

**CRIMINAL APPEAL (CRIMES) AMENDMENT
ACT, 1979, No. 97**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 97, 1979.

An Act to amend the Criminal Appeal Act, 1912, so as to confer on the Court of Criminal Appeal jurisdiction to hear and determine appeals from certain determinations made by the Supreme Court in its summary jurisdiction; and for other purposes [Assented to, 17th May, 1979.]

Criminal Appeal (Crimes) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short
title.

1. This Act may be cited as the "Criminal Appeal (Crimes) Amendment Act, 1979".

Commence-
ment.

2. (1) This section and sections 1 and 3 shall commence on the date of assent to this Act.

(2) Section 5 shall commence on the day appointed and notified under section 2 (2) of the Bail Act, 1978.

(3) Except as provided in subsections (1) and (2), this Act shall commence on the day appointed and notified under section 2 (2) of the Crimes (Amendment) Act, 1979.

Principal
Act.

3. The Criminal Appeal Act, 1912, is referred to in this Act as the Principal Act.

Amendment
of Act No.
16, 1912.

4. The Principal Act is amended in the manner set forth in Schedule 1.

Amendment
of Act No.
165, 1978.

5. The Criminal Appeal (Bail) Amendment Act, 1978, is amended—

Sch. 1.

(a) by inserting after Schedule 1 (1) the following item :—

(1A) Section 5AA (6)—

Omit " , or for liberating him upon such conditions as to bail or recognizances as the Court of Criminal Appeal, or any judge thereof appointed for that purpose by the Chief Justice, shall deem fit".

Criminal Appeal (Crimes) Amendment.

- (b) by inserting in section 29 of the Principal Act, as proposed to be inserted by Schedule 1 (9), before the matter "8 (2)" the matter "5AA (6),".

SCHEDULE 1.

Sec 4.

AMENDMENTS TO THE PRINCIPAL ACT.

- (1) (a) Section 2, definition of "Court of trial"—

After "sentence," insert "order,".

- (b) Section 2, definition of "Sentence"—

After "convicted" where secondly occurring, insert "and also includes any order to pay costs made by the court of trial under section 14 of the Supreme Court (Summary Jurisdiction) Act, 1967".

- (c) Section 2 (2)—

At the end of section 2, insert :—

(2) Without limiting the definition of "Sentence" in subsection (1), for the purposes only of this Act, unless the context or subject-matter otherwise requires or indicates—

- (a) an order made under section 556A (1) of the Crimes Act, 1900, with respect to a person tried for an offence;
- (b) a decision to defer passing sentence referred to in section 558 (1) of that Act or an order made under that subsection upon or with respect to a person tried for an offence; or

Criminal Appeal (Crimes) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (c) any other decision or order of any kind whatsoever, being a decision or order to defer passing sentence on a person tried for an offence, to remand such a person in custody or to remand such a person and to release him upon his compliance with any condition or otherwise, whether or not in any such case the person has been convicted of an offence,

shall be deemed to be a sentence passed or pronounced upon the conviction of that person for the offence for which he was tried and that person shall be deemed to have been convicted of that offence.

(2) Section 5AA—

After section 5, insert :—

5AA. (1) A person—

(a) convicted of an offence; or

(b) against whom an order to pay any costs is made, by the Supreme Court in its summary jurisdiction may appeal under this Act to the Court of Criminal Appeal against the conviction (including any sentence imposed) or order.

(2) For the purpose of this Act, a person acquitted on the ground of mental illness, where mental illness was not set up as a defence by him, shall be deemed to be a person convicted, and any order to keep him in custody shall be deemed to be a sentence.

Appeal in
criminal
cases dealt
with by the
Supreme
Court in
its summary
juris-
diction.

Criminal Appeal (Crimes) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) Any such appeal shall be by way of rehearing on the evidence, if any, given in the proceedings before the Supreme Court in its summary jurisdiction and on any evidence in addition to or in substitution for the evidence so given.

