



New South Wales

# Criminal Procedure Amendment (Penalty Notice) Regulation 2023

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under—

- (a) the *Criminal Procedure Act 1986*, and
- (b) the *Summary Offences Act 1988*.

MICHAEL DALEY, MP  
Attorney General

## Explanatory note

The objects of this regulation are to—

- (a) amend the *Criminal Procedure Regulation 2017* to enable penalty notices to be issued for an offence under the *Crimes Act 1900*, section 93IB(1), and
- (b) omit an obsolete provision of the *Summary Offences Regulation 2020*.

## **Criminal Procedure Amendment (Penalty Notice) Regulation 2023**

### **1 Name of Regulation**

This regulation is the *Criminal Procedure Amendment (Penalty Notice) Regulation 2023*.

### **2 Commencement**

This regulation commences on the commencement of the *Criminal Legislation Amendment (Knife Crimes) Act 2023*.

## Schedule 1 Amendment of Criminal Procedure Regulation 2017

**[1] Clause 24 Offences for which briefs of evidence not required**

Insert “, clause 2, table” after “Schedule 4” in clause 24(a).

**[2] Schedule 4 Penalty notice offences**

Insert at the beginning of the schedule—

**1 Definition**

In this schedule—

*knife-related offence* means—

- (a) an offence under the *Crimes Act 1900*, section 93IB or 93IC, or
- (b) an offence under the *Summary Offences Act 1988*, section 11B, or
- (c) another offence, including under a law of the Commonwealth or another State or Territory—
  - (i) committed using a knife within the meaning of the *Crimes Act 1900*, Part 3A, Division 2A, and
  - (ii) punishable by imprisonment for 2 years or more.

**2 Penalty notice offences**

**[3] Schedule 4, clause 2**

Omit “this Schedule” from clause 2(a), as amended by item [2].

Insert instead “the table to this clause”.

**[4] Schedule 4, clause 2(b), as amended by item [2]**

Omit “in this Schedule for”. Insert instead “opposite”.

**[5] Schedule 4, clause 2, as amended by item [2], table**

Insert at the beginning of the table—

**Table**

**[6] Schedule 4, clause 2, as amended by item [2], table**

Insert in appropriate order under the heading **Offences under *Crimes Act 1900***—

Section 93IB(1), if the person has not previously— \$550

- (a) been served a penalty notice under the Act, Chapter 7, Part 3 for a knife-related offence and paid the amount payable—
  - (i) under the notice, or
  - (ii) as a result of subsequent action taken in relation to the notice, or
- (b) been convicted of a knife-related offence, or
- (c) been the subject of an order made under the *Crimes (Sentencing Procedure) Act 1999*, section 10 in relation to a knife-related offence.

## **Schedule 2      Amendment of Summary Offences Regulation 2020**

### **Clause 14 Penalty notices—custody of knives in public place or school**

Omit the clause.