

## **Magistrates Court (General) Amendment Rules (No. 2) 2013**

Made by the Magistrates Court.

### **1. Citation**

These rules are the *Magistrates Court (General) Amendment Rules (No. 2) 2013*.

### **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 on which the *Fines, Penalties and Infringement Notices Enforcement Amendment Act 2012* section 36 comes into operation.

### **3. Rules amended**

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

### **4. Rule 49A inserted**

After rule 48 insert:

#### **49A. Application to cancel enforcement warrant (Act s. 101AA)**

- (1) An application under the Act section 101AA must be made by lodging a Form 4AA.
- (2) On accepting a Form 4AA, a registrar must —
  - (a) list the application for hearing on the earliest convenient date; and
  - (b) insert the hearing details on the form; and
  - (c) return one copy of the form to the applicant and serve one copy on the Sheriff in accordance with the CPA Schedule 2 clause 2 or 3 at least 5 clear days before the date set by the Court for the hearing of it.

## 5. Schedule 2 Form 3 amended

In Schedule 2 Form 3 delete “notice of intention to suspend licences” and insert:

notice of intention to enforce

## 6. Schedule 2 Form 4AA inserted

In Schedule 2 after Form 3 insert:

### 4AA. Application to cancel enforcement warrant made in respect of infringement notice (r. 49A)

<i>Fines, Penalties and Infringement Notices Enforcement Act 1994 s. 101AA</i> Magistrates Court at No:		<b>Application for cancellation of enforcement warrant issued under Part 3</b>	
Applicant	Full name		
	Address		
	Date of birth		
Enforcement warrant details	Prosecuting authority		
	Infringement notice No.		
	Registry case no.		
	Action	<input type="checkbox"/> Personal property seized <input type="checkbox"/> Land seized <input type="checkbox"/> Vehicle immobilised <input type="checkbox"/> Number plates removed from vehicle	
Application	<p>An enforcement warrant has been issued in respect of me, the applicant, under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> Part 3. The enforcement warrant was served on ___/___/___.</p> <p>Under section 101AA of that Act I apply for an order cancelling the enforcement warrant on the grounds that I received none of the following —</p> <ul style="list-style-type: none"><li>(a) the <b>infringement notice</b> that give rise to the warrant;</li><li>(b) the <b>final demand</b> issued under section 14 of the Act in respect of the infringement notice;</li><li>(c) the <b>order to pay or elect</b> issued under section 17 of the Act in respect of the infringement notice;</li><li>(d) the <b>notice of intention to enforce</b> issued under section 18 of the Act in respect of the infringement notice;</li><li>(e) any <b>notice confirming licence suspension</b> issued under section 19(6) of the Act in respect of the infringement notice.</li></ul>		
Certificate by applicant	I certify that I have not previously made an unsuccessful application under section 101AA of the Act in relation to this enforcement warrant or in relation to any other enforcement warrant made in respect of the infringement notice to which the warrant relates.		

Signature of applicant		Date	
Hearing details	This application will be heard — on <i>[date]</i> at <i>[time]</i> or as soon after as possible, at <i>[place]</i>		

**7. Schedule 2 Form 4 amended**

In Schedule 2 Form 4 delete “notice of intention to suspend licences” and insert:

**notice of intention to enforce**

Dated: 17 July 2013.

Magistrates’ signatures:

STEVEN ALEX HEATH,  
Chief Magistrate.

ELIZABETH ADELE WOODS,  
Deputy Chief Magistrate.

MICHAEL DAVID WHEELER,  
Magistrate.

GIUSEPPE MIGNACCA-RANDAZZO,  
Magistrate.

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