



New South Wales

Justices (General) Amendment (Notice of Plea) Regulation 1998

under the

Justices Act 1902

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Justices Act 1902*.

JEFFREY SHAW, Q.C., M.L.C.,

Attorney General

Explanatory note

Section 75 of the *Justices Act 1902* (as inserted by the *Justices (Procedure) Act 1997*) enables defendants in proceedings for offences that are punishable on summary conviction to lodge with the clerk of the Local Court a written notice that they will plead either guilty or not guilty to the offence. A defendant who notifies a plea is not required to attend the court on the day appointed by the summons or attendance notice for the hearing of the matter. Instead, on that day:

- if a guilty plea is notified, the court may deal with the matter under procedures for ex parte proceedings or adjourn the matter, or
- if a not guilty plea is notified, the court must set the matter down for hearing.

The object of this Regulation is to prescribe the form in which a notice under section 75 is to be given.

This Regulation is made under the *Justices Act 1902*, including section 75 (written pleas), and section 154 (the general regulation-making power).

1998 No 409

Clause 1 Justices (General) Amendment (Notice of Plea) Regulation 1998

**Justices (General) Amendment (Notice of Plea)
Regulation 1998**

1 Name of Regulation

This Regulation is the *Justices (General) Amendment (Notice of Plea) Regulation 1998*.

2 Commencement

This Regulation commences on 3 August 1998.

3 Amendment of Justices (General) Regulation 1993

The *Justices (General) Regulation 1993* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 23A

Insert after clause 23:

23A Written pleas (sec 75)

For the purposes of section 75 (2) of the Act, Form 5 is the prescribed form of notice of a defendant's plea in proceedings for an offence punishable on summary conviction.

[2] Schedule 2, Form 5

Insert after Form 4:

Form 5

(Clause 23A)

Written notice of plea—Justices Act 1902 (section 75)

Important—please read this before filling in the form

Filling in this form

- You should get legal advice about this form *before* you fill it in. Legal advice is important because you need to know if you can use the form and, if so, what effect it has.
- When you have completed this form, you must sign it in front of a Justice of the Peace (JP) or a member of the legal profession. Your local Court House has a JP you can use.

Send or take this form to the Court

Send or take this form to the clerk of the Court where your case will be heard. The address of the Court is shown in the summons or attendance notice.

When the Court must get this form

You must make sure that the Court receives this form **at least 5 days** before the date of the court hearing shown in the summons or attendance notice.

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Schedule 1 Amendments

Part 1 Details about your court case

Please either attach to this form a copy of the summons or attendance notice or fill in the details below using the information on the summons or attendance notice:

Name of Defendant (your name):

Offence:

Place of court hearing (name and address of court):

Date of court hearing:

Part 2 Pleading not guilty

Please read and complete this Part if you want to plead **not guilty** to the offence listed in the summons or attendance notice:

- My name is:
- My address is:
- I agree that I am the person named as the Defendant in the summons or attendance notice that was served on me for this offence:
- I want to plead not guilty to that offence.
- I ask the Court to list this matter for hearing on a later date.
- I will bring this number: of witnesses to the court hearing on that later date.
- I cannot be at court on these dates during the next three months: ..
.....
- If the Court needs to speak to me. I may be contacted by telephone on this number:

(Only one of the next two statements applies to you. Please cross out the one that does not apply:)

- The name of the solicitor or barrister representing me at the court hearing is:
- I will not have a legal representative at the court hearing.

Part 3 Pleading guilty

Please read and complete this Part if you want to plead guilty to the offence listed in the summons or attendance notice:

- My name is:
- My address is:
- I agree that I am the person named as the Defendant in the summons or attendance notice that was served on me for this offence:
- I want to plead guilty to that offence.
- I do not want to go to Court to plead guilty. Instead, I ask the Court to decide the matter without me.
- If the Court needs to speak to me, I may be contacted by telephone on this number:
- I ask the Court to take the following matters into account when deciding my punishment:

(You should explain how and why the offence happened and give some information about yourself, your financial situation, personal circumstances and general character.)

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(If you run out of space, please finish your answer on a separate piece of paper. sign it and attach it to this form.)

Part 4 Signing this form

Defendant's signature (you sign here): Date:

Signed in front of (JP or member of the legal profession signs here):

Name of witness: Title (JP, solicitor etc):