I am a party to the above case and I would like leave to lodge the above document.		
Signature of applicant		Date	

[Form 1A inserted: Gazette 23 Nov 2007 p. 5864.]

1B. Appeal against registrar's decision (r. 26)

Magistrates Court Act 2004 s. 29 Magistrates Court at No:		Appeal against registrar's decision	
Appellant	Full name		
	Address		
	Telephone	Fax	
	Email address		
Case details	Case No.		Civil/Criminal
	Parties		
Decision being appealed	Date of decision		
	Brief description of decision		
Appeal	Under the <i>Magistrates Court Act 2004</i> section 29 the appellant appeals against the above decision.		
Extension of time	Is this application lodged within 21 days after the date of the above decision? Yes/No If no, state why the application is lodged late:		
Grounds of appeal	1.		
Signature of appellant or legal practitioner	Appellant/Appellant's legal practitioner	Date	
Hearing details	This application will be heard — on [<i>date</i>] at [<i>time</i>] or as soon after as possible, at [<i>place</i>]		

[Form 1B inserted: Gazette 23 Nov 2007 p. 5864; amended:
amended: SL 2022/106 r. 6.]

Form 1

1. Request to inspect or obtain copy of document from the Court (r. 37 and 40C)

Magistrates Court Act 2004 s. 33(3), (7) and (9)		Request to inspect or obtain copy of document from the Court	
Magistrates Court at No:			
Person making the request	Full name		
	Address		
	Telephone	Fax	
	Email address		
Case details	Case No.	Civil/Criminal	
	Parties		
Documents wanted			
Request by a party [Delete if not applicable.]	I am a party to the above case and I would like — <input type="checkbox"/> to inspect; <input type="checkbox"/> to obtain a copy of, the above documents.		
Request by non-party	I am not a party to the above case. I would like — <input type="checkbox"/> to inspect; <input type="checkbox"/> to obtain a copy of, the above documents on the following grounds — [give details].		
Media organisation [Delete if not applicable.]	I represent the following media organisation:		
Signature of person making the request		Date	

[Form 1 inserted: Gazette 8 Apr 2008 p. 1338; amended: Gazette 11 Mar 2014 p. 582-3; 12 Aug 2014 p. 2893.]

2. Application for leave in respect of court record (r. 38)

<i>Magistrates Court Act 2004</i> s. 33(4) Magistrates Court at No:		Application for leave in respect of court record	
Applicant	Full name		
	Address		
	Telephone	Fax	
	Email address		
Case details	Case No.	Civil/Criminal	
	Parties		
Records wanted			
Application ¹	I am a party to the above case and, under the <i>Magistrates Court Act 2004</i> s. 33(4), I apply for leave —		
Signature of applicant		Date	

Notes to Form 2 —

1. Set out in detail what the applicant wants leave to do.

[Form 2 amended: Gazette 8 Apr 2008 p. 1338.]

Form 3A

3A. Application for access to information held by the Court (r. 39)

<i>Magistrates Court Act 2004</i> s. 33(8) Magistrates Court at No:		Application for access to information held by the Court	
Applicant	Full name		
	Address		
	Telephone		Fax
	Email address		
Case details	Case No.		Civil/Criminal
	Parties		
Information wanted			
Application	I would like — <input type="checkbox"/> to inspect; <input type="checkbox"/> to obtain a copy of; <input type="checkbox"/> to view or listen to, the above information. [Set out grounds for the request.]		
Signature of applicant		Date	

[Form 3A inserted: Gazette 8 Apr 2008 p. 1339.]

