

Authorised Version No. 004
Magistrates' Court General Regulations 2014

S.R. No. 112/2014

Authorised Version incorporating amendments as at
31 October 2018

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1 Objectives

The objectives of these Regulations are to—

- (a) revoke the Magistrates' Court General Regulations 2011; and
- (b) prescribe oaths and affirmations of office for magistrates; and
- (c) prescribe other matters required or necessary to be prescribed to give effect to the **Magistrates' Court Act 1989**.

2 Authorising provision

These Regulations are made under section 140 of the **Magistrates' Court Act 1989**.

3 Commencement

These Regulations come into operation on 1 September 2014.

4 Definition

In these Regulations—

the Act means the **Magistrates' Court Act 1989**.

5 Revocation

The Magistrates' Court General Regulations 2011¹ are **revoked**.

5A Venue of the Family Violence Court Division

For the purposes of section 4H(5)(c) of the Act, the Shepparton Magistrates' Court is prescribed.

Reg. 5A
inserted by
S.R. No.
151/2018
reg. 4.

Reg. 6
(Heading)
amended by
S.R. No.
158/2014
reg. 5(1).

6 Prescribed forms for oath of office for a magistrate and judicial registrar

(1) For the purposes of section 7(5) of the Act, the prescribed forms for oath of office for a magistrate are set out in Schedule 1.

Reg. 6
amended by
S.R. No.
158/2014
reg. 5(2) (ILA
s. 39B(2)).

(2) For the purposes of section 16DB(1) of the Act, the prescribed form of an oath or affirmation of office for a judicial registrar is set out in Schedule 1A.

Reg. 6(2)
inserted by
S.R. No.
158/2014
reg. 5(2).

(3) An oath or affirmation of office for a judicial registrar must be administered by the Chief Magistrate or a Deputy Chief Magistrate.

Reg. 6(3)
inserted by
S.R. No.
158/2014
reg. 5(2).

7 Prescribed particulars for warrants

For the purposes of section 57(2) of the Act, the following particulars are prescribed—

- (a) type of warrant issued;
- (b) date of issue of warrant;
- (c) in the case of a warrant to seize property or a warrant to imprison issued for non-payment of a fine—
 - (i) the sum in respect of which the warrant is issued; and
 - (ii) the person to whom the warrant is directed for execution;

Reg. 7(c)(ii)
amended by
S.R. No.
73/2016
reg. 4(a).

- (d) in the case of a warrant to arrest or a warrant to imprison (other than a warrant referred to in paragraph (c)), the person to whom the warrant is directed for execution.

Reg. 7(d)
inserted by
S.R. No.
73/2016
reg. 4(b).

**7A Prescribed particulars for warrants to arrest—
electronic warrants**

Reg. 7A
inserted by
S.R. No.
73/2016 reg. 5.

For the purposes of section 57(1A) of the Act, the following particulars are prescribed in the case of a warrant to arrest—

- (a) name, address (if known) and, to the extent specified by the person issuing the warrant, any other details of the person to be arrested;
- (b) the reasons for issuing the warrant, including any relevant charges;
- (c) whether the warrant is directed to a named police officer or generally to all police officers;
- (d) what powers are granted to the person empowered to execute the warrant;
- (e) legislative provision under which the warrant is issued;
- (f) if endorsed for bail, the conditions that would be imposed on the granting of bail;
- (g) date and location of issue of warrant;
- (h) name and office of the person issuing the warrant.

**8 Prescribed particulars for warrants to seize
property**

For the purposes of section 73(3AA)(f) of the Act, the following particulars are prescribed—

- (a) the direction of the warrant to the sheriff;
- (b) the prescribed fee payable on the issue of the warrant.

9 Prescribed venues of the Court

For the purposes of section 82(2) of the Act, the venues of the Court set out in Schedule 2 are prescribed.

10 Prescribed areas in which service of civil process is not required

The areas set out in Schedule 3 are prescribed to be areas in which police officers are not required to serve process in civil proceedings.

Schedules

Schedule 1

Regulation 6

Sch. 1
amended by
S.R. No.
158/2014
reg. 6.

OATH OF OFFICE OF MAGISTRATE

I, [*full name*], swear by Almighty God (or the person may name a god recognised by his or her religion) that as a magistrate for Victoria I will at all times and in all things do equal justice to all persons and discharge the duties of my office according to law and to the best of my knowledge and ability without fear, favour or affection.

AFFIRMATION OF OFFICE OF MAGISTRATE

I, [*full name*], solemnly and sincerely declare and affirm that as a magistrate for Victoria I will at all times and in all things do equal justice to all persons and discharge the duties of my office according to law and to the best of my knowledge and ability without fear, favour or affection.

Sch. 1A
inserted by
S.R. No.
158/2014
reg. 7.

Schedule 1A

Regulation 6(2)

OATH OF OFFICE OF JUDICIAL REGISTRAR

I, [*Full name*], swear by Almighty God (or the person may name a god recognised by his or her religion) that, as a judicial registrar of the Magistrates' Court of Victoria, I will at all times and in all things discharge the duties of my office according to law and to the best of my knowledge and ability without fear, favour, affection or ill-will.

