



# **Criminal Law Amendment Act 1892**

**Current as at 1 December 2008**





Queensland

# Criminal Law Amendment Act 1892

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# Criminal Law Amendment Act 1892

## 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 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 \_\_\_\_\_, 20

## 1 Index to endnotes

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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 1 December 2008. 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)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>hdg</b>	= heading	<b>renu m</b>	= renumbered
<b>ins</b>	= inserted	<b>rep</b>	= repealed
<b>lap</b>	= lapsed	<b>(retro )</b>	= retrospectively
<b>notf d</b>	= notified	<b>rv</b>	= revised edition
<b>num</b>	= numbered	<b>s</b>	= section
<b>o in c</b>	= order in council	<b>sch</b>	= schedule
<b>om</b>	= omitted	<b>sdiv</b>	= subdivision
<b>orig</b>	= original	<b>SIA</b>	= Statutory Instruments Act 1992
<b>p</b>	= page	<b>SIR</b>	= Statutory Instruments Regulation 2002
<b>para</b>	= paragraph	<b>SL</b>	= subordinate legislation
<b>prec</b>	= preceding	<b>sub</b>	= substituted
<b>pres</b>	= present	<b>unnu m</b>	= unnumbered
<b>prev</b>	= previous		

## **4 Table of reprints**

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.



Reprint No.	Amendments to	Effective	Reprint date
1	1961 Act No. 11	29 March 1961	21 March 1996

Reprint No.	Amendments included	Effective	Notes
1A	2004 Act No. 43	3 December 2004	
1B	2008 Act No. 55	1 December 2008	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Changed names and titles	1
Renumbered provisions	1

## 6 List of legislation

### **Criminal Law Amendment Act 1892 56 Vic No. 3**

date of assent 21 July 1892

commenced on date of assent

Note—This Act was to have been repealed by the Criminal Code No. 37 of 1995 s 460(1) sch 4 (automatic commencement under AIA s 15DA(2) deferred to 14 June 1997 (1996 SL No. 84 s 2(2)) but the 1995 Code was never proclaimed into force and was repealed by 1997 No. 3 s 121.

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 never proclaimed into force and rep 1997 No. 3 s 121

**Justice and Other Legislation Amendment Act 2004 No. 43 ss 1–3 sch**

date of assent 18 November 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 3 December 2004 (2004 SL No. 263)

**Criminal Code and Other Acts Amendment Act 2008 No. 55 ss 1–2, 150 sch**

date of assent 23 October 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2008 (2008 SL No. 386)

## **7 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; 2008 No. 55 s 150 sch

**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

**SCHEDULE**

amd 2004 No. 43 s 3 sch

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