

SUPREME COURT (APPEALS) AMENDMENT BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

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

The Criminal Appeal (Amendment) Bill 1987 is cognate with this Bill.

At present, if an interlocutory judgment or order such as a stay of proceedings is refused in criminal proceedings in the District Court, the accused may apply to the Court of Appeal. However, the Supreme Court Act 1970 precludes any such application, and any appeal, in criminal proceedings in the Supreme Court.

The object of this Bill is to place an appeal from a judgment or order in criminal proceedings in the District Court on the same footing as a similar judgment or order in criminal proceedings in the Supreme Court. The Bill also proposes to exclude appeals to the Court of Appeal on matters arising under the Liquor Act 1982 unless the Court of Appeal gives leave.

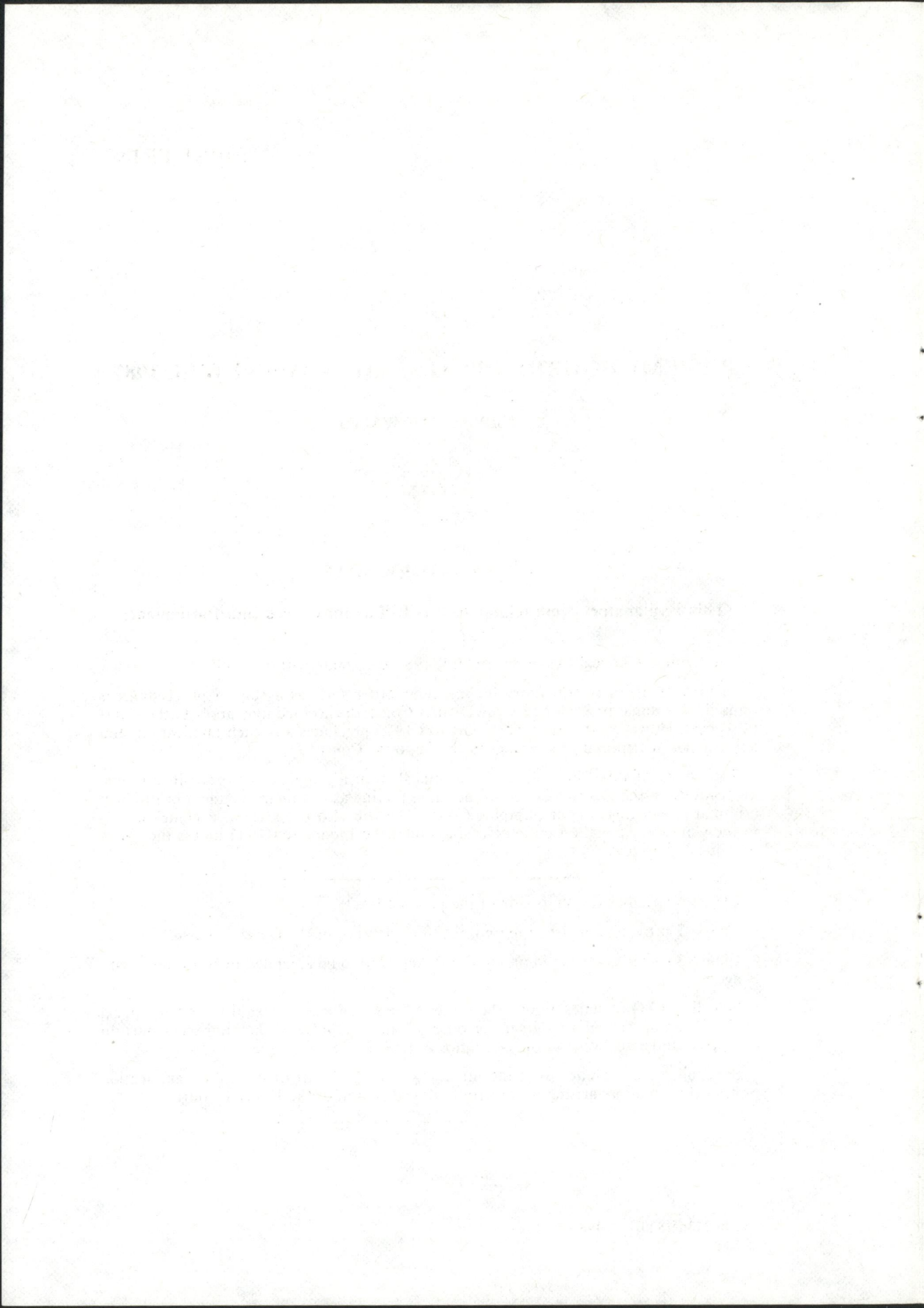
Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on 18 December 1987.

