

Version No. 001
Bail Regulations 2003

S.R. No. 1/2003

Version as at 1 February 2003

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1. *Objective*

The objective of these Regulations is to prescribe forms to be used for the purposes of the **Bail Act 1977**.

2. *Authorising provision*

These Regulations are made under section 33 of the **Bail Act 1977**.

3. *Commencement*

These Regulations come into operation on 1 February 2003.

4. *Revocation*

The Bail Regulations 1992¹ are **revoked**.

5. *Undertaking of bail*

For the purposes of sections 3, 4 and 5 of the **Bail Act 1977**—

- (a) if an accused person is awaiting trial, an undertaking of bail must be in Form 2;
- (b) in any other case, an undertaking of bail must be in Form 1.

6. *Grant of bail*

If bail is granted to a person under section 4(4) of the **Bail Act 1977**, other than by a court constituted by a judge or a magistrate, the court must record a statement of reasons for making the order in Form 3 and transmit the statement as soon as practicable to the court to which the defendant

is required to surrender himself or herself under the conditions of bail.

7. *Inquiry into physical or mental condition of an accused person*

For the purposes of section 5(4) of the **Bail Act 1977**, a statement of the reason for an inquiry into the physical or mental condition of an accused person must be in Form 4.

8. *Affidavit of justification for bail*

For the purposes of section 9(3) of the **Bail Act 1977**, an affidavit of justification for bail must be in Form 5.

9. *Declaration of justification for bail*

For the purposes of section 9(4) of the **Bail Act 1977**, a declaration of justification for bail must be in Form 6.

10. *Warrant to arrest if surety gives false information*

For the purposes of section 9(6) of the **Bail Act 1977**, a warrant for the arrest of an accused person must be in Form 7.

11. *Statement for a person in custody when bail is refused or objection is taken to the amount or conditions of bail*

For the purposes of section 10(2) of the **Bail Act 1977**, a statement in writing to be given by a member of the police force to a person in custody must be in Form 8.

12. *Notice of deposit as security for penalty*

For the purposes of section 11(2) of the **Bail Act 1977**, a notice to be given by a member of the police force must be in Form 9.

13. *Certificate of bail*

For the purposes of sections 12(1) and 12(2) of the **Bail Act 1977**, if bail is granted, a certificate on a warrant of remand or a warrant of commitment must be in Form 10.

14. *Certificate of refusal of bail*

For the purposes of sections 12(1) and 12(2) of the **Bail Act 1977**, if bail is refused, a certificate on a warrant of remand or a warrant of commitment must be in Form 11.

15. *Duplicate of a certificate of bail*

For the purposes of section 15(2) of the **Bail Act 1977**, a duplicate of a certificate of bail must be in Form 12.

16. *Warrant of deliverance*

For the purposes of section 15(3) of the **Bail Act 1977**, a warrant of deliverance must be in Form 13.

17. *Application seeking variation of amount or conditions of bail*

An accused person who intends to make an application under section 18(7) of the **Bail Act 1977** must, within a reasonable time before the hearing of the application, file with the court a notice of application in Form 14.

18. *Warrant to arrest if surety applies for discharge*

For the purposes of section 23(2) of the **Bail Act 1977**, if a surety makes an application to be discharged from his or her liability with respect to the undertaking of bail, a warrant to arrest a defendant must be in Form 15.

19. *Warrant to arrest to impose additional conditions*

For the purposes of section 25 of the **Bail Act 1977**, if a court issues a warrant to arrest a defendant for the purpose of amending or supplementing the conditions of bail, the warrant to arrest must be in Form 16.

20. *Warrant to arrest if bail is insufficient*

For the purposes of section 26(1) of the **Bail Act 1977**, a warrant to arrest a person released with insufficient security or with security which has become insufficient must be in Form 17.

21. *Warrant to arrest if person released on undertaking to appear fails to appear*

For the purposes of section 26(2) of the **Bail Act 1977**, a warrant to arrest a person who has undertaken to appear before a court and fails to appear before the court in breach of the undertaking must be in Form 18.

22. *Address of Director of Public Prosecutions*

For the purposes of section 29(3) of the **Bail Act 1977**, the address of the Director of Public Prosecutions is 565 Lonsdale Street, Melbourne.

23. *Transitional provision*

- (1) It is sufficient compliance with these Regulations if a form is in the equivalent form of the Bail Regulations 1992.
 - (2) This regulation ceases to have effect on 31 December 2003.
-

Ss 3, 4, 5

Bail Act 1977

UNDERTAKING OF BAIL

Nature of Charge

- I enter this undertaking of bail and acknowledge receipt of a notice setting out my obligations concerning the conditions of my bail and the consequences of my failure to comply with those conditions.

