

CROWN LAW

CW301

CRIMINAL CODE ACT 1913
CRIMINAL PRACTICE AMENDMENT RULES 1993

Made by the Judges of the Supreme Court.

Citation

1. These rules may be cited as the *Criminal Practice Amendment Rules 1993*.

Principal rules

2. In these rules *The Criminal Practice Rules** are referred to as the principal rules.

[* Reprinted as authorized on 14 August 1969.
For amendments to 1 November 1993 see 1992 Index to
Legislation of Western Australia, Table 4, pp.51-2.]

Order IIA inserted

3. After Order II of the principal rules the following Order is inserted -

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**ORDER IIA
PRACTITIONERS ACTING TO NOTIFY COURT**

Interpretation

1. In this Order -

"Accused Person" means a person charged with an indictable offence who has been committed to the Court for trial or sentence;

"Practitioner" means a certificated practitioner as defined in the Legal Practitioners Act 1893 and includes a firm of practitioners.

Duty to notify Court when acting for an accused person

2. (1) A practitioner instructed to act, whether as solicitor or counsel or both, for an accused person must comply with subrule (3) -
- (a) at least 28 days before the accused person's first appearance after the practitioner's appointment; or
 - (b) if that appearance is less than 28 days after the practitioner's appointment, as soon as practicable after the appointment.
- (2) Subrule (1) applies -
- (a) to a practitioner even if another practitioner acts for an accused person in another capacity; and
 - (b) to a practitioner when instructed to act for an accused person in a different capacity.
- (3) To comply with this subrule, a practitioner must -
- (a) file in the Court a notice in the form of Form 1 of Part IA of the Schedule; and
 - (b) serve the notice on the Director of Public Prosecutions for the State or for the Commonwealth, as the case requires.

Duty to notify Court when ceasing to act for an accused person

3. (1) A practitioner who has complied with rule 2 and who ceases to be instructed to act for an accused person, whether as solicitor or counsel or both, must comply with rule 2 (3) at least 14 days before the accused person's first appearance after the cessation.
- (2) Where it is not possible to comply with subrule (1) the practitioner must apply to the Court for leave to cease to act.
- (3) With the leave of the Court, an application under subrule (2) may be made orally.
- (4) Unless the Court orders otherwise, any notice of motion for leave under subrule (2) must be served on -
- (a) the accused person; and
 - (b) the Director of Public Prosecutions for the State or for the Commonwealth, as the case requires.

Practitioner on the record presumed to be acting

4. The practitioner named in a notice filed under rule 2 shall be taken to be acting for the accused person in the capacity shown by the notice until -
- (a) the practitioner files another notice under rule 2 or a notice under rule 3;
 - (b) a notice is filed under rule 2 by another practitioner acting in the same capacity; or
 - (c) the Court gives leave under rule 3.

Schedule, Part IA inserted

4. After Part I of the Schedule to the principal rules the following Part is inserted -
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**PART IA. - FORMS TO BE FILED BY PRACTITIONERS ACTING FOR
ACCUSED PERSONS**

No. 1. - Notice to Court when acting or not acting

[Ord. IIA]

[Heading as per Part I, Section I, Division A, Form No. 1.]

TO: The Registrar
AND TO: Director of Public Prosecutions (WA)/(Cwith)*
AND TO:

Name of accused person:
Charge/Indictment No(s):
Take notice that [name of practitioner]/the firm of*
Address
Telephone Facsimile

(a)* has been instructed to act for the accused person as
solicitor/counsel/both solicitor and counsel*.

(b)* has ceased to be instructed to act for the accused person as
solicitor/counsel/both solicitor and counsel*.

Dated
Signed
[*Delete that which is inapplicable.]

Dated 22 November 1993.

G. A. KENNEDY.
W. P. PIDGEON.
E. M. FRANKLYN.
R. D. NICHOLSON.
TERENCE A. WALSH.
D. A. IPP.
HENRY WALLWORK.
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