
JUSTICE

JM301*

Justices Act 1902

**Justices (Forms) Amendment Regulations
(No. 2) 1999**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Justices (Forms) Amendment Regulations (No. 2) 1999*.

2. Commencement

These regulations come into operation on 1 October 1999.

3. Schedule amended

The Schedule to the *Justices (Forms) Regulations 1982** is amended in Form 2B as follows:

- (a) on the front of the Form in the first paragraph (a) by inserting after “date fixed for hearing.” —

“

If, within 14 days of entering a plea of not guilty, you have not been advised of the date fixed for hearing you should contact the Court to find out that date.

”;

- (b) on the front of the Form by deleting paragraph (c) and inserting instead —

“

- (c) If you fail to take either of the alternatives mentioned above, and you fail to appear at Court on the day and time stated in this summons, the Court may —
- (i) proceed to hear and determine the complaint in your absence and, if the complainant is a public officer, take as proved any allegation in this summons;
 - (ii) adjourn your case and issue a further summons; or
 - (iii) adjourn your case and issue a warrant to have you arrested and brought before the Court.
- (d) If you are convicted of the offence alleged in this summons you may be liable to the penalty prescribed for the offence, the court costs and any legal costs claimed by the prosecution.
- (e) If you are in doubt as to what action you should take it is suggested that you seek legal advice from a lawyer or from the Legal Aid Commission.

”;

- (c) on the front of the Form by deleting NOTE (b) and inserting instead —

“

- (b) IF THE COURT CONSIDERS IT NECESSARY THAT YOU BE PRESENT FOR SENTENCING IT MAY —
- (i) ADJOURN YOUR CASE AND ISSUE A FURTHER SUMMONS TO HAVE YOU APPEAR IN COURT; OR
 - (ii) ADJOURN YOUR CASE AND ISSUE A WARRANT TO HAVE YOU ARRESTED AND BROUGHT BEFORE THE COURT.

”;

- (d) on the reverse of the Form in NOTE (2) of SECTION A by deleting from "OTHERWISE" to the end of the note and inserting instead —

“

OTHERWISE THE COURT MAY —

- (a) PROCEED TO HEAR AND DETERMINE THE COMPLAINT IN YOUR ABSENCE AND, IF THE COMPLAINANT IS A PUBLIC OFFICER, TAKE AS PROVED ANY ALLEGATION IN THIS SUMMONS; OR
- (b) ADJOURN YOUR CASE AND ISSUE A WARRANT TO HAVE YOU ARRESTED AND BROUGHT BEFORE THE COURT.

”;

- (e) on the reverse of the Form in SECTION B by inserting after "relevant to the charge." —

“

If, prior to the hearing date, you advise the Court that you wish to withdraw your plea of guilty and you do not appear, the Court may —

- (a) proceed to hear and determine the complaint in your absence and, if the complainant is a public officer, take as proved any allegation in this summons; or
- (b) adjourn your case and issue a warrant to have you arrested and brought before the Court.

”;

- (f) on the reverse of the Form in SECTION B by deleting NOTE (b) and inserting instead —

“

- (b) IF THE COURT CONSIDERS IT NECESSARY THAT YOU BE PRESENT FOR SENTENCING IT MAY —
- (i) ADJOURN YOUR CASE AND ISSUE A FURTHER SUMMONS TO HAVE YOU APPEAR IN COURT; OR
- (ii) ADJOURN YOUR CASE AND ISSUE A WARRANT TO HAVE YOU ARRESTED AND BROUGHT BEFORE THE COURT.

”.

[Published in Gazette 6 August 1982, pp. 3059-64.
For amendments to 27 August 1999 see 1998 Index to
Legislation of Western Australia, Table 4, p. 177.]*

By Command of the Governor,

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