3. Application to cancel licence suspension order made in respect of infringement notice (r. 48)

<i>Fines, Penalties and Infringement Notices Enforcement Act 1994 s. 101</i>		Application to cancel licence suspension order made in respect of infringement notice	
Magistrates Court at No:			
Applicant	Full name		
	Address		
	Date of birth		
Licence suspension details	Prosecuting authority		
	Infringement notice No.		
	Registry case No.		
	Licence suspended [Tick one box]	<input type="checkbox"/> Driver's licence No. <input type="checkbox"/> Vehicle licence No. <input type="checkbox"/> All vehicle licences	
Application [Tick one box] [*delete one]	<p>I, the applicant, have been disqualified from holding or obtaining the above licence(s) by a licence suspension order made under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> Part 3.</p> <p>Under section 101 of that Act I apply for an order cancelling the licence suspension order on the grounds that I received none of the following —</p> <p>(a) the infringement notice that gave rise to the licence suspension order;</p> <p>(b) the final demand issued under section 14 of the Act in respect of the infringement notice;</p> <p>(c) the order to pay or elect issued under section 17 of the Act in respect of the infringement notice;</p> <p>(d) the notice of intention to enforce issued under section 18 of the Act in respect of the infringement notice;</p> <p>(e) the notice confirming licence suspension issued under section 19(6) of the Act in respect of the infringement notice.</p>		
Certificate	I certify that I have not previously made an unsuccessful application under section 101 of the Act in relation to this licence suspension order or in relation to any other licence suspension order made in respect of this infringement notice.		
Signature of applicant		Date	
Hearing details	This application will be heard — on [date] at [time] or as soon after as possible, at [place]		

[Form 3 amended: Gazette 20 Aug 2013 p. 3819.]

Form 4AA

4AA. Application to cancel enforcement warrant made in respect of infringement notice (r. 49A)

<i>Fines, Penalties and Infringement Notices Enforcement Act 1994 s. 101AA</i> Magistrates Court at No:		Application for cancellation of enforcement warrant issued under Part 3	
Applicant	Full name		
	Address		
	Date of birth		
Enforcement warrant details	Prosecuting authority		
	Infringement notice No.		
	Registry case no.		
	Action	<input type="checkbox"/> Personal property seized <input type="checkbox"/> Land seized <input type="checkbox"/> Vehicle immobilised <input type="checkbox"/> Number plates removed from vehicle	
Application	<p>An enforcement warrant has been issued in respect of me, the applicant, under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> Part 3. The enforcement warrant was served on __/__/__.</p> <p>Under section 101AA of that Act I apply for an order cancelling the enforcement warrant on the grounds that I received none of the following —</p> <p>(a) the infringement notice that gave rise to the warrant;</p> <p>(b) the final demand issued under section 14 of the Act in respect of the infringement notice;</p> <p>(c) the order to pay or elect issued under section 17 of the Act in respect of the infringement notice;</p> <p>(d) the notice of intention to enforce issued under section 18 of the Act in respect of the infringement notice;</p> <p>(e) any notice confirming licence suspension issued under section 19(6) of the Act in respect of the infringement notice.</p>		
Certificate by applicant	I certify that I have not previously made an unsuccessful application under section 101AA of the Act in relation to this enforcement warrant or in relation to any other enforcement warrant made in respect of the infringement notice to which the warrant relates.		
Signature of applicant		Date	

Hearing details	This application will be heard — on <i>[date]</i> at <i>[time]</i> or as soon after as possible, at <i>[place]</i>
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[Form 4AA inserted: Gazette 20 Aug 2013 p. 3819-20.]

Form 4

4. Application to cancel licence suspension order made in respect of a fine (r. 49)

<i>Fines, Penalties and Infringement Notices Enforcement Act 1994 s. 101A</i>		Application to cancel licence suspension order made in respect of a fine	
Magistrates Court at No:			
Applicant	Full name		
	Address		
	Date of birth		
Licence suspension details	Sentencing Court		
	Charge No.		
	Registry case No.		
	Licence suspended [Tick one box]	<input type="checkbox"/> Driver's licence No.	<input type="checkbox"/> Vehicle licence No.
		<input type="checkbox"/> All vehicle licences	
Application [Tick one box] [*delete one]	I have been disqualified from holding or obtaining the above licence(s) by a licence suspension order made under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994 Part 4</i> . Under section 101A of that Act I apply for an order cancelling the licence suspension order on the grounds that — (a) I did not receive a summons or a notice to attend court in respect of the charge that gave rise to the fine that gave rise to the licence suspension order; (b) I was not present in court when that fine was imposed; and (c) I received neither of the following — (i) the notice of intention to enforce issued under section 42 of the Act in respect of that fine; (ii) the notice confirming licence suspension issued under section 43(6) of the Act.		
Certificate by applicant	I certify that I have not previously made an unsuccessful application under section 101A of the Act in relation to this licence suspension order or in relation to any other licence suspension order made in respect of this fine.		
Signature of applicant		Date	
Hearing details	This application will be heard — on [date] at [time] or as soon after as possible, at [place]		

[Form 4 amended: Gazette 20 Aug 2013 p. 3820.]

