



Western Australia

Justices (Forms) Regulations 1982

Reprinted as at 31 July 2000



Western Australia

Reprinted under the
Reprints Act 1984 as
at 31 July 2000

Justices Act 1902

Interpretation Act 1918

Justices (Forms) Regulations 1982

1. Citation

These regulations may be cited as the *Justices (Forms) Regulations 1982*¹.

2. Commencement

These regulations shall come into operation on the day on which the *Justices Amendment Act 1981* comes into operation¹.

3. Forms

The forms set out in the Schedule are prescribed for the purposes to which they are respectively applicable.

[Regulation 3 inserted in Gazette 24 September 1999 p.4652.]

[4-6. Repealed in Gazette 24 September 1999 p.4652.]

Schedule

Schedule

(Regulation 3)

Forms

Form 1

Western Australia <i>JUSTICES ACT 1902</i> <i>JUSTICES (FORMS)</i> <i>REGULATIONS 1982</i> 1.— SUMMONS TO THE DEFEN- DANT UPON COMPLAINT OF INDICTABLE OFFENCE	CHARGE BY SUMMONS	CHARGE No. S
	DEPT. MDL. No. BRIEF No. DATE OF BIRTH	COURT OF PETTY SESSIONS PERTH

DEFENDANT'S
COPY

THE COMPLAINT OF:
 Christian names surname
 OF IN THE SAID STATE OF
 WESTERN AUSTRALIA OCCUPATION:
 SWORN (OR MADE) AT THIS
 DAY OF 20....., before the undersigned, one of Her Majesty's
 Justices of the Peace for the said State (or the Clerk of Petty Sessions,
 in the said State) who says
 THAT ON THE DAY OF 20.....,
 AT:
 NAME OF DEFENDANT:
 Christian names surname

(a):

Section Subsection/Clause
 Act/Reg/By-law

(a)
Nature
of
offence
or
subject
matter

THESE ARE THEREFORE TO COMMAND
 THE DEFENDANT:
 Christian names surname
 OF:
 No. and street town/locality postcode
 to appear in the COURT OF PETTY SESSIONS,
 in the said State on THE
 DAY OF 20....., AT O'CLOCK IN
 THE NOON.

Summons signed at and year first mentioned above.	.	in the said State, on the day
		Signature of J.P. or C.P.S.

NOTE.

The above charge is an offence that allows you to decide whether it will be heard before a Magistrate or Judge and jury. There are therefore certain essential preliminary steps that must be taken on the date this summons requires you to attend Court. **YOU MUST THEREFORE APPEAR AT COURT ON THAT DATE.**

IF YOU DO NOT APPEAR A WARRANT MAY BE ISSUED FOR YOUR ARREST.

When your case is called in Court the Magistrate will ask you (a) if you want it to be heard by a Magistrate or by a Judge and jury and (b) whether you wish to plead not guilty or guilty. Each time you must tell the Magistrate what you wish to do. He will then inform you what must happen as a result of the answers you have given.

However please note that if you intend to defend the charge it will not be heard.

Schedule

(Reverse of Form 1)
INDORSEMENT OF SERVICE

On the.....day of.....20.....,
at....., I served the within-named.....
.....with the within summons by delivering a duplicate of
it to him personally [*or* by leaving a duplicate of it for him with.....
..... at
his last known place of abode].

(Signature).....

(Date).....

OR

(Applicable only for offences against Acts, Regulations, Rules, By-laws or Orders referred to in or prescribed under section 56A of the Justices Act.)

2. I, the complainant, or a person authorised in writing by the complainant, do hereby certify that I did on the.....day of..... 20....., despatch by prepaid registered post numbered..... to..... at..... his last known place of residence/business, a duplicate of the within summons.

(Signature).....

(Date).....

Form 2

<p>CHILDREN'S COURT COMPLAINT Form 2 Regulation 4A <i>Justices (Forms) Amendment Regulations (No. 2) 1993</i> (USE ONLY WITH NOTICE TO ATTEND COURT)</p>

Charge no.
Court of Origin

ORIGINAL (To be lodged at Children's Court)

Defendant's Details	Surname		Date of Birth / /	
	Given Names		Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	
	Address		Driver's Licence	
	Postcode			
Charge Details	Short Description:			
	Date and Time:			
	Place:			
Brief Description of Alleged Offence				
Act or Regulation	<input type="checkbox"/> State <input type="checkbox"/> C'wealth	Act/Regulation	Section	Subsection/Paragraph
Court Appearance	Court	Date / /	Time	
Police or Other Complainant	Full Name	Date / /	Signature	
Details of Issuing Officer	Full Name		Regimental No.	
	Agency	
	Location		Signature of Issuing Officer	

Schedule

Proof of Service	1. On theday of 20..... at I personally served a Notice to attend court under section 33(1)(a)(ii) of the <i>Child Welfare Act 1947</i> on the defendant.	Signature of Defendant
	Signature of Serving Officer Date/...../..... 2. On theday of 20..... at (a) I personally served on, or sent by post to the address of, the defendant's parent, foster parent or guardian a copy of the notice to attend court referred to in paragraph 1;* or (b) After reasonable enquiry I could not ascertain the whereabouts or address of any such person referred to in paragraph (a).* * Strike out if inapplicable	
	Signature of Serving Officer Regimental No. Date/...../.....	

Parent/ Guardian Name & Address	Name
	Address
	Postcode

Restitution	
Name	
Address	
Postcode	

Schedule

(Reverse of Form 2A)

INDORSEMENT OF SERVICE

On the.....day of.....20.....,
at....., I served the within-named.....
.....with the within summons by delivering a duplicate of
it to him personally [*or* by leaving a duplicate of it for him with
..... at
his last known place of abode].

(Signature)

(Date).....

OR

(Applicable only for offences against Acts, Regulations, Rules, By-laws or Orders
referred to in or prescribed under section 56A of the Justices Act.)

2. I, the complainant, or a person authorised in writing by the complainant, do hereby
certify that I did on the.....day of.....
20....., despatch by prepaid registered post numbered.....
to.....at.....
.....
his last known place of residence/business, a duplicate of the within summons.

(Signature).....

(Date).....