Clause 3 provides for the Supreme Court Act 1970 to be amended in accordance with Schedule 1.

Schedule 1 (1) includes among the matters for which leave is required for an appeal to the Court of Appeal a judgment or order of a single judge of the Supreme Court on an appeal under section 146 of the Liquor Act 1982.

Schedule 1 (2) excludes from the jurisdiction of the Court of Appeal an application or appeal on matters arising in the criminal jurisdiction of the District Court.



SUPREME COURT (APPEALS) AMENDMENT BILL 1987

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 52, 1970

SCHEDULE 1—AMENDMENTS

SUPREME COURT (APPEALS) AMENDMENT BILL 1987

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Supreme Court Act 1970 to exclude an application or appeal to the Court of Appeal from the District Court where such an application or appeal would not lie on the same matter arising in the Supreme Court.

See also Criminal Appeal (Amendment) Bill 1987.

Supreme Court (Appeals) Amendment 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Supreme Court (Appeals) Amendment Act 1987.

5 Commencement

2. This Act shall commence on 18 December 1987.

Amendment of Act No. 52, 1970

3. The Supreme Court Act 1970 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

10

(Sec. 3)

(1) Section 101 (**Appeal in proceedings in the Court**)—

(a) Section 101 (2) (h)—

Omit “or” where lastly occurring.

(b) Section 101 (2) (i), (j)—

15 After section 101 (2) (i), insert:

; or

(j) a judgment or order of the Court in a Division on an appeal under section 146 of the Liquor Act 1982.

(2) Third Schedule (**Criminal proceedings**)—

20 (a) Paragraph (a)—

Omit “for” where firstly occurring, insert instead “that are for, or that relate to proceedings in the District Court for,”.