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I enter this undertaking of bail and acknowledge receipt of a notice setting out the obligations of the accused person concerning the conditions of his or her bail and the consequences of his or her failure to comply with those conditions. I further undertake to pay to *the Prothonotary/the Registrar of the County Court/the Principal Registrar of the Magistrates' Court the amount of bail specified on the back of this Form, in the event that the defendant fails to observe a condition of bail.

Signature of First Surety

I enter this undertaking of bail and acknowledge receipt of a notice setting out the obligations of the accused person concerning the conditions of his or her bail and the consequences of his or her failure to comply with those conditions. I further undertake to pay to *the Prothonotary/the Registrar of the County Court/the Principal Registrar of the Magistrates' Court the amount of bail specified on the back of this Form, in the event that the defendant fails to observe a condition of bail.

Signature of Second Surety

* Delete if inapplicable

† NOTE—Each surety should be advised that the effect of this undertaking being extended without any further consent by him or her is that he or she remains bound by this undertaking until the subsequent hearing has been completed. If any surety is unwilling to be so bound paragraph 2 MUST be struck out and initialled by the person taking the undertaking. (Detach this Form before doing so and strike out the paragraph on the sureties' notices separately.)

(Reverse Side)

UNDERTAKING OF BAIL

Court

Informant

Defendant

Defendant's Address

Defendant's Occupation

Nature of Charge (*State Briefly*)

*Deposit

*Other Security

The defendant came before me and signed this undertaking of bail.

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* The under-mentioned person(s) came before me and signed this undertaking of bail and undertook to pay to *the Prothonotary/the Registrar of the County Court/the Principal Registrar of the Magistrates' Court the following amount(s) if the defendant fails to comply with the condition(s) overleaf:

First Surety

Address

The amount of \$

Second Surety

Address

The amount of \$

I satisfied myself before releasing the defendant that *he/she *and the surety/*sureties understood the nature and extent of the obligations of the defendant under the conditions of *his/her bail and the consequences of *his/her failure to comply with them.

Undertaking(s) entered on / /20 , at
in the State of Victoria, before me—

* Judge

* Magistrate

* Bail Justice

* Registrar of the Magistrates' Court

* A member of the Police Force *of or above the rank of Sergeant/for the time being in charge of a Police Station.

* The Governor of the Prison at

* An officer in charge of the prison at of or above the rank of Senior Prison Officer.

* Delete if inapplicable.

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Ss 3, 4, 5

FORM 2

Bail Act 1977

Bail Regulations 2003

UNDERTAKING OF BAIL FOR APPEARANCE AT TRIAL

NOTE—Complete this side before detaching the Form and completing reverse side.

On 20 , [insert name of accused] ("the accused")
was directed to be tried for the offence(s)
of

*before the *Supreme/County Court at at its sittings
commencing on 20

*before the *Supreme/County Court at at *am/pm.
on 20

The accused has been granted bail for appearance at the trial.

1. The conditions of this undertaking are that the accused must—
 - (a) appear at the trial, at a day, time and place notified to *him/her and *his/her *surety/sureties by the Director of Public Prosecutions by notice in writing sent by post or by telegram and then surrender *himself/herself;
 - (b) not depart without the leave of the Court and, as often as leave is given, return at the time appointed by the Court on granting leave and again surrender *himself/herself;
 - (c) *reside at and in the event that the accused is granted permission by a Court to change his or her place of residence from the place appearing in this undertaking as his or her address, the accused must notify in writing the Informant within 24 hours of the change of address and the Director of Public Prosecutions at 565 Lonsdale Street, Melbourne as soon as practicable.

*reside at and if the accused changes his or her place of residence from the place appearing in this undertaking as his or her address, the accused must notify in writing the Informant within 24 hours of the change of address and the Director of Public Prosecutions at 565 Lonsdale Street, Melbourne as soon as practicable.

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(d) *[insert any other conditions imposed]*

- †2. If the hearing is postponed or adjourned, the court so postponing or adjourning may extend this undertaking without the further consent of the surety or sureties, *he/she/they having consented to the inclusion of this provision in the undertaking.
3. Any surety for the appearance of the accused at the trial must, if he or she changes his or her place of residence or business from the place appearing in this undertaking as his or her address, notify the Director of Public Prosecutions at 565 Lonsdale Street, Melbourne, in writing of the change of address as soon as practicable.

I enter this undertaking of bail and acknowledge receipt of a notice setting out my obligations concerning the conditions of my bail and the consequences of my failure to comply with those conditions.

