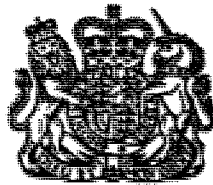


South Australia



ANNO QUADRAGESIMO NONO
ELIZABETHAE II REGINAE
A.D. 2000

**CRIMINAL LAW CONSOLIDATION (APPEALS) AMENDMENT
ACT 2000**

No. 31 of 2000

[Assented to 6 July 2000]

An Act to amend the Criminal Law Consolidation Act 1935.

SUMMARY OF PROVISIONS

1. Short title
2. Amendment of s. 352—Right of appeal in criminal cases
3. Amendment of s. 353—Determination of appeals in ordinary cases
4. Transitional provision

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Criminal Law Consolidation (Appeals) Amendment Act 2000*.

(2) The *Criminal Law Consolidation Act 1935* is referred to in this Act as "the principal Act".

Amendment of s. 352—Right of appeal in criminal cases

2. Section 352 of the principal Act is amended by inserting after paragraph (a) of subsection (1) the following paragraph:

- (ab) if a person is tried on information and acquitted and the trial was by a judge sitting alone, the Director of Public Prosecutions may appeal against the acquittal on any ground with the leave of the Full Court;

Amendment of s. 353—Determination of appeals in ordinary cases

3. Section 353 of the principal Act is amended by inserting after subsection (2) the following subsection:

(2a) On an appeal against acquittal brought by the Director of Public Prosecutions, the Full Court may exercise any one or more of the following powers:

- (a) it may dismiss the appeal;
- (b) it may allow the appeal and direct a new trial;
- (c) it may make any consequential or ancillary orders that may be necessary or desirable in the circumstances.

Transitional provision

4. The amendments effected by this Act only apply in relation to proceedings for offences alleged to have been committed after its commencement.