

Serial 202  
Criminal Code Amendment Act 1999  
Mr Burke

**A BILL  
for  
AN ACT**

to amend the Criminal Code





# NORTHERN TERRITORY OF AUSTRALIA

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No. of 1999

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## AN ACT

to amend the Criminal Code

[Assented to 1999]  
[Second reading 1999]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *Criminal Code Amendment Act 1999*.

**2. Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

**3. Principal Act**

The Criminal Code is in this Act referred to as the Principal Act.

**4. Nolle prosequi**

Section 302 of the Principal Act is amended –

- (a) by omitting from subsection (1) "any indictment" and substituting "an indictment, or in relation to a charge contained in an indictment,"; and
- (b) by inserting in subsection (2) "or in relation to the charge" after "indictment".

**5. Presence of appellant**

Section 420 of the Principal Act is amended –

- (a) by inserting before "An appellant" the following:

"(1) Neither an appellant seeking leave to appeal or to extend the time in which notice of appeal or notice of application for leave to appeal may be given, nor a respondent to the application for the leave or extension, is entitled to be present, except with the leave of the Court, at the hearing of the application or at any proceedings preliminary or incidental to the application."; and

- (b) by omitting "An appellant" and substituting "(2) An appellant".

**6. Written argument**

Section 423 of the Principal Act is amended –

- (a) by omitting "Any party" and substituting "(1) Any party"; and

- (b) by adding at the end the following:

"(2) Both an appellant seeking leave to appeal or to extend the time in which notice of appeal or notice of application for leave to appeal may be given and a respondent to the application for the leave or extension are to present their arguments, including an argument in relation to proceedings preliminary or incidental to the application, in writing, unless the Court directs otherwise."