Form 2B

Western Australia <i>JUSTICES ACT 1902</i> <i>JUSTICES (FORMS)</i> <i>REGULATIONS 1982</i> 2B.— SUMMONS TO THE DEFEN- DANT UPON COMPLAINT	CHARGE BY SUMMONS	CHARGE No. S
	DEPT. MDL. No. BRIEF No. DATE OF BIRTH	COURT OF PETTY SESSIONS

DEFENDANT'S COPY

THE COMPLAINT OF: christian names surname

OF: IN THE SAID STATE OF WESTERN AUSTRALIA OCCUPATION:

SWORN (OR MADE) AT THIS DAY OF 20....., before the undersigned, one of Her Majesty's Justices of the Peace for the said State (or the Clerk of Petty Sessions, in the said State) who says

THAT ON THE DAY OF 20....., AT:

NAME OF DEFENDANT: christian names surname

(2):

Section Subsection/Clause

Act/Reg/By-law

(2)
Nature of offence or subject matter

THESE ARE THEREFORE TO COMMAND THE DEFENDANT: christian names surname

OF: No. and street town/locality postcode

to appear in the COURT OF PETTY SESSIONS, in the said State on THE DAY OF 20....., AT O'CLOCK IN THE NOON.

Summons signed at in the said State, on the day and year first mentioned above.

Signature of J.P. or C.P.S.

Schedule

The alternatives open to you are: —

- (a) To enter a PLEA OF NOT GUILTY by completing the appropriate section on the reverse side of this summons and returning it to the Clerk of Petty Sessions to reach him prior to the hearing date above. (It should be received by the Clerk no later than 3 days prior to that date). If you plead not guilty you do not have to attend Court and your case will be adjourned to a subsequent date when you and your witnesses will be required to attend.
- You will be advised in writing of the date fixed for hearing. If, within 14 days of entering a plea of not guilty, you have not been advised of the date fixed for hearing you should contact the Court to find out that date.
- (b) To enter a PLEA OF GUILTY by completing the appropriate section on the reverse side of this summons and returning it to the Clerk of Petty Sessions to reach him prior to the hearing date. (It should be received by the Clerk no later than 3 days prior to that date). There will be no need for you to attend unless you wish to address the Court on mitigation of penalty. You may also forward with the summons any written explanation or other information you believe is relevant to the charge.
- (c) If you fail to take either of the alternatives mentioned above, and you fail to appear at Court on the day and time stated in this summons, the Court may —
- (i) proceed to hear and determine the complaint in your absence and, if the complainant is a public officer, take as proved any allegation in this summons;
 - (ii) adjourn your case and issue a further summons; or
 - (iii) adjourn your case and issue a warrant to have you arrested and brought before the Court.
- (d) If you are convicted of the offence alleged in this summons you may be liable to the penalty prescribed for the offence, the court costs and any legal costs claimed by the prosecution.
- (e) If you are in doubt as to what action you should take it is suggested that you seek legal advice from a lawyer or from the Legal Aid Commission.

NOTE (a) IT IS YOUR RESPONSIBILITY TO ASCERTAIN ANY PENALTY AND/OR CANCELLATION/SUSPENSION OF LICENCE WHICH MAY BE IMPOSED BY THE COURT AGAINST YOU AT THE TIME AND DATE OF HEARING SHOWN HEREON.

- (b) IF THE COURT CONSIDERS IT NECESSARY THAT YOU BE PRESENT FOR SENTENCING IT MAY —
- (i) ADJOURN YOUR CASE AND ISSUE A FURTHER SUMMONS TO HAVE YOU APPEAR IN COURT; OR
 - (ii) ADJOURN YOUR CASE AND ISSUE A WARRANT TO HAVE YOU ARRESTED AND BROUGHT BEFORE THE COURT.

Schedule

(Reverse of Form 2B)

SECTION A

PLEA OF NOT GUILTY

Should you desire to plead not guilty please endorse this summons in the place provided hereunder "I plead not guilty" and give your address for service of notices, sign and date where indicated and then return to the Court of Petty Sessions mentioned on the front of this form to reach it prior to the hearing date (it should be received by the Court no later than 3 days prior to that date).

- NOTE: (1) IF YOU PLEAD NOT GUILTY IN THE MANNER MENTIONED ABOVE THE MATTER WILL NOT PROCEED ON THE DATE SET OUT IN THIS SUMMONS AND IT WILL NOT BE NECESSARY FOR YOU TO ATTEND AT THE COURT. A TIME AND DATE WILL BE APPOINTED BY THE COURT FOR DETERMINATION OF THE MATTER AND YOU WILL RECEIVE REASONABLE NOTICE, IN WRITING, OF THE DATE OF HEARING.
- (2) YOU AND YOUR WITNESSES WILL BE REQUIRED TO ATTEND THE COURT ON THE DATE NOTIFIED TO YOU FOR HEARING, OTHERWISE THE COURT MAY —
- (a) PROCEED TO HEAR AND DETERMINE THE COMPLAINT IN YOUR ABSENCE AND, IF THE COMPLAINANT IS A PUBLIC OFFICER, TAKE AS PROVED ANY ALLEGATION IN THIS SUMMONS; OR
 - (b) ADJOURN YOUR CASE AND ISSUE A WARRANT TO HAVE YOU ARRESTED AND BROUGHT BEFORE THE COURT.

I understand the English language/or these provisions have been explained to me and I understand the plea I am making.

PLEA:.....

(in your own handwriting)

ADDRESS FOR SERVICE OF NOTICES IS:.....

SIGNED:.....

Date:.....

Schedule

The following information may be provided to assist the Clerk of Petty Sessions in listing your case for hearing.

- (a) Will you be represented by a lawyer?.....
- (b) If so, what is his name?.....
and his firm's name?.....
- (c) How many witnesses (including yourself) do you propose to call?.....
- (d) Are there any comments you wish to make regarding a suitable hearing date?
.....

