



# Supreme Court Rules (Amendment No 377) 2003

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 18 August 2003.

Steven Jupp

Secretary of the Rule Committee

## Explanatory note

The object of these Rules is to make amendments consequential on the commencement of the *Criminal Procedure Amendment (Justices and Local Courts) Act 2001*, the *Justices Legislation Repeal and Amendment Act 2001* and the *Crimes (Local Courts Appeal and Review) Act 2001*. Those Acts, among other things, repeal the *Justices Act 1902* and re-enact its provisions in the *Criminal Procedure Act 1986*, the *Local Courts Act 1982* and the *Crimes (Local Courts Appeal and Review) Act 2001*.

The amendments update references to renumbered, repealed and re-enacted provisions and also replace outdated references to justices, courts of petty sessions and the clerk of a Local Court.

The amendments also repeal an unincorporable amendment made by the *Supreme Court Rules (Amendment No 376) 2003* and make the appropriate incorporable amendment.

## **2003 No 630**

Rule 1 Supreme Court Rules (Amendment No 377) 2003

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### **Supreme Court Rules (Amendment No 377) 2003**

under the

Supreme Court Act 1970

#### **1 Name of Rules**

These Rules are the *Supreme Court Rules (Amendment No 377) 2003*.

#### **2 Amendment of Supreme Court Rules 1970**

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

#### **3 Amendment of Supreme Court Rules (Amendment No 376) 2003**

The *Supreme Court Rules (Amendment No 376) 2003* are amended by omitting Schedule 1 [12].

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**Schedule 1 Amendments**

(Clause 2)

**[1] Part 9, rule 7A Service on Magistrates**

Omit “justice” wherever occurring in rule 7A (1) and (2).

Insert instead “Magistrate”.

**[2] Part 9, rule 7A (1) and (1A)**

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

**[3] Part 9, rule 7A (3)**

Omit the subrule. Insert instead:

- (3) In this rule, *Magistrate* includes a licensing magistrate under the *Liquor Act 1982*, a children’s magistrate, a mining warden and an industrial magistrate.

**[4] Part 12, rule 4 (1) (s)**

Omit “Part 6”. Insert instead “Part 2 of Chapter 7”.

**[5] Part 14D, rule 1 (c) (iii)**

Omit “, justice of the peace”.

**[6] Part 32, Division 3**

Omit the Division.

**[7] Part 51, rule 2 (1)**Omit “justice” from the definition of *court below*.

Insert instead “Magistrate”.

**[8] Part 51AA, rule 1 (1)**Omit “justice” from the definition of *court below*.

Insert instead “Magistrate”.

**[9] Part 51AA, rule 20 (2) (a)**

Omit “justice”. Insert instead “Magistrate”.

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Schedule 1 Amendments

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**[10] Part 51AA, rule 32**

Insert “(as in force at the relevant time before 1 September 1997)” after “Part 5 rule 4A” in rule 32 (1).

**[11] Part 51A, rule 1 (c)**

Omit “Division 1 or Division 2 or Part 5 of the *Justices Act 1902*”.

Insert instead “Part 5 of the *Crimes (Local Courts Appeal and Review) Act 2001*”.

**[12] Part 51B, heading**

Omit “**Justices Act 1902**”.

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

**[13] Part 51B, rule 1**

Omit the rule. Insert instead:

**1 Application**

This Part applies to an appeal to the Court under Part 5 of the *Crimes (Local Courts Appeal and Review) Act 2001*.

**[14] Part 51B, rules 5 (3A) and 6 (1A)**

Omit “Part 4A” wherever occurring. Insert instead “Part 2”.

**[15] Part 54, Division 4**

Omit the Division.

**[16] Part 55, rule 11 (3) (b)**

Omit rule 11 (3) (b).

**[17] Part 55, rule 11 (3) (c)**

Omit “court” wherever occurring. Insert instead “Local Court”.

**[18] Part 55, rule 11 (3) (c)**

Omit “section 152A of the *Justices Act 1902*”.

Insert instead “section 27B of the *Local Courts Act 1982*”.

