

JU301*

Acts Amendment and Repeal (Courts and Legal Practice)
Act 2003

Courts and Legal Practice (Consequential Amendments) Regulations 2005

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Courts and Legal Practice (Consequential Amendments) Regulations 2005*.

2. *Bail Regulations 1988 amended*

- (1) The amendments in this regulation are to the *Bail Regulations 1988**.

[* *Reprinted as at 8 September 2000.*

For amendments to 31 March 2005 see Western Australian Legislation Information Tables for 2003, Table 4, p. 29 and Gazette 14 May 2004.]

- (2) Regulation 8(3)(a) and “or” after it is deleted and the following is inserted instead —

“

- (a) where the prosecutor is the Director of Public Prosecutions, is given to the Director; or

”.

- (3) The Schedule is amended in the Forms listed in the Table to this subregulation by deleting “Crown” in each place where it occurs and inserting instead —

“ State ”.

Table

Form 1 (clause 10)
 Form 3 (clause 5(a) and (b))
 Form 4 (clause 5(a) and (b))
 Form 6 — (original, duplicate and triplicate copies, under heading “UNDERTAKING”)
 Form 8 (Part C)
 Form 9 (clause 2)

3. *Coroners Regulations 1997 amended*

- (1) The amendments in this regulation are to the *Coroners Regulations 1997**.

[* *Reprint 1 as at 16 January 2004.*]

- (2) Schedule 1 Forms 1 and 2 are amended by deleting “our Sovereign Lady Queen Elizabeth the Second, Her Heirs and Successors” and inserting instead —

“ the State ”.

4. *Criminal Investigation (Extra-territorial Offences) Regulations 1989 amended*

- (1) The amendments in this regulation are to the *Criminal Investigation (Extra-territorial Offences) Regulations 1989**.

[* *Reprint 1 as at 6 February 2004.*]

- (2) The Schedule is amended in Form 2 by deleting “Her Majesty’s name” and inserting instead —

“ the name of the State ”.

5. Criminal Procedure Rules 2000 amended

- (1) The amendments in this regulation are to the *Criminal Procedure Rules 2000**.
- [* *Published in Gazette 2 January 2001, p. 1-75.*
For amendments to 31 March 2005 see Western Australian Legislation Information Tables for 2003, Table 4, p. 73.]
- (2) Rule 3(1) is amended in the definition of “lawyer” by deleting “*Legal Practitioners Act 1893*” and inserting instead —
 “ *Legal Practice Act 2003* ”.
- (3) Rules 20(3), 27(2)(d) and 47(5) are amended by deleting “Crown” in each place where it occurs and inserting instead —
 “ State ”.
- (4) Schedule 1 is amended in the forms listed in the Table to this subregulation by deleting “Crown” in each place where it occurs and inserting instead —
 “ State ”.

Table

- Form 3 (in item headed “Witnesses”)
 Form 4 (in item headed “Nolle prosequi”)
 Form 5 (in item headed “Nolle prosequi”) —
 2 places
 Form 12 (in items headed “Undertaking by witness” and “Surety’s agreement”)
 Form 14 (in item headed “Crown’s consent”)
- (5) Schedule 1 Form 14 is amended by deleting “Crown’s” and inserting instead —
 “ State’s ”.

6. Electricity (Licensing) Regulations 1991 amended

- (1) The amendment in this regulation is to the *Electricity (Licensing) Regulations 1991**.
- [* *Reprint 2 as at 14 March 2003.*
For amendments to 31 March 2005 see Western Australian Legislation Information Tables for 2003, Table 4, p. 87 and Gazette 13 July and 30 December 2004.]
- (2) Regulation 3(1) is amended in the definition of “legal practitioner” by deleting “*Legal Practitioners Act 1893*” and inserting instead —
 “ *Legal Practice Act 2003* ”.