Schedule

SECTION B

PLEA OF GUILTY

Should you desire to plead guilty to this summons please endorse in the place provided hereunder "I plead guilty", sign and date where indicated and then return it to the Court of Petty Sessions at the Court mentioned on the front of this form to reach it prior to the hearing date (it should be received by the Court no later than 3 days prior to that date). The effect of doing so will be that, unless advice is received by the Court prior to the hearing date that you wish to withdraw the plea, the Court dealing with the complaint may proceed to hear and determine the complaint in your absence as though you were present and had pleaded guilty. You may also forward with the summons any written explanation or any other information you believe is relevant to the charge. If, prior to the hearing date, you advise the Court that you wish to withdraw your plea of guilty and you do not appear, the Court may —

- (a) proceed to hear and determine the complaint in your absence and, if the complainant is a public officer, take as proved any allegation in this summons; or
- (b) adjourn your case and issue a warrant to have you arrested and brought before the Court.

NOTE: (a) IT IS YOUR RESPONSIBILITY TO ASCERTAIN ANY PENALTY AND/OR CANCELLATION/SUSPENSION OF LICENCE THAT MAY BE IMPOSED BY THE COURT AGAINST YOU AT THE TIME AND DATE OF HEARING SHOWN HEREON.

- (b) IF THE COURT CONSIDERS IT NECESSARY THAT YOU BE PRESENT FOR SENTENCING IT MAY —
 - (i) ADJOURN YOUR CASE AND ISSUE A FURTHER SUMMONS TO HAVE YOU APPEAR IN COURT; OR
 - (ii) ADJOURN YOUR CASE AND ISSUE A WARRANT TO HAVE YOU ARRESTED AND BROUGHT BEFORE THE COURT.

I understand the English language/or these provisions have been explained to me and I understand the plea I am making.

PLEA:..... (in your own handwriting)	<input type="checkbox"/>	I WILL NOT BE ATTENDING COURT
SIGNED:..... DATE:.....	<input type="checkbox"/>	I WILL BE ATTENDING COURT (indicate which)

Form 3

COURT OF PETTY SESSIONS

Charge No. / /

WESTERN AUSTRALIA

JUSTICES ACT 1902

JUSTICES (FORMS) REGULATIONS 1982

FORM 3 NOTICE REQUIRING ATTENDANCE

PART A

To:
.....
.....

Take notice that the charge against you for the following offence —

.....
on which you lodged a plea of not guilty with this Court has been adjourned for
hearing and determination at o'clock in the
noon on the day of 20 .

THESE ARE THEREFORE TO REQUIRE YOU TO ATTEND AT THAT
TIME AND PLACE.

If you do not attend in accordance with this notice the matter may be dealt with
in your absence or a warrant may be issued for your arrest.

Given under my hand at this day of 20 .

.....
Authorised Officer

PART B

CERTIFICATE OF SERVICE

I, , an officer of the Court duly
authorised in writing by the Clerk of Petty Sessions, do hereby
certify that I did despatch by prepaid registered post numbered.....
the original of the above notice on the.....day of.....
20.....to the defendant at the address stated in Part A above.

Signature.....

Date.....

Schedule

Form 4

Complaint in all other cases

(previously Form 3 in the Fourth Schedule to the Act)

Western Australia, [Perth] to wit.

The complaint of C.D., of _____, in the said State, _____, made this _____ day of _____, 20____, before the undersigned, one of Her Majesty's Justices of the Peace for the said State [or for the magisterial district of], who says that on the _____ day of _____, 20____, at _____, at _____ [*etc., stating the offence or subject-matter*].

Sworn [*or made*] before me, the day and year first abovementioned, at _____, in the said State.

J.S., J.P.

Form 5

**Warrant in the first instance to apprehend a person
charged with an indictable offence or a simple
offence**

(previously Form 8 in the Fourth Schedule to the Act)

To the principal police officer at _____, in the State of Western
Australia, and to all other police officers in the said State.

Whereas a complaint has this day been made upon oath before the
undersigned, one of Her Majesty's Justices of the Peace for the said State [or,
etc.], for that A.B., on the _____ day of _____, 20____, at
_____ [*here state shortly the offence or matter of the complaint*]: These
are therefore to command you, in Her Majesty's name forthwith to apprehend
the said A.B. and to bring [him] before some one or more of Her Majesty's
Justices of the Peace, to answer to the said complaint, and be further dealt with
according to law.

Given under my hand, at _____ in the said State, _____ day of
_____, 20_____.

J.S., J.P.

*For offences committed on the high seas the warrant may be the same as
in ordinary cases, but describing the offence to have been committed "on the
high seas out of any jurisdiction or place in the State of Western Australia, and
within the jurisdiction of the Admiralty of England."*

*For offences committed abroad for which the parties may be indicted in
this State the warrant also may be the same as in ordinary cases, but describing
the offence to have been committed "on land out of the State of Western
Australia, to wit, at _____" as the case may be.*

Schedule

Form 6

**Warrant to convey accused person before a justice
of the place in which the offence was committed**

(previously Form 53 in the Fourth Schedule to the Act)

To the principal police officer at _____, in the State of Western Australia, and all other police officers in the said State and to all persons authorised to exercise a power set out in clause 2 or 3, as the case requires, of Schedule 2 to the *Court Security and Custodial Services Act 1999*.

Whereas A.B. of _____, in the said State has this day been charged before the undersigned [*one*] of Her Majesty's Justices of the Peace for the said State [*or etc.*] that [*etc., as in the summons or warrant*]: And whereas [*I*] have taken the deposition of C.D., a witness examined by me in this behalf, but [*I*] am informed that the principal witnesses to prove the said offence against the said A.B. reside at _____, in the said State, where the said offence is alleged to have been committed: These are therefore to command you forthwith to convey the said A.B. to _____, in the said State, and take [*him*] before some justice or justices in and near to the place where the offence is alleged to have been committed to answer further the said complaint before him or them; and [*I*] hereby further command you to deliver to the said justice or justices, the complaint in this behalf, and also the said deposition of C.D. now given into your possession for that purpose, together with this warrant.

Given under [*my*] hand, at _____, in the said State, this _____ day of _____, 20____.

J.S., J.P.

[Forms 7, 8 and 9 repealed]

Form 10

JUSTICES ACT 1902

JUSTICES (FORMS) REGULATIONS 1982

NOTICE OF PROCEDURE FOR INDICTABLE OFFENCES

You have been charged with an indictable offence. This notice sets out what will occur before the charge against you is dealt with. If after reading this notice you do not understand its contents or have any questions, you should seek legal advice.