**4A. Application for an order for seized keys to be handed over
(r. 50A)**

Road Traffic Act 1974 s. 71B(7) Magistrates Court at No:		Application for an order for seized keys to be handed over	
Applicant	Full name		
	Address		
Person described in s. 71B(5) of the Act	Full name		
	Address		
Application	The applicant applies for an order for the seized keys to be handed over to the applicant.		
Seized keys ¹			
Signature of applicant or legal practitioner	Applicant/Applicant's legal practitioner	Date	
Hearing details	This application will be heard — on [date] at [time] or as soon after as possible, at [place]		

Notes to Form 4A —

- Set out the details of the seizure and a description of the vehicle to which the keys relate.

[Form 4A inserted: Gazette 23 Nov 2007 p. 5865; amended: Gazette 3 Oct 2008 p. 4486; SL 2022/106 r. 6.]

Form 4B

4B. Application for revocation of disqualification notice (r. 50B)

Court Copy

<p>MAGISTRATES COURT of WESTERN AUSTRALIA</p> <p>APPLICATION FOR REVOCATION OF DISQUALIFICATION NOTICE</p> <p><i>Road Traffic Act 1974 s. 71F(1)</i> <i>Magistrates Court (General) Rules 2005</i> Form 4B</p>

Court No.	
Magistrates Court at	
Date lodged	
Receipt No.	

Applicant (Name of the party applying)	Name			
	Address			
	DOB		MDL No.	
Application	Under the <i>Road Traffic Act 1974</i> section 71F, the applicant applies for an order that revokes the disqualification notice issued in respect of the below matter.			
Notice details	Provision/ Grounds			
	Date			
Grounds [A copy of the disqualification notice must be attached to this application]	The grounds for this application are:			
Signature of applicant or legal practitioner		Date		

HEARING DETAILS				
This application will be heard on:				
Date and time	Date		Time	or as soon after as possible
Place				

<i>For Court Use Only</i>				
Date	Appearance by accused	Counsel	Record of court proceedings	Judicial officer
	Y / N			
	Y / N			
	Y / N			
	Y / N			
Orders				
Judicial officer			Date	

Form 4B

<p>MAGISTRATES COURT of WESTERN AUSTRALIA</p> <p>APPLICATION FOR REVOCATION OF DISQUALIFICATION NOTICE</p> <p><i>Road Traffic Act 1974 s. 71F(1)</i> <i>Magistrates Court (General) Rules 2005</i> Form 4B</p>

Return of Service Copy

Court No.	
Magistrates Court at	
Date lodged	
Receipt No.	

Applicant (Name of the party applying)	Name			
	Address			
	DOB		MDL No.	
Application	Under the <i>Road Traffic Act 1974</i> section 71F, the applicant applies for an order that revokes the disqualification notice issued in respect of the below matter.			
Notice details	Provision/ Grounds			
	Date			
Grounds [A copy of the disqualification notice must be attached to this application]	The grounds for this application are:			
Signature of applicant or legal practitioner		Date		

HEARING DETAILS				
This application will be heard on:				
Date and time	Date		Time	or as soon after as possible
Place				

Service details [Service on applicant]	On _____, I served a copy of the application referred to above in the following manner: Method of service: Person served: Name of server: Signature:
Service details [Service on respondent]	On _____, I served a copy of the application referred to above in the following manner: Method of service: Person served: Name of server: Signature:

Form 4B

Copy for Applicant to retain

<p>MAGISTRATES COURT of WESTERN AUSTRALIA</p> <p>APPLICATION FOR REVOCATION OF DISQUALIFICATION NOTICE</p> <p><i>Road Traffic Act 1974 s. 71F(1)</i> <i>Magistrates Court (General) Rules 2005</i> Form 4B</p>

Court No.	
Magistrates Court at	
Date lodged	
Receipt No.	

Applicant (Name of the party applying)	Name			
	Address			
	DOB		MDL No.	
Application	Under the <i>Road Traffic Act 1974</i> section 71F, the applicant applies for an order that revokes the disqualification notice issued in respect of the below matter.			
Notice details	Provision/ Grounds			
	Date			
Grounds [A copy of the disqualification notice must be attached to this application]	The grounds for this application are:			
Signature of applicant or legal practitioner		Date		

HEARING DETAILS				
This application will be heard on:				
Date and time	Date		Time	or as soon after as possible
Place				

Copy for service on Respondent

MAGISTRATES COURT of WESTERN AUSTRALIA APPLICATION FOR REVOCATION OF DISQUALIFICATION NOTICE <i>Road Traffic Act 1974 s. 71F(1)</i> <i>Magistrates Court (General) Rules 2005</i> Form 4B	Court No.	
	Magistrates Court at	
	Date lodged	
	Receipt No.	

