

Magistrates Court (Civil Proceedings) Act 2004

## **Magistrates Court (Civil Proceedings) Amendment Rules 2012**

Made by the Magistrates Court.

### **1. Citation**

These rules are the *Magistrates Court (Civil Proceedings) Amendment Rules 2012*.

### **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* (***gazettal day***);
- (b) rule 4(1) and (2) — on the day on which the *Building Act 2011* section 86 comes into operation;
- (c) the rest of the rules — on the day after gazettal day.

### **3. Rules amended**

These rules amend the *Magistrates Court (Civil Proceedings) Rules 2005*.

### **4. Rule 124 amended**

- (1) In rule 124(1) in the Table delete the item relating to the *Local Government (Miscellaneous Provisions) Act 1960*.
- (2) In rule 124(1) in the Table insert in alphabetical order:

*Building Act 2011* s. 86(1).

- (3) In rule 124(1) in the Table insert in alphabetical order:

*Road Traffic (Vehicle Standards) Regulations 2002* r. 60.

**5. Part 21 Division 3 inserted**

At the end of Part 21 insert:

**Division 3 — Applications under other written laws**

**133AA. Applications under other written laws**

- (1) This rule applies to an application made under a written law, other than a written law referred to in another rule in this Part, for relief other than relief within the Court's jurisdiction conferred by section 6 of the Act.
- (2) The application must —
  - (a) be made in accordance with rule 125; and
  - (b) be served in accordance with rule 126.
- (3) As soon as practicable after the application is made, a registrar must list it before a magistrate for a directions hearing, and advise each party in writing.
- (4) At the directions hearing, the magistrate may make orders as to the procedure to be followed by each party and the Court in order to ensure the application is dealt with justly.

Dated: 23/2/12.

Magistrates' signatures:

STEVEN HEATH, Chief Magistrate.

ELIZABETH WOODS, Deputy Chief Magistrate.

PAUL HEANEY, Magistrate.

LEANNE ATKINS, Magistrate.

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