



District Court Amendment (Summary Criminal Proceedings) Rule 2011

under the

District Court Act 1973

The District Court Rule Committee has made the following rule of court under the *District Court Act 1973*.

A R Grew
Secretary of the Rule Committee

Explanatory note

The object of this Rule is to amend the *District Court Rules 1973* to provide for the commencement of summary criminal proceedings in the District Court and pre-trial procedures in those proceedings.

2011 No 608

Clause 1 District Court Amendment (Summary Criminal Proceedings) Rule 2011

District Court Amendment (Summary Criminal Proceedings) Rule 2011

under the

District Court Act 1973

1 Name of Rule

This Rule is the *District Court Amendment (Summary Criminal Proceedings) Rule 2011*.

2 Commencement

This Rule commences on the commencement of the *Work Health and Safety Act 2011* and is required to be published on the NSW legislation website.

Schedule 1 Amendment of District Court Rules 1973

Part 53 Criminal procedure rules

Insert at the end of the Part:

Division 3 Summary jurisdiction—applications to the Court under section 246 of the Criminal Procedure Act 1986

26 Commencement of proceedings

- (1) Proceedings under section 246 must be commenced in the Court by an application in the approved form for the issue of a summons or for the issue of a warrant for apprehension.
- (2) The summons or warrant for apprehension must be in the approved form and must be lodged with the application.
- (3) A statement of facts in respect of the offence signed by the prosecutor applying for an order under section 246 is to be lodged with the application.
- (4) Where a prosecutor is seeking an order for the apprehension of a person, the application is to be accompanied by an affidavit setting out both the statement of facts and the reasons why a warrant is sought.

27 Service

A summons together with a copy of the statement of facts lodged in accordance with rule 26 (3) is to be served personally on the defendant as soon as practicable.

28 Pre-trial procedures

The judge may, of his or her own motion or on application of a party, make orders and give directions for the just and efficient disposal of the proceedings.