

JUSTICE

JM301

JUSTICES ACT 1902

JUSTICES (FORMS) AMENDMENT REGULATIONS (NO. 2) 1995

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Justices (Forms) Amendment Regulations (No. 2) 1995*.

Principal regulations

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

[* *Published in Gazette of 6 August 1982 at pp.3059-64.*
For amendments to 9 June 1995 see 1993 Index to Legislation of Western Australia, Table 4, p. 148.]

Regulation 5C inserted

3. After regulation 5B of the principal regulations the following regulation is inserted —

“

Application to set aside licence suspension under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* (s. 101).

5C. (1) A person in respect of whom a licence suspension order has been made under Part 3 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* may apply to justices for an order to set aside the licence suspension order by —

- (a) completing an application in the form set out in Form 11; and
- (b) lodging the completed application, together with a fee of an amount equal to the fee for a complaint prescribed under the *Justices Act (Courts of Petty Sessions) Fees Regulations*, at any Court of Petty Sessions in the State.

(2) Unless the court determines otherwise, the application is to be heard and determined by the justices having jurisdiction in or near the place where the offence giving rise to the initial infringement notice is alleged to have been committed.

”

Form 11 inserted

4. The Schedule to the principal regulations is amended by inserting after Form 10 the form set out in the Table to this regulation.

Table

Form No. 11.

Justices Act 1902

[Regulation 5C]

In the Court of Petty Sessions
at

Charge No. /19

Fee \$ paid on / /
see receipt number

APPLICATION TO SET ASIDE LICENCE SUSPENSION ORDER

Fines, Penalties and Infringement Notices Enforcement Act 1994

[Section 101]

Applicant
(Surname) (Other Names)

Date of Birth / /

Address
.....
.....

Drivers Licence **Motor Vehicle Licence**
No. (as applicable) No. (as applicable)

Fines Enforcement Case Number:

Infringement Number:

I, the Applicant, have had —

- my driver's licence*)
- the motor vehicle licence of my vehicle*) *(delete as appropriate)*

suspended by a Licence Suspension Order made under Part 3 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.

I apply for an Order cancelling the Licence Suspension Order, on the grounds that I received none of the following —

- (a) the infringement notice that gave rise to the licence suspension order;
- (b) the final demand, issued under section 14 in respect of that infringement notice;
- (c) the order to pay or elect, issued under section 17 in respect of the infringement notice;
- (d) the notice of intention to suspend licences, issued under section 18 in respect of the infringement notice;
- (e) the notice confirming licence suspension, issued under section 19 (6).

.....
Date

.....
Signature of Applicant

Copies to: The Applicant

The Court of Petty Session at

The Prosecuting Authority

The Registrar , Fines Enforcement.

This application is set for hearing —

At the Court of Petty Sessions

at am/pm on of 19
(time) (day) (month) (year)

Clerk of Petty Sessions

..... / /

ORDER OF THE COURT:

- The licence suspension order issued on/...../..... in respect of driver's licence No. / vehicle licence No. is cancelled.
- Application refused.

SM / JP Date / /

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.
