

Western Australia

Criminal Procedure Act 2004

Criminal Procedure (District Court) Rules 2008

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Criminal Procedure (District Court) Rules 2008

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Criminal Procedure (District Court) Rules 2008

1. Citation

These rules are the *Criminal Procedure (District Court) Rules 2008*.

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. Interpretation

In these rules unless the contrary intention appears —

accused means a person who has been committed to the court for trial or sentence or who is the subject of an indictment that has been lodged in the court;

Chief Judge means the Chief Judge of the District Court;

court means the District Court;

CPA means the *Criminal Procedure Act 2004*;

judge means a District Court judge;

lodge a document, means to lodge it with the court.

4. Application

- (1) These rules must be read with the *Criminal Procedure Rules 2005*.
- (2) If a provision in these rules is inconsistent with a provision of the *Criminal Procedure Rules 2005*, the provision in these rules prevails in relation to any case in the court.

[5. Deleted in Gazette 25 Nov 2011 p. 4872.]

6. When indictment or discontinuance must be lodged

- (1) The Chief Judge, by a practice direction, may set the period within which an authorised officer must act under the CPA Part 4 Division 2 in respect of an accused who is committed to the court for trial or sentence on a charge.
- (2) If an authorised officer does not comply with a practice direction issued under subrule (1), the court may make an order under the CPA section 94(3).

7. Initial hearing

- (1) For the purpose of this rule, the initial hearing of a prosecution commences on the day on which the accused first appears in the court having been committed to the court for trial or sentencing.
- (2) A judge must preside at an initial hearing of a prosecution.
- (3) At an initial hearing of a prosecution the court may do any of the following —
 - (a) deal with any application under the CPA section 89, 90, 97, 118, 131, 132, 133, 134, 135, 136 or 138;
 - (b) exercise any of its powers in those sections if it can do so on its own initiative;
 - (c) exercise any of its powers in the CPA section 98 or 137;

- (d) order that a status hearing be held under the *Criminal Procedure Rules 2005* rule 33 and fix the time and place for it;
- (e) order that a pre-trial hearing be held under the *Criminal Procedure Rules 2005* rule 34 and fix the time and place for it;
- (f) fix the time and place for the trial or sentencing proceedings;
- (g) adjourn the initial hearing from time to time.

8. When request about pending charges must be lodged

The Chief Judge, by a practice direction, may set the time when a request under the *Sentencing Act 1995* section 32(1) must be lodged in the court notwithstanding the *Criminal Procedure Rules 2005* rule 44(2).

Notes

¹ This is a compilation of the *Criminal Procedure (District Court) Rules 2008* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Criminal Procedure (District Court) Rules 2008</i>	30 May 2008 p. 2069-71	r. 1 and 2: 30 May 2008 (see r. 2(a)); Rules other than r. 1 and 2: 31 May 2008 (see r. 2(b))
<i>Criminal Procedure (District Court) Amendment Rules 2011</i>	25 Nov 2011 p. 4872	r. 1 and 2: 25 Nov 2011 (see r. 2(a)); Rules other than r. 1 and 2: 26 Nov 2011 (see r. 2(b))