

JU301*

Criminal Procedure Act 2004

Criminal Procedure Amendment Rules 2013

Made by the Judges of the Supreme Court.

1. Citation

These rules are the *Criminal Procedure Amendment Rules 2013*.

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* (***gazettal day***);
- (b) the rest of the rules — on the day after gazettal day.

3. Rules amended

These rules amend the *Criminal Procedure Rules 2005*.

4. Part 2A inserted

After rule 4 insert:

Part 2A — Registrars' jurisdiction

Division 1 — Delegation to registrars

5A. Delegation to registrars

- (1) In this rule —

legally qualified registrar means a registrar who is an Australian lawyer as defined in the *Legal Profession Act 2008* section 4.

- (2) Each legally qualified registrar of the court is delegated the jurisdiction the court has, including under any other written law, other than the following jurisdiction —
 - (a) to find a person guilty or not guilty of an offence;
 - (b) to discharge an accused from a charge;
 - (c) to consent to the discontinuance of a charge in a case where the accused does not consent to the discontinuance;
 - (d) to stay a prosecution;
 - (e) to set aside a committal;
 - (f) to find a person guilty of contempt of the court.

5B. Registrar may refer matter to judge

- (1) A registrar exercising jurisdiction delegated under rule 5A may refer any proceedings before him or her to a judge who may deal with the proceedings or refer them back with or without directions.
- (2) Pending the determination of the proceedings the registrar may make an interim order.

Division 2 — Appeal from decision of registrar

5C. Appeal from decision of registrar

- (1) An appeal from a decision made by a registrar exercising jurisdiction delegated under rule 5A must be commenced by filing and serving a notice that —
 - (a) sets out the particulars of the registrar's decision or that part of it to which the appeal relates; and
 - (b) sets out the final orders that it is proposed the court should make on the appeal.
- (2) The appeal does not operate as a stay of proceeding unless a judge orders otherwise.

Dated: 6 March 2013.

Judges' signatures:

Chief Justice MARTIN

Justice MCLURE

Justice MURPHY

Justice PULLIN

Justice HALL

Justice HEENAN

Justice MAZZA

Justice JENKINS

Justice CORBOY

Justice BUSS

Justice PRITCHARD

Justice BEECH

Justice ALLANSON

Justice NEWNES

Justice EDELMAN

Justice MARTIN
