



Australian Capital Territory

Court Procedures Amendment Rules 2026 (No 2)

Subordinate Law SL2026-11

We, the rule-making committee, make the following rules of court under the [Court Procedures Act 2004](#), section 7.

Dated 30 July 2026.

LUCY MCCALLUM

Chief Justice

LOUISE TAYLOR

Chief Magistrate

DAVID MOSSOP

Judge

IAN TEMBY

Magistrate



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[Court Procedures Act 2004](#)

1 Name of rules

These rules are the *Court Procedures Amendment Rules 2026 (No 2)*.

2 Commencement

These rules commence on 1 August 2026.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

These rules amend the *Court Procedures Rules 2006*.

4 Division 4.1.1A heading, new note

insert

Note For rules about the withdrawal of a solicitor from acting for an accused person in a criminal proceeding, see div 4.2.1AB (Magistrates Court criminal proceedings—withdrawal of solicitor) and div 4.3.2 (Supreme Court criminal proceedings—withdrawal of solicitor).

5 Rule 4000B (6) (f)

substitute

- (f) the solicitor—
- (i) withdraws under rule 4304; or
 - (ii) is given leave to withdraw under rule 4304A; or
 - (iii) is given leave to withdraw under rule 4702, and complies with rule 4702 (5).

6 Rule 4000D

omit

7 New division 4.2.1AB

insert

Division 4.2.1AB Magistrates Court criminal proceedings—withdrawal of solicitor

4304 Withdrawal of solicitor—before date for hearing or sentencing set

- (1) This rule applies if—

- (a) a solicitor for a defendant is on the record in a criminal proceeding; and
 - (b) neither of the following have been set:
 - (i) a date for the hearing of the information laid against the defendant;
 - (ii) a date for the sentencing of the defendant.
- (2) The solicitor may withdraw from acting for the defendant by filing a notice of withdrawal.

Note See approved form 4.7A (Magistrates Court criminal proceeding—notice of withdrawal of solicitor).
- (3) The solicitor must—
 - (a) serve a stamped copy of the notice on the defendant—
 - (i) personally; or
 - (ii) by registered letter addressed to the defendant's last-known address; and
 - (b) serve a stamped copy of the notice on each other party to the proceeding.

4304A Withdrawal of solicitor—after date for hearing or sentencing set

- (1) This rule applies if—
 - (a) a solicitor for a defendant is on the record in a criminal proceeding; and
 - (b) either—
 - (i) the date for the hearing of the information laid against the defendant has been set; or
 - (ii) the date for the sentencing of the defendant has been set.

- (2) The solicitor may withdraw from acting for the defendant only with the court's leave.
- (3) Part 6.2 (Applications in proceedings) does not apply to an application under this rule unless the court orders otherwise.
- (4) The application may be made orally, unless the court orders otherwise.
- (5) The solicitor must, not less than 5 business days before making an application to the court under this rule, give the defendant written notice of—
 - (a) the intention to make the application; and
 - (b) the basis of the application.
- (6) The notice under subrule (5) must be served on—
 - (a) the defendant—
 - (i) personally; or
 - (ii) by registered letter addressed to the defendant's last-known address; or
 - (iii) if the court orders another way of service—as ordered; and
 - (b) each other party to the proceeding.
- (7) If the court gives the solicitor leave to withdraw, the solicitor must—
 - (a) file a notice of withdrawal; and
 - (b) serve a stamped copy of the notice on the defendant—
 - (i) personally; or
 - (ii) by registered letter addressed to the defendant's last-known address; and

- (c) serve a stamped copy of the notice on each other party to the proceeding.

Note See approved form 4.7A (Magistrates Court criminal proceeding—notice of withdrawal of solicitor).

8 New division 4.3.2

insert

Division 4.3.2 Supreme Court criminal proceedings—withdrawal of solicitor

4702 Withdrawal of solicitor

- (1) If a solicitor for an accused person is on the record in a criminal proceeding, the solicitor may withdraw from acting for an accused person only with the court's leave.

Note Pt 6.2 (Applications in proceedings) applies to an application for leave.

- (2) The application must be made in writing and—
 - (a) state the name of the solicitor making the application; and
 - (b) state briefly the order sought.
- (3) A stamped copy of the application must be served on—
 - (a) the accused person—
 - (i) personally; or
 - (ii) by registered letter addressed to the person's last-known address; or
 - (iii) if the court orders another way of service—as ordered; and
 - (b) each other party to the proceeding.
- (4) However, the application may be made orally to the court if the solicitor wants to withdraw from acting for the accused person during the hearing of the person's trial or the sentencing of the person.

- (5) If the court gives the solicitor leave to withdraw, the solicitor must—
- (a) file a notice of withdrawal; and
 - (b) serve a stamped copy of the notice on the accused person—
 - (i) personally; or
 - (ii) by registered letter addressed to the person’s last-known address; and
 - (c) serve a stamped copy of the notice on each other party to the proceeding.

Note See approved form 4.7 (Supreme Court criminal proceeding—notice of withdrawal of solicitor).

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 31 July 2026.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
