

# STATUTORY RULES.

1915. No. 72.

## HIGH COURT OF AUSTRALIA.

Principal Registry,  
Melbourne, 12th May, 1915.

**W**E certify that by reason of urgency the following Rules should come into immediate operation.

S. W. GRIFFITH, C.J.  
H. B. HIGGINS, J.  
FRANK GAVAN DUFFY, J.  
G. E. RICH, J.

### RULES OF COURT.

As of Wednesday, the 12th day of May, A.D. 1915.

It is ordered as follows :—

#### CRIMINAL PRACTICE.

##### PROCEEDINGS UPON INDICTMENTS FILED WITHOUT PREVIOUS EXAMINATION OR COMMITMENT FOR TRIAL.

1. When an indictment has been filed by the Attorney-General without examination or commitment for trial, an office copy thereof shall be served upon the accused person, upon which copy there must be indorsed a summons, under the hand of the Registrar and seal of the Court, requiring him to appear to the indictment within the same time after service within which he would be required to enter an appearance after service of a writ in a civil action. Such summons shall be indorsed upon the office copy whether a warrant for arrest is or is not granted. A notice shall be added to the summons informing the accused person that in default of his compliance with the exigency thereof a warrant may be issued for his arrest. Service of indictment.

2. An application for a warrant to arrest the accused must be supported by affidavit. Evidence for warrant.

3. The warrant shall be addressed to the Marshal and shall require him to keep the accused in safe custody until the time appointed for the trial of the indictment, and then to bring him before the Court at the time and place appointed for such trial. Form of warrant.

4. An office copy of the indictment indorsed as aforesaid must be delivered to the accused at the time of arrest. Service of indictment.

Applications  
for bail.

5. Applications for bail shall be made to a Justice sitting in Chambers.

Appearance.

6. The accused person is required, within the time limited by the summons, to enter an appearance in the Registry named in the summons in that behalf, and to deliver a copy thereof forthwith at the office of the Crown Solicitor for the Commonwealth, or his agent, in the State in which that Registry is situated.

The appearance shall state the address of the accused person. Any notice required to be given to him may be given to him at such address.

Default of  
appearance.

7. If the accused person does not enter an appearance a warrant may be issued for his arrest.

Time and place  
of trial.

8. When the accused person enters an appearance, either party may, on notice to the other party, apply to a Justice to appoint the time and place of trial, of which notice is to be given to the accused person.

(L.S.)

S. W. GRIFFITH, C.J.  
HY. B. HIGGINS, J.  
FRANK GAVAN DUFFY, J.  
G. E. RICH, J.

J. W. O'HALLORAN,  
Principal Registrar