(4) The Court of Criminal Appeal, in proceedings before it on an appeal under this section, may confirm the determination made by the Supreme Court in its summary jurisdiction or may order that the determination made by the Supreme Court in its summary jurisdiction be vacated and make any determination that the Supreme Court in its summary jurisdiction could have made on the evidence referred to in subsection (3).

(5) Section 7 (4) applies to an appellant on an appeal under subsection (1) in the same way as it applies to an appellant on an appeal under section 5 (1).

(6) Provision shall be made by rules of court for detaining an appellant on an appeal under subsection (1) who has been sentenced to penal servitude or imprisonment until the appeal has been determined, or for ordering him into any former custody, or for liberating him upon such conditions as to bail or recognizances as the Court of Criminal Appeal, or any judge thereof appointed for that purpose by the Chief Justice, shall deem fit.

(3) (a) Section 5A (1)—

After “convicted”, insert “on indictment”.

(b) Section 5A (1)—

Omit “under this Act”, insert instead “under section 5”.

Criminal Appeal (Crimes) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 5A (1A)—

After section 5A (1), insert :—

(1A) At any time before the completion of proceedings before the Supreme Court in its summary jurisdiction, the judge hearing the proceedings may, or if requested by the Crown shall, submit any question of law arising at or in reference to the proceedings to the Court of Criminal Appeal for determination and the submission shall be dealt with as if it were an appeal under section 5AA (1).

(d) Section 5A (3)—

After section 5A (2), insert :—

(3) Subsection (2) applies in respect of a person tried in the Supreme Court in its summary jurisdiction in proceedings to which the Crown was a party in the same way as it applies in respect of a person tried on indictment.

(4) Section 5c—

After “thereof”, insert “or the Supreme Court in its summary jurisdiction, in any proceedings to which the Crown was a party, has quashed any application made under section 4 (1) of the Supreme Court (Summary Jurisdiction) Act, 1967, or any charge specified in such an application,”.

(5) Section 5D—

Omit “Supreme Court or the District Court”, insert instead “court of trial in any proceedings to which the Crown was a party”.

Criminal Appeal (Crimes) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(6) (a) Section 6 (1)—

Omit “such appeal”, insert instead “appeal under section 5 (1)”.

(b) Section 6 (2)—

After “appeal”, insert “under section 5 (1)”.

(c) Section 6 (3)—

After “appeal” where firstly occurring, insert “under section 5 (1)”.

(7) Section 7 (1)—

After “appellant” where firstly occurring, insert “on an appeal under section 5 (1)”.

(8) (a) Section 10 (1)—

After “convicted”, insert “on indictment”.

(b) Section 10 (2), (3)—

After “conviction” wherever occurring, insert “on indictment”.

(c) Section 10 (4)—

After section 10 (3), insert :—

(4) Any person entitled under section 5AA (1) to appeal against a sentence shall give notice of appeal, in such manner as may be prescribed, within 10 days of the date of the sentence or within such extended time as may, in any case, be allowed by the court.

Criminal Appeal (Crimes) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(9) Section 11—

After “trial” where firstly occurring, insert “may, and, if requested to do so by the Chief Justice,”.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 17th May, 1979.*

CRIMINAL APPEAL (CRIMES) AMENDMENT BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Crimes (Amendment) Bill, 1979.

The objects of this Bill are to amend the Criminal Appeal Act, 1912 ("the Principal Act") so that that Act will accommodate appeals against decisions made by the Supreme Court in its summary jurisdiction and to amend the Criminal Appeal (Bail) Amendment Act, 1978, so that provisions being inserted in the Principal Act by the proposed Act will be appropriately amended when the Criminal Appeal (Bail) Amendment Act, 1978, commences.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2. Commencement.

Clause 3 designates the Criminal Appeal Act, 1912, as the Principal Act.

Clause 4 effects the amendments to the Principal Act that are set forth in Schedule 1.

Clause 5 amends the Criminal Appeal (Bail) Amendment Act, 1978, in the manner described above.

