



District Court Amendment (Justices Act) Rule 2002

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 19 December 2002.

A Liounis

Acting Secretary of the Rule Committee

Explanatory note

The object of this Rule is to amend the *District Court Rules 1973* to make amendments that are consequential on the repeal of the *Justices Act 1902* and the enactment of the *Crimes (Local Courts Appeal and Review) Act 2001* and the *Justices Legislation Repeal and Amendment Act 2001*.

Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001* substantially re-enacts the provisions of Part 5A of the *Justices Act 1902* dealing with appeals from a Local Court to the District Court. This Rule replaces references to provisions of the *Justices Act 1902* that are to be repealed with references to corresponding provisions in the new Act.

Schedule 2.140 to the *Justices Legislation Repeal and Amendment Act 2001* amends the *Local Courts Act 1982* to abolish the office of a Clerk of a Local Court and to replace it with the office of registrar. This Rule replaces references to Clerks of Local Courts with references to registrars of Local Courts.

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Clause 1 District Court Amendment (Justices Act) Rule 2002

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1 Name of Rule

This Rule is the *District Court Amendment (Justices Act) Rule 2002*.

2 Commencement

This Rule commences on the day on which Part 3 of the *Crimes (Local Courts Appeal and Review) Act 2001* commences.

3 Amendment of District Court Rules 1973

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

Schedule 1 Amendments

(Clause 3)

[1] Part 43 rule 5

Omit “Clerk of the Local Court” from rule 5 (1).

Insert instead “registrar of the Local Court”.

[2] Part 53 rule 2

Omit “Clerk” from rule 2 (1) and (2) wherever occurring.

Insert instead “registrar”.

[3] Part 53 rule 2 (2)

Omit “section 126 (1) of the *Justices Act 1902*”.

Insert instead “section 14 (1) or (3) of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[4] Part 53 rule 2A Appeal under section 23 (1) of the Crimes (Local Courts Appeal and Review) Act 2001

Omit the definition of *appeal* from rule 2A (1). Insert instead:

appeal means an appeal under section 23 (1) of the *Crimes (Local Courts Appeal and Review) Act 2001*.

[5] Part 53 rule 2A (5)

Omit “Clerk” wherever occurring. Insert instead “registrar”.

[6] Part 53 rule 2B

Omit “Clerk” from rule 2B (1) and (2) wherever occurring.

Insert instead “registrar”.

[7] Part 53 rule 2B (1)

Omit “section 126 (1) of the *Justices Act 1902*”.

Insert instead “section 14 (1) or (3) of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

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Schedule 1 Amendments

[8] Part 53 rule 2B (2)

Omit “section 133F of the *Justices Act 1902*”.

Insert instead “section 23 (1) of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[9] Part 53 rule 2C Registrar of Local Court to order transcript

Omit “section 126 (1) of the *Justices Act 1902*” from rule 2C (b).

Insert instead “section 14 (1) or (3) of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[10] Part 53 rule 2C

Omit “Clerk”. Insert instead “registrar”.

[11] Part 53 rule 3

Omit “section 131AB of the *Justices Act 1902*” from rule 3 (2) (a).

Insert instead “section 23 (1) of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[12] Part 53 rule 7

Omit rule 7 (2) (b) and (c). Insert instead:

- (b) in the case of an appeal under section 11, or an application for leave to appeal under section 12 or 13, of the *Crimes (Local Courts Appeal and Review) Act 2001*, 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
- (c) in the case of an appeal under section 23 (1) of the *Crimes (Local Courts Appeal and Review) Act 2001*—the nearest proclaimed place to the Local Court at which was imposed the sentence appealed against.

[13] Part 53 rule 10

Omit “section 133O of the *Justices Act 1902*” from rule 10 (2) (gi).

Insert instead “section 67 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

[14] Part 53 rule 12A

Omit “section 120 or section 133F of the *Justices Act 1902*”.

Insert instead “section 11 or section 23 (1) of the *Crimes (Local Courts Appeal and Review) Act 2001*”.