

Magistrates Court Rules Amendment Rules 2022

SL 2022/54

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 2022*.

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 71A amended

After rule 71A(1) insert:

- (1A) For the purposes of subrule (1), evidentiary material and a copy of the witness summons that are delivered or sent by using the ECMS are taken to have been delivered or sent to the Court at the place specified for production.

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

5. Rules amended

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

6. Rule 8A amended

- (1) In rule 8A(1) delete “Except as provided in subrule (2),” and insert:

Unless these rules provide otherwise,

- (2) In rule 8A(2) delete “is to” and insert:

must

7. Rule 8B inserted

After rule 8A insert:

8B. Application for cancellation of surety undertaking

An application made in accordance with the *Bail Regulations 1988* regulation 9A for cancellation of a surety undertaking may be lodged at any registry of the Court.

Part 4 — *Magistrates Court (Minor Cases Procedure) Rules 2005* amended

8. Rules amended

This Part amends the *Magistrates Court (Minor Cases Procedure) Rules 2005*.

9. Part 2 heading amended

In the heading to Part 2 delete “**generally**”.

10. Rule 6 deleted

Delete rule 6.

11. Part 3 deleted

Delete Part 3.

12. Rule 19 amended

In rule 19 delete “or the claim is a consumer/trader claim.”.

13. Rule 39A amended

After rule 39A(1) insert:

- (1A) For the purposes of subrule (1), evidentiary material and a copy of the witness summons that are delivered or sent by using the ECMS are taken to have been delivered or sent to the Court at the place specified for production.

14. Part 17 inserted

After rule 86 insert:

Part 17 — Transitional rules for the *Magistrates Court Rules Amendment Rules 2022*

87. Consumer/trader claims

- (1) In this rule —
commencement day means the day on which the *Magistrates Court Rules Amendment Rules 2022* Part 4 comes into operation.
- (2) On and from commencement day, Part 3 as in force immediately before commencement day continues to apply in relation to a case that —
- (a) was started by a consumer/trader claim before commencement day; and
 - (b) as of commencement day, has not been concluded.

Date: 2 May 2022.

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