

JU302*

Magistrates Court Act 2004

Magistrates Court (General) Amendment Rules 2012

Made by the Magistrates Court.

1. Citation

These rules are the *Magistrates Court (General) Amendment Rules 2012*.

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 1 August 2012.

3. Rules amended

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

4. Rule 50B inserted

After rule 50A insert:

50B. Applications 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.

5. Rule 51B amended

In rule 51B(2) after “rule” insert:

50B or

6. Rule 52 amended

After rule 52(1) insert:

- (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 one copy of the form to the applicant and serve one copy on the Commissioner of Police in accordance with the CPA Schedule 2 clause 2 or 3 at least 14 clear days before the date set by the Court for the hearing of it.

7. Rule 53 amended

In rule 53(1a) delete “71B(7)” and insert:

71B(7), 71F(1)

8. Schedule 2 Form 4B inserted

After Schedule 2 Form 4A insert:

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

Court Copy

<p style="text-align: center;">MAGISTRATES COURT of WESTERN AUSTRALIA</p> <p style="text-align: center;">APPLICATION FOR REVOCATION OF DISQUALIFICATION NOTICE</p> <p style="text-align: center;"><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 lawyer		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		

<p style="text-align: center;">MAGISTRATES COURT of WESTERN AUSTRALIA</p> <p style="text-align: center;">APPLICATION FOR REVOCATION OF DISQUALIFICATION NOTICE</p> <p style="text-align: center;"><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 lawyer			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:

Copy for Applicant to retain

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 lawyer		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

<p style="text-align: center;">MAGISTRATES COURT of WESTERN AUSTRALIA</p> <p style="text-align: center;">APPLICATION FOR REVOCATION OF DISQUALIFICATION NOTICE</p> <p style="text-align: center;"><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 lawyer		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				

9. Schedule 2 Form 5 amended

In Schedule 2 Form 5 Note 2 delete “State the hardship and inconvenience that would result if this application were refused.”.

Dated: 25 June 2012.

Magistrates’ signatures:

STEVEN HEATH, Chief Magistrate.

ELIZABETH WOODS, Deputy Chief Magistrate.

MICHAEL WHEELER, Magistrate.

MARLEEN BOON, Magistrate.