Signature of Accused

I enter this undertaking of bail and acknowledge receipt of a notice setting out the obligations of the accused person concerning the conditions of his or her bail and the consequences of his or her failure to comply with those conditions. I further undertake to pay to *the Prothonotary/the Registrar of the County Court/the Principal Registrar of the Magistrates' Court the amount of bail specified next to my name on the back of this Form, in the event that the defendant fails to observe a condition of bail.

Signature of First Surety

I enter this undertaking of bail and acknowledge receipt of a notice setting out the obligations of the accused person concerning the conditions of his or her bail and the consequences of his or her failure to comply with those conditions. I further undertake to pay to *the Prothonotary/the Registrar of the County Court/the Principal Registrar of the Magistrates' Court the amount of bail specified next to my name on the back of this Form, in the event that the defendant fails to observe a condition of bail.

Signature of Second Surety

* Delete if inapplicable

† NOTE—Each surety should be advised that the effect of this undertaking being extended without any further consent by him or her is that he or she remains bound by this undertaking until the subsequent hearing has been completed. If any surety is unwilling to be so bound paragraph 2 MUST be struck out and initialled by the person taking the undertaking. (Detach this Form before doing so and strike out the paragraph on the sureties' notices separately.)

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(Reverse Side)

UNDERTAKING OF BAIL

*Supreme Court

*County Court

Informant

Accused

Accused's Address

Accused's Occupation

Nature of Charge (*State Briefly*)

*Deposit

*Other Security

The accused came before me and signed this undertaking of bail.

Accused

Address

Occupation

*Deposit

*Other Security

* The under-mentioned person(s) came this day before me and signed this undertaking of bail and undertook to pay to *the Prothonotary/the Registrar of the County Court/the Principal Registrar of the Magistrates' Court the following amount(s) if the accused fails to comply with the condition(s) overleaf:

First Surety

Address

The amount of \$

Second Surety

Address

The amount of \$

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I satisfied myself before releasing the accused that *he/she *and the surety/*sureties understood the nature and extent of the obligations of the accused under the conditions of *his/her bail and the consequences of *his/her failure to comply with them.

Undertaking(s) entered on / /20 , at
in the State of Victoria, before me—

* Judge

* Magistrate

* Bail Justice

* Registrar of the Magistrates' Court

* A member of the Police Force *of or above the rank of Sergeant/for the
time being in charge of a Police Station

* The Governor of the Prison at

* An officer in charge of the prison at of or above the rank of
Senior Prison Officer

* Delete if inapplicable.

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S. 4(4)

FORM 3

Bail Act 1977

Bail Regulations 2003

STATEMENT OF REASONS FOR GRANTING BAIL

Informant

Defendant

Nature of Offence

The Defendant is charged—

- * with an indictable offence alleged to have been committed while he or she was at large awaiting trial for another indictable offence;
- *with an offence of stalking under section 21A(1) of the **Crimes Act 1958** and the circumstances set out in section 4(4)(b)(i) or 4(4)(b)(ii) of the **Bail Act 1977** are satisfied;
- *with an offence against section 22 of the **Crimes (Family Violence) Act 1987** and the circumstances set out in section 4(4)(ba)(i) or 4(4)(ba)(ii) of the **Bail Act 1977** are satisfied;
- * with an offence of aggravated burglary under section 77 of the **Crimes Act 1958** or any other indictable offence in the course of committing which the defendant or any person acting in concert with the defendant is alleged to have used or threatened to use a firearm, offensive weapon or explosive within the meaning of that section;
- * with an offence under section 71AB, 71AC or 72B of the **Drugs, Poisons and Controlled Substances Act 1981** or an offence of conspiring to commit any of those offences under section 79(1) of that Act;
- * subject to section 4(2)(aa) of the **Bail Act 1977**, with an offence of trafficking in a drug of dependence under section 71 of the **Drugs, Poisons and Controlled Substances Act 1981** or an offence of cultivating a narcotic plant under section 72 of that Act or an offence of conspiring to commit either of those offences under section 79(1) of that Act;

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* subject to section 4(2)(aa) of the **Bail Act 1977**, with an offence under section 231(1), 233A or 233B(1) of the Customs Act 1901 of the Commonwealth in relation to a commercial or trafficable quantity of narcotic goods within the meaning of that Act;

* with an offence against the **Bail Act 1977**

and is being held in custody at [*place at which held*] in relation to that offence:

The Defendant has shown cause to me why his or her detention in custody is not justified.

I, [*name of Justice, etc.*]

a [*insert title of person or court fixing bail*]

order that the defendant be released from custody upon his or her signing an undertaking to appear before the

Court at on 20

on the following condition(s):

[*insert any other conditions imposed*]

The reasons for making this order are—

Dated at , , 20 .

*Bail Justice

*Member of the Police Force

* Delete if inapplicable.

