APPLICATION FOR A REHEARING INFORMATION NOTICE

What is a rehearing?

If the Magistrates' Court gives a sentence in a criminal case when you were not there, you can ask the court to hear the case again. This is called an application for a rehearing. An informant can also apply. The court will decide whether the rehearing is granted.

Who can apply?

- The person charged (Accused)
- A legal practitioner on behalf of the Accused
- The Informant

When do I need to apply?

You should apply as soon as possible after becoming aware that a sentence was imposed. In most cases, this must be within 28 days of finding out about the sentence.

How do I apply?

Complete the form by:

- Go to the Magistrates Court and complete the application form in person
- Email the application form to the court
- Your lawyer can make the application for you.

Important:

Your application must explain why you did not attend court.

What happens after I apply?

The court will list your application for hearing. You will need to give a copy of the application to the informant so they can appear at the hearing.

- At the hearing, a judicial officer will decide the application. If granted, the sentence will be set aside and the case may be listed for a new hearing date.

If you cannot attend

If you cannot attend the hearing date, contact the court as soon as possible. If you do not attend and do not contact the court, your application may be cancelled.

What happens after the hearing?

- The Judicial Officer will tell you the result of your rehearing application, as long as the Informant has been notified properly.
- If your rehearing is granted, your case may be listed for a new date.
- If you rehearing is refused, the original sentence remains in force.