



New South Wales

Local Courts (Criminal and Applications Procedure) Rule (Amendment No 1) 2006

under the

Local Courts Act 1982

The Local Court Rule Committee made the following rule of court under section 28A of the *Local Courts Act 1982* on 3 August 2006, and that rule has been approved by the Attorney General as referred to in subsection (2) of that section.

Stephen Olischlager
Secretary of the Rule Committee

Explanatory note

The objects of this Rule are:

- (a) to enable a court attendance notice or application notice to be served on a legal practitioner who is acting for the accused person to whom the notice relates, provided the legal practitioner consents to the service, and
- (b) to make it clear that the provision that prescribes the form of the endorsement to be given in relation to a witness statement under section 79 of the *Criminal Procedure Act 1986* (an endorsement to the effect that the witness is telling the truth) need not use the exact form of words suggested by that provision.

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Local Courts (Criminal and Applications Procedure) Rule (Amendment
Clause 1 No 1) 2006

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1 Name of Rule

This Rule is the *Local Courts (Criminal and Applications Procedure) Rule (Amendment No 1) 2006*.

2 Amendment of Local Courts (Criminal and Applications Procedure) Rule 2003

The *Local Courts (Criminal and Applications Procedure) Rule 2003* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 6 Service of court attendance notices in committal proceedings

Insert after clause 6 (2):

- (2A) In the case of a court attendance notice concerning proceedings in relation to which the accused person is represented by a legal practitioner, service of the notice may also be effected:
- (a) by handing it to the legal practitioner, or
 - (b) by handing it to a person at the legal practitioner's usual place of business who is apparently of or above the age of 16 years, or
 - (c) by sending it by post or facsimile to the legal practitioner's business address, or
 - (d) by sending it by electronic mail to the legal practitioner's email address,

but only if the legal practitioner has agreed to accept service of the notice and only in accordance with a mode of service agreed to by the legal practitioner.

[2] Clause 11 Endorsement of written statements

Insert "or to the effect of" after "is to be in" in clause 11 (1).

[3] Clause 11 (2)

Omit the subclause. Insert instead:

- (2) For the purposes of section 79 (3) of the Act, an endorsement on a statement made by an adult who suffers from appreciably below average general intelligence, or on a statement made by a child, is to be in a form that includes:
- (a) words to the effect that the statement is true, or
 - (b) words to the effect that the statement contains no lies.

[4] Clause 18 Service of court attendance notices in summary proceedings

Insert after clause 18 (2):

- (2A) In the case of a court attendance notice concerning proceedings in relation to which the accused person is represented by a legal practitioner, service of the notice may also be effected:
- (a) by handing it to the legal practitioner, or

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Schedule 1 Amendments

- (b) by handing it to a person at the legal practitioner's usual place of business who is apparently of or above the age of 16 years, or
- (c) by sending it by post or facsimile to the legal practitioner's business address, or
- (d) by sending it by electronic mail to the legal practitioner's email address,

but only if the legal practitioner has agreed to accept service of the notice and only in accordance with a mode of service agreed to by the legal practitioner.

[5] Clause 24 Service of application notices

Insert after clause 24 (2):

- (2A) In the case of an application notice concerning proceedings in relation to which the respondent is represented by a legal practitioner, service of the notice may also be effected:
 - (a) by handing it to the legal practitioner, or
 - (b) by handing it to a person at the legal practitioner's usual place of business who is apparently of or above the age of 16 years, or
 - (c) by sending it by post or facsimile to the legal practitioner's business address, or
 - (d) by sending it by electronic mail to the legal practitioner's email address,

but only if the legal practitioner has agreed to accept service of the notice and only in accordance with a mode of service agreed to by the legal practitioner.

BY AUTHORITY
