

Summary Proceedings Amendment Regulations (No 5) 1998

PURSUANT to section 212 of the Summary Proceedings Act 1957, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

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1 Title and commencement

- (1) These regulations may be cited as the Summary Proceedings Amendment Regulations (No 5) 1998, and are part of the

Summary Proceedings Regulations 1958¹ (“the principal regulations”).

- (2) These regulations (other than regulations 3 and 4) come into force on 23 October 1998.
- (3) Regulations 3 and 4 come into force on 1 November 1998.

¹ SR 1958/38 (Reprinted with Amendments Nos 1 to 9: SR 1980/84

Amendment No 10: *(Revoked by SR 1987/311)*

Amendment No 11: *(Revoked by SR 1987/311)*

Amendment No 12: *(Revoked by SR 1987/311)*

Amendment No 13: SR 1985/231

Amendment No 14: *(Revoked by SR 1988/37)*

Amendment No 15: SR 1987/211

Amendment No 16: SR 1987/311

Amendment No 17: *(Revoked by SR 1991/189)*

Amendment No 18: SR 1989/12

Amendment No 19: *(Revoked by SR 1997/322)*

Amendment No 20: SR 1992/70

Amendment No 20: *(Revoked by SR 1997/322)*

Amendment No 21: SR 1993/81

Amendment No 22: SR 1993/150

Amendment No 23: SR 1993/252

Amendment No 24: SR 1993/314

Amendment No 25: SR 1996/26

Amendment No 26: SR 1996/154

Amendment No 27: SR 1997/322

Amendment 1998: SR 1998/64

Amendment (No 2) 1998: SR 1998/133

Amendment (No 3) 1998: SR 1998/233

Amendment (No 4) 1998: SR 1998/292

**2 Amendment to Summary Proceedings Amendment
Regulations (No 4) 1998**

The Summary Proceedings Amendment Regulations (No 4) 1998 are amended by revoking regulation 5.

**3 Costs payable by defendant in respect of infringement
offence**

The principal regulations are amended by revoking regulation 15C, and substituting the following regulation:

“15C

(1) Where an order is deemed by section 21(5) of the Act to have been made, or is taken under section 21(5A) as having been made, against the defendant in respect of an infringement offence, the amount payable by the defendant as costs under the order is \$30.

“(2) Where a defendant is found guilty of, or pleads guilty to, an infringement offence for which an infringement notice has been issued, the amount that the defendant must be ordered by the Court to pay as costs under section 21(9) of the Act is \$30.”

4 Consequential revocation

The Summary Proceedings Amendment Regulations (No 3) 1998 are consequentially revoked.

MARIE SHROFF,

Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Summary Proceedings Regulations 1958.

Regulation 2 revokes regulation 5 of the Summary Proceedings Amendment Regulations (No 4) 1998, which would have amended regulation 15C(1) of the principal regulations from 1 November 1998. That amendment did not take into account an earlier amendment to regulation 15C(1) made by the Summary Proceedings

Amendment Regulations (No 3) 1998. Both amendments are incorporated into a new regulation 15C(1), to be substituted by *regulation 3*.

Regulation 3, which comes into force on 1 November 1998, amends regulation 15C(1) to make that regulation consistent with amendments made to the Summary Proceedings Act 1957 by the Summary Proceedings Amendment Act (No 3) 1998 (relating to Registrars' powers and collection of fines).

Regulation 4 makes a consequential revocation.

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