Schedule 1 contains the amendments to the Principal Act. The objects of those amendments are—

- (a) to amend the definitions of "Court of trial" and "Sentence" so that the definitions refer to certain orders made by the Supreme Court in its summary jurisdiction which will be able to be appealed against (Schedule 1 (1) (a), (b));
- (b) to extend the definition of "Sentence" so as to include an order made under section 556A (1) of the Crimes Act, 1900, a decision to defer passing sentence referred to in section 558 (1) of that Act or an order made under that subsection to enter into a recognizance and any other decision or order to defer passing sentence or to remand a person, so that any such order or decision will be capable of being appealed against in the same way as a sentence as defined in section 2 of the Principal Act (Schedule 1 (1) (c));
- (c) to confer on a person convicted of an offence, or against whom an order to pay any costs is made, by the Supreme Court in its summary jurisdiction a right of appeal under the Principal Act and to provide that any such appeal shall be by way of rehearing (Schedule 1 (2));

- (d) to empower, or upon a request made by the Crown to require, a Judge hearing proceedings in the Supreme Court in its summary jurisdiction, to submit any question of law for determination by the Court of Criminal Appeal (Schedule 1 (3) (c));
 - (e) to apply section 5A (2) of the Principal Act (which enables the Attorney-General to submit for determination by the Court of Criminal Appeal any question of law arising at or in connection with the trial on indictment of a person who has been acquitted) to persons tried in the Supreme Court in its summary jurisdiction but so that (as in the case of persons tried on indictment) the determination of the Court of Criminal Appeal on such a question shall not in any way affect or invalidate the decision at the trial (Schedule 1 (3) (d));
 - (f) to enable the Attorney-General to appeal against the quashing of any application made under section 4 (1) of the Supreme Court (Summary Jurisdiction) Act, 1967, or any charge specified in such an application (Schedule 1 (4)); and
 - (g) to make other provisions consequential upon or ancillary to the foregoing amendments.
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**CRIMINAL APPEAL (CRIMES) AMENDMENT
BILL, 1979**

A BILL FOR

An Act to amend the Criminal Appeal Act, 1912, so as to confer on the Court of Criminal Appeal jurisdiction to hear and determine appeals from certain determinations made by the Supreme Court in its summary jurisdiction; and for other purposes.

[MR F. J. WALKER—1 March, 1979.]

Criminal Appeal (Crimes) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Criminal Appeal (Crimes) Amendment Act, 1979". Short title.

2. (1) This section and sections 1 and 3 shall commence on the date of assent to this Act. Commencement.

 (2) Section 5 shall commence on the day appointed and notified under section 2 (2) of the Bail Act, 1978.

 (3) Except as provided in subsections (1) and (2), this Act shall commence on the day appointed and notified under section 2 (2) of the Crimes (Amendment) Act, 1979.

15 **3.** The Criminal Appeal Act, 1912, is referred to in this Act as the Principal Act. Principal Act.

4. The Principal Act is amended in the manner set forth in Schedule 1. Amendment of Act No. 16, 1912.

5. The Criminal Appeal (Bail) Amendment Act, 1978, is amended— Amendment of Act No. 165, 1978.

20 (a) by inserting after Schedule 1 (1) the following item :— Sch. 1.

 (1A) Section 5AA (6)—

25 Omit " , or for liberating him upon such conditions as to bail or recognizances as the Court of Criminal Appeal, or any judge thereof appointed for that purpose by the Chief Justice, shall deem fit".

Criminal Appeal (Crimes) Amendment.

- (b) by inserting in section 29 of the Principal Act, as proposed to be inserted by Schedule 1 (9), before the matter "8 (2)" the matter "5AA (6),".

SCHEDULE 1.

Sec. 4.

5 AMENDMENTS TO THE PRINCIPAL ACT.

- (1) (a) Section 2, definition of "Court of trial"—

After "sentence,", insert "order,".

- (b) Section 2, definition of "Sentence"—

10 After "convicted" where secondly occurring, insert "and also includes any order to pay costs made by the court of trial under section 14 of the Supreme Court (Summary Jurisdiction) Act, 1967".