Applicant (Name of the party applying)	Name			
	Address			
	DOB		MDL No.	
Application	Under the <i>Road Traffic Act 1974</i> section 71F, the applicant applies for an order that revokes the disqualification notice issued in respect of the below matter.			
Notice details	Provision/ Grounds			
	Date			
Grounds [A copy of the disqualification notice must be attached to this application]	The grounds for this application are:			
Signature of applicant or legal practitioner		Date		

An application to revoke the disqualification notice above has been lodged. Your attendance is required at the date, time and place stated below. If you do not attend, the court may deal with the application in your absence.

HEARING DETAILS
This application will be heard on:

Date and time	Date		Time	or as soon after as possible
Place				

Form 4B

*[Form 4B inserted: Gazette 31 Jul 2012 p. 3691-5; amended:
SL 2022/106 r. 6.]*

[Form 5 deleted: SL 2021/25 r. 26(1).]

[Form 6 deleted: Gazette 15 Feb 2011 p. 538.]

[Form 7 deleted: SL 2021/25 r. 26(2).]

8. Application by CEO to vary, cancel extraordinary licence (r. 51(4))

Road Traffic (Authorisation to Drive) Act 2008 s. 35(2) Magistrates Court at No:		Application by CEO to vary extraordinary licence	
Extraordinary licence details	Holder's name		
	Holder's address		
	Court that ordered it		
	Date of court order		
	Licence's limitations and conditions		
Application [Tick one box]	Under the <i>Road Traffic (Authorisation to Drive) Act 2008 s. 35(2)</i> the CEO applies for — <input type="checkbox"/> An order that varies the above limitations and conditions by: <input type="checkbox"/> An order that cancels the above limitations and conditions and substitutes these limitations and conditions: <input type="checkbox"/> An order that cancels the above extraordinary licence.		
Grounds for this application ¹	1.		
Signature of applicant	for CEO	Date	
Hearing details	This application will be heard — on [date] at [time] or as soon after as possible, at [place]		

Notes to Form 8 —

- Note the *Road Traffic (Authorisation to Drive) Act 2008 s. 35(4)*. Use numbered paragraphs.

[Form 8 amended: Gazette 8 Jan 2015 p. 166-7.]

Form 9

9. Application by owner for delay of sale of uncollected vehicle and/or return of item (r. 51A)

Road Traffic Act 1974 s. 80J(5) & (6)		Application by owner for delay of sale of uncollected vehicle and/or return of item	
Magistrates Court at No:			
Applicant (Owner)	Full name		
	Address		
Uncollected vehicle/item	Registration No.		
	Description of item		
Application [Tick applicable box(es)]	I apply for — <input type="checkbox"/> An order that the sale or disposal of the uncollected vehicle not take place until after: 1. <input type="checkbox"/> An order that the item be returned.		
Signature of applicant or legal practitioner	Applicant or legal practitioner	Date	
Hearing details	This application will be heard — on [date] at [time] or as soon after as possible, at [place]		

Notes to Form 9 —

- Specify until when you want the sale delayed. The sale cannot be delayed later than 3 months after the day of the order you are seeking.

[Form 9 inserted: Gazette 3 Oct 2008 p. 4486-7; amended: SL 2022/106 r. 6.]

10. Application for decision on whether information in seized record is privileged (r. 56)

<i>Criminal Investigation Act 2006</i>		Application for decision on whether information in seized record is privileged	
Magistrates Court at No:			
Applicant	Full name		
	Address		
Person entitled to possession of the record	Full name		
	Address		
Application	The applicant applies for a decision on whether information in the seized record(s) set out below is privileged.		
Seized record(s) ¹			
Privilege claimed ²			
Signature of applicant or legal practitioner	Applicant/Applicant's legal practitioner	Date	
Hearing details	This application will be heard — on [date] at [time] or as soon after as possible, at [place]		

Form 10

Note to Form 10 —

1. Set out a description of the seized record or records.
2. Set out the basis or bases upon which the person entitled to possession of the record(s) claims that information in the record(s) is privileged and lodge the record(s) with this application.

