

**SUPREME COURT
OF THE AUSTRALIAN CAPITAL TERRITORY**

NOTICE TO PRACTITIONERS

***CRIMINAL APPEALS FROM MAGISTRATES COURT
STAY OF EXECUTION WHEN APPELLANT IN CUSTODY***

Background

Section 216 of the *Magistrates Court Act 1930* (ACT) provides for the enforcement or execution of a decision, conviction, order, sentence or penalty appealed from to be stayed pending the finalisation of the appeal.

Sub section 216(2) states that the appellant remains in the custody of the person who had custody of the appellant immediately before the stay, until either the appellant is granted bail or the appellant is remanded in custody.

ACT Corrective Services requires a remand order in order to hold the appellant as a remandee (as opposed to a sentenced prisoner under the imprisonment order) pending the finalisation of the appeal.

Procedure

When a criminal appeal from a decision in the Magistrates Court has been filed with the Supreme Court, and the appellant is serving a sentence of imprisonment as a result of the decision, the Duty Judge will make a remand order in chambers, and the Registrar will send a copy of the remand order to:

- The Superintendent, Custodial Operations, ACT Corrective Services;
- The Officer in Charge at the Alexander Maconochie Centre;
- The Deputy Superintendent, Court Transport Unit; and
- The Secretary, Sentence Administration Board;

and advise each of them:

- 1) the date the appeal was filed; and
- 2) that until the appeal is finalised, the appellant, unless granted bail, is to be a person on remand and not a sentenced prisoner.

Annie Glover
Registrar

13 June 2013