

1990 - No. 588

CRIMINAL PROCEDURE ACT 1986 - REGULATION

(Relating to committals for trial and appeals from a Local Court)

NEW SOUTH WALES



[Published in Gazette No . 111 of 7 September 1990]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Criminal Procedure Act 1986, has been pleased to make the Regulation set forth hereunder.

JOHN DOWD
Attorney General.

Commencement

1. This Regulation commences on 14 September 1990.

Amendments

2. The Criminal Procedure Regulation 1987 is amended:
 - (a) by omitting clause 7 and by inserting instead the following clause:

Listing for mention following committal for trial

7. The period prescribed for the purposes of section 9 of the Act in relation to criminal proceedings (which the Criminal Listing Director has not informed the registrar have been listed for hearing) in which an accused person was committed for trial, is:

- (a) in the case of an accused person who is in custody in respect of the offence for which he or she was committed for trial and:

- (i) is a juvenile - 2 months; or
 - (ii) is not a juvenile - 3 months; or
- (b) in the case of an accused person who is not so in custody and:
 - (i) who, before 14 September 1990, was committed to the District Court for trial - 9 months; or
 - (ii) who, on or after 14 September 1990, is committed to either the Supreme Court or the District Court for trial - 6 months
- (b) by omitting clause 8 (1) and by inserting instead the following subclauses:
 - (1) If a written transcript of the proceedings in the Local Court which led to the committal for trial of an accused person or to an appeal is not received by the Director of Public Prosecutions within the prescribed time after the accused person is committed for trial or within the prescribed time after the appellant lodges notice of an appeal under section 122 of the Justices Act 1902, the Director of Public Prosecutions must so inform:
 - (a) the Clerk of the Local Court from whom the Director of Public Prosecutions should have received the transcript; and
 - (b) the Criminal Listing Director.
 - (1A) For the purposes of subclause (1), the prescribed time is:
 - (a) where the person prosecuted in the proceedings is in custody in respect of the offence the subject of those proceedings and:
 - (i) is a juvenile - 2 weeks; or
 - (ii) is not a juvenile - 4 weeks; or
 - (b) where the person prosecuted in the proceedings is not in custody in respect of the offence the subject of those proceedings and where those proceedings were concluded.