- 7. *Legal Practice (Professional Indemnity Insurance) Regulations 1995 amended***
- (1) The amendments in this regulation are to the *Legal Practice (Professional Indemnity Insurance) Regulations 1995**.
[* Reprint 1 as at 27 August 2004.]
- (2) Regulation 6(1) is amended by deleting “Despite rule 61 of the *Legal Practice Board Rules 1949*, on and from 1 July 1995 the” and inserting instead —
“ The ”.
- 8. *Non-Contentious Probate Rules 1967 amended***
- (1) The amendments in this regulation are to the *Non-Contentious Probate Rules 1967**.
[* Reprinted as at 9 June 2000.
For amendments to 31 March 2005 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 7.*]
- (2) Rule 27(2)(b) is amended by deleting “*Legal Practitioners Act 1893*” and inserting instead —
“ *Legal Practice Act 2003* ”.
- (3) Rule 27(4) is amended by deleting “Crown” and inserting instead —
“ State ”.
- 9. *Nurses Rules 1993 amended***
- (1) The amendments in this regulation are to the *Nurses Rules 1993**.
[* Reprinted as at 22 June 2001.
For amendments to 31 March 2005 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 259, and Gazette 16 April and 30 December 2004.*]
- (2) Rule 24(c) is amended by deleting “*Legal Practitioners Act 1893*” and inserting instead —
“ *Legal Practice Act 2003* ”.
- 10. *Public Trustee Regulations 1942 amended***
- (1) The amendments in this regulation are to the *Public Trustee Regulations 1942**.
[* Reprinted as at 3 October 2000.
For amendments to 31 March 2005 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 304 and Gazette 8 June 2004.*]

- (2) Regulation 6AA(b)(ii) is amended by deleting “the *Non-Contentious Probate Costs Scale 1991**” and inserting instead —

“

any relevant legal costs determination within the meaning of the *Legal Practice Act 2003*

”.

- (3) The note at the end of regulation 6AA (beginning “[* *Determined* ” is deleted.

11. *Residential Tenancies Regulations 1989* amended

- (1) The amendments in this regulation are to the *Residential Tenancies Regulations 1989**.

[* *Reprint 2 as at 19 September 2003.*
For amendments to 31 March 2005 see *Gazette*
24 December 2004.]

- (2) Regulation 10 is amended by deleting “the scale of costs fixed by determination under section 58W of the *Legal Practitioners Act 1893*” and inserting instead —

“

any relevant legal costs determination within the meaning of the *Legal Practice Act 2003*

”.

12. *Rules of the Supreme Court 1971* amended

- (1) The amendments in this regulation are to the *Rules of the Supreme Court 1971**.

[* *Reprint 6 as at 15 October 2004.*]

- (2) Order 1 rule 4(1) is amended as follows:
- (a) in the definition of “Accountant” by deleting “Crown Law Department” and inserting instead —
“ Department of Justice ”;
 - (b) in the definition of “Practitioner” by deleting “*Legal Practitioners Act 1893*” and inserting instead —
“ *Legal Practice Act 2003* ”.
- (3) Order 11 rule 5 is amended by deleting “Crown Solicitor” and inserting instead —
“ State Solicitor ”.
- (4) Order 26 rule 4(4)(b) and Order 27 rule 6(1)(b) are amended by deleting “Crown” in each place where it occurs and inserting instead —
“ State ”.

