



New South Wales

# Criminal Appeal Rules (Amendment No 1) 2001

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 19 February 2001.

Steven Jupp

Secretary of the Rule Committee

## Explanatory note

Rule 8A of the *Criminal Appeal Rules* provides for access to copies of a summing up by the Judge of a court of trial to a jury, and allows the Judge to revise a summing up before it is made available.

The object of these Rules is to amend the *Criminal Appeal Rules* so as to extend the provisions of Rule 8A to copies of remarks on sentence by the Judge of a court of trial.

**2001 No 136**

Rule 1 Criminal Appeal Rules (Amendment No 1) 2001

---

**Criminal Appeal Rules (Amendment No 1) 2001**

**1 Name of Rules**

These Rules are the *Criminal Appeal Rules (Amendment No 1) 2001*.

**2 Commencement**

These Rules commence on 23 February 2001.

**3 Amendment of Criminal Appeal Rules**

The *Criminal Appeal Rules* are amended as set out in Schedule 1.

**4 Notes**

The explanatory note does not form part of these Rules.

## Schedule 1 Amendment

(Rule 3)

### Rule 8A

Omit the rule. Insert instead:

#### **8A Copy of summing up and remarks on sentence**

- (1) Subject to subrules (3) and (4), access to a copy of the summing up or of remarks on sentence is not to be allowed to the Registrar, any Judge of the Court, or any party, until it has been submitted to the Judge of the Court of Trial and copied in accordance with his or her revision.
- (2) Upon the Registrar notifying the Reporting Services Branch of the Attorney General's Department that notice of appeal or notice of application for leave to appeal has been sent to the Registrar in relation to any proceedings, the Reporting Services Branch is to furnish to the Registrar, when available, a copy of the summing up and remarks on sentence that has been submitted to and corrected by the Judge of the Court of Trial.
- (3) If a corrected copy of the summing up or remarks on sentence has not been received by the Reporting Services Branch within 3 weeks, or such other period as the Registrar may direct, from the date when a copy of the unrevised transcript of it was made available to the Judge of the Court of Trial, the Reporting Services Branch is, upon the expiration of the period, to furnish to the Registrar a copy of the unrevised transcript.
- (4) The Court or a Judge of the Court may, for special cause, order that access be allowed to an uncorrected copy of the summing up or remarks on sentence.