

38. Practice Direction No 1 of 2007 – Disposal of Exhibits

Practice Direction No 9 of 2001 is rescinded. The following Practice Direction will take its place.

1. Subject to paragraph 2 of this Practice Direction, Rules 81A.32 – 81A.35 will continue to apply to criminal proceedings and Rule 86.24 is to be treated as having been repealed.
2. Subject to an order by a Judge to the contrary, exhibits tendered at the trial and any other property that comes into the possession of the Court shall be returned as follows:
 - (i) If no appeal is lodged, at the expiration of six months after the period to appeal expires.
 - (ii) If an appeal is lodged, at the expiration of six months after disposition of the appeal.
 - (iii) If the property comprises or contains medical or other private or confidential records or documents, to the owner of those records or documents at the expense of the legal practitioner acting for the party on whose behalf the property was produced to the Court.
 - (iv) Property other than such confidential records or documents not tendered as an exhibit, to the legal practitioner acting for the party on whose behalf the property was produced to the Court.
3. Rules 81A.32 – 81A.35 and this Practice Direction are to be treated as applying to civil proceedings *mutatis mutandis*.

25 May 2007