

Western Australia

## **Sentencing Rules 1996**

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# Sentencing Rules 1996

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## NOTES



## **Sentencing Rules 1996**

Made by the Judges of the Supreme Court.

**1. Citation**

These rules may be cited as the *Sentencing Rules 1996*.

**2. Commencement**

These rules come into operation on the day on which the *Sentencing Act 1995* comes into operation.

**3. Interpretation**

- (1) In these rules, unless the contrary intention appears —  
“**Court**” means the Supreme Court.
- (2) The abbreviations used in these rules are the same as those used in the Act.

**4. Pending charges**

- (1) A request by an offender under section 32 (1) of the Act is to be in a form approved by the CEO.
- (2) The request must be filed with the Court at least 14 days prior to the date when the offender is to be sentenced by the Court.
- (3) The Court will give a copy of the request —

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- (a) to any court of petty sessions or Children’s Court (the “**lower court**”) in which the offender has indicated there are pending charges against the offender; and
  - (b) to the DPP.
- (4) The clerk of the lower court is to give —
  - (a) the original complaints that relate to pending charges against the offender in that lower court to the Court; and
  - (b) a copy of those complaints to the DPP.
- (5) The DPP is to prepare a list of those pending charges against the offender that the Crown will consent to being dealt with by the Court and is to give a copy of the list and a copy of the complaints that relate to the listed pending charges to the offender or the offender’s lawyer.
- (6) The offender must indicate on the list of pending charges —
  - (a) to which of the listed pending charges of which the offender has not previously been convicted the offender will plead guilty; and
  - (b) for which of the listed pending charges the offender wants the Court to pass sentence for,and must sign the list and return it to the DPP.
- (7) The DPP is to file the signed list of pending charges with the Court.
- (8) When the signed list of pending charges is filed the clerk of arraigns is to immediately send back to the lower court concerned the original complaint of any charge against an offender that is not listed or that will not be dealt with by the court by reason of the offender’s intentions.
- (9) After the Court has sentenced the offender, the clerk of arraigns is to —

- (a) notify each lower court of any pending charge in that court that was dealt with by the Court and of the sentence imposed on the offender for the charge; and
- (b) send back to each lower court the original complaint relating to any pending charge in that court that was not dealt with by the Court.

**Notes**

- <sup>1.</sup> This is a compilation of the *Sentencing Rules 1996* and includes the amendments referred to in the following Table.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Sentencing Rules 1996</i>	4 Oct 1996 pp.5279-80	4 Oct 1996 (see rule 2 and <i>Gazette</i> 25 Oct 1996 p.5632)