

Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2016

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. 2) 2016*.

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 99A inserted

At the beginning of Part 17 Division 1 insert:

99A. Terms used

In this Division —

administrative staff member means a person referred to in the *Magistrates Court Act 2004* section 26(1);

departmental officer means a person employed in the department of the Public Service principally assisting in the administration of the *Magistrates Court Act 2004*.

5. Rule 103 amended

- (1) Delete rule 103(1) and insert:

- (1) If a document is served by an enforcement officer, an administrative staff member or a departmental officer on behalf of a party, the person who served the document must, as soon as practicable after the service, give a certificate of the service to the party.

(2) In rule 103(3) delete “officer.” and insert:

officer, administrative staff member or departmental officer.

Note: The heading to amended rule 103 is to read:

Certificate of service by enforcement officer, administrative staff member or departmental officer

6. Rule 104 amended

In rule 104(1) delete “officer,” and insert:

officer, administrative staff member or departmental officer,

Note: The heading to amended rule 104 is to read:

Affidavit of service by other persons

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

Date 15 April 2016.

Magistrates Court (Minor Cases Procedure) Amendment Rules (No. 2) 2016

Made by the Magistrates Court in accordance with the *Magistrates Court Act 2004* section 39.

1. Citation

These rules are the *Magistrates Court (Minor Cases Procedure) Amendment Rules (No. 2) 2016*.

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 (Minor Cases Procedure) Rules 2005*.

4. Rule 4 amended

In rule 4 insert in alphabetical order:

administrative staff member means a person referred to in the *Magistrates Court Act 2004* section 26(1);

departmental officer means a person employed in the department of the Public Service principally assisting in the administration of the *Magistrates Court Act 2004*;

5. Rule 52 amended

- (1) Delete rule 52(1) and insert:

- (1) You may ask an enforcement officer, an administrative staff member or a departmental officer to serve a document for you.
- (1A) If an enforcement officer, administrative staff member or departmental officer serves a document for you, that person must, as soon as practicable after the service, give you a certificate of the service.

(2) In rule 52(3) delete “officer.” and insert:

officer, administrative staff member or departmental officer.

6. Rule 53 amended

In rule 53(1) delete “officer” and insert:

officer, administrative staff member or departmental officer

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

Date 15 April 2016.
