

COSTS IN CRIMINAL CASES (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 1, 1971.

An Act to enable an applicant for a certificate under the Costs in Criminal Cases Act, 1967, to adduce evidence of further relevant facts not established in the proceedings in relation to which the certificate is applied for; for this purpose to amend that Act; and for purposes connected therewith. [Assented to, 12th May, 1971.]

BE

Costs in Criminal Cases (Amendment).

No. 1, 1971

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Costs in Criminal Cases (Amendment) Act, 1971".

Amendment of Act No. 13, 1967.
New sec. 3A.

2. The Costs in Criminal Cases Act, 1967, is amended by inserting next after section three the following new section :—

Evidence of further relevant facts may be adduced.

3A. (1) For the purpose of determining whether or not to grant a certificate under section two of this Act in relation to any proceedings, the reference in paragraph (a) of subsection one of section three of this Act to all the relevant facts is a reference to such of the relevant facts as were established in those proceedings together with such further relevant facts as the defendant, on the application for the certificate, has established to the satisfaction of the Court or Judge or Justice or Justices.

(2) Where, on an application for a certificate under section two of this Act in relation to any proceedings, the defendant adduces evidence to establish further relevant facts that were not established in those proceedings, the Court or Judge or Justice or Justices to which or to whom the application is made may—

(a) order that leave be given to the prosecutor in those proceedings or, in the absence of the prosecutor, to any person authorised to represent the Minister on the application, to comment on the evidence of those further relevant facts; and

(b)

Costs in Criminal Cases (Amendment).

- (b) if it, he or they think it desirable to do so after No. 1, 1971 taking into consideration any such comments, order that leave be given to the prosecutor or to the person representing the Minister to examine any witness giving evidence for the applicant or to adduce evidence tending to show why the certificate applied for should not be granted and adjourn the application so that that evidence may be adduced.