

JM302*

Sentencing Act 1995

Sentencing Amendment Regulations (No. 2) 2000

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Sentencing Amendment Regulations (No. 2) 2000*.

2. Commencement

These regulations come into operation on the day on which Part 3 of the *Sentencing Legislation Amendment and Repeal Act 1999* comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Sentencing Regulations 1996**.

[* *Published in Gazette 4 October 1996, pp. 5281-96.*
For amendments to 4 December 2000 see Gazette 3 March, 28 July and 25 August 2000.]

4. Regulations 8A and 8B inserted

After regulation 8 the following regulations are inserted —

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8A. Form of restitution order

A restitution order is to be made in the approved form.

8B. Recovery of enforcement costs

(1) In this regulation —

“**non-complying person**” means a person who has failed to comply with a restitution order;

“**Sheriff’s costs**” means the reasonable costs incurred by the Sheriff in enforcing, or attempting to enforce, a restitution order.

(2) If under section 120A of the Act the Sheriff seizes, or attempts to seize, property that is the subject of a restitution order, the Sheriff may demand from the non-complying person payment of the Sheriff’s costs.

(3) If the non-complying person does not comply with a demand made under subregulation (2) the Sheriff may recover the Sheriff’s costs from that person in a court of competent jurisdiction as a debt due to the Sheriff.

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5. Regulation 13 amended

The Table to regulation 13 is amended by inserting after the item for Form 3 the following item —

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119A	Warrant of commitment for breach of compensation order	3A
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6. Schedule 1 amended

Schedule 1 is amended by inserting after Form 3 the following Form —

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3A. Warrant of commitment for breach of compensation order

WESTERN AUSTRALIA
Sentencing Act 1995, s. 119A

**WARRANT OF
COMMITMENT
FOR BREACH OF
COMPENSATION ORDER**

Supreme Court
 District Court
 Children’s Court
 Court of summary jurisdiction
At:

CWI Warrant No.

To	All police officers Chief executive officer under the <i>Prisons Act 1981</i>.
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Offender	Name:	Date of birth:
	Address:	

Reason for issue of warrant	The offender has been ordered to pay compensation in accordance with a compensation order issued under Part 16 Division 2 of the <i>Sentencing Act 1995</i>. In addition, under section 119A of the <i>Sentencing Act 1995</i>, this court ordered that if the offender did not pay the compensation by the date set for payment stated below the offender was to be imprisoned. The offender has not paid the compensation as ordered.
Command	This warrant authorises and commands you to arrest and imprison the offender in accordance with the above order and section 119A of the <i>Sentencing Act 1995</i>.

Amount outstanding	Total compensation ordered	\$
	Less any amount paid	- \$
	Amount outstanding	= \$

Date of order		Date set for payment	
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Period of imprisonment	Until compensation is paid with maximum period —		
	<input type="checkbox"/>	set by this court at	days; or
	<input type="checkbox"/>	determined under s. 119A(3) to be	days
	<input type="checkbox"/>	Cumulative	<input type="checkbox"/>
			Concurrent

Warrant issued by	Signature:	Date:
	Name:	
	Official title:	

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

Under s. 119A(4) service of the term of imprisonment does not reduce or discharge the offender's liability to pay the compensation ordered.

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By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.