

CROWN LAW

CW301

JUSTICES ACT 1902

JUSTICES (FORMS) AMENDMENT REGULATIONS 1993

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Justices (Forms) Amendment Regulations 1993*.

Principal regulations

2. In these regulations the *Justices (Forms) Regulations 1982** are referred to as the principal regulations.

[* *Published in the Gazette 6 August 1982.*
For amendments to 4 February 1993 see 1991 *Index to Legislation of Western Australia*, p. 392.]

Regulation 5B inserted

3. After regulation 5A of the principal regulations the following regulation is inserted —

“ **Form of notice for section 98 (3)**

5B. For the purposes of section 98 (3) (b) of the Act, Form 10 is the prescribed form of notice. ”

Schedule amended

4. The Schedule to the principal regulations is amended by inserting after Form 9 the following form —

“

Form 10
JUSTICES ACT 1902
JUSTICES (FORMS) REGULATIONS 1982

NOTICE OF PROCEDURE FOR INDICTABLE OFFENCES

You have been charged with an indictable offence. This notice sets out what will occur before the charge against you is dealt with. If after reading this notice you do not understand its contents or have any questions, you should seek legal advice.

[Note: 2 or more Justices of the Peace may sometimes sit instead of a magistrate in a court of petty sessions.]

PART A

Indictable offences are serious offences. Some of them can be dealt with only in the Supreme Court or the District Court by a judge and a jury. If the charge against you is one of these read Part C.

Other indictable offences can be dealt with EITHER by a judge and jury in the Supreme Court or the District Court OR by a magistrate in a court of petty sessions. If the charge against you is one of these read Part B and Part C.

PART B

If the charge against you is one that can be dealt with in a court of petty sessions and a magistrate considers that the charge can be adequately dealt with in that court, you will be asked to choose one of the following —

- to have the charge dealt with by a magistrate in the court of petty sessions,

OR

- to have the charge dealt with by a judge and jury in the Supreme or the District Court.

If you choose to have the charge dealt with in the court of petty sessions, you must tell the magistrate.

If you choose to have the charge dealt by a judge and jury, some preliminary matters will occur in the court of petty sessions before your case is sent to the Supreme Court or the District Court. Part C deals with those matters.

PART C

This Part explains the preliminary matters that will occur in the court of petty sessions if the charge against you is to be dealt with in the Supreme Court or District Court.

Before you are given the opportunity in the court of petty sessions to plead to the charge against you, the prosecution will give you —

- a document stating the facts of the case against you in connection with the charge,
- a copy of any statement made by you to the police and signed by you,
- a copy of any interview with the police that was written down and signed by you,
- notice about any tape or videotape of any interview of you by the police,
- a written version of anything you said to the police that the police think is relevant to the charge.

You should read all the papers that the prosecution give you.

When you next come before the court after getting the papers from the prosecution, the magistrate will ask you if you want to plead to the charge. You do not have to, but if you want to, you can plead guilty or plead not guilty.

If you plead guilty the charge will be sent to either the Supreme Court or the District Court together with a copy of the papers that the prosecution gave you.

If you plead not guilty or if you do not plead, you have a right to have a preliminary hearing of the charge in the court of petty sessions. The attached notice is about preliminary hearings and you should read that.

PLEAS OF GUILTY

By law a court can take into account a plea of guilty and the stage when a person pleads guilty and may impose a lesser sentence accordingly.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.