

Form 3 Information and summons

Magistrates Court Act 1930

(see s 25 (Informations) and s 38 (Form of summons))

In the *[Magistrates/Childrens] Court of the Australian Capital Territory
Criminal jurisdiction

No *[CC/CH] of (*year*)

Information

Details of *[informant/informant's representative]

Name:

Address *[home/business]:

Information—description of people and property and of offences

The *[informant/informant's representative] *[states/states on oath/solemnly affirms]—

On (*insert date*) at (*insert time*) (*insert name of alleged offender*)
committed or may have committed the following offence in the ACT
*[against a person/relating to property/relating to a thing]:

(*description of offence and relevant legislation*)

(*address of premises or place offence occurred*)

*An infringement notice or an offence notice *[has/has not] been served in relation to the offence.

This information is laid under the *Magistrates Court Act 1930*, section 25.

Signed:

(signature of informant/informant's representative)

*[Sworn/Affirmed/Laid] before me by the *[informant/informant's representative].

*[Magistrate/Registrar/Deputy Registrar]:

Date:

Note If a warrant is intended to be issued in the first instance against the person charged, the information must be in writing and on oath (see *Magistrates Court Act 1930*, s 30 (1) (Form of information)).

If a summons instead of a warrant is intended to be issued in the first instance against the person charged, the information may be made orally and without oath (see *Magistrates Court Act 1930*, s 30 (3)).

**omit if, or whichever is, inapplicable*

(do not complete the summons if a warrant for the arrest of the defendant is sought under the Magistrates Court Act 1930, section 42)

***Summons to defendant on information**

Details of the defendant

Name:

Address:

Direction

To the defendant:

On *(insert date)* at *(insert time)* you are required to appear before the Court at *(insert address)* to answer to the information stated on pages 1 and 2 and to be further dealt with according to law.

This summons is issued under the *Magistrates Court Act 1930*, section 38.

*[Magistrate/Registrar/Deputy Registrar]:

Date:

**omit if, or whichever is, inapplicable*

Affidavit of service

On (*insert date*), I (*insert full name of person making affidavit*) of (*insert home or business address*) *[say on oath/solemnly affirm]—

On (*insert date*), I served the defendant, (*insert defendant's name*) with the summons by—

- *(a) giving a copy of the summons to the defendant; or
- *(b) leaving a copy of the summons at the last-known or usual *[home/business] address of the defendant with (*insert name*), a person who appeared to be at least 16 years old and *[living/employed] at the address.

Note Service of a summons must be effected at least 72 hours before the time appointed in the summons for the hearing of the information (see *Magistrates Court Act 1930*, s 41 (2) (Service of summons)).

*[Sworn/Affirmed] by (*full name*):

(*signature of person making affidavit*)

at (*place*) in the presence of:

(*signature of person before whom affidavit is made*)

(*full name of person before whom affidavit is made*) of (*address*)

*[Justice of the Peace/Barrister/Solicitor/(*other*)]

**omit if, or whichever is, inapplicable*