

JU302*

Magistrates Court Act 2004

**Magistrates Court (General) Amendment Rules
(No. 4) 2014**

Made by the Magistrates Court.

1. Citation

These rules are the *Magistrates Court (General) Amendment Rules (No. 4) 2014*.

2. Commencement

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on the day after that day.

3. Rules amended

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

4. Rule 47 amended

- (1) In rule 47 insert in alphabetical order:

prosecuting authority has the meaning given in the Act.

- (2) In rule 47 in the definition of *Act* delete “1994.” and insert:

1994;

Note: The heading to amended rule 47 is to read:

Terms used

5. Rule 48 amended

- (1) In rule 48(1) delete “3.” and insert:

3 at the registry closest to where the alleged offence took place.

- (2) Delete rule 48(2)(c) and insert:

- (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.

6. Rule 49A amended

- (1) In rule 49A(1) delete “4AA.” and insert:

4AA at the registry closest to where the alleged offence took place.

- (2) Delete rule 49A(2)(c) and insert:

- (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.

7. Rule 49 amended

- (1) In rule 49(1) delete “4.” and insert:

4 at the registry closest to where the alleged offence took place.

- (2) Delete rule 49(2)(c) and insert:

- (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.

8. Schedule 2 amended

- (1) In Schedule 2 Form 1 delete “42C)” and insert:

40C)

(2) In Schedule 2 Form 5 after “date of this application.” insert:

I am not disqualified from holding or obtaining a driver’s licence under the
Road Traffic Act 1974 section 71D(1).

Dated: 7 August 2014.

Magistrates’ signatures

STEVEN HEATH, Chief Magistrate.

ELIZABETH WOODS, Deputy Chief Magistrate.

LEANNE ATKINS, Magistrate.

FELICITY ZEMPILAS, Magistrate.