- (c) Section 2 (2)—

At the end of section 2, insert :—

15 (2) Without limiting the definition of "Sentence" in subsection (1), for the purposes only of this Act, unless the context or subject-matter otherwise requires or indicates—

20 (a) an order made under section 556A (1) of the Crimes Act, 1900, with respect to a person tried for an offence;

25 (b) a decision to defer passing sentence referred to in section 558 (1) of that Act or an order made under that subsection upon or with respect to a person tried for an offence; or

Criminal Appeal (Crimes) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (c) any other decision or order of any kind
whatsoever, being a decision or order to
defer passing sentence on a person tried for
an offence, to remand such a person in
custody or to remand such a person and to
release him upon his compliance with any
condition or otherwise, whether or not in
10 any such case the person has been
convicted of an offence,

shall be deemed to be a sentence passed or pronounced
upon the conviction of that person for the offence for
which he was tried and that person shall be deemed
15 to have been convicted of that offence.

(2) Section 5AA—

After section 5, insert :—

5AA. (1) A person—

(a) convicted of an offence; or
20 (b) against whom an order to pay any costs is made,
by the Supreme Court in its summary jurisdiction may
appeal under this Act to the Court of Criminal Appeal
against the conviction (including any sentence imposed) or
order.

Appeal in
criminal
cases dealt
with by the
Supreme
Court in
its summary
juris-
diction.

25 (2) For the purpose of this Act, a person
acquitted on the ground of mental illness, where mental
illness was not set up as a defence by him, shall be deemed
to be a person convicted, and any order to keep him in
custody shall be deemed to be a sentence.

Criminal Appeal (Crimes) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (3) Any such appeal shall be by way of rehearing on the evidence, if any, given in the proceedings before the Supreme Court in its summary jurisdiction and on any evidence in addition to or in substitution for the evidence so given.

10 (4) The Court of Criminal Appeal, in proceedings before it on an appeal under this section, may confirm the determination made by the Supreme Court in its summary jurisdiction or may order that the determination made by the Supreme Court in its summary jurisdiction be vacated and make any determination that the Supreme Court in its
15 summary jurisdiction could have made on the evidence referred to in subsection (3).

(5) Section 7 (4) applies to an appellant on an appeal under subsection (1) in the same way as it applies to an appellant on an appeal under section 5 (1).

20 (6) Provision shall be made by rules of court for detaining an appellant on an appeal under subsection (1) who has been sentenced to penal servitude or imprisonment until the appeal has been determined, or for ordering him into any former custody, or for liberating him upon such
25 conditions as to bail or recognizances as the Court of Criminal Appeal, or any judge thereof appointed for that purpose by the Chief Justice, shall deem fit.

(3) (a) Section 5A (1)—

After “convicted”, insert “on indictment”.

(b) Section 5A (1)—

30 Omit “under this Act”, insert instead “under section 5”.

Criminal Appeal (Crimes) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 5A (1A)—

After section 5A (1), insert :—

5 (1A) At any time before the completion of pro-
ceedings before the Supreme Court in its summary
jurisdiction, the judge hearing the proceedings may,
or if requested by the Crown shall, submit any ques-
10 tion of law arising at or in reference to the proceedings
to the Court of Criminal Appeal for determination
and the submission shall be dealt with as if it were an
appeal under section 5AA (1).

(d) Section 5A (3)—

After section 5A (2), insert :—

15 (3) Subsection (2) applies in respect of a person
tried in the Supreme Court in its summary jurisdiction
in proceedings to which the Crown was a party in the
same way as it applies in respect of a person tried on
indictment.

20 (4) Section 5C—

After “thereof”, insert “or the Supreme Court in its sum-
mary jurisdiction, in any proceedings to which the Crown
was a party, has quashed any application made under
25 section 4 (1) of the Supreme Court (Summary
Jurisdiction) Act, 1967, or any charge specified in such
an application.”.

(5) Section 5D—

30 Omit “Supreme Court or the District Court”, insert instead
“court of trial in any proceedings to which the Crown was
a party”.

Criminal Appeal (Crimes) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(6) (a) Section 6 (1)—

5 Omit “such appeal”, insert instead “appeal under section 5 (1)”.

(b) Section 6 (2)—

After “appeal”, insert “under section 5 (1)”.

