**INTERLOCUTORY APPLICATION FOR VEHICLE FORFEITURE OR IMPOUNDING**

**Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007 s 12(1)**

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH/ENVIRONMENT RESOURCES AND DEVELOPMENT*]  **Select one** COURT OF SOUTH AUSTRALIA

CRIMINAL JURISDICTION

**[*FULL NAME*]**

**Informant/R**

**v**

**[*FULL NAME*]**

**Defendant/Youth**

|  |  |  |
| --- | --- | --- |
| **Lodging party** | Informant |  |
|  | **Party title** | **Full Name of party** |
| Name of law firm/office |  |  |
| **If applicable** | **Law firm/office** | **Name of responsible solicitor** |
| Name of authorised officer |  | |
| **If body corporate and no law firm/office** | **Full Name** | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Person potentially affected Complete if multiple parties** | | | | |
| Relationship to vehicle |  | | | |
|  | **Relationship eg registered owner/security interest holder/likely to suffer financial or physical hardship/other** | | | |
| Person |  | | | |
| **Full Name and ACN/ABN if applicable** | | | |
| Address |  | | | |
| **Street Address (including unit or level number and name of property if required)** | | | |
|  |  |  |  |
| **City/town/suburb** | **State** | **Postcode** | **Country** |
|  | | | |
| **Registered office if body corporate** | **Email address** | | | |
| Phone Details |  | | | |
| **Type (eg. Home; work; mobile) – Number** | |  | |

|  |
| --- |
| **Application details**  This Application is for an order for [*forfeiture/the impounding*] **select one** of a motor vehicle.  This Application is made under section [*12(1)(a)(i)/12(1)(a)(ii)/12(1)(a)(iii)/12(1)(b)(i)*] **select one** of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*.  The applicant seeks the following orders:   * 1. **Only complete if made under sections 12(1)(a)(i), 12(1)(a)(ii) or 12(1)(a)(iii)** otherwise delete That the motor vehicle specified in this Application is forfeited to the Crown * 2. **Only complete** if **made under section 12(1)(b) otherwise delete** That the motor vehicle specified in this Application be impounded by the relevant authority for a period of [*Enter months/days*] **must not exceed six months** * 3. That the [*Defendant/Youth*] **select one** [e*nter* *number*] [*name*] pay to the relevant authority fees calculated in line with the regulations in relation to the [*forfeiture/impounding*] of the motor vehicle. * 4. That the [*Defendant/Youth*] **select one** [e*nter* *number*] [*name*] pay the [*clamping/impounding*] **select one** fees to the Commissioner. * 5. **provision for multiple** [*Enter other orders*]   This Application is made on the grounds that:  1. The [*Defendant/Youth*] **select one** [*Enter* *number*] [*name*] has been or will be convicted of a prescribed offence under section 12 of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* and the [*Defendant/Youth]* **select one**:   * **Only complete if section 12(1)(a)(i)** **otherwise delete** has been convicted of a forfeiture offence namely, [*Enter description of offence*] on [ *date*] * **Only complete if section 12(1)(a)(ii)** **otherwise delete** has been found guilty of or expiated at least 1 other prescribed offence committed or allegedly committed within 12 months of the offence, namely [*Enter description of offence[s], date of conviction*] * **Only complete if section 12(1)(a)(iii)** **otherwise *delete*** has been found guilty of or expiated at least 2 other prescribed offences committed or allegedly committed within 10 years of the date of the offence, namely [*Enter* *description of offence*] on [ *date*] and [*Enter description of offence*] on [*date*]. * **Only complete if section 12(1)(b)(i)** **otherwise delete** has been found guilty of or expiated 1 other prescribed offence committed or allegedly committed within 10 years of the date of the offence, namely [*description of offence*] on [*date*] and section 12(1)(a) of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* does not apply.   **Vehicle subject of Application**  Registration number: [*Enter number*]  Plate number: [*Enter number*]  Garaging address: [*Enter street*] **include unit or level number and/or name of property if necessary**  [*Enter city/town/suburb*]  [*Enter state*] [*Enter Country*] **provision for default Australia and not displayed if Australia**  [*Enter postcode*]  Make of vehicle: **if known** [*Enter make*]  Model of vehicle: **if known** [*Enter model*]  Year of manufacture: **if known** [*Enter year*]  Engine number: **if known** [*Enter engine*]  Vehicle identification number: **if known** [*Enter number*]  **Owner of vehicle subject of Application Complete multiple times if there are multiple owners**  Person: [*Enter full name*]  [*ACN/ABN*]: **if applicable** [*Enter number*]  Address: [*Enter street*] **include unit or level number and/or name of property if necessary**  [*Enter city/town/suburb*]  [*Enter state*] [*Enter Country*] **provision for default Australia and not displayed if Australia**  [*Enter post code*]  Email address: [*Enter email address*]  Telephone: [*Enter phone no*]  Another Telephone: [*Enter phone no*]  **Credit provider of vehicle subject of Application**  Credit provider: [*Enter full name*/*registered company/firm/business name etc*]  [*ACN/ABN*]: **if applicable** [*Enter number*]  Address: [*Enter street*] **include unit or level number and/or name of property if necessary**  [*Enter city/town/suburb*]  [*Enter state*] [*Country*] **provision for default Australia and not displayed if Australia**  [*Enter post code*]  Email address: [*Enter email address*]  Telephone: [*Enter phone no*]  Another Telephone: [*Enter phone no*]  **if applicable, provision for multiple**  **[*Previous prescribed offences alleged/Clamping offence*] details**   1. **provision for multiple** Offence [*1*]  * Details of offence: [*Enter details*] * Date of offence: [*date*] * Date of conviction: [*date*] * Court case number: [*Enter number*] |

|  |
| --- |
| **To Other Parties: WARNING**  This Application will be considered at a hearing to be convened by the Court. You will receive a notice of hearing with details of the location, date and time of the hearing.  If you wish to oppose the Application or make submissions about it:   * **you must go to the hearing** and * if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders you **must** file and serve on all parties an affidavit before the hearing date.   If you do not do so, the Court **may proceed in your absence** and orders may be made **finally determining** this application without further warning. |

|  |
| --- |
| **Service**  Under section 12(2) of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*,notice of an application for impounding or forfeiture under section 12(1) must be given to:   * each registered owner of the motor vehicle subject of the Application; and * each person registered under the *Personal Property Securities Act 2009* (for a forfeiture application); and * if the Commissioner is aware that any other person claims ownership of the motor vehicle or is likely to suffer financial or physical hardship as a result of the making of an order under section 12(1) – that person. |

|  |
| --- |
| **Accompanying documents**  Accompanying this Application is a:   * Supporting Affidavit **optional** * If other additional document(s) please list them below: |