



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.

**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.

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### 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.)

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### 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): .....