

Queensland



CRIMINAL LAW AMENDMENT ACT 1892

**Reprinted as in force on 21 March 1996
(includes amendments up to Act No. 37 of 1995)**

Reprint No. 1 *

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

* Minor differences in style between this reprint and another reprint with the same number are due to the conversion to another software program. The content has not changed.

Information about this reprint

This Act is reprinted as at 21 March 1996. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43).

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of changed names and titles**
 - **table of renumbered provisions.**

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CRIMINAL LAW AMENDMENT ACT 1892

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CRIMINAL LAW AMENDMENT ACT 1892

[as amended by all amendments that commenced on or before 21 March 1996]

An Act to further amend the criminal law

1 Short title

This Act may be known and cited as the *Criminal Law Amendment Act 1892*.

4 If prisoner does not require witnesses to attend, their depositions may be put in at trial with any exhibits attached

(1) When a person charged with an indictable offence other than treason or murder, or any of the crimes defined in the Criminal Code, sections 81(2) and 82 is committed for trial, the justice or justices by whom the person is committed shall, when the depositions of the witnesses are read over to the person, ask the person after the reading of the deposition of each witness whose evidence is in the opinion of the justice or justices of a formal character, whether the person wishes that witness to be produced at the person's trial or whether he or she will be content that the deposition as taken and read to the person shall be produced and admitted as evidence at the trial together with the exhibits (if any) annexed.

(2) If the accused person states that the accused person does not require the production of such witness at his or her trial the accused person shall sign a statement to that effect in the form in the schedule, and the signature shall be attested by the committing justice or justices, and in any such case the Crown shall not be required to produce the witness at the trial of the accused person, but may tender as evidence at the trial the deposition of the witness with any exhibits annexed thereto and the statement signed by the accused and attested by the committing justice or justices, and thereupon the deposition with the exhibits annexed shall be received as evidence at the trial.

SCHEDULE

section 4(2)

The evidence of A.B. [and C.D.], a witness [*or witnesses*] produced at my examination before justices on the charge of _____, having been read over to me, I hereby state that I do not require the said A.B. [and C.D.] to be produced as a witness [*or witnesses*] at my trial, and I consent that [his, her *or* their] deposition [*or depositions*] and the exhibits [*here specify them*] annexed thereto shall be admitted as evidence on my trial.

[*Signature of accused*]

Witnesses to signature of accused:

(Signed by)

} Committing justices

This _____ day of _____, 199 3

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 March 1996. Future amendments of the Criminal Law Amendment Act 1892 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key**Key to abbreviations in list of legislation and annotations**

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 List of legislation

Criminal Law Amendment Act 1892 56 Vic No. 3

date of assent 21 July 1892
 commenced on date of assent
 amending legislation—

Criminal Code Act 1899 63 Vic No. 9 s 3(2) sch 3

date of assent 28 November 1899
 commenced on date of assent

Statute Law Revision Act 1908 8 Edw 7 No. 18 s 2 sch 1

date of assent 23 December 1908
 commenced on date of assent

Justices Acts Amendment Act 1929 20 Geo 5 No. 32 s 3

date of assent 23 December 1929
 commenced on date of assent

Criminal Code and Other Acts Amendment Act 1961 10 Eliz 2 No. 11 s 37

date of assent 29 March 1961
 commenced on date of assent

Criminal Code No. 37 of 1995 pt 1, s 460(1) sch 4

date of assent 16 June 1995
 ss 1–2 commenced on date of assent
 remaining provisions not yet proclaimed into force

5 List of annotations

Repeal of 31 Vic. No. 13, ss. 7 and 8

s 2 om 1908 8 Edw 7 No. 18 s 2 sch 1

Repeal of s. 3 of “*The Criminal Law Amendment Act, 1892*”

s 3 om 1961 10 Eliz 2 No. 11 s 37

If prisoner does not require witnesses to attend, their depositions may be put in at trial with any exhibits attached

s 4 amd 1929 20 Geo V No. 32 s 3

Jury may be permitted to separate in cases other than capital felonies

s 5 om 1899 63 Vic No. 9 s 3(2) sch 3

On postponement of trial accused may be remanded to another Court having jurisdiction

s 6 om 1899 63 Vic No. 9 s 3(2) sch 3

Solicitor-General and Crown Prosecutors to have power to enter a *nolle prosequi*

s 7 om 1899 63 Vic No. 9 s 3(2) sch 3

Words of art need not be used in informations

s 8 om 1899 63 Vic No. 9 s 3(2) sch 3

Supreme Court Judges may prescribe forms of information
s 9 om 1899 63 Vic No. 9 s 3(2) sch 3

6 Table of changed names and titles

TABLE OF CHANGED NAMES AND TITLES

under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
wilful murder	murder	Criminal Code Act 1899 s 9 and Offenders Probation and Parole Act Amendment Act 1971

7 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS

under the Reprints Act 1992 s 43

Previous	Renumbered as
4, 1st sentence	4(1)
4, 2nd sentence	4(2)