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- [19] Part 75, rule 3 (c)**  
Omit “section 13”. Insert instead “section 30”.
- [20] Part 75, rule 3H, Election under s132 of Criminal Procedure Act 1986**  
Omit “section 16 (1) or section 16 (5)” from rule 3H (1).  
Insert instead “section 132 (1) or (5)”.
- [21] Part 75, rule 4**  
Omit “*Supreme Court (Summary Jurisdiction) Act 1967*”.  
Insert instead “Part 5 of Chapter 4 of the *Criminal Procedure Act 1986*”.
- [22] Part 75, rules 7, 9, 11B (1) and 13**  
Omit “section 4” wherever occurring. Insert instead “section 246”.
- [23] Part 75, rule 9 (2)**  
Omit “section 10 (b)”. Insert instead “section 250 (b)”.
- [24] Part 75, rule 11 (2)**  
Omit “section 9 (1), section 9 (2) or section 11 (1)”.  
Insert instead “section 249 (1) or 251”.
- [25] Part 75, rule 11 (3)**  
Omit “section 10 (a)”. Insert instead “section 250 (a)”.
- [26] Part 75, rule 12**  
Omit the rule.
- [27] Part 75, rule 13 (1)**  
Omit “court of petty sessions is notified under section 28A”.  
Insert instead “Local Court is notified under section 255”.

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Schedule 1 Amendments

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**[28] Part 75, rule 13 (1)**

Omit “justice at the court of petty sessions”.

Insert instead “Magistrate or an authorised officer within the meaning of the *Criminal Procedure Act 1986* at the Local Court”.

**[29] Part 75, rule 13 (2)**

Omit “court of petty sessions”. Insert instead “Local Court”.

**[30] Part 78, rule 4A**

Omit “clerk of petty sessions (who is not a police officer)”.

Insert instead “registrar of a Local Court”.

**[31] Part 78, rule 4A**

Omit “Court of Petty Sessions”. Insert instead “Local Court”.

**[32] Schedule F, Form 1**

Omit “*Division 1 of Part 5 of the Justices Act 1902 (which Division relates to stated cases)*”.

Insert instead “*Part 5 of the Crimes (Local Courts Appeal and Review) Act 2001*”.

**[33] Schedule F, Forms 41A and 41B**

Omit the forms.

**[34] Schedule F, Form 74AE**

Omit “*ss. 10 and 51*”. Insert instead “*ss. 8 and 9*”.

**[35] Schedule F, Form 74AE**

Omit “*s 50*”. Insert instead “*s 126*”.

**[36] Schedule F, Form 74AJ**

Omit “*s. 16 (1)*”. Insert instead “*s. 132 (1)*”.

**[37] Schedule F, Form 74AK**

Omit “*s. 16 (5)*”. Insert instead “*s. 132 (5)*”.

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**[38] Schedule F, Form 74A**

Omit “*Supreme Court (Summary Jurisdiction) Act 1967*”.

Insert instead “*Part 5 of Chapter 4 of the Criminal Procedure Act 1986*”.

**[39] Schedule F, Form 74B**

Omit “*section 4 (1) (a) of the Supreme Court (Summary Jurisdiction) Act 1967*”.

Insert instead “*section 246 (1) (a) of the Criminal Procedure Act 1986*”.

**[40] Schedule F, Form 74C**

Omit “*section 4 (1) (b) of the Supreme Court (Summary Jurisdiction) Act 1967*”.

Insert instead “*section 246 (1) (b) of the Criminal Procedure Act 1986*”.

**[41] Schedule F, Form 74C**

Omit “*section 4 (4) (b) of the Supreme Court (Summary Jurisdiction) Act 1967*”.

Insert instead “*section 246 (4) of the Criminal Procedure Act 1986*”.

**[42] Schedule F, Index of Forms**

Omit the matter relating to Forms 41A and 41B.

**[43] Schedule F, Index of Forms**

Omit “s 32 (1)” from the matter relating to Form 74AJ.

Insert instead “s 132 (1)”.

**[44] Schedule F, Index of Forms**

Omit “s 32 (5)” from the matter relating to Form 74AK.

Insert instead “s 132 (5)”.

**[45] Schedule F, Index of Forms**

Omit “*Supreme Court (Summary Jurisdiction) Act 1967*” from the matter relating to Form 74A.

Insert instead “*Part 5 of Chapter 4 of the Criminal Procedure Act 1986*”.

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Schedule 1 Amendments

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### [46] Schedule F, Index of Forms

Omit “s 4 (1) (a), *Supreme Court (Summary Jurisdiction) Act 1967*” from the matter relating to Form 74B.

Insert instead “s 246 (1) (a), *Criminal Procedure Act 1986*”.

### [47] Schedule F, Index of Forms

Omit “s 4 (1) (b), *Supreme Court (Summary Jurisdiction) Act 1967*” from the matter relating to Form 74C.

Insert instead “s 246 (1) (b), *Criminal Procedure Act 1986*”.

BY AUTHORITY

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