

SOUTH AUSTRALIA
DISTRICT COURT (CRIMINAL AND MISCELLANEOUS)
RULES 1992

PART I

(current to Amendment No. 4 (4 October 2007))

PART I- RULES OF GENERAL APPLICATION

Citation, Preliminary Matters and Transitional Provisions

I-1. Citation

These rules may be cited as the District Court (Criminal and Miscellaneous) Rules 1992.

I-2. These Rules shall be divided into Parts as follows:-

Part I - Rules of General Application

Part II - The Civil Division - General Procedures

Part III - The Civil Division - Procedures under Special Acts

Part IV - The Criminal Division

Part V - The Criminal Injuries Division

Part VI - The Administrative and Disciplinary Division

I-3. (1) For the purposes of these Rules:-

“**The Act**” means the District Court Act 1991;

“**The commencement date**” means the date upon which the Act is proclaimed to come into operation;

“**The Compensation Act**” means the Criminal Injuries Compensation Act 1978 and the Victims of Crimes Act 2001.

“**The Court**” means the District Court of South Australia as established by the Act and includes a Master when exercising the jurisdiction delegated to Masters by these Rules;

“**The Crown Solicitor**” means the Crown Solicitor for the State of South Australia.

“**District Registry**” means a Registry of the Court (other than the Principal Registry) maintained pursuant to Section 21(4) of the Act.

“**Judge**” means a Judge of the Court and unless the context otherwise requires does not include a Master exercising the jurisdiction of the Court.

“**The former Crimes (Confiscation of Profits) Rules**” means the Crimes (Confiscation of Profits) Rules 1986-1992;

“**The former Criminal Injuries Compensation Rules**” means the District Court (Criminal Injuries Compensation) Rules 1986-1989;

“**The former District Criminal Court Rules**” means the District Criminal Court Rules 1986-1991;

“**The former Local Court Rules**” means the Local Court Rules 1970-1991;

“**Magistrates Court**” means the Magistrates Court of South Australia established by the Magistrates Court Act 1991.

“**Master**” includes Acting Master.

“**Officer of the Court**” for the purposes of these Rules includes any person entrusted with the execution of orders of the Court or with the discharge of duties arising out of the observance of its orders or the service and execution of its process or with other duties in and about the administration of the business of the Court and, without limiting the generality of the foregoing, includes:-

- (a) the Sheriff, his deputies and officers in relation to District Court matters;

- (b) marshals, bailiffs and like officers in relation to the service and execution of process and orders;
- (c) liquidators, receivers, receivers and managers (including those provisionally appointed) in relation to the execution or discharge of their duties or in relation to their possession, collection, collation and disposal of property and records the subject matter of their appointment;
- (d) the Registrar of the Court, the Deputy Registrars and any Assistant Registrars;
- (e) a Clerk of Arraigns, and officers in relation to the Criminal Jurisdiction of the Court;
- (f) such other persons as are in these Rules included from time to time.

“Principal Registry” means the principal Registry of the Court at Sir Samuel Way Building, Victoria Square, Adelaide.

“proper officer” means an officer to be ascertained as follows:

- (a) where the duty to be discharged is a duty which has heretofore been discharged by any officer, such officer shall continue to be the proper officer to discharge the same, subject however to these Rules or to any direction given by the Chief Judge.
- (b) Where any new duty is to be discharged, the proper officer to discharge the same shall be such officer, having discharged analogous duties, as the Chief Judge may from time to time direct to discharge such new duty.
- (c) When any doubt arises as to the proper officer to discharge any duty the Chief Judge may direct by what officer such duty is to be discharged.

“Registrar” means the Registrar of the Court, and a Deputy Registrar where he is exercising the functions and duties of the Registrar.

“Registry” means the Principal Registry and, in those proceedings that have been commenced by filing the necessary documents in a District Registry, either the Principal Registry or that District Registry.

“Supreme Court” means the Supreme Court of South Australia as continued by the Supreme Court Act 1935.

“The Supreme Court Rules” means the Supreme Court Rules 1987.

The words and expressions defined in Section 4 of the Compensation Act shall have the same meanings in Part V of these Rules.

- (2) Except where, and to such extent as, a different intention may appear the Acts Interpretation Act 1915 shall apply to the construction of these Rules in the same manner as if these Rules had been enacted by Parliament.

I-4. These Rules shall come into operation on the commencement date.

I-5. Except where otherwise specifically provided, these Rules shall apply to and govern:-

- (c) The proceedings in respect of all informations filed on or after the commencement date in the Court in its criminal jurisdiction and all cases referred on or after the commencement date by the Supreme Court to the Court pursuant to section 110 of the Summary Procedure Act 1921;
- (d) The proceedings in respect of all prosecutions pending in District Criminal Courts on the commencement date except in so far as the Court may order that the former

District Criminal Court Rules, or some particular provision thereof, shall apply to and govern any such proceedings;

- (e) All proceedings commenced in the Court under the Crimes (Confiscation of Profits) Act 1986 on and after the commencement date;
- (f) All proceedings under the Crimes (Confiscation of Profits) Act 1986 pending in District Criminal Courts on the commencement date except in so far as the Court may order that the former Crimes (Confiscation of Profits) Rules, or some particular provision thereof, shall apply to and govern any such application;
- (g) All proceedings commenced in the Court under the Criminal Injuries Compensation Act 1977 on and after the commencement date;
- (h) All proceedings under the Criminal Injuries Compensation Act 1977 pending in District Criminal Courts on the commencement date except in so far as the Court may order that the former Criminal Injuries Compensation Rules, or some particular provision thereof, shall apply to and govern any such application;
- (i) All proceedings commenced in the Court under the Criminal Assets Confiscation Act 1996.
- (j) All proceedings commenced in the Court under the Criminal Assets Confiscation Act 2005.