[Note: 2 or more Justices of the Peace may sometimes sit instead of a magistrate in a court of petty sessions.]

PART A

Indictable offences are serious offences. Some of them can be dealt with only in the Supreme Court or the District Court by a judge and a jury. If the charge against you is one of these read Part C.

Other indictable offences can be dealt with EITHER by a judge and jury in the Supreme Court or the District Court OR by a magistrate in a court of petty sessions. If the charge against you is one of these read Part B and Part C.

PART B

If the charge against you is one that can be dealt with in a court of petty sessions and a magistrate considers that the charge can be adequately dealt with in that court, you will be asked to choose one of the following —

- to have the charge dealt with by a magistrate in the court of petty sessions,

OR

- to have the charge dealt with by a judge and jury in the Supreme or the District Court.

If you choose to have the charge dealt with in the court of petty sessions, you must tell the magistrate.

If you choose to have the charge dealt by a judge and jury, some preliminary matters will occur in the court of petty sessions before your case is sent to the Supreme Court or the District Court. Part C deals with those matters.

PART C

This Part explains the preliminary matters that will occur in the court of petty sessions if the charge against you is to be dealt with in the Supreme Court or District Court.

Schedule

Before you are given the opportunity in the court of petty sessions to plead to the charge against you, the prosecution will give you —

- a document stating the facts of the case against you in connection with the charge,
- a copy of any statement made by you to the police and signed by you,
- a copy of any interview with the police that was written down and signed by you,
- notice about any tape or videotape of any interview of you by the police,
- a written version of anything you said to the police that the police think is relevant to the charge.

You should read all the papers that the prosecution give you.

When you next come before the court after getting the papers from the prosecution, the magistrate will ask you if you want to plead to the charge. You do not have to, but if you want to, you can plead guilty or plead not guilty.

If you plead guilty the charge will be sent to either the Supreme Court or the District Court together with a copy of the papers that the prosecution gave you.

If you plead not guilty or if you do not plead, you have a right to have a preliminary hearing of the charge in the court of petty sessions. The attached notice is about preliminary hearings and you should read that.

PLEAS OF GUILTY

By law a court can take into account a plea of guilty and the stage when a person pleads guilty and may impose a lesser sentence accordingly.

Schedule

	<p>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.</p> <p>Signature of applicant: _____ Date: _____</p>
--	---

Hearing details	<p>This application is listed for hearing in the Court of Petty Sessions at: _____ on: _____ at _____ a.m./p.m.</p>
------------------------	---

Court order	<p><input type="checkbox"/> The licence suspension order issued on: _____ in respect of the above driver's licence/motor vehicle licence is cancelled.</p> <p><input type="checkbox"/> Application refused,</p> <p>Signature of SM or JPs _____ Date: _____</p>
--------------------	---

Schedule

	<p>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.</p> <p>Signature of applicant: _____ Date: _____</p>
--	---

Hearing details	<p>This application is listed for hearing in the Court of Petty Sessions at: _____ on: _____ at _____ a.m./p.m.</p>
------------------------	---

Court order	<p><input type="checkbox"/> The licence suspension order issued on: _____ in respect of the above driver's licence/motor vehicle licence is cancelled.</p> <p><input type="checkbox"/> Application refused,</p> <p>Signature of SM or JPs _____ Date: _____</p>
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Form 12

<p>WESTERN AUSTRALIA <i>Bail Act 1982, ss 48, 54, 56</i> <i>Justices Act 1902, ss 97A, 135</i> <i>Young Offenders Act 1994, s 43</i> <i>Sentencing Act 1995, ss 14, 50, 79, 126, 129</i></p>	<p><input type="checkbox"/> Supreme Court <input type="checkbox"/> District Court <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court</p> <p>At:</p>
<p>ARREST WARRANT</p>	<p>CWI Warrant No.</p>

To	All police officers
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Defendant or Offender	Name:	Date of birth:
	Address:	

Command	This warrant authorises and commands any police officer to arrest the above person and to take the person to the above court to be dealt with according to law.
----------------	--

Reason for issue of warrant	<input type="checkbox"/> Application by surety to cancel surety undertaking
	<input type="checkbox"/> Application by police officer to vary or revoke bail
	<input type="checkbox"/> Failure to comply with requirements of bail undertaking
	<input type="checkbox"/> Non-appearance in accordance with notice to attend court
	<input type="checkbox"/> Non-appearance in accordance with summons
	<input type="checkbox"/> Offender to re-appear so the court can ascertain if the offender has complied with a conditional release order (CRO)
	<input type="checkbox"/> Offender to appear at application to amend or cancel a conditional release order (CRO), a community based order (CBO) or an intensive supervision order (ISO)
<input type="checkbox"/> Alleged re-offending while subject to a CRO, CBO or ISO	
<input type="checkbox"/> Alleged re-offending while subject to a term of suspended imprisonment	
<input type="checkbox"/> Other (specify):	

Schedule

Relevant offences	Charge/Indict No	Description of offence

Warrant issued by	Signature:	Date:
	Judicial Officer/Clerk of Arraigns	

Execution details	This person arrested on/...../..... at hours	
	at:	
	by:	Regimental No:
	of:	police station/division
Signature:	Date:	

Form 13

WESTERN AUSTRALIA
Justices Act 1902, s 79
Sentencing Act 1995, s 17

REMAND WARRANT

Supreme Court
 District Court
 Court of Petty Sessions
 Children's Court

At:

To	All police officers and to all persons authorised to exercise a power set out in clause 2 or 3, as the case requires, of Schedule 2 to the <i>Court Security and Custodial Services Act 1999</i> Chief executive officer under the <i>Prisons Act 1981</i> .
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Defendant or Offender	Name:	Date of birth:
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Reason for issue of warrant	The above person appeared before this court in relation to these offences and the proceedings were adjourned.
Command	This warrant authorises and commands you to keep the person in custody until the remand date stated below, when you shall bring the person to this court at the place stated below; unless before then bail, if granted, is entered into under the <i>Bail Act 1982</i> in accordance with the conditions below.