(c) Section 6 (3)—

10 After “appeal” where firstly occurring, insert “under section 5 (1)”.

(7) Section 7 (1)—

After “appellant” where firstly occurring, insert “on an appeal under section 5 (1)”.

(8) (a) Section 10 (1)—

15 After “convicted”, insert “on indictment”.

(b) Section 10 (2), (3)—

After “conviction” wherever occurring, insert “on indictment”.

(c) Section 10 (4)—

20 After section 10 (3), insert :—

(4) Any person entitled under section 5AA (1) to appeal against a sentence shall give notice of appeal, in such manner as may be prescribed, within 10 days of the date of the sentence or within such extended time as may, in any case, be allowed by the court.

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Criminal Appeal (Crimes) Amendment.

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT—continued.

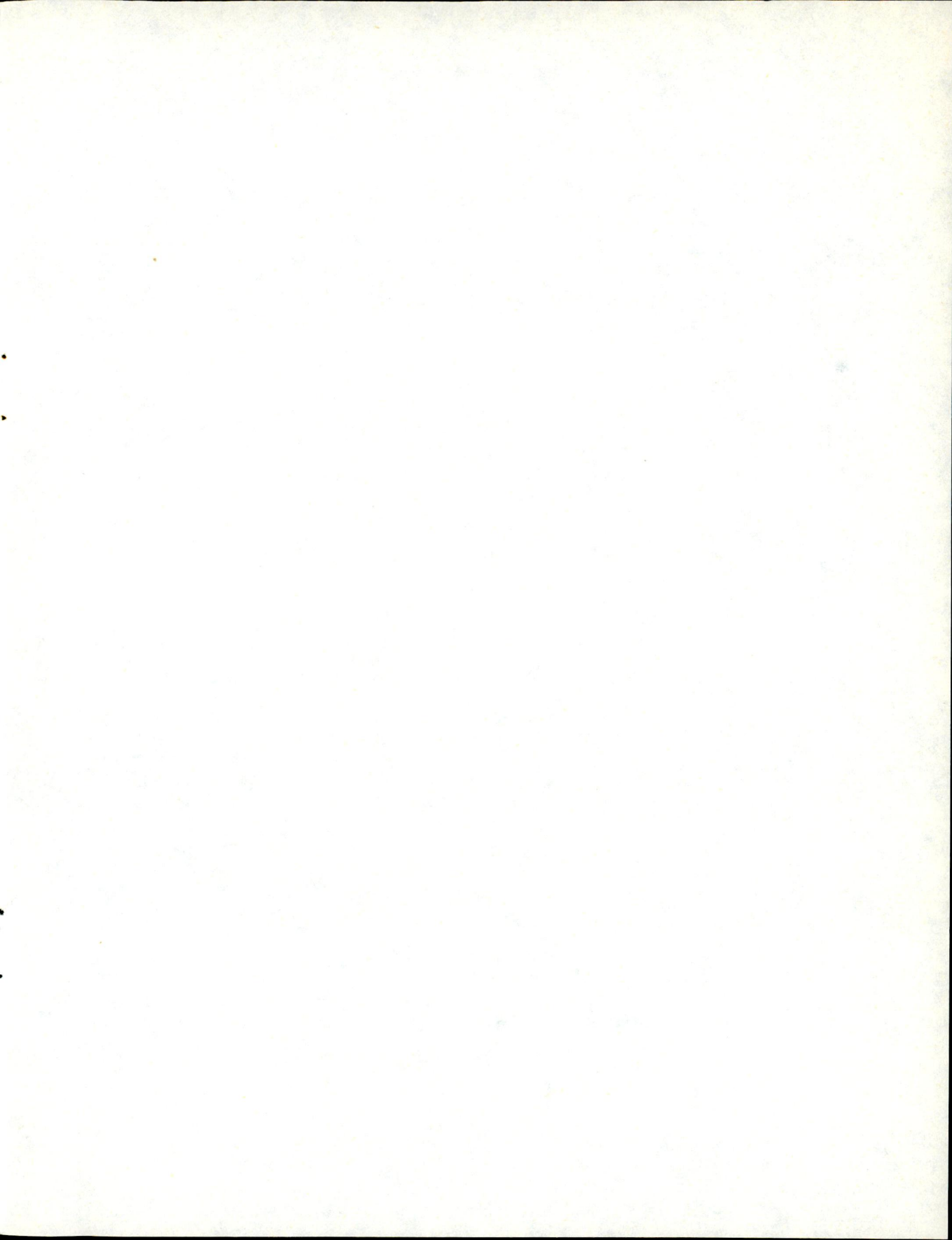
(9) Section 11—

5 After "trial" where firstly occurring, insert ", if requested to do so by the Chief Justice,".

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979

[16c]



This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, April, 1979.*

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. , 1979.

An Act to amend the Criminal Appeal Act, 1912, so as to confer on the Court of Criminal Appeal jurisdiction to hear and determine appeals from certain determinations made by the Supreme Court in its summary jurisdiction; and for other purposes.

Criminal Appeal (Crimes) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Criminal Appeal (Crimes) Amendment Act, 1979". Short
title.

2. (1) This section and sections 1 and 3 shall commence on the date of assent to this Act. Commence-
ment.

 (2) Section 5 shall commence on the day appointed and notified under section 2 (2) of the Bail Act, 1978.

 (3) Except as provided in subsections (1) and (2), this Act shall commence on the day appointed and notified under section 2 (2) of the Crimes (Amendment) Act, 1979.

15 **3.** The Criminal Appeal Act, 1912, is referred to in this Act as the Principal Act. Principal
Act.

4. The Principal Act is amended in the manner set forth in Schedule 1. Amendment
of Act No.
16, 1912.

5. The Criminal Appeal (Bail) Amendment Act, 1978, is amended— Amendment
of Act No.
165, 1978.

20 (a) by inserting after Schedule 1 (1) the following item :— Sch. 1.

 (1A) Section 5AA (6)—

25 Omit “, or for liberating him upon such conditions as to bail or recognizances as the Court of Criminal Appeal, or any judge thereof appointed for that purpose by the Chief Justice, shall deem fit”.