- (5) Order 55 rule 5(1) is amended by deleting “Queen” and inserting instead —
 “ State of Western Australia ”.
- (6) Order 56 rule 35(1) is amended by deleting “Her Majesty” and inserting instead —
 “ the State ”.
- (7) Order 60 rule 1(1)(a)(i) is amended by deleting “on the Crown side of the Court” and inserting instead —
 “ for prerogative relief ”.
- (8) Order 64 rule 1(e) is amended by deleting “constituted under section 4 of the *Legal Practitioners Act 1893*” and inserting instead —
 “ established under the *Legal Practice Act 2003* ”.
- (9) Order 66 is amended as follows:
- (a) in rule 8 by deleting “Crown” in both places where it occurs and inserting instead —
 “ State ”;
- (b) in rule 11(1) by deleting the definition of “any relevant scale” and inserting instead —
 “
“any relevant scale” means any legal costs determination within the meaning of the *Legal Practice Act 2003* in respect of regulating the remuneration of legal practitioners in respect of business carried out by practitioners in or for the purposes of proceedings before the Court.
 ”;
- (c) in rule 11(3) by deleting “*Legal Practitioners Act 1893*” and inserting instead —
 “ *Legal Practice Act 2003* ”.
- (10) Order 75A is amended as follows:
- (a) in the heading by deleting “section 22(2) of the *Legal Practitioners Act 1893*” and inserting instead —
 “
section 30(2) of the *Legal Practice Act 2003*
 ”;
- (b) in rule 1 —
 (i) in the definition of “applicant” by deleting “section 22(2) of the *Legal Practitioners Act 1893*” and inserting instead —
 “
 section 30(2) of the *Legal Practice Act 2003*
 ”;

- (ii) in the definition of “the Act” by deleting “*Legal Practitioners Act 1893*” and inserting instead —
“ *Legal Practice Act 2003* ”;
- (c) by deleting rule 2(1) and inserting the following subrule instead —
“
(1) An application under this Order shall be made to the Full Court ex parte by motion supported by an affidavit as required under the *Legal Practice Board Rules 2004*.
”;
- (d) in rules 3 and 4 by deleting “section 22(2)” and inserting instead —
“ section 30(2) ”.
- (11) Order 76 rule 2(1)(a) is amended by deleting “*Legal Practitioners Act 1893*” and inserting instead —
“ *Legal Practice Act 2003* ”.
- (12) Order 80 rule 2(3) is amended by deleting “Crown” and inserting instead —
“ State of Western Australia ”.
- (13) Order 84 rule 4(1) is amended by deleting “Royal Arms” and inserting instead —
“ armorial bearings of the State ”.
- (14) The Second Schedule is amended as follows:
 - (a) in Form 1 by deleting “Elizabeth the Second, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.”;
 - (b) in Form 29 by deleting “Her Majesty’s” and inserting instead —
“ the ”;
 - (c) in Form 45 by deleting “Elizabeth the Second, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.”;
 - (d) in Forms 67 and 73 by deleting “Queen” and inserting instead —
“ State of Western Australia ”;
 - (e) in Form 83 —
 - (i) by deleting “Elizabeth the Second, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.”; and
 - (ii) by deleting “NOTE: If the action is by the Crown, instead of the plaintiff’s name put “Our Sovereign Lady the Queen” adding if necessary,

“*in Her Office of Admiralty*” and inserting instead —

“

NOTE: If the action is by the State, instead of the plaintiff's name put “The State of Western Australia”.

”;

(f) in Forms 95 and 96 —

(i) by deleting “our Lady the Queen” and inserting instead —

“ the State ”; and

(ii) by deleting “this day of in the year of Our Lord, One thousand nine hundred and in the year of the reign of Her present Majesty Queen Elizabeth.” and inserting instead —

“ the day of , 20 . ”;

(g) in Forms 99 and 100 —

(i) by deleting “The Crown” and inserting instead —

“ The State of Western Australia ”; and

(ii) by deleting “Crown” in both other places where it occurs and inserting instead —

“ State ”.

(15) The Fourth Schedule item 25 is amended by deleting “Crown in right of the”.

13. *Suitors' Fund Regulations 1965* amended

(1) The amendments in this regulation are to the *Suitors' Fund Regulations 1965**.

[* *Reprint 1 as at 7 March 2003.*]

(2) The Schedule is amended in Form 1a by deleting “THE QUEEN” and inserting instead —

“ The State of Western Australia ”.

14. *Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000* amended

(1) The amendments in this regulation are to the *Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000**.

[* *Reprint 1 as at 1 October 2004.*

For amendments to 31 March 2005 see Gazette 30 December 2004.]

- (2) Regulation 3 is amended in the definition of “legal practitioner” by deleting “*Legal Practitioners Act 1893*” and inserting instead —

“ *Legal Practice Act 2003* ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.