Offences	Charge/Indict No	Description of offence

Bail granted	<input type="checkbox"/> Yes (see below) <input type="checkbox"/> No
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Remand date (if in custody)	Date:	Time:
	Place:	

Justices (Forms) Regulations 1982

Schedule

New hearing date (if bailed)	Date:	Time:
	Place:	

Bail details	Conditions of bail:
Delete if not granted	Surety to be approved by <input type="checkbox"/> JP <input type="checkbox"/> other (specify)

Warrant issued by	Signature: Judicial Officer/Clerk of Arraignment	Date:
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Form 14

WESTERN AUSTRALIA <i>Justices Act 1902, s 123</i> <i>Sentencing Act 1995, ss 78, 128, 132</i> WARRANT OF COMMITTAL TO ANOTHER COURT	<input type="checkbox"/> District Court <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court At:
--	---

To	All police officers and to all persons authorised to exercise a power set out in clause 2 or 3, as the case requires, of Schedule 2 to the <i>Court Security and Custodial Services Act 1999</i> Chief executive officer under the <i>Prisons Act 1981</i> .
-----------	--

Defendant or Offender	Name:	Date of birth:
------------------------------	-------	----------------

Reason for issue of warrant	The above person appeared before this court and, in relation to these offences, was committed by this court to appear before another court.
Command	This warrant authorises and commands you to keep the person in custody until — <ul style="list-style-type: none"> • the criminal sittings stated below (or until a date in those sittings notified to you by the Supreme or District Court); or • the hearing date in the Children's Court stated below, when you shall take the person to the other court; unless before then bail, if granted, is entered into under the <i>Bail Act 1982</i> and in accordance with the conditions below.

Offences	Charge/Indict No	Description of offence

Committal details	<input type="checkbox"/> Committed to the criminal sittings of — <ul style="list-style-type: none"> <input type="checkbox"/> Supreme Court <input type="checkbox"/> District Court commencing on:	Date:
	<input type="checkbox"/> To a hearing in the Children's Court on:	At:

Schedule

Date of committal		Bail granted <input type="checkbox"/> Yes (see below) <input type="checkbox"/> No
--------------------------	--	--

Bail details Delete if not granted	Conditions for bail: Surety to be approved by <input type="checkbox"/> JP <input type="checkbox"/> other (specify)
--	---

Warrant issued by	Signature: Judicial Officer/Clerk of Arraignment	Date:
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Form 15

Summons of a witness

(previously Form 7 in the Fourth Schedule to the Act)

To E.F., of _____ in the State of Western Australia.

Whereas a complaint was, on the _____ day of _____, 20____, made before the undersigned, one of Her Majesty's Justices of the Peace for the said State [or etc.], that A.B. [*etc., as in the summons or warrant against the defendant*]: These are therefore to require you to appear at _____ in the said State, on the _____ day of _____, 20____, at _____ o'clock in the forenoon, before such justices as may then be there, to testify what you know concerning the matter of the said complaint [and you are further required to bring with you and produce at the time and place abovenamed] [*Here describe the documents to be produced*].

Given under my hand, at _____ in the said State, this _____ day of _____, 20____.

J.S., J.P. [or Clerk of Petty Sessions].

Endorsement of service

On the _____ day of _____, 20____, at _____ I served the within-named E.F. with the within summons by delivering a duplicate of it to him personally [or by leaving a duplicate of it for him with _____ at _____, his last known place of abode].

(Signature)

(Date)

Schedule

Form 16

Warrant for a witness in the first instance

(previously Form 13 in the Fourth Schedule to the Act)

To the principal police officer at _____, in the State of Western Australia, and all other police officers in the said State.

Whereas on the _____ day of _____, 20____, at _____ a complaint was made that A.B. [*etc., as in the summons or warrant*], and it being made to appear before me on oath that E.F., of _____, in the said State _____ is likely to give material evidence on behalf of the prosecution [*or as the case may be*] in the matter, and it is probable that the said E.F. will not attend to give evidence without being compelled so to do: These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said E.F. and bring [him] before me at _____ in the said State, or before such other justices as may be there, to testify what [he] knows concerning the matter of the said complaint.

Given under my hand, at _____, in the said State, this _____ day of _____, 20____.

J.S., J.P.

Form 17

**Warrant where a witness has not obeyed a
summons to attend the examination of a person
charged with an indictable offence or the hearing of
a charge of a simple offence or breach of duty**

(previously Form 12 in the Fourth Schedule to the Act)

To the principal police officer at _____, in the State of Western
Australia, and all other officers in the said State.

Whereas on the _____ day of _____, 20____, a complaint was
made that A.B. [*etc., as in the summons or warrant*], and a summons was duly
issued to E.F., of _____ in the said State _____ requiring [him]
to appear on _____ day of _____, 20____, at _____ in the said
State, before such justices as might then be there, to testify what [he] knew
concerning the matter of the said complaint: And whereas proof has been made
that such summons was duly served upon the said E.F.: And whereas the said
E.F. neglected to appear at the time and place appointed by the said summons,
and no just excuse has been offered for such neglect: These are therefore to
command you, in Her Majesty's name, forthwith to apprehend the said E.F. and
bring [him] before [me] _____ at _____, in the said State, or
before such other justices as may then be there, to testify what [he] knows
concerning the matter of the said complaint.

Given under [my] hand at _____, in the said State, this _____
day of _____, 20____.

J.S., J.P.

Schedule

Form 18

**Warrant of commitment of a witness for refusing to
be sworn or to give evidence**

(previously Form 56 in the Fourth Schedule to the Act)

To all police officers in the State of Western Australia and to all persons authorised to exercise a power set out in clause 2 or 3, as the case requires, of Schedule 2 to the *Court Security and Custodial Services Act 1999*, and to the superintendent [*or keeper*] of Her Majesty's prison [*or the gaol*] at _____, in the said State.

