
JUSTICE

JU301

Criminal Procedure Act 2004

Criminal Procedure Amendment Rules 2023

SL 2023/20

Made by the judges of the Supreme Court.

1. CitationThese rules are the *Criminal Procedure Amendment Rules 2023*.**2. Commencement**

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on the day after that day.

3. Rules amendedThese rules amend the *Criminal Procedure Rules 2005*.**4. Rule 39 amended**

(1) Before rule 39(1) insert:

(1A) In this rule —

produce electronically, in relation to a record or thing, means to provide the record or thing, in a format approved by the court, to the court —

- (a) by saving it to a CD-ROM, DVD or USB device and —
 - (i) providing the CD-ROM, DVD or USB device to the court in person; or

(ii) sending the CD-ROM, DVD or USB device to the court by post or courier;

or

(b) by other electronic means approved by a registrar.

(2) Delete rule 39(2) and insert:

- (2) The witness may produce the record or thing —
- (a) if the original record or thing is in electronic form — by producing it electronically; or
- (b) otherwise — by providing it to the court in person or sending it to the court by post or courier.

(3) After rule 39(5) insert:

- (5A) If the summons requires the production of a record and does not require that the original record be produced, the witness may comply with subrule (2) or (4)(b) by producing a copy of the record (whether in electronic form or otherwise).

(4) In rule 39(6) delete “a registrar” and insert:

a court officer

5. Schedule 1 Form 10 amended

In Schedule 1 Form 10:

(a) delete:

Command	You are commanded to produce the records or things described below at the place, and on or before the date and time specified below.
Time and place to produce record or thing	Date: _____ Time: _____ Court: Place:
Records or things to be produced	You must produce to the court the following: [Describe in reasonable detail each record or thing to be produced; on an attachment if necessary.]

and insert:

Command	You are commanded to produce the records or things described below on or before the date and at or before the time specified below.
Time to produce record or thing	Date: _____ Time: _____ Court: _____
Records or things to be produced	You must produce to the court the following: <i>[List the records or things and whether the original of any record is required. If insufficient space, attach list.]</i>

(b) after the last row insert:

Notes	
Production of copy of record instead of original record	Unless this summons states that the original of a record is required, you may produce a copy of it instead.

Date: 13 January 2023.

The Hon. Chief Justice Peter Quinlan
Chief Justice of Western Australia
Supreme Court of Western Australia.
