

JM302

JUSTICES ACT 1902

JUSTICES (FORMS) AMENDMENT REGULATIONS 1996

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

Citation

1. These regulations may be cited as the *Justices (Forms) Amendment Regulations 1996*.

Principal regulations

2. In these regulations the *Justices (Forms) Regulations 1982** are referred to as the principal regulations.

[* *Published in Gazette 6 August 1982, pp. 3059-64.*
For amendments to 17 June 1996 see 1995 Index to Legislation of Western Australia, Table 4, pp. 159-60.]

Regulation 5C repealed and a regulation substituted

3. Regulation 5C of the principal regulations is repealed and the following regulation is substituted —

“

Application to set aside licence suspension order under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*

5C. (1) An application under section 101 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* to justices for an order cancelling a licence suspension order shall be made in the form of Form 11.

(2) An application under section 101A of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* to justices for an order cancelling a licence suspension order shall be made in the form of Form 11A.

(3) The application, together with a fee equal to the fee for a complaint prescribed under the *Justices Act (Courts of Petty Sessions Fees) Regulations*, must be lodged at a court of petty sessions.

”

Schedule amended

4. The Schedule to the principal regulations is amended by deleting Form 11 and substituting the following forms —

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Form 11

WESTERN AUSTRALIA Fines, Penalties and Infringement Notices Enforcement Act 1994, s 101 APPLICATION FOR CANCELLATION OF LICENCE SUSPENSION ORDER		Court of Petty Sessions At:
Applicant	Name:	Date of birth:
	Address:	
Details of suspension	Prosecuting authority:	
	Infringement no: Fines enforcement case no: <input type="checkbox"/> Driver's licence no.: <input type="checkbox"/> Motor vehicle licence no.:	suspended. suspended.

Application * delete if not applicable	<p>I, the applicant, have had —</p> <ul style="list-style-type: none"> * my driver's licence; or * the motor vehicle licence of my vehicle, <p>cancelled by a licence suspension order made under Part 3 of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>.</p> <p>I apply for an order under section 101 of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> cancelling the licence suspension order on the grounds that I received none of the following:</p> <ol style="list-style-type: none"> (a) the infringement notice that gave rise to the licence suspension order; (b) the final demand issued under section 14 of the Act in respect of the infringement notice; (c) the order to pay or elect issued under section 17 of the Act in respect of the infringement notice; (d) the notice of intention to suspend licences issued under section 18 of the Act in respect of the infringement notice; (e) the notice confirming licence suspension issued under section 19 (6) of the Act. <p>I certify that I have not previously made an unsuccessful application under section 101 of the Act in relation to this licence suspension order or in relation to any other licence suspension order made in respect of this infringement notice.</p> <p>Signature of applicant: _____ Date: _____</p>
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Hearing details	<p>This application is listed for hearing in the Court of Petty Sessions at: _____ at _____ am/pm</p>
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Court order	<p><input type="checkbox"/> The licence suspension order issued on: _____ in respect of the above driver's licence/motor vehicle licence is cancelled.</p> <p><input type="checkbox"/> Application refused,</p> <p>Signature of SM or JPs _____ Date: _____</p>
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Form 11A

<p>WESTERN AUSTRALIA Fines, Penalties and Infringement Notices Enforcement Act 1994, s 101A</p> <p>APPLICATION FOR CANCELLATION OF LICENCE SUSPENSION ORDER</p>	<p>Court of Petty Sessions At: _____</p>
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Applicant	Name: _____	Date of birth: _____
	Address: _____	

Details of suspension	<p>Court: _____</p> <p>Charge/Indictment No: _____</p> <p>Fines enforcement case no: _____</p> <p><input type="checkbox"/> Driver's licence no.: _____ suspended.</p> <p><input type="checkbox"/> Motor vehicle licence no.: _____ suspended.</p>
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<p>Application</p> <p>* delete if not applicable</p>	<p>I, the applicant, have had —</p> <ul style="list-style-type: none"> * my driver's licence; or * the motor vehicle licence of my vehicle, <p>cancelled by a licence suspension order made under Part 4 of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>.</p> <p>I apply for an order under section 101A of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> cancelling the licence suspension order on the grounds that —</p> <p>(a) I did not receive a summons or a notice to attend court in respect of the charge that gave rise to the fine that gave rise to the licence suspension order;</p> <p>(b) I was not present in court when that fine was imposed; and</p> <p>(c) I received neither of the following:</p> <p>(i) the notice of intention to suspend licences issued under section 42 of the Act in respect of that fine;</p> <p>(ii) the notice confirming licence suspension issued under section 43 (6) of the Act.</p> <p>I certify that I have not previously made an unsuccessful application under section 101A of the Act in relation to this licence suspension order or in relation to any other licence suspension order made in respect of this fine.</p> <p>Signature of applicant: _____ Date: _____</p>
<p>Hearing details</p>	<p>This application is listed for hearing in the Court of Petty Sessions at: _____ at _____ am/pm</p>
<p>Court order</p>	<p><input type="checkbox"/> The licence suspension order issued on: _____ in respect of the above driver's licence/motor vehicle licence is cancelled.</p> <p><input type="checkbox"/> Application refused,</p> <p>Signature of SM or JPs _____ Date: _____</p>

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

J. PRITCHARD, Clerk of the Council.