

## **Criminal Procedure Amendment Rules 2023**

**SL 2023/20**

Made by the judges of the Supreme Court.

**1. Citation**

These rules are the *Criminal Procedure Amendment Rules 2023*.

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

**3. Rules amended**

These rules amend the *Criminal Procedure Rules 2005*.

**4. Rule 39 amended**

- (1) Before rule 39(1) insert:

- (1A) In this rule —

***produce electronically***, in relation to a record or thing, means to provide the record or thing, in a format approved by the court, to the court —

- (a) by saving it to a CD-ROM, DVD or USB device and —
  - (i) providing the CD-ROM, DVD or USB device to the court in person; or
  - (ii) sending the CD-ROM, DVD or USB device to the court by post or courier;
- or
- (b) by other electronic means approved by a registrar.

- (2) Delete rule 39(2) and insert:

- (2) The witness may produce the record or thing —

- (a) if the original record or thing is in electronic form — by producing it electronically; or
- (b) otherwise — by providing it to the court in person or sending it to the court by post or courier.

(3) After rule 39(5) insert:

- (5A) If the summons requires the production of a record and does not require that the original record be produced, the witness may comply with subrule (2) or (4)(b) by producing a copy of the record (whether in electronic form or otherwise).

(4) In rule 39(6) delete “a registrar” and insert:

a court officer

## 5. Schedule 1 Form 10 amended

In Schedule 1 Form 10:

- (a) delete:

<b>Command</b>	<b>You are commanded to produce the records or things described below at the place, and on or before the date and time specified below.</b>
Time and place to produce record or thing	Date: _____ Time: _____ Court: _____ Place: _____
Records or things to be produced	You must produce to the court the following: <i>[Describe in reasonable detail each record or thing to be produced; on an attachment if necessary.]</i>

and insert:

<b>Command</b>	<b>You are commanded to produce the records or things described below on or before the date and at or before the time specified below.</b>
Time to produce record or thing	Date: _____ Time: _____ Court: _____
Records or things to be produced	You must produce to the court the following: <i>[List the records or things and whether the original of any record is required. If insufficient space, attach list.]</i>

- (b) after the last row insert:

<b>Notes</b>
--------------

Production of copy of record instead of original record	Unless this summons states that the original of a record is required, you may produce a copy of it instead.
------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------

Date: 13 January 2023.

The Hon. Chief Justice Peter Quinlan  
Chief Justice of Western Australia  
Supreme Court of Western Australia.

---