



New South Wales

## District Court Amendment (Pre-trial Disclosure) Rule 2001

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 23 August 2001.

J G Cowen

Secretary to the Rule Committee

### Explanatory note

The object of this Rule is to amend Part 53 of the *District Court Rules 1973* to make provision for the manner of, and time for, presenting indictments for the purposes of section 53A and 54 of the *Criminal Procedure Act 1986* (as amended by the *Criminal Procedure Amendment (Pre-trial Disclosure) Act 2001*).

**2001 No 751**

Rule 1                      District Court Amendment (Pre-trial Disclosure) Rule 2001

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**District Court Amendment (Pre-trial Disclosure)  
Rule 2001**

**1 Name of Rule**

This Rule is the *District Court Amendment (Pre-trial Disclosure) Rule 2001*.

**2 Commencement**

- (1) Schedule 1 [1] commences on the day on which Schedule 1 [5] to the *Criminal Procedure Amendment (Pre-trial Disclosure) Act 2001* commences.
- (2) Schedule 1 [2] commences on the day on which Schedule 1 [6] to the *Criminal Procedure Amendment (Pre-trial Disclosure) Act 2001* commences.

**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.

## Schedule 1 Amendments

(Clause 3)

### [1] Part 53, rule 10D

Insert after rule 10C:

#### 10D Manner of presenting indictments

- (1) An indictment may be presented by filing a copy of the indictment with the registrar.
- (2) If an indictment is filed with the registrar, a copy of the indictment must be served on each accused person or the accused person's legal representative within 14 days after the filing of the indictment.
- (3) Without limiting the generality of rule 3, an indictment may be filed or served by letter or facsimile.
- (4) In this rule, *accused person's legal representative* means:
  - (a) a solicitor who acts for the accused, or
  - (b) if a barrister acts for the accused person uninstructed by a solicitor, the barrister.

### [2] Part 53, rules 10E and 10F

Insert before rule 11:

#### 10E Time for presenting indictments

- (1) For the purposes of section 54 (3) (a) of the *Criminal Procedure Act 1986*, the time within which an indictment is to be presented at a relevant proclaimed place is extended to 8 weeks after the committal of the accused person for trial.
- (2) In this rule, *relevant proclaimed place* means a proclaimed place other than Sydney, Sydney West, Newcastle, Wollongong, Gosford, Lismore, Wagga Wagga, Dubbo or Bathurst.

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Schedule 1      Amendments

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**10F Applications for orders under section 54 (3) (b) of Criminal Procedure Act 1986**

An application for an order under section 54 (3) (b) of the *Criminal Procedure Act 1986* to extend the time for filing an indictment:

- (a) must be made before the time for filing the indictment has expired, and
- (b) may be made in Court or by written application to the Court.

BY AUTHORITY