



AUSTRALIAN CAPITAL TERRITORY

## **Magistrates Court (Amendment) Act (No. 3) 1991**

No. 112 of 1991

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### **An Act to amend the *Magistrates Court Act 1930***

*[Notified in ACT Gazette S162: 10 January 1992]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

1. This Act may be cited as the *Magistrates Court (Amendment) Act (No. 3) 1991*.

#### **Commencement**

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

#### **Principal Act**

3. In this Act, “Principal Act” means the *Magistrates Court Act 1930*.<sup>1</sup>

**Ex parte order may be set aside**

4. Section 23 of the Principal Act is amended—
- (a) by inserting in subsection (7A) “or traffic” after “parking”; and
  - (b) by inserting in paragraph (7A) (b) “or 180F” after “162E” and “or 180H, as the case requires,” after “162H”.

**Interpretation**

5. Section 146 of the Principal Act is repealed and the following section substituted:

**Interpretation**

“146. In this Division—

‘parking offence’ means the contravention, before 14 February 1990, of a provision of Part X of the Motor Traffic Act, other than sections 150, 163G, 163H, 163J, 163K and 163MA; and

‘traffic offence’ means the contravention, before the date of commencement of section 8 of the *Motor Traffic (Amendment) Act (No. 3) 1991*, of a provision of the Motor Traffic Act in respect of which a traffic infringement notice under section 180A may be issued.”.

**Warrants of execution**

6. Section 147 of the Principal Act is amended by inserting after subsection (3AA) the following subsection:

“(3AB) Subsections (2) and (3) do not apply in relation to a natural person or a body corporate, as the case requires, against whom a conviction or order in respect of a traffic offence is made after the commencement of this subsection.”.

**Parking and traffic offences**

7. Section 147A of the Principal Act is amended—

- (a) by inserting after subsection (1) the following subsection:

“(1A) This section applies to a conviction or order in respect of a traffic offence made after the commencement of this subsection.”;
- (b) by inserting in subsection (2) “or traffic” after “parking” (first occurring);
- (c) by inserting in paragraphs (2) (a) and (b) “or traffic” after “parking” (wherever occurring);
- (d) by inserting in subsection (2) “or 180F, as the case requires,” after “162E”; and

- (e) by omitting from paragraphs (3) (a) and (b) “of the Motor Traffic Act” and substituting “or 180F of the Motor Traffic Act, as the case requires,”.

#### **Committal to prison where fine or costs not paid**

8. Section 150 of the Principal Act is amended by inserting after subsection (1A) the following subsection:

“(1B) Subsection (1) does not apply in relation to a person against whom a conviction or order has been made in respect of a traffic offence before the commencement of this subsection if a warrant has not been issued under subsection (1).”.

#### **Parking and traffic offences—further orders in respect of natural persons**

9. Section 150A of the Principal Act is amended—

- (a) by inserting in subsection (1) “or traffic” after “parking” (first occurring);
- (b) by inserting in paragraph (1) (a) “or traffic” after “parking”; and
- (c) by omitting from subsections (1) and (2) “of the Motor Traffic Act” and substituting “or 180F of the Motor Traffic Act, as the case requires,”.

#### **Parking and traffic offences—further orders in respect of bodies corporate**

10. Section 150B of the Principal Act is amended—

- (a) by inserting in subsection (1) “or traffic” after “parking” (first occurring);
- (b) by inserting in paragraphs (1) (a) and (b) “or traffic” after “parking” (wherever occurring);
- (c) by omitting from subsections (1) and (2) “of the Motor Traffic Act” and substituting “or 180F of the Motor Traffic Act, as the case requires,”; and
- (d) by inserting in subsection (3) “or traffic” after “parking”.

#### **Costs to be paid to Registrar by Registrar of Motor Vehicles**

11. Section 155A of the Principal Act is amended by inserting “or traffic” after “parking”.

**NOTE**

1. Ordinance No. 21, 1930 as amended to date. For previous amendments see Note 1 to Act No. 38, 1991 and see also Acts Nos. 9, 38, 44 and 79, 1991.

**NOTE ABOUT SECTION HEADING**

On the day on which the *Magistrates Court Act 1930* is amended by this Act, the heading to section 153A of that Act is omitted and the following heading substituted “**Parking and traffic offences—instalment payments**”.

*[Presentation speech made in Assembly on 12 December 1991]*

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