

JU301*

Magistrates Court Act 2004

Magistrates Court (General) Amendment Rules (No. 2) 2008

Made by the Magistrates Court.

1. Citation

These rules are the *Magistrates Court (General) Amendment Rules (No. 2) 2008*.

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. The rules amended

The amendments in these rules are to the *Magistrates Court (General) Rules 2005*.

4. Rule 51A inserted

After rule 51 the following rule is inserted —

“

51A. Applications 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.

”

5. Rule 51B amended

After rule 51B(2) the following subrule is inserted —

“

- (3) An application referred to in rule 51A 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.

”.

6. Rule 52 amended

Rule 52(1a) is amended by deleting “Form 4A,” and inserting instead —

“ Form 4A or 9, ”.

7. Rule 53 amended

Rule 53(1a) is amended by deleting “section 71B(7),” and inserting instead —

“ section 71B(7) or 80J(5) or (6), ”.

8. Schedule 2 amended

- (1) Schedule 2 Form 4A is amended in the note by deleting “Form 10” and inserting instead —

“ Form 4A ”.

- (2) Schedule 2 is amended by inserting after Form 8 —

“

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 lawyer	Applicant or lawyer	Date	
Hearing details	This application will be heard — on [date] at [time] or as soon after as possible, at [place]		

Notes to Form 9 —

1. 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.

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Dated: 24 September 2008.

STEVEN HEATH,
Chief Magistrate.

E. WOODS,
Deputy Chief Magistrate.

M. BOON,
Magistrate.

PAUL HEANEY,
Magistrate.