

Magistrates Court Rules Amendment Rules (No. 2) 2021

SL 2021/133

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

Part 1 — Preliminary

1. Citation

These rules are the *Magistrates Court Rules Amendment Rules (No. 2) 2021*.

2. Commencement

These rules come into operation as follows —

- (a) Part 1 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on the day after that day.

Part 2 — *Magistrates Court (Civil Proceedings) Rules 2005* amended

3. Rules amended

This Part amends the *Magistrates Court (Civil Proceedings) Rules 2005*.

4. Rule 96 amended

Delete rule 96(1)(a).

5. Rule 98A amended

In rule 98A(2) after “these rules” insert:

or in the *Magistrates Court (General) Rules 2005*

**Part 3 — *Magistrates Court (General) Rules 2005*
amended**

6. Rules amended

This Part amends the *Magistrates Court (General) Rules 2005*.

7. Rule 13A amended

Delete rule 13A(6) and insert:

- (6) A document lodged under this rule is taken to have been lodged on the day and at the time recorded by the ECMS.

8. Rule 15A amended

- (1) In rule 15A(1) delete “to be issued to a person by the court” and insert:

required to be issued to a person by the Court

- (2) In rule 15A(2) delete “court” and insert:

Court

Note: The heading to amended rule 15A is to read:

Documents issued by Court by means of ECMS

9. Rule 52 amended

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

- (c) return 1 copy of the form to the applicant and issue 1 copy to the Commissioner of Police at least 5 clear days before the date set by the Court for the hearing of it.

- (2) Delete rule 52(2A)(c) and insert:

- (c) return 1 copy of the form to the applicant and issue 1 copy to the Commissioner of Police at least 14 clear days before the date set by the Court for the hearing of it.

- (3) Delete rule 52(2)(c) and insert:

- (c) return 1 copy of the form to the applicant and issue 1 copy to the CEO.
- (4) Delete rule 52(3)(c) and insert:
 - (c) return 1 copy of the form to the applicant and issue 1 copy to the CEO.
- (5) In rule 52(5) delete “one” and insert:

1
- (6) After rule 52(5) insert:
 - (6) For the purposes of rule 15A(1), a copy of a form that a registrar must issue under this rule is taken to be a document that is required to be issued by the Court.

10. Rule 53 amended

Delete rule 53(1a) and (1) and insert:

- (1) If the Court is satisfied that an application made under the RTA section 71B(7), 71F(1) or 80J(5) or (6) has been issued to the Commissioner of Police, the Court may deal with the application in the absence of the Commissioner of Police.
- (1A) If the Court is satisfied that an application made under the RT (AD) Act section 27 or 35(1) has been issued to the CEO, the Court may deal with the application in the absence of the CEO.

Note: The heading to amended rule 53 is to read:

Appearance at hearing of application

STEVEN HEATH, Chief Magistrate,
Magistrates Court in Perth.

Date: 19 July 2021.