
JUSTICE

JU301*

Magistrates Court Act 2004

**Magistrates Court (General) Amendment Rules
(No. 3) 2013**

Made by the Magistrates Court.

1. Citation

These rules are the *Magistrates Court (General) Amendment Rules (No. 3) 2013*.

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 26 amended

After rule 26(2) insert:

- (3) A magistrate may, by order, extend the period in subrule (2), and may do so even if the period has elapsed.
- (4) An application for an order under subrule (3) —
 - (a) is not required to be served on any other party; and
 - (b) may be dealt with in the absence of the parties.

5. Rule 27A inserted

After rule 26 insert:

27A. Order for substituted service or dispensing with service

- (1) If the appellant cannot serve on another party the documents lodged under rule 26(1), a magistrate may, on application made by the appellant —
 - (a) order that the appellant may take whatever steps are set out in the order to bring the matter to the attention of the other party; or

- (b) if it is appropriate in the circumstances, order that the requirement for service be dispensed with altogether.
- (2) An application for an order under subrule (1) —
 - (a) is not required to be served on any other party; and
 - (b) may be dealt with in the absence of the parties.
- (3) If a magistrate makes an order under subrule (1)(a) —
 - (a) the magistrate may order that the documents are to be taken to have been served on the happening of any event specified in the order, or on the expiry of any period specified in the order; and
 - (b) when the steps set out in the order have been taken, the appellant must lodge an affidavit of service completed by the person who has taken those steps and stating —
 - (i) what steps were taken; and
 - (ii) when those steps were taken; and
 - (iii) who took those steps.
- (4) If a magistrate makes an order under subrule (1), the magistrate may make whatever directions are necessary or desirable with respect to the listing of the appeal for hearing and the notification of the parties.

6. Rule 28 amended

After rule 28(2) insert:

- (3) Subrules (1) and (2) are subject to any directions made under rule 27A(4).

Dated: 17 July 2013.

Magistrates' signatures

STEVEN ALEX HEATH, Chief Magistrate.

ELIZABETH ADELE WOODS, Deputy Chief Magistrate.

MICHAEL WHEELER, Magistrate.

GIUSEPPE MIGNACCA-RANDAZZO, Magistrate.