

Magistrates Court Act 2004

## **Magistrates Court (General) Amendment Rules 2010**

Made by the Magistrates Court.

**1. Citation**

These rules are the *Magistrates Court (General) Amendment Rules 2010*.

**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 (General) Rules 2005*.

**4. Rule 37 amended**

Delete rule 37(2) and (3) and insert:

- (2) When the request is lodged, a registrar may —
  - (a) grant it, if satisfied that the person making it is entitled under the Act section 33(3) or (7) to inspect or obtain a copy of the document requested; or
  - (b) refer it to a magistrate.
- (3) A magistrate to whom a request is referred may, in chambers —
  - (a) without hearing the person making the request, grant it; or
  - (b) order a registrar to list the request for hearing by a magistrate.
- (4) A magistrate hearing the request may grant or refuse it.

**5. Rule 38 amended**

Delete rule 38(2) and (3) and insert:

- (2) When the application is lodged, a registrar may grant it or refer it to a magistrate.
- (3) A magistrate to whom an application is referred may, in chambers —
  - (a) without hearing the applicant, grant the application; or
  - (b) order a registrar to list the application for hearing by a magistrate.
- (4) A magistrate hearing the application may grant or refuse it.

**6. Rule 39 amended**

Delete rule 39(2), (3) and (4) and insert:

- (2) When the application is lodged, a registrar —
  - (a) must refer it to a magistrate; and
  - (b) may attach to it a written report on the administrative implications of granting it.
- (3) A magistrate to whom an application is referred may, in chambers —
  - (a) without hearing the applicant, grant the application; or
  - (b) order a registrar to list the application for hearing by a magistrate.
- (4) If under subrule (2)(b) a registrar has attached a report to an application, a magistrate must consider the report before determining the application.
- (5) A magistrate hearing the application may grant or refuse it.

Dated: 23 December 2010.

Magistrates' signatures:

STEVEN HEATH, Chief Magistrate.

E. WOODS, Deputy Chief Magistrate.

M. BOON, Magistrate.

G. SMITH, Magistrate.