Whereas on the _____ day of _____, 20____, upon the hearing of a charge before the undersigned, [*one*] of Her Majesty's Justices of the Peace for the said State [*or etc.*], that [*etc., as in the summons or warrant*] E.F., of _____, in the said State _____, being required to make oath [*or affirmation*] as a witness to testify what [*he*] knew concerning the said charge, refused so to do [*or being duly sworn as a witness, refused to answer certain questions concerning the premises which were put to him*] without offering any just excuse for such refusal: These are therefore to command you the said police officers or authorised persons to convey the said E.F. to Her Majesty's prison [*or the gaol*] at _____, in the said State, and deliver [*him*] to the superintendent [*or keeper*] thereof, together with this warrant, and [*I*] hereby command you the said superintendent [*or keeper*] of the said prison [*or gaol*] to receive the said E.F. into your custody in the said prison, [*or gaol*] and keep [*him*] there for the space of _____ days for [*his*] contempt, unless in the meantime he consents to be examined and to answer concerning the premises.

Given under [*my*] hand, at _____, in the said State, this _____ day of _____, 20____.

J.S., J.P.

Form 19

Recognisance to give evidence

(previously Form 26 in the Fourth Schedule to the Act)

Western Australia, _____
[Perth] to wit.

Be it remembered that on the _____ day of _____, 20____,
C.D. of _____, in the said State, _____, came before [me] one of
Her Majesty's Justices of the Peace in and for the said State [*or, etc.*], and
acknowledged [himself] to owe to our Sovereign Lady the Queen the sum
of _____, to be made and levied of [his] goods and chattels, lands and
tenements, to the use of our said Lady the Queen, her heirs and successors, if
[he] the said C.D. shall fail in the condition endorsed.

Taken and acknowledged before [me] the day and year first abovementioned, at
_____, in the said State.

J.S., J.P.

Condition

The condition of the within-written recognisance is such that whereas
A.B. was this day charged before [me], J.S., the Justice of the Peace
within-mentioned, for that [*etc., as in the caption of the depositions*]: If,
therefore [he], the said C.D., shall appear at the next criminal sitting of the
Supreme Court [*or as the case may be*], to be holden _____, in the State
of Western Australia, _____, the _____ day of _____, 20____,
and there give evidence upon an information to be then preferred against the
said A.B. for the offence aforesaid, then the said recognisance to be void, or else
to stand in full force and virtue.

Schedule

Form 20

Notice of recognisance to be given to the witnesses

(previously Form 27 in the Fourth Schedule to the Act)

Western Australia, [Perth] to wit.

Take notice that you, C.D., of _____, in the said State, are bound in the sum of _____, to appear at the next [*as in the Condition*], and then and there to give evidence against A.B., and unless you then appear and give evidence accordingly the recognisance entered into by you will be forthwith put in suit and enforced against you.

Dated this _____ day of _____, 20____.

J.S., J.P.

Form 21

**Commitment of witness for refusing to enter into
recognisance***(previously Form 58 in the Fourth Schedule to the Act)*

To all police officers in the State of Western Australia and to all persons authorised to exercise a power set out in clause 2 or 3, as the case requires, of Schedule 2 to the *Court Security and Custodial Services Act 1999*, and to the superintendent [*or keeper*] of Her Majesty's prison [*or the gaol*] at _____, in the said State.

Whereas on the _____ day of _____, 20____, and upon the hearing of a charge before the undersigned, [*one*] of Her Majesty's Justices of the Peace for the said State [*or, etc.*] that [*etc., as in the summons or warrant*] E.F., of _____, in the said State _____, having been examined as a witness touching the premises, and being required to enter into a recognisance conditioned to give evidence against the said A.B., refused so to do: These are therefore to command you, the said police officers or authorised persons, to convey the said E.F. to Her Majesty's prison [*or the gaol*] at _____, in the said State, and deliver [*him*] to the said superintendent [*or keeper*] thereof, together with this warrant, and [*I*] hereby command you the said superintendent [*or keeper*] of the said prison [*or gaol*], to receive the said E.F. into your custody in the said prison [*or gaol*], there to keep [*him*] until after the trial of the said A.B. for the offence aforesaid, unless in the meantime the said E.F. duly enters into such recognisance as aforesaid in the sum of \$_____, before some Justice of the Peace, conditioned to appear at the next criminal sittings of the Supreme Court [*or as the case may be*] to be held at _____ in the said State, on the _____ day of _____ [*or as the case may be*], and there to give evidence upon any complaint which may be then and there preferred against the said A.B. for the offence aforesaid, and also to give evidence upon the trial of the said A.B. for the said offence.

Given under [*my*] hand, at _____, in the said State, this _____ day of _____, 20____.

J.S., J.P.

Schedule

Form 22

**Order to discharge a witness upon prisoner not
being committed for trial**

(previously Form 70 in the Fourth Schedule to the Act)

To the Superintendent [*or keeper*] of Her Majesty's prison [*or the gaol*] at _____, in the State of Western Australia.

Whereas by a warrant, dated the _____ day of _____, 20____, under the hand of L.M. [*one*] of Her Majesty's Justices of the Peace for the said State [*or etc.*], reciting that upon the hearing of a charge against one A.B. for a certain offence therein mentioned, E.F. having been examined as a witness, refused to enter into a recognisance, to give evidence against the said A.B., the said L.M. committed the said E.F. to your custody, and required you to keep [him] until after the trial of the said A.B. for the offence aforesaid, unless in the meantime the said E.F. should enter into such recognisance as aforesaid: And whereas the said A.B. has not been committed for trial or held to bail for the said offence, but has been discharged: These are therefore to direct you to discharge the said E.F. out of your custody and suffer [him] to go at large as to the said commitment.

Given under [*my*] hand, at _____ in the said State, this _____ day of _____, 20____.

J.S., J.P.

Form 23

**Certificate of non-appearance or default
to be endorsed on a recognisance**

(previously Form 21 in the Fourth Schedule to the Act)

[I] hereby certify that the said A.B. did not appear at the time and place in the condition of the within-written recognisance mentioned.

J.S., J.P.

Form 24

Depositions of witnesses

(previously Form 29 in the Fourth Schedule to the Act)

Western Australia, [Perth] to wit.

