



AUSTRALIAN CAPITAL TERRITORY

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

No. 112 of 1991

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*.¹

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 Section 146 of the Principal Act is repealed and the following section substituted: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