



New South Wales

Criminal Appeal Rules (Amendment No 1) 2007

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 30 August 2007.

Steven Jupp
Secretary of the Rule Committee

Explanatory note

The object of these Rules is to amend the *Criminal Appeal Rules* so as to require orders under the *Criminal Appeal Act 1912* to be entered, and to enable them to be set aside and varied, in ways similar to those for judgments and orders under the *Civil Procedure Act 2005*.

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Rule 1 Criminal Appeal Rules (Amendment No 1) 2007

Criminal Appeal Rules (Amendment No 1) 2007

under the

Supreme Court Act 1970

1 Name of Rules

These Rules are the *Criminal Appeal Rules (Amendment No 1) 2007*.

2 Amendment of Criminal Appeal Rules

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

Schedule 1 Amendments

(Rule 2)

[1] Existing heading appearing before rule 19

Omit “not to issue for 28 days”.

[2] New heading to be inserted before rule 50A

Insert the following heading before rule 50A:

Determination of appeals and applications

[3] Rule 50B

Insert after rule 50A:

50B Entry of order disposing of appeal or application

- (1) Any order of the Court is to be entered.
- (2) Unless the Court orders otherwise, an order is taken to be entered when it is recorded in the Court’s computerised record system.
- (3) If the Court orders that the Registrar enter an order by signing and sealing a minute of the order, the order is taken to be entered:
 - (a) when a document embodying the order is signed and sealed by the Registrar, or
 - (b) when the order is recorded as referred to in subrule (2), whichever first occurs.

50C Power to set aside or vary order (cf UCPR rule 36.16)

- (1) The Court may set aside or vary an order if an application for the setting aside or variation is made before entry of the order.
- (2) If an application for the setting aside or variation of an order is made within 14 days after the order is entered, the Court may determine the matter, and (if appropriate) set aside or vary the order under subrule (1), as if the order had not been entered.
- (3) Within 14 days after an order is entered, the Court may of its own motion set aside or vary the order as if the order had not been entered.
- (4) The Court may not extend the time limited by subrule (2) or (3).
- (5) Nothing in this rule affects any other power of the Court to set aside or vary an order.

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Schedule 1 Amendments

[4] Rule 51 Notice of determination of appeal etc

Omit “(Forms Nos XI and XII)”.

[5] Rule 53

Omit the rule.

[6] Forms

Omit Forms Nos XI and XII.

BY AUTHORITY