(b) Paragraph (a1)—

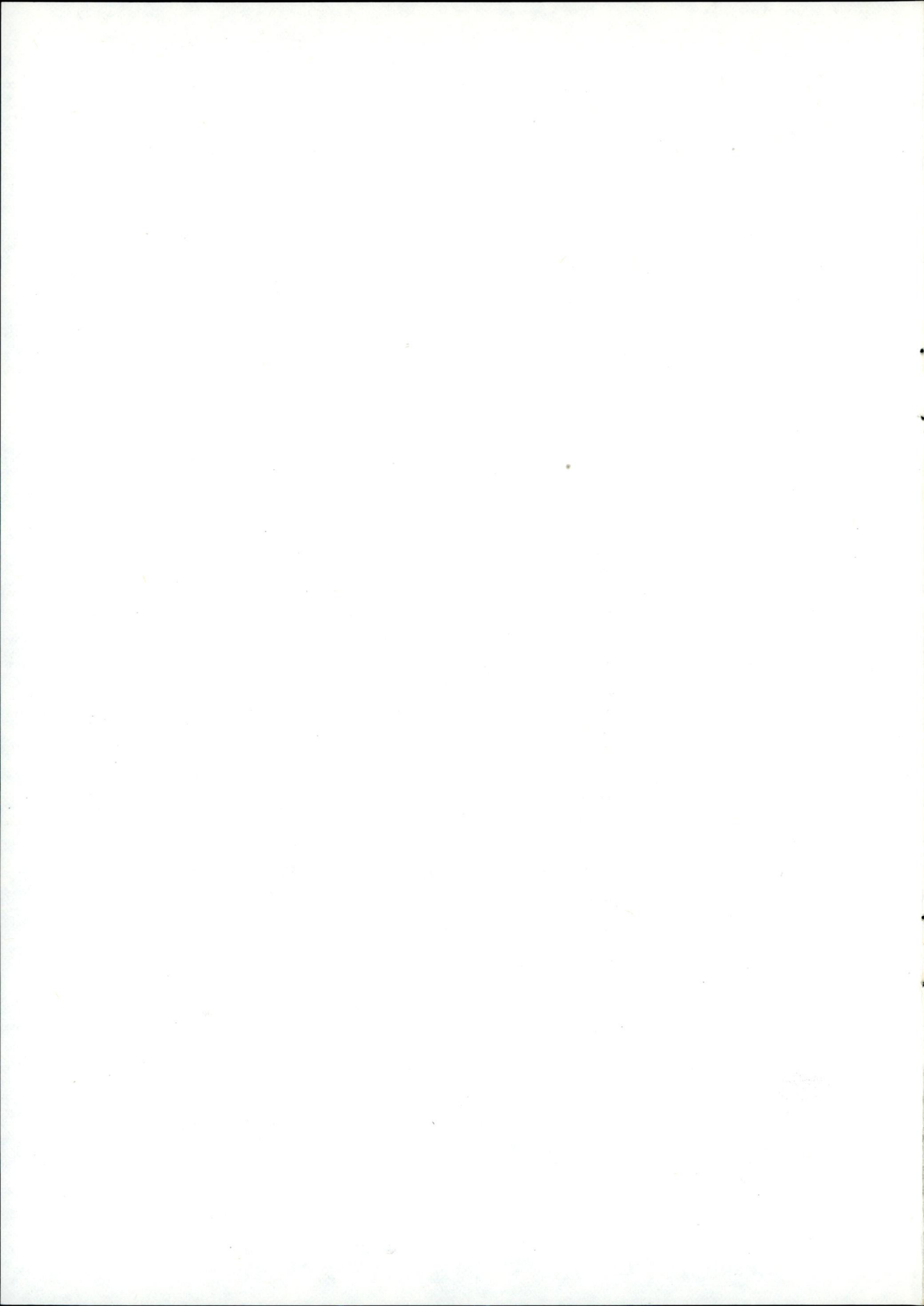
After paragraph (a), insert:

25 (a1) proceedings in the Court—

(i) under the provisions of section 51A of the Justices Act 1902; or

(ii) relating to proceedings in the District Court under those provisions;





SUPREME COURT (APPEALS) AMENDMENT ACT 1987
No. 250

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 52, 1970

SCHEDULE 1—AMENDMENTS

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SUPREME COURT (APPEALS) AMENDMENT ACT 1987 No. 250

NEW SOUTH WALES



Act No. 250, 1987

An Act to amend the Supreme Court Act 1970 to exclude an application or appeal to the Court of Appeal from the District Court where such an application or appeal would not lie on the same matter arising in the Supreme Court. [Assented to 16 December 1987]

See also Criminal Appeal (Amendment) Act 1987.

Supreme Court (Appeals) Amendment 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Supreme Court (Appeals) Amendment Act 1987.

Commencement

2. This Act shall commence on 18 December 1987.

Amendment of Act No. 52, 1970

3. The Supreme Court Act 1970 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 101 (**Appeal in proceedings in the Court**)—

(a) Section 101 (2) (h)—

Omit “or” where lastly occurring.

(b) Section 101 (2) (i), (j)—

After section 101 (2) (i), insert:

; or

(j) a judgment or order of the Court in a Division on an appeal under section 146 of the Liquor Act 1982.

(2) Third Schedule (**Criminal proceedings**)—

(a) Paragraph (a)—

Omit “for” where firstly occurring, insert instead “that are for, or that relate to proceedings in the District Court for,”.

(b) Paragraph (a1)—

After paragraph (a), insert:

(a1) proceedings in the Court—

(i) under the provisions of section 51A of the Justices Act 1902; or

Supreme Court (Appeals) Amendment 1987

SCHEDULE 1—AMENDMENTS—*continued*

- (ii) relating to proceedings in the District Court under those provisions;

