



**THE CRIMINAL APPEAL RULES 1946,
AMENDMENT NO. 2**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 13th day of July 1992

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 409 of the Crimes Act 1961, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and with the concurrence of the Right Honourable the Chief Justice and at least two of the other members of the Rules Committee (of whom at least one was a Judge of the High Court), hereby makes the following rules.

RULES

1. Title and commencement—(1) These rules may be cited as the Criminal Appeal Rules 1946, Amendment No. 2, and shall be read together with and deemed part of the Criminal Appeal Rules 1946* (hereinafter referred to as the principal rules).

(2) These rules shall come into force on the 28th day after the date of their notification in the *Gazette*.

2. New form No. 1A—The First Schedule to the principal rules is hereby amended by revoking form No. 1A (as substituted by rule 6 (1) of the Criminal Appeal Rules 1946, Amendment No. 1), and substituting the form No. 1A set out in the Schedule to these rules.

*S.R. 1946/94
Amendment No. 1: S.R. 1967/94

SCHEDULE

Rule 2

NEW FORM NO. 1A SUBSTITUTED IN SCHEDULE TO PRINCIPAL RULES

Form No. 1A

Rule 12 (b)

The Crimes Act 1961

The Queen

v

[Full Name],
Respondent

NOTICE OF APPLICATION BY SOLICITOR-GENERAL FOR LEAVE
TO APPEAL

Section 383 (2), Crimes Act 1961

TO the Registrar of the Court of Appeal
AND TO

[Full name] of [Address], Respondent

Take notice that the Solicitor-General applies to the Court of Appeal for leave to appeal against the sentence of [Specify sentence] imposed on [Full name of respondent] in the High (or District) Court at [Place] on [Date] following his or her conviction in that Court (or the High (or District) Court at [Place]) on [Date] for the following offences:

[Specify the offences in respect of which the respondent was convicted].

This application is made on the ground that the sentence imposed was manifestly inadequate (or wrong in principle) for the following reasons:

[State reasons]

Dated this day of 19 .

.....
Solicitor-General
(or Crown Counsel on behalf of
the Solicitor-General).

BOB MacFARLANE,
Acting for Clerk of the Executive Council.



EXPLANATORY NOTE

This note is not part of the rules, but is intended to indicate their general effect.

These rules amend the Criminal Appeal Rules 1946.

Under section 383 (2) of the Crimes Act 1961 the Solicitor-General may, with the leave of the Court of Appeal, appeal to the Court of Appeal against the sentence passed on the conviction of any person on indictment, unless the sentence is one fixed by law.

The amendment prescribes, for the purposes of that section, a new form of notice of application by the Solicitor-General for leave to appeal.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 16 July 1992.

These rules are administered in the Department of Justice.