

DISTRICT COURT ACT 1973—RULE

NEW SOUTH WALES



[Published in Gazette No. 52 of 28 March 1991]

1. This rule is made by the Rule Committee on 19 March 1991, and has effect on and from 29 March 1991.

2. The District Court Rules 1973 are amended as follows—

(a) Part 51 rule 11

Omit “63 (4)”, insert instead “63 (2)”.

(b) Part 53 rules 2A, 2B

Omit “302 Castlereagh Street” where occurring, insert instead “the Downing Centre”.

(c) Part 53 rule 10B

After Part 53 rule 10A. insert the following rule:

Elections under Criminal Procedure Act

10B.(1) An election referred to in section 32 (1) or (5) of the Criminal Procedure Act 1986 in respect of any proceedings—

(a) shall be in writing in or to the effect of the approved Form;

(b) in the case of an election referred to in section 32 (1) shall be endorsed with the consent of the prosecutor given for the purposes of section 32 (3) of that Act; and

(c) shall be lodged with the registrar before the day appointed for the hearing of the proceedings.

(2) Consent of the prosecutor may be endorsed under subrule (1) (b) by a Crown Prosecutor, the Director of Public Prosecutions, or an officer authorised by that Director to give such consents.

EXPLANATORY NOTE

The purpose of the amendments is to provide that elections as to dispensing with a jury in criminal trials in the District Court are to be in writing, and filed (see section 32 (6) of the Criminal Procedure Act 1986), and to update certain references in the Rules.

E. J. O'Grady
Secretary to the Rule Committee.