



Criminal Appeal Rules (Amendment No 1) 2012

under the

Supreme Court Act 1970

The Supreme Court Rule Committee has made the following rules of court under the *Supreme Court Act 1970*.

Steven Jupp
Secretary of the Rule Committee

Explanatory note

The object of these Rules is to amend the *Criminal Appeal Rules* to update certain references in rule 67A to repealed provisions of the *Supreme Court Rules 1970* concerning the taking of evidence by telephone, video link or other form of communication that are now located in the *Uniform Civil Procedure Rules 2005*.

These Rules will also update references inserted by these Rules to provisions of Part 32 of the *Uniform Civil Procedure Rules 2005* when that Part is replaced by the *Uniform Civil Procedure Rules (Amendment No 51) 2011*. Currently, Part 32 provides for the practice and procedure in relation to the *Evidence and Procedure (New Zealand) Act 1994* of the Commonwealth. That Act is to be replaced by the *Trans-Tasman Proceedings Act 2010* of the Commonwealth when it commences. The *Uniform Civil Procedure Rules (Amendment No 51) 2011*, which will commence with the new Commonwealth Act, replaces the existing Part 32 with a new Part setting out the practice and procedure in relation to the new Commonwealth Act.

2012 No 168

Rule 1 Criminal Appeal Rules (Amendment No 1) 2012

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1 Name of Rules

These Rules are the *Criminal Appeal Rules (Amendment No 1) 2012*.

2 Commencement

- (1) These Rules commence on the day on which they are published on the NSW legislation website, except as provided by subrule (2).
- (2) If the *Uniform Civil Procedure Rules (Amendment No 51) 2011* commence after the day on which these Rules are published on the NSW legislation website, rule 3 (2) commences on the day on which those Rules commence.

3 Amendment of Criminal Appeal Rules

- (1) **Rule 67A Evidence by audio-visual method or by telephone**
Omit “Part 36 rule 2A and Part 36A rules 7 and 8 of the *Supreme Court Rules 1970*” from rule 67A (1).
Insert instead “Rules 31.3, 32.6 and 32.7 of the *Uniform Civil Procedure Rules 2005*”.
- (2) **Rule 67A (1) (as amended by subrule (1))**
Omit “31.3, 32.6 and 32.7”. Insert instead “31.3 and 32.13”.
- (3) **Rule 67A (2)**
Omit “Directions under Part 36 rule 2A may not be given if they prevent” and “relate”.
Insert “An order under rule 31.3 of the *Uniform Civil Procedure Rules 2005* may not be made if it prevents” and “relates”, respectively.