AFFIRMATION OF OFFICE OF JUDICIAL REGISTRAR

I, [*Full name*], solemnly and sincerely declare and affirm that, as a judicial registrar of the Magistrates' Court of Victoria, I will at all times and in all things discharge the duties of my office according to law and to the best of my knowledge and ability without fear, favour, affection or ill-will.

**Schedule 2—Prescribed venues of the Court
for the purposes of section 82(2) of the
Magistrates' Court Act 1989**

Regulation 9

Ararat	Heidelberg	Portland
Bacchus Marsh	Hopetoun	Preston
Bairnsdale	Horsham	Ringwood
Ballarat	Kerang	Robinvale
Benalla	Korumburra	Sale
Bendigo	Kyneton	Seymour
Broadmeadows	Latrobe Valley	Shepparton
Castlemaine	Mansfield	St Arnaud
Cobram	Maryborough	Stawell
Colac	Melbourne	Sunshine
Corryong	Mildura	Swan Hill
Dandenong	Moe	Wangaratta
Dromana	Moorabbin Justice Centre (Highett)	Warrnambool
Drug Court (Dandenong)	Myrtleford	Werribee
Echuca	Neighbourhood Justice Centre (Collingwood)	Wodonga
Edenhope	Nhill	Wonthaggi
Frankston	Omeo	
Geelong	Orbost	
Hamilton	Ouyen	

**Schedule 3—Areas prescribed to be areas in
which police officers are not required to
serve process in civil proceedings**

Regulation 10

Alpine Shire Council	Hobsons Bay City Council
Ararat Rural City Council	Horsham Rural City Council
Ballarat City Council	(except for the area known as the former Shire of Arapiles)
Banyule City Council	Hume City Council
Bass Coast Shire Council	Indigo Shire Council
Baw Baw Shire Council	Kingston City Council
Bayside City Council	Knox City Council
Benalla Rural City Council	La Trobe Shire Council
Boroondara City Council	Loddon Shire Council
Borough of Queenscliff	Macedon Ranges Shire Council
Brimbank City Council	Manningham City Council
Buloke Shire Council (except for the area known as the former Shire of Wycheproof)	Mansfield Shire Council
Campaspe Shire Council	Maribyrnong City Council
Cardinia Shire Council	Maroondah City Council
Casey City Council	Melbourne City Council
Central Goldfields Shire Council	Melton Shire Council
Colac Otway Shire Council	Mildura Rural City Council
Corangamite Shire Council	(except for the area known as the former Shire of Walpeup)
Darebin City Council	Mitchell Shire Council
East Gippsland Shire Council	Moira Shire Council
(except for the area known as the former Shire of Omeo)	Monash City Council
Frankston City Council	Moonee Valley City Council
Gannawarra Shire Council	Moorabool Shire Council
Glen Eira City Council	Moreland City Council
Glenelg Shire Council (except for the area known as the former Shire of Heywood)	Mornington Peninsula Shire Council
Golden Plains Shire Council	Mount Alexander Shire Council
Greater Bendigo City Council	Moyne Shire Council
Greater Dandenong City Council	Murrindindi Shire Council
Greater Geelong City Council	Nillumbik Shire Council
Greater Shepparton City Council	Northern Grampians Shire Council
Hepburn Shire Council	Port Phillip City Council
Hindmarsh Shire Council	Pyrenees Shire Council
	South Gippsland Shire Council
	Southern Grampians Shire Council

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Schedule 3—Areas prescribed to be areas in which police officers are not required to serve process in civil proceedings

Stonnington City Council	Wellington Shire Council
Strathbogie Shire Council	West Wimmera Shire Council
Surf Coast Shire Council	Whitehorse City Council
Swan Hill Rural City Council	Whittlesea City Council
(except for the area known as	Wodonga City Council
the former Shire of Swan Hill)	Wyndham City Council
Towong Shire Council (except	Yarra City Council
for the area known as the	Yarra Ranges Shire Council
former Shire of Upper Murray)	Yarriambiack Shire Council
Wangaratta Rural City Council	(except for the area known as
Warrnambool City Council	the former Shire of Karkaroc)

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Magistrates' Court General Regulations 2014, S.R. No. 112/2014 were made on 26 August 2014 by the Governor in Council under section 140 of the **Magistrates' Court Act 1989**, No. 51/1989 and came into operation on 1 September 2014: regulation 3.

The Magistrates' Court General Regulations 2014 will sunset 10 years after the day of making on 26 August 2024 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

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Endnotes

2 Table of Amendments

This publication incorporates amendments made to the Magistrates' Court General Regulations 2014 by statutory rules, subordinate instruments and Acts.

Magistrates' Court General Amendment (Judicial Registrar Oath and Affirmation of Office) Regulations 2014, S.R. No. 158/2014

Date of Making: 14.10.14

Date of Commencement: 10.11.14: reg. 3

Magistrates' Court General Amendment Regulations 2016, S.R. No. 73/2016

Date of Making: 28.6.16

Date of Commencement: 1.7.16: reg. 3

Magistrates' Court General Amendment Regulations 2018, S.R. No. 151/2018

Date of Making: 10.10.18

Date of Commencement: 31.10.18: reg. 3

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Reg. 5: S.R. No. 55/2011.