**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**

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| **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** |

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| **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** |
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| **Registered office if body corporate** | **Email address** |
| Phone Details |  |
| **Type (eg. Home; work; mobile) – Number** |  |

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| **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*]
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| **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. |

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