

JUSTICE

JM301

**FINES, PENALTIES AND INFRINGEMENT NOTICES
ENFORCEMENT ACT 1994**

**FINES, PENALTIES AND INFRINGEMENT NOTICES
ENFORCEMENT AMENDMENT REGULATIONS (NO. 2) 1996**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 1996*.

Principal regulations

2. In these regulations the *Fines, Penalties and Infringement Notices Enforcement Regulations 1994** are referred to as the principal regulations.

[* *Published in Gazette 30 December 1994, pp. 7232-41.*
For amendments to 17 June 1996 see 1995 Index to Legislation of Western Australia, Table 4, p. 88.]

Regulation 6 amended

3. (1) Regulation 6 (1) of the principal regulations is amended in paragraph (a) by inserting after "time to pay" the following —

“ order ”.

(2) After regulation 6 (1) of the principal regulations the following subregulation is inserted —

“

(1a) On an application —

(a) under section 33 for a time to pay order; or

(b) under section 34 to have a time to pay order amended,

a court officer may require the applicant to produce documentary evidence to verify the applicant's income or expenditure.

”.

Regulations 8A and 8B inserted

4. After regulation 8 of the principal regulations the following regulations are inserted —

“

Recommencing enforcement after successful application under s 101 or 101A

8A. (1) If on an application by a person under section 101 the justices make an order cancelling the licence suspension order concerned, the Registrar may again take proceedings under Part 3 of the Act to enforce the infringement notice that gave rise to that licence suspension order, such proceedings to be commenced by issuing a notice of intention to suspend licences under section 18.

(2) If on an application by a person under section 101A the justices make an order cancelling the licence suspension order concerned, the Registrar may again take proceedings under Part 4 of the Act to enforce the fine that gave rise to that licence suspension order, such proceedings to be commenced by issuing a notice of intention to suspend licences under section 42.

Recommencing enforcement after an appeal (s. 101B)

8B. (1) This regulation applies if —

- (a) a person appeals against a fine, or a decision giving rise to a fine (as defined in section 101B (1)); and
- (b) the fine is still payable after the appeal is disposed of (as defined in section 101B (6)).

(2) If when the person appealed, a time to pay order was in force and ceased to have effect by reason of section 101B (3) (a), then when the appeal is disposed of the time to pay order has effect again; but for the purposes of the time to pay order the period beginning on the date when the person appealed and ending on the date when the appeal was disposed of is to be disregarded when calculating any time elapsed under the order.

(3) If when the person appealed, a notice of intention to suspend licences was cancelled by reason of section 101B (3) (b), then when the appeal is disposed of the Registrar may issue another notice of intention to suspend licences under section 42.

(4) If when the person appealed, a licence suspension order was cancelled by reason of section 101B (3) (c), then when the appeal is disposed of the Registrar may issue another notice of intention to suspend licences under section 42.

(5) If when the person appealed, a warrant of execution was cancelled by reason of section 101B (3) (d), then when the appeal is disposed of the Registrar may issue another notice of intention to suspend licences under section 42.

(6) If when the person appealed, an order to attend for work and development was cancelled by reason of section 101B (3) (e), then when the appeal is disposed of the Registrar may issue another notice of intention to suspend licences under section 42.

”

Schedule 3 amended

5. Schedule 3 to the principal regulations is amended by inserting after Form 7 the following forms —

“

8. Certificate under section 101C (Part 3 order)

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 101C]

CERTIFICATE AS TO LICENCE SUSPENSION ORDER

Alleged
offender:
Address:

In relation to this alleged offender the following matters are certified as being true and correct:

1. On [date] an infringement notice was issued by [prosecuting authority] to the alleged offender for the alleged offence of [description of alleged offence].
The modified penalty on the infringement notice is [\$].
2. On [date] the infringement notice was registered under Part 3 of the Act with the Fines Enforcement Registry for enforcement on [date] and was allocated case number [no.].
3. An order to pay or elect was issued under section 17 of the Act and was served on the alleged offender under section 5 of the Act by posting it on [date] to the alleged offender at [address].
An unsigned copy of the order is attached as annexure “A”.
4. A notice of intention to suspend licences was issued under section 18 of the Act and was served on the alleged offender under section 5 of the Act by posting it on [date] to the alleged offender at [address].
An unsigned copy of the notice is attached as annexure “B”.
5. A licence suspension order suspending the alleged offender's:
 - driver's licence number [no.]
 - vehicle licence for the vehicle registered number [no.]
 was made at [time] on [date] under section 19 of the Act.
A certified copy of the order is attached as annexure “C”.
6. A notice confirming licence suspension was issued under section 19 of the Act and was served on the alleged offender under section 5 of the Act by posting it on [date] to the alleged offender at [address].
An unsigned copy of the notice is attached as annexure “D”.
7. As at the time of issuing this certificate the licence suspension order has not been cancelled.
OR
The licence suspension order was cancelled at [time] on [date].

Date of this certificate:

Time:

[Signature]
REGISTRAR.

9. Certificate under section 101C (Part 4 order)

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 101C]

CERTIFICATE AS TO LICENCE SUSPENSION ORDER

Offender:

Address:

In relation to this offender the following matters are certified as being true and correct:

1. On [date] the [court] at [place] fined the offender for the offence of [description of offence].
The amount of the fine (as defined in section 28 (1) of the Act) is [\$].
2. On [date] the fine was registered under Part 4 of the Act with the Fines Enforcement Registry for enforcement on [date] and was allocated case number [no.].
3. A notice of intention to suspend licences was issued under section 42 of the Act and was served on the offender under section 5 of the Act by posting it on [date] to the offender at [address].
An unsigned copy of the notice is attached as annexure "A".
4. A licence suspension order suspending the offender's:
 - driver's licence number [no.]
 - vehicle licence for the vehicle registered number [no.]
 was made at [time] on [date] under section 43 of the Act.
A certified copy of the order is attached as annexure "B".
5. A notice confirming licence suspension was issued under section 43 of the Act and was served on the offender under section 5 of the Act by posting it on [date] to the offender at [address].
An unsigned copy of the notice is attached as annexure "C".
6. As at the time of issuing this certificate the licence suspension order has not been cancelled.
OR
The licence suspension order was cancelled at [time] on [date].

Date of this certificate:

Time:

[Signature]
REGISTRAR.

By Command of the Lieutenant-Governor and deputy of the Governor.

J. PRITCHARD, Clerk of the Council.