

To be inserted by Court

Case Number:

Date Filed:

FDN:

ORDER – VEHICLE CLAMPING ACT – EXTENSION OF CLAMPING / CREDIT PROVIDER RELIEF

Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007

[MAGISTRATES/YOUTH] select one COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

[FULL NAME]
Respondent

Introduction

Hearing

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

Remarks

Pursuant to section [7(1)/12(1)(b)(i)/21(1)(a)/21(1)(b)/21(1)(c)] of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*, the Court is satisfied that:

- (a) default selected if Order under section 7(1) the motor vehicle identified below was used in the commission of a prescribed offence and having regard to the matters as outlined in section 7(5) of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*, it is proper to order an extension of the period for which the motor vehicle is to remain clamped.
- (b) default selected if Order under section 12(1)(b)(i) the Respondent has, within 10 years of the date of a prescribed offence, been found guilty of or expiated 1 other prescribed offence, namely [particulars of offence] committed on [date].
- (c) default selected if Order under section 21(1)(a) or section 21(1)(b) the rights of the credit provider identified below would be significantly prejudiced if the order were not made.
- (d) default selected if Order under section 21(1)(c) the credit provider identified below has suffered, or will suffer, loss as a result of the exercise of powers under the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*.

Order**Date of Order:** [date]**Terms of Order**

It is ordered that:

Orders in separately numbered paragraphs.

1. default selected if section 7(1) selected above Pursuant to section 7 of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*, despite section 6 of the Act, the motor vehicle identified below is liable to remain clamped for a period of [days]. must be more than 28 days but less than 90 days
2. default selected if section 21(1)(a) selected above Pursuant to section 21 of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*, the clamps affixed to the motor vehicle identified below be removed.
3. default selected if section 21(1)(b) selected above Pursuant to section 21 of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*, the impounded motor vehicle identified below be released to the credit provider identified below.
4. default selected if section 21(1)(c) selected above Pursuant to section 21 of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*, the credit provider identified below receive [amount] out of the proceeds of the sale of the motor vehicle identified below, provided that such amount will only be payable if sufficient proceeds remain after the deduction of costs and fees in accordance with section 20(6) of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*.
5. [other].

Motor vehicle subject of order

Registration number

Number

Plate number

Number

Garaging address

Street – include unit or level number and/or name of property if necessary

Make of vehicle

City/Town/Suburb

State

Postcode

Model of vehicle

Make (if known)

Year of manufacture

Model (if known)

Engine number

Year (if known)

Vehicle identification number

Engine number (if known)

VIN number (if known)

If applicable

Credit provider of vehicle subject of application

Credit provider

Full name, registered company, firm, business name, etc.

ACN/ABN

if applicable

Number

Address

Street – include unit or level number and/or name of property if necessary

	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>
Email address	Country (default Australia and not displayed if Australia)		
Telephone number	Email address		
	Type (eg. home; work; mobile) - Number	Another number (optional)	

If applicable

[previous prescribed offences/clamping offence] details	
Provision for multiple	
Offence [1]	
Details of offence	Details
Date of offence	Date
Date of conviction	Date
Court file number	number

Authentication
.....
Signature of Court Officer [title and name]