Criminal Appeal (Crimes) Amendment.

- (b) by inserting in section 29 of the Principal Act, as proposed to be inserted by Schedule 1 (9), before the matter "8 (2)" the matter "5AA (6),".

SCHEDULE 1.

Sec. 4.

5 AMENDMENTS TO THE PRINCIPAL ACT.

- (1) (a) Section 2, definition of "Court of trial"—

After "sentence,", insert "order,".

- (b) Section 2, definition of "Sentence"—

10 After "convicted" where secondly occurring, insert "and also includes any order to pay costs made by the court of trial under section 14 of the Supreme Court (Summary Jurisdiction) Act, 1967".

- (c) Section 2 (2)—

At the end of section 2, insert :—

15 (2) Without limiting the definition of "Sentence" in subsection (1), for the purposes only of this Act, unless the context or subject-matter otherwise requires or indicates—

20 (a) an order made under section 556A (1) of the Crimes Act, 1900, with respect to a person tried for an offence;

25 (b) a decision to defer passing sentence referred to in section 558 (1) of that Act or an order made under that subsection upon or with respect to a person tried for an offence; or

Criminal Appeal (Crimes) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (c) any other decision or order of any kind
whatsoever, being a decision or order to
defer passing sentence on a person tried for
an offence, to remand such a person in
custody or to remand such a person and to
release him upon his compliance with any
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convicted of an offence,

shall be deemed to be a sentence passed or pronounced
upon the conviction of that person for the offence for
which he was tried and that person shall be deemed
15 to have been convicted of that offence.

(2) Section 5AA—

After section 5, insert :—

5AA. (1) A person—

(a) convicted of an offence; or

20 (b) against whom an order to pay any costs is made,
by the Supreme Court in its summary jurisdiction may
appeal under this Act to the Court of Criminal Appeal
against the conviction (including any sentence imposed) or
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Appeal in
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25 (2) For the purpose of this Act, a person
acquitted on the ground of mental illness, where mental
illness was not set up as a defence by him, shall be deemed
to be a person convicted, and any order to keep him in
custody shall be deemed to be a sentence.