*[Form 10 inserted: Gazette 24 Aug 2007 p. 4327; amended:
SL 2022/106 r. 6.]*



Notes

This is a compilation of the *Magistrates Court (General) Rules 2005* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. [For provisions that have not yet come into operation see the uncommenced provisions table.](#)

Compilation table

Citation	Published	Commencement
<i>Magistrates Court (General) Rules 2005</i>	28 Apr 2005 p. 1605-49	1 May 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7127)
<i>Magistrates Court (General) Amendment Rules 2005</i>	8 Jul 2005 p. 3160	8 Jul 2005
<i>Magistrates Court (General) Amendment Rules 2007</i>	24 Aug 2007 p. 4322-7	r. 1-3: 24 Aug 2007 (see r. 2(a)); Rules other than r. 1-3: 25 Aug 2007 (see r. 2(b))
<i>Magistrates Court (General) Amendment Rules (No. 2) 2007</i>	23 Nov 2007 p. 5861-5	r. 1 and 2: 23 Nov 2007 (see r. 2(a)); Rules other than r. 1 and 2: 24 Nov 2007 (see r. 2(b))
<i>Magistrates Court (General) Amendment Rules 2008</i>	8 Apr 2008 p. 1335-9	r. 1 and 2: 8 Apr 2008 (see r. 2(a)); Rules other than r. 1 and 2: 30 Sep 2008 (see r. 2(b) and <i>Gazette</i> 11 Jul 2008 p. 3253)
<i>Magistrates Court (General) Amendment (Road Traffic) Rules 2008</i>	23 May 2008 p. 1991-2	r. 1 and 2: 23 May 2008 (see r. 2(a)); Rules other than r. 1 and 2: 30 Jun 2008 (see r. 2(b) and <i>Gazette</i> 10 Jun 2008 p. 2471)
<i>Magistrates Court (General) Amendment Rules (No. 2) 2008</i>	3 Oct 2008 p. 4485-7	r. 1 and 2: 3 Oct 2008 (see r. 2(a)); Rules other than r. 1 and 2: 4 Oct 2008 (see r. 2(b))
Reprint 1: The <i>Magistrates Court (General) Rules 2005</i> as at 13 Feb 2009 (includes amendments listed above)		
<i>Magistrates Court (General) Amendment Rules 2010</i>	7 Jan 2011 p. 51-2	r. 1 and 2: 7 Jan 2011 (see r. 2(a)); Rules other than r. 1 and 2: 8 Jan 2011 (see r. 2(b))

Magistrates Court (General) Rules 2005**Notes**

Compilation table

Citation	Published	Commencement
<i>Magistrates Court (General) Amendment Rules 2011</i>	15 Feb 2011 p. 536-8	r. 1 and 2: 15 Feb 2011 (see r. 2(a)); Rules other than r. 1 and 2: 4 Jul 2011 (see r. 2(b) and <i>Gazette</i> 20 May 2011 p. 1837)
<i>Magistrates Court (General) Amendment Rules (No. 2) 2011</i>	17 May 2011 p. 1823	r. 1 and 2: 17 May 2011 (see r. 2(a)); Rules other than r. 1 and 2: 18 May 2011 (see r. 2(b))
<i>Magistrates Court (General) Amendment Rules 2012</i>	31 Jul 2012 p. 3689-95	r. 1 and 2: 31 Jul 2012 (see r. 2(a)); Rules other than r. 1 and 2: 1 Aug 2012 (see r. 2(b))
Reprint 2: The Magistrates Court (General) Rules 2005 as at 23 Nov 2012 (includes amendments listed above)		
<i>Magistrates Court (General) Amendment Rules (No. 3) 2013</i>	26 Jul 2013 p. 3346-7	r. 1 and 2: 26 Jul 2013 (see r. 2(a)); Rules other than r. 1 and 2: 27 Jul 2013 (see r. 2(b))
<i>Magistrates Court (General) Amendment Rules (No. 2) 2013</i>	20 Aug 2013 p. 3818-20	r. 1 and 2: 20 Aug 2013 (see r. 2(a)); Rules other than r. 1 and 2: 21 Aug 2013 (see r. 2(b) and <i>Gazette</i> 20 Aug 2013 p. 3815)
<i>Magistrates Court (General) Amendment Rules 2013</i>	31 Dec 2013 p. 6548	r. 1 and 2: 31 Dec 2013 (see r. 2(a)); Rules other than r. 1 and 2: 1 Jan 2014 (see r. 2(b))
<i>Magistrates Court (General) Amendment Rules (No. 2) 2014</i>	11 Mar 2014 p. 573-83	r. 1 and 2: 11 Mar 2014 (see r. 2(a)); Rules other than r. 1 and 2: 12 Mar 2014 (see r. 2(b))
Reprint 3: The Magistrates Court (General) Rules 2005 as at 13 Jun 2014 (includes amendments listed above)		
<i>Magistrates Court (General) Amendment Rules (No. 4) 2014</i>	12 Aug 2014 p. 2892-4	r. 1 and 2: 12 Aug 2014 (see r. 2(a)); Rules other than r. 1 and 2: 13 Aug 2014 (see r. 2(b))

