

## **Magistrates Court (Civil Proceedings) Amendment Rules (No. 3) 2021**

**SL 2021/45**

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 (No. 3) 2021*.

**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. Rule 131CAB amended**

After rule 131CAB(3) insert:

- (4) Subrule (3) is satisfied if the ECMS fixes the conference.

Note: The heading to amended rule 131CAB is to read:

**Fixing conference under s. 49D**

**5. Rule 131CA replaced**

Delete rule 131CA and insert:

**131CA. Fixing hearing under s. 9 or 26**

- (1) This rule applies for the purposes of sections 9 and 26(2).

- (2) If under the Act the Court must fix a hearing, the Court must fix the hearing by —
  - (a) fixing a day, time and place for the hearing; and
  - (b) notifying the parties of the hearing.
- (3) If under the Act the Court must summons a person to a hearing, the Court must summons the person to the hearing by —
  - (a) preparing a summons in the form set out in Schedule 1 Form 16; and
  - (b) causing the summons to be served on the person.
- (4) Subrule (2) is satisfied if the ECMS fixes the hearing.
- (5) Despite subrule (2), if under section 26(2) an applicant wishes to have the first hearing held in the absence of the respondent —
  - (a) the Court may fix the first hearing by —
    - (i) fixing a day, time and place for the first hearing; and
    - (ii) notifying the applicant of the first hearing;
  - or
  - (b) an approved user acting for the applicant may select the day, time and place (the ***hearing details***) for the first hearing by means of the ECMS.
- (6) If the hearing details have been selected under subrule (5)(b), the Court must give notice to confirm the hearing details by means of the ECMS to the approved user.

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

Date 20 April, 2021.

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