

SUPREME COURT OF TASMANIA

CIRCULAR TO PRACTITIONERS

No 10 of 2018

3 August 2018

COURT OF CRIMINAL APPEAL & FULL COURT: INSTITUTING APPEALS

Practitioners are reminded that the correct means of instituting appeals in the Court of Criminal Appeal and the Full Court is by a Notice of Appeal, not a Notice of Motion.

The *Criminal Code* s.401 creates the statutory right of appeal and the *Criminal Rules* 2016 refer to the filing of a Notice of Appeal.

Certain matters listed in s.401 require the leave of the Court to appeal. The current practice of determining the leave application at the same time as the substantive appeal, will continue. An oral application for leave will be entertained by the Court in lieu of filing a written application together with a Notice of Appeal.

Likewise, an appeal to the Full Court in civil matters is by way of a Notice of Appeal, as provided for in the *Supreme Court Civil Procedure Act* 1932 s.40 and the *Supreme Court Rules* 2000 r.657(1)(b). The sub-rule altered the previous practice of an appeal by way of a motion, notice of which had to be previously given.

The correct forms of a Notice of Appeal to the Court of Criminal Appeal and the Full Court can be found on the Supreme Court website at:

https://www.supremecourt.tas.gov.au/practice_and_procedure/forms

J A Connolly
REGISTRAR