The examination of C.D., of _____, and E.F., _____ of _____, taken this _____ day of _____, 20____, at _____ in the said State, before the undersigned [one], of Her Majesty's Justices of the Peace for the said State [*or, etc.*], in the presence and hearing of A.B., who is charged this day before [*me*] that [*he*] [*etc., describing the offence as in a warrant of commitment.*]

C.D., on his oath [*or affirmation*] says as follows [*etc., state the deposition of the witness as nearly as possible in the words he uses, and when his deposition is complete let him sign it.*]

E.F., upon his oath [*or affirmation*] say as follows [*etc.*]

Taken and sworn [*or affirmed*] before [*me*] _____ at _____ in the said State, on the day and year first abovementioned.

J.S., J.P.

Schedule

Form 25

Statement of the defendant

(previously Form 30 in the Fourth Schedule to the Act)

Western Australia, [Perth] to wit.

A.B. stands charged before the undersigned [*one*] of Her Majesty's Justices of the Peace for the said State [*or, etc.*], this _____ day of _____, 20____, that [he], [*etc., as in the caption of the depositions*], and the charge being read to the said A.B. and the witnesses for the prosecution, C.D. and E.F. being severally examined in [his] presence, the said A.B. is now addressed by [*me*] as follows: — "Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial." Whereupon the said A.B. says as follows — [*here state whatever the prisoner may say, and in his very words, as nearly as possible: get him to sign it if he will*]. A.B.

Taken before [*me*] at _____ in the said State, the day and year first abovementioned.

J.S., J.P.

Form 26

Gaoler's receipt for the prisoner

(previously Form 67 in the Fourth Schedule to the Act)

I hereby certify that I have received from W.T., police officer, of _____, in the State of Western Australia, the body of A.B., in good health [*or as the case may be*], together with a warrant under the hand of J.S., Esquire, [*one*] of Her Majesty's Justices of the Peace for the said State [*or, etc.*].

P.K., Superintendent
[*or keeper*] of the Prison.

Form 27

Order of dismissal of complaint*(previously Form 40 in the Fourth Schedule to the Act)*

Western Australia, [Perth] to wit.

Be it remembered that on the _____ day of _____, 20____, a complaint was made that [*etc., as in the summons to the defendant or warrant*], and on this _____ day of _____, 20____, at _____, in the said State, the said complaint came on for hearing before the undersigned [*one*] of Her Majesty's Justices of the Peace for the said State [*or, etc.*] whereupon it appears to [*me*] that the said complaint is not proved [*or the complainant did not appear*], and [*I*] therefore dismiss the said complaint [*and adjudge that the said C.D., pay to the said A.B. the sum of _____ for the costs incurred by [him] in [his] defence, and if the said sum is not paid forthwith [or on or before _____], *[I] order that the same be levied by execution against the goods and chattels of the said C.D., and in default of sufficient goods and chattels* [I] adjudge the said C.D. to be imprisoned in Her Majesty's prison [or the (police) gaol] at _____ for the term of _____ unless the said sum and all costs and charges of the said execution [and of taking and conveying the said C.D. to prison] are sooner paid.*

Given under [*my*] hand, at _____, in the said State this _____ day of _____, 20____.

J.S., J.P.

* *Or where the issuing of warrant of execution would be more injurious to the defendant or his family, than imprisonment, or it appears that he has no goods whereon to levy, then instead of the words between the asterisks ** say — "Inasmuch as it appears to [*me*] that the issuing of a warrant of execution would be more injurious to the said A.B. and his family than imprisonment" [or "that the said A.B. has no goods or chattels whereon to levy the said sums], [I] adjudge" [*etc., as above, to the end, but omitting the words "of the said execution and"*].*

Schedule

Form 28

Certificate of dismissal

(previously Form 41 in the Fourth Schedule to the Act)

Western Australia, [Perth] to wit.

[I] the undersigned [one] of Her Majesty's Justices of the Peace for the said State [or, etc.], hereby certify that on the _____ day of _____, 20____, at _____, at _____, in the said State, A.B. was charged before [me], that [he] the said A.B. [*etc., stating the offence and the time and place when and where alleged to have been committed*], and that [I] thereupon dismissed the said complaint.

Given under [my] hand, at _____, in the said State this _____ day of _____, 20____.

J.S., J.P.

Form 29

Order for any matter where the disobeying of it is punishable by imprisonment*(previously Form 44 in the Fourth Schedule to the Act)*

Western Australia, [Perth] to wit.

Be it remembered that on the _____ day of _____, 20____, complaint was made before the undersigned, [one] of Her Majesty's Justices of the Peace for the said State [or, etc.], that [*stating the facts entitling the complainant to the order, with the time and place when and where they occurred*], and on the _____ day of _____, 20____, at _____, in the said State, having heard the said complaint, [I] adjudge the said A.B. to [*here state the matter required to be done*], and if upon a copy of the minute of this order being served upon the said A.B. either personally or by leaving the same for [him] at [his] last known or usual place of abode, [he] shall neglect or refuse to obey the same, [I], adjudge the said A.B. to be imprisoned in Her Majesty's prison [or the (police) gaol] at _____, for the term of ____ [unless the said order is sooner obeyed *if the statute authorise this*], and [I] also adjudge the said A.B. to pay to the said C.D. the sum of ____ for costs, and if the said sum is not paid forthwith [or on or before ____ next], [I] order the same to be levied by execution against the goods and chattels of the said A.B. and in default of sufficient goods and chattels [I] adjudge the said A.B. to be imprisoned in the said prison for the term of _____, to commence at and from the termination of [his] imprisonment aforesaid, unless the said sum for costs, and all the costs and charges of the said execution [and of taking and conveying the said A.B. to prison] are sooner paid.

Given under [my] hand, at _____, in the said State, this _____ day of _____, 20____.

J.S., J.P.

Schedule

Form 30

**Warrant of Commitment on an order where the
disobeying of it is punishable by imprisonment**

(previously Form 61 in the Fourth Schedule to the Act)

To all police officers in the State of Western Australia, and to the
superintendent [*or keeper*] of Her Majesty's prison [*or the gaol*] at
_____, in the said State.

