

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**Hearing Date and Time:****Hearing Location:**

## 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

<b>Lodging party</b>	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	

<b>Person potentially affected</b> 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
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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 [enter 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 [enter 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: