

Authorised Version

**Magistrates' Court Criminal Procedure
(Amendment No. 8) Rules 2018**

S.R. No. 9/2018

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Authorised Version

STATUTORY RULES 2018

S.R. No. 9/2018

Magistrates' Court Act 1989

Magistrates' Court Criminal Procedure (Amendment No. 8) Rules 2018

The Chief Magistrate together with 2 Deputy Chief Magistrates jointly make the following Rules:

1 Object

The object of these Rules is to amend the Magistrates' Court Criminal Procedure Rules 2009—

- (a) to require mention adjournment applications in relation to family violence criminal proceedings to be heard or determined by the Magistrates' Court constituted by a Magistrate; and
- (b) to enable registrars of the Magistrates' Court to hear or determine adjournment applications at second and subsequent mention hearings in criminal proceedings (other than applications for the adjournment of family violence criminal proceedings).

2 Authorising provisions

These Rules are made under section 16 of the **Magistrates' Court Act 1989** and section 419 of the **Criminal Procedure Act 2009** and all other enabling powers.

3 Commencement

These Rules come into operation on 12 February 2018.

4 Definitions

In Rule 6 of the Magistrates' Court Criminal Procedure Rules 2009¹ **insert** the following definition—

"family violence criminal proceeding means a criminal proceeding for an offence arising out of an act of family violence;"

5 First mention

In Rule 31A(1) of the Magistrates' Court Criminal Procedure Rules 2009—

(a) for "Rule 31B" **substitute** "Rules 31B and 31CA";

(b) at the foot of paragraph (c) **insert** the following note—

"Note

See Rule 31CA."

6 Attendance required at subsequent hearings

For Rule 31C(2) of the Magistrates' Court Criminal Procedure Rules 2009 **substitute**—

"(2) Subject to Rule 31CA, an application for an adjournment referred to in subrule (1) may be heard or determined by the Court constituted by—

(a) a Magistrate;

(b) a judicial registrar; or

(c) a registrar."

7 New Rule 31CA inserted

After Rule 31C of the Magistrates' Court Criminal Procedure Rules 2009 **insert**—

"31CA Family violence criminal proceeding adjournments

The Court constituted by a Magistrate must hear or determine the following—

- (a) an application for an adjournment of a first mention hearing of a family violence criminal proceeding;
- (b) an application for an adjournment referred to in Rule 31C(1) of a family violence criminal proceeding."

Dated: 8 February 2018

PETER LAURITSEN,
Chief Magistrate

FELICITY BROUGHTON,
Deputy Chief Magistrate

LANCE MARTIN,
Deputy Chief Magistrate

Endnotes

- ¹ Rule 4: S.R. No. 181/2009. Reprint No. 1 as at 4 December 2014.
Reprinted to S.R. No. 203/2014. Subsequently amended by
S.R. Nos 113/2015, 45/2016, 115/2016 and 82/2017.