Whereas on the _____ day of _____, 20____, upon the hearing
of a complaint before the undersigned, [*one*] of Her Majesty's Justices of the
Peace for the said State [*or, etc.*], that [*etc., as in the order*], [*I*] adjudged the
said A.B. to [*etc., as in the order*], and ordered that if upon a copy of the minute
of that order being served upon the said A.B. either personally or by leaving the
same for [*him*] at [*his*] last known or usual place of abode [*he*] should refuse or
neglect to obey the same, the said A.B. should be imprisoned in Her Majesty's
prison [*or the gaol*] at _____ in the said State for the term of _____,
unless the said order should be obeyed: And whereas it is now proved to [*me*]
that after making of the said order a copy of the minute thereof was duly served
upon the said A.B., but [*he*] then refused [*or neglected*] to obey the same, and
has not as yet obeyed the said order: These are therefore to command you, the
said police officers, to apprehend the said A.B. and convey [*him*] to the prison
[*or gaol*] at _____ aforesaid, and deliver him to the superintendent [*or*
keeper] thereof, together with this warrant and [*I*] hereby command you, the
said superintendent or officer in charge of the said prison, [*or gaol*] to receive
the said A.B. into your custody in the said prison [*or gaol*], there to imprison
[*him*] for the term of _____.

Given under [*my*] hand, at _____, in the said State, this _____
day of _____, 20____.

J.S., J.P.

Form 31

Certificate that the costs of an appeal are not paid

(previously Form 5 in the Fourth Schedule to the Act)

In The District Court of Western Australia [*or as the case may be*] holden
at _____

[*Title of the appeal*]

I hereby certify that at a sitting of The District Court of Western Australia [*or as the case may be*], holden at _____ on the _____ day of _____, 20____, an appeal by A.B. against a [*conviction*] of J.S., Esquire, [*one*] of Her Majesty's Justices of the Peace for the said State [*or etc.*], came on to be tried and was then heard and determined, and the said court thereupon ordered that the said [*conviction*] should be affirmed [*or reversed*], and that the said [*appellant*] should pay to the said [*respondent*] the sum of _____ [*his*] costs of the said appeal, and which sum was ordered to be paid to the Registrar [*or as the case may be*] of the said court, on or before the _____ day of _____, 20____, to be by him handed over to the said [*respondent*]; and I further certify that the said sum for costs has not, nor has any part thereof, been paid in obedience to the said order.

Dated the _____ day of _____, 20____.

G.H. Registrar of the said court [*or as the case may be*].

Schedule

Form 32

Complaint to ground search warrant

(previously Form 2 in the Fourth Schedule to the Act)

Western Australia, [Perth] to wit.

The complaint of C.D., of _____ in the said State, _____, made this _____ day of _____, 20____, before the undersigned, one of Her Majesty's Justices of the Peace for the said State [*or for the magisterial district of _____, in the said State*], who says that the following goods of [him], the said C.D., to wit [*describe them*] were, on the _____ day of _____ [*or have lately been*] feloniously stolen, taken, and carried away, from and out of the dwelling-house [*or as the case may be*] of the said C.D., situated at _____, in the said State; and that he, the said C.D. has reasonable cause to suspect, and does suspect, that the said goods, or part thereof, are concealed in the dwelling-house or premises [*or as the case may be*] in the occupation of A.B., situated at _____, in the said State. [*Here state grounds of suspicion*]

Sworn [*or made*] before me, the day and year first abovementioned, at _____, in the said State.

J.S., J.P.

Form 33
Search Warrant

(previously Form 9 in the Fourth Schedule to the Act)

To the principal police officer at _____, in the said State of Western Australia, and all other police officers in the said State.

Whereas a complaint has this day been made upon oath before the undersigned, one of Her Majesty's Justices of the Peace for the said State [*or, etc.*], for that [*etc., as in Form 15 to the end, then thus*]: These are therefore to command you, in Her Majesty's name, forthwith, with proper assistance, to enter the said dwelling-house and premises [*or as the case may be*] of the said A.B. [in the day time], and there diligently search for the said goods; and if the same, or any part thereof, are found upon search, that you attach the goods so found [and apprehend the said A.B., and bring (him) before some one or more of Her Majesty's Justices of the Peace, to give an account of how he came by the said goods, and to be further dealt with according to law.]

Given under my hand, at _____, in the said State, this _____ day of _____, 20 ____.

J.S., J.P.

*[Schedule amended in Gazette 22 April 1983 pp.1241-3;
(corrigendum in Gazette 13 May 1983 p.1431); 5 March 1993
p.1448-9; 3 December 1993 pp.6458-9; 30 June 1995 pp.2634-6;
5 July 1996 pp.3230-2; 4 October 1996 pp.5237-9;
17 September 1999 pp.4558-9; 24 September 1999 pp.4652-63.]*

Notes

¹ This reprint is a compilation as at 31 July 2000 of the *Justices (Forms) Regulations 1982* and includes the amendments referred to in the following Table.

Table of Regulations

Citation	Gazettal	Commencement	Miscellaneous
<i>Justices (Forms) Regulations 1982</i>	6 August 1982 pp.3059-64 22 April 1983 pp.1240-3 (Corrigendum 13 May 1983 p.1431)	6 August 1982 22 April 1983	
<i>Justices (Forms) Amendment Regulations 1993</i>	5 March 1993 pp.1448-9	5 March 1993	
<i>Justices (Forms) Amendment Regulations (No. 2) 1993</i>	3 December 1993 pp.6458-9	3 December 1993	
<i>Justices (Forms) Amendment Regulations (No. 2) 1995</i>	30 June 1995 pp.2634-6	30 June 1995	
<i>Justices (Forms) Amendment Regulations 1996</i>	5 July 1996 pp.3229-32	5 July 1996	
<i>Justices (Forms) Amendment Regulations (No. 2) 1996</i>	4 October 1996 pp.5236-9	4 November 1996 (see regulation 2 and <i>Gazette</i> 25 October 1996 p.5632).	
<i>Justices (Forms) Amendment Regulations 1999</i>	24 September 1999 pp.4651-63	25 September 1999 (see regulation 2 and <i>Gazette</i> 24 September 1999 p.4651)	
<i>Justices (Forms) Amendment Regulations (No. 2) 1999</i>	17 September 1999 pp.4557-9	1 October 1999 (see regulation 2)	
<i>Justices (Forms) Amendment Regulations 2000</i>	28 July 2000 pp.4009-11	28 July 2000	