Citation	Published	Commencement
<i>Magistrates Court (General) Amendment Rules 2014</i>	15 Aug 2014 p. 2937-46	r. 1 and 2: 15 Aug 2014 (see r. 2(a)); Rules other than r. 1 and 2: 16 Aug 2014 (see r. 2(b))
<i>Magistrates Court (General) Amendment Rules (No. 3) 2014</i>	8 Jan 2015 p. 161-7	r. 1 and 2: 8 Jan 2015 (see r. 2(a)); Rules other than r. 1 and 2: 27 Apr 2015 (see r. 2(b) and <i>Gazette</i> 17 Apr 2015 p. 1371)
<i>Magistrates Court (General) Amendment Rules 2015</i>	18 Dec 2015 p. 5077	r. 1 and 2: 18 Dec 2015 (see r. 2(a)); Rules other than r. 1 and 2: 19 Dec 2015 (see r. 2(b))
<i>Magistrates Court (General) Amendment Rules 2018</i>	4 Dec 2018 p. 4629-30	r. 1 and 2: 4 Dec 2018 (see r. 2(a)); Rules other than r. 1 and 2: 5 Dec 2018 (see r. 2(b))
<i>Magistrates Court (General) Amendment Rules 2019</i>	26 Mar 2019 p. 946-7	r. 1 and 2: 26 Mar 2019 (see r. 2(a)); Rules other than r. 1 and 2: 27 Mar 2019 (see r. 2(b))
<i>Magistrates Court (General) Amendment Rules (No. 2) 2019</i>	31 Dec 2019 p. 4674-5	r. 1 and 2: 31 Dec 2019 (see r. 2(a)); Rules other than r. 1 and 2: 1 Jan 2020 (see r. 2(b))
<i>Magistrates Court Rules Amendment Rules 2021 Pt. 3</i>	SL 2021/25 26 Feb 2021	27 Feb 2021 (see r. 2(b))
<i>Magistrates Court Rules Amendment Rules (No. 2) 2021 Pt. 3</i>	SL 2021/133 23 Jul 2021	24 Jul 2021 (see r. 2(b))
<i>Magistrates Court Rules Amendment Rules 2022 Pt. 3</i>	SL 2022/54 13 May 2022	14 May 2022 (see r. 2(b))
<i>Magistrates Court Rules Amendment (Legal Profession) Rules 2022 Pt. 3</i>	SL 2022/106 24 Jun 2022	1 Jul 2022 (see r. 2(b) and SL 2022/113 cl. 2)
<i>Magistrates Court (General) Amendment Rules 2022</i>	SL 2022/180 4 Nov 2022	r. 1 and 2: 4 Nov 2022 (see r. 2(a)); Rules other than r. 1 and 2: 5 Nov 2022 (see r. 2(b))
<i>Magistrates Court Rules Amendment Rules 2023 Pt. 3</i>	SL 2023/148 20 Sep 2023	21 Sep 2023 (see r. 2(b))

Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made on the WA Legislation website*.

<u>Citation</u>	<u>Published</u>	<u>Commencement</u>
<i>Magistrates Court (General) Amendment Rules 2024 r. 3 and 4</i>	SL 2024/196 20 Sep 2024	Operative on commencement of the <i>Road Traffic Legislation Amendment (Infringement Management Reform) Act 2024</i> s. 38 (see r. 2(b)(ii))
