



New South Wales

# **District Court Rule (Appeals Amendment) 1999**

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 13 May 1999.

J G Cowen

Secretary to the Committee

## **Explanatory note**

The object of this Rule is to make amendments to the *District Court Rules 1973* that are consequential on the commencement of the *Justices Legislation Amendment (Appeals) Act 1998*.

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## District Court Rule (Appeals Amendment) 1999

### 1 Name of Rule

This Rule is the *District Court Rule (Appeals Amendment) 1999*.

### 2 Commencement

This Rule commences on 11 June 1999.

### 3 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

### 4 Notes

The explanatory note does not form part of this Rule.

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## Schedule 1 Amendments

(Clause 3)

**[1] Part 53, rule 2**

Omit “gives notice under section 122 of the *Justices Act 1902* of an appeal” from Part 53, rule 2 (2).

Insert instead “lodges under section 126 (1) of the *Justices Act 1902* a notice of appeal, or an application for leave to appeal,”.

**[2] Part 53, rule 2 (2)**

Insert “, or was imposed the sentence,” after “order” where firstly occurring.

**[3] Part 53, rule 2 (2) (d) and (g)**

Omit “order” wherever occurring.

Insert instead “, order or sentence”.

**[4] Part 53, rule 2A Appeals under section 133F of the Justices Act 1902**

Omit “131AB (1)” from Part 53, rule 2A(1). Insert instead “ 1 3 3 F ” .

**[5] Part 53, rule 2A (3) and (4)**

Omit the subrules.

**[6] Part 53, rule 2B**

Omit “under section 122” from Part 53, rule 2B (1).

Insert instead “, or an application for leave to appeal, lodged under section 126 (1)”.

**[7] Part 53, rule 2B (1)**

Insert “or application” after “appeal” where secondly and thirdly occurring.

**[8] Part 53, rule 2B (1)**

Omit “, the Criminal Listing Director”.

**[9] Part 53, rule 2B (2)**

Omit “131AB”. Insert instead “ 1 3 3 F ” .

**[10] Part 53, rule 2C**

Omit “gives notice of an appeal under section 122 of the *Justices Act 1902*” from Part 53, rule 2C (b).

Insert instead “lodges under section 126 (1) of the *Justices Act 1902* a notice of appeal or an application for leave to appeal”.

**[11] Part 53, rule 2C (e)**

Omit “131AB”. Insert instead “ 1 3 3 F ” .

**[12] Part 53, rule 7**

Omit “and subject to any direction given by the Criminal Listing Director,” from Part 53, rule 7 (2).

**[13] Part 53, rule 7 (2) (b)**

Omit the paragraph. Insert instead:

- (b) in the case of an appeal under section 120, or an application for leave to appeal under section 123 or 124, of the *Justices Act 1902*, the proclaimed place nearest to the Local Court at which was made the conviction or order or was imposed the sentence, appealed, or sought to be appealed, against, or

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**[14] Part 53, rule 7 (2) (c)**

Omit “131AB”. Insert instead “ 1 3 3 F ” .

**[15] Part 53, rule 7 (5)**

Omit “, or by the Criminal Listing Director”.

**[16] Part 53, rule 10**

Omit “132B (1)” from Part 53, rule 10 (2) (gi).  
Insert instead “ 1 3 3 0 ” .

**[17] Part 53, rule 10 (5) (a)**

Omit “Criminal Listing Director”. Insert instead “registrar”.

**[18] Part 53, rule 10 (6)**

Omit “, and on the Criminal Listing Director,”.

**[19] Part 53, rule 12A**

Omit “ 1 2 2 or section 131AB”.  
Insert instead “ 1 2 0 or section 133F”.

**[20] Part 53, rule 14**

Omit “Criminal Listing Director” from Part 53, rule 14 (1).  
Insert instead “registrar”.