Criminal Appeal (Crimes) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (3) Any such appeal shall be by way of rehearing on the evidence, if any, given in the proceedings before the Supreme Court in its summary jurisdiction and on any evidence in addition to or in substitution for the evidence so given.

10 (4) The Court of Criminal Appeal, in proceedings before it on an appeal under this section, may confirm the determination made by the Supreme Court in its summary jurisdiction or may order that the determination made by the Supreme Court in its summary jurisdiction be vacated and make any determination that the Supreme Court in its
15 summary jurisdiction could have made on the evidence referred to in subsection (3).

(5) Section 7 (4) applies to an appellant on an appeal under subsection (1) in the same way as it applies to an appellant on an appeal under section 5 (1).

20 (6) Provision shall be made by rules of court for detaining an appellant on an appeal under subsection (1) who has been sentenced to penal servitude or imprisonment until the appeal has been determined, or for ordering him into any former custody, or for liberating him upon such conditions as to bail or recognizances as the Court of
25 Criminal Appeal, or any judge thereof appointed for that purpose by the Chief Justice, shall deem fit.

(3) (a) Section 5A (1)—

After “convicted”, insert “on indictment”.

(b) Section 5A (1)—

30 Omit “under this Act”, insert instead “under section 5”.

Criminal Appeal (Crimes) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 5A (1A)—

After section 5A (1), insert :—

5 (1A) At any time before the completion of pro-
 ceedings before the Supreme Court in its summary
 jurisdiction, the judge hearing the proceedings may,
 or if requested by the Crown shall, submit any ques-
10 tion of law arising at or in reference to the proceedings
 to the Court of Criminal Appeal for determination
 and the submission shall be dealt with as if it were an
 appeal under section 5AA (1).

(d) Section 5A (3)—

After section 5A (2), insert :—

15 (3) Subsection (2) applies in respect of a person
 tried in the Supreme Court in its summary jurisdiction
 in proceedings to which the Crown was a party in the
 same way as it applies in respect of a person tried on
 indictment.

20 (4) Section 5C—

 After “thereof”, insert “or the Supreme Court in its sum-
 mary jurisdiction, in any proceedings to which the Crown
 was a party, has quashed any application made under
25 section 4 (1) of the Supreme Court (Summary
 Jurisdiction) Act, 1967, or any charge specified in such
 an application.”.

(5) Section 5D—

30 Omit “Supreme Court or the District Court”, insert instead
 “court of trial in any proceedings to which the Crown was
 a party”.

Criminal Appeal (Crimes) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(6) (a) Section 6 (1)—

5 Omit “such appeal”, insert instead “appeal under section 5 (1)”.

(b) Section 6 (2)—

After “appeal”, insert “under section 5 (1)”.

(c) Section 6 (3)—

10 After “appeal” where firstly occurring, insert “under section 5 (1)”.

(7) Section 7 (1)—

After “appellant” where firstly occurring, insert “on an appeal under section 5 (1)”.

(8) (a) Section 10 (1)—

15 After “convicted”, insert “on indictment”.

(b) Section 10 (2), (3)—

After “conviction” wherever occurring, insert “on indictment”.

(c) Section 10 (4)—

20 After section 10 (3), insert :—

(4) Any person entitled under section 5AA (1) to appeal against a sentence shall give notice of appeal, in such manner as may be prescribed, within 10 days of the date of the sentence or within such extended time as may, in any case, be allowed by the court.

25

Criminal Appeal (Crimes) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(9) Section 11—

- 5 After “trial” where firstly occurring, insert “may, and, if requested to do so by the Chief Justice,”.

CRIMINAL APPEAL (CRIMES) AMENDMENT BILL

Schedule of the Amendment referred to in Legislative Council's
Message of 24 April, 1979

Page 8, Schedule 1, line 4. Omit “, if”, insert “**may, and, if**”.

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THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

530 SOUTH EAST ASIAN AVENUE

CHICAGO, ILLINOIS 60607