



Magistrates Court (Civil Proceedings) Act 2004

**Magistrates Court (Civil Proceedings)
Amendment Rules 2020**

SL 2020/37

Made by the Magistrates Court in accordance with the *Magistrates Court Act 2004* section 39.

1. Citation

These rules are the *Magistrates Court (Civil Proceedings) Amendment Rules 2020*.

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 (Civil Proceedings) Rules 2005*.

4. Rules 131CA and 131CB inserted

After rule 131C insert:

**131CA. Fixing a hearing under *Restraining Orders Act 1997*
s. 9**

- (1) This rule applies for the purposes of the *Restraining Orders Act 1997* section 9.

- (2) A registrar must fix a hearing and summons a person to the hearing by —
 - (a) fixing a day, time and place for the hearing; and
 - (b) preparing a summons in the form set out in Schedule 1 Form 16; and
 - (c) causing the summons to be served on the person; and
 - (d) notifying all other parties of the hearing.
- (3) A registrar must fix a hearing that is to be held in the absence of one party by —
 - (a) fixing a day, time and place for the hearing; and
 - (b) notifying the party who is to be present at the hearing.

131CB. Preparing, serving and delivering restraining orders under *Restraining Orders Act 1997* s. 10(1)

- (1) This rule applies for the purposes of the *Restraining Orders Act 1997* section 10(1).
- (2) A restraining order is to be prepared in the form set out in Schedule 1 Form 2, 4, 6 or 9, as appropriate.
- (3) Subject to the *Restraining Orders Act 1997* section 10(1A), a registrar must cause —
 - (a) the respondent's copy and the respondent's endorsement copy (if one is required to be served) of the restraining order to be served on the person who is bound by the order; and
 - (b) the applicant's copy of the order to be delivered to —
 - (i) the person seeking to be protected by the order; or
 - (ii) the parent or guardian of that person, if the parent or guardian made the application for the order on behalf of that person;and
 - (c) the police copy of the order to be delivered to the Commissioner of Police; and
 - (d) the court copy of the order to be placed on the court's records.

MR STEVEN HEATH, Chief Magistrate,
Magistrates Court in Perth.

Date 8 April, 2020.
