

1994—No. 259

JUSTICES ACT 1902—REGULATION

(Relating to forms in fine default matters)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Justices Act 1902, has been pleased to make the Regulation set forth hereunder.

J. P. Hannaford
Attorney General and Minister for Justice.

Commencement

1. This Regulation commences on 1 July 1994.

Amendment

2. The Justices (General) Regulation 1993 is amended:
(a) by inserting after clause 16 the following clauses:

Form of notice of outstanding commitment warrant

16A. The notice required to be given to a fine defaulter by section 89B (1) of the Act is to be in the form of Form 4.

Form of consent to waiver of 7 day notice period before execution of commitment warrant

16B. The instrument in writing referred to in section 89B (3) (c) of the Act is to be in the form of Form 5.

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(b) by inserting at the end of Schedule 2 the following forms:

Form 4

(Cl. 16A)

NOTICE OF OUTSTANDING COMMITMENT WARRANT(S)

Justices Act 1902
(Section 89B (1))

To D.O.B.

Inquiries indicate that you have outstanding Warrant (s) of Commitment totalling \$

The warrant(s) may be finalised by:

1. Full payment of the amount due directly to the Police

OR

2. Attendance at any Local Court to arrange:

- (a) Further TIME TO PAY; or
- (b) a COMMUNITY SERVICE ORDER; or
- (c) to serve the warrants by PERIODIC DETENTION (if periodic detention is available to you).

Alternatively, you may elect to waive these rights, which will mean that Police can arrest you immediately.

YOU ARE NOW REQUIRED TO ATTEND THE NEAREST POLICE STATION WITH THIS NOTICE AND OBTAIN DETAILS OF YOUR WARRANT(S) FOR PRODUCTION BY YOU AT THE LOCAL COURT.

FAILURE TO MAKE ANY ARRANGEMENTS IN RESPECT OF THE OUTSTANDING WARRANT(S) WILL LEAVE YOU LIABLE TO ARREST AFTER SEVEN (7) DAYS FROM WHEN THIS NOTICE IS GIVEN TO YOU.

Signed Date

Name

Police Station

1994—No. 259**Form 5**

(Cl. 16B)

CONSENT TO IMMEDIATE EXECUTION OF WARRANT

Justices Act 1902

(Section 89B (3) (c))

I
 of D.O.B
 have been advised that there is/are outstanding Warrant(s) of Commitment against me, totalling \$

I consent to section 89B of the Justices Act 1902 not applying to the warrant(s). I understand that by consenting to this I waive my right to be given 7 days notice before the execution of the warrant(s), and that the warrant(s) can be executed immediately.

Signed Witness
 Name Name
 Date Rank

EXPLANATORY NOTE

This Regulation inserts 2 new forms into the Justices (General) Regulation 1993 as a consequence of the amendments made to the Act by the Justices (Fine Default) Amendment Act 1994.

New Form 4 is the form of notice required to be given to a person who is the subject of a warrant of commitment to prison for unpaid fines. Generally a warrant cannot be executed against a fine defaulter until at least 7 days after the notice is given.

New Form 5 is a form of consent to the 7 day notice period not applying. This consent may be given by a fine defaulter who wishes to begin "cutting out" his or her warrant(s) as soon as possible.

This Regulation is made under the Justices Act 1902, in particular section 89B (1) and (3) (c) and 154 (the general regulation making power).