NOTE—This statement is to be transmitted as soon as practicable to the court to which the defendant is required to surrender himself or herself under the conditions of the bail.

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S. 5(4)

FORM 4

Bail Act 1977

Bail Regulations 2003

**STATEMENT OF THE REASON FOR INQUIRY INTO PHYSICAL
OR MENTAL CONDITION OF AN ACCUSED PERSON**

In the Court

at

Informant

Defendant

Nature of Offence

To [*insert name of medical practitioner, institution or place specified in the undertaking*]

The defendant has been released on bail conditions for his or her appearance at

 * the *Supreme/County Court at its sittings commencing on

 * the Magistrates' Court at on

I am of the opinion that an inquiry ought to be made into *his/her
*physical/mental condition, and it is a condition of *his/her bail that *he/she
undergo examination *by a medical practitioner at [*name of institution or place*]

*(or) by [*name of medical practitioner*]

The reason for the inquiry is [*include any information before the court as to mental or physical condition*].

Dated at , 20 .

 *Judge of the *Supreme/County Court

 *Magistrate

 *Bail Justice

* Delete if inapplicable.

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S. 9(3)

FORM 5

Bail Act 1977

Bail Regulations 2003

AFFIDAVIT OF JUSTIFICATION BY SURETY TO UNDERTAKING

In the matter of—

- * under committal for trial at the sittings of the *Supreme/County Court in its Criminal Jurisdiction at
- * under committal for trial at the *Supreme/County Court at
- * on remand to appear before the *Magistrates'/Children's Court at on the day of , 20
- * under arrest to answer a charge of

I, [name] of [address], [occupation],
*make oath and say/affirm—

1. That I am a person who has attained the age of 18 years and am not under any disability at law.
2. That I am, after payment of all my just debts and liabilities, well and truly worth in real or personal property or both not less than the amount of [dollars].
3. That my real estate consists of [*the allotment, parish, street, etc., the area of the land and whether there are any buildings on the land should be stated with sufficient accuracy to identify the land*].
4. That my real estate is not encumbered (except by [*if encumbered, state nature of encumbrances and give value of equity*]).
5. That my personal property consists of [*if money on deposit, give name and address of bank etc., if household furniture, state where kept*].
- *6. That I am not surety in any other matter.
- *7. That I am surety at the present time in the *matter/matters of in the sum of \$ and in no other, but the value of my real and personal property is sufficient to cover my liability in *that matter/all those matters.

Signature of Surety

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*Sworn/Affirmed at _____ in the State of Victoria on _____, 20____

Before me—

* Magistrate

* A Bail Justice

* A Registrar of the Magistrates' Court at _____

* A member of the Police Force *of or above the rank of Sergeant/for the time being in charge of the Police Station at _____

* The Governor of the Prison at _____

* An officer in charge of the prison at _____ of or above the rank of Senior Prison Officer.

* Delete if inapplicable.

FORM OF OATH OR AFFIRMATION FOR AN AFFIDAVIT OF
JUSTIFICATION BY SURETY

The deponent is to repeat the following words:

"I swear by Almighty God that I have truthfully answered all questions put to me in this matter." or

"I affirm that I have truthfully answered all questions put to me in this matter".

Deponent is to be asked the following questions after the oath or affirmation is administered—

1. Is this affidavit signed with your name and handwriting?
2. Are the contents of this affidavit true and correct in every particular?

To each question the deponent must reply by saying "Yes".

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S. 9(4)

FORM 6

Bail Act 1977

Bail Regulations 2003

**DECLARATION OF JUSTIFICATION BY SURETY TO
UNDERTAKING**

In the matter of—

- * under committal for trial at the sittings of the *Supreme/County Court in its criminal jurisdiction at
- * under committal for trial at the *Supreme/County Court at
- * on remand to appear before the *Magistrates'/Children's Court at
on the day of , 20 .
- * under arrest to answer a charge of

I, [name] of [address], [occupation],
do solemnly and sincerely declare—

1. That I am a person who has attained the age of 18 years and am not under any disability at law.
2. That I am, after payment of all my just debts and liabilities, well and truly worth in real or personal property or both not less than the amount of [dollars].
3. That my real estate consists of [*the allotment, parish, street, etc., the area of the land and whether there are any buildings on the land should be stated with sufficient accuracy to identify the land*].
4. That my real estate is not encumbered (except by [*if encumbered, state nature of encumbrances and give value of equity*]).
5. That my personal property consists of [*if money on deposit, give name and address of bank etc., if household furniture, state where kept*].
- *6. That I am not surety in any other matter.
- *7. That I am surety at the present time in the *matter/matters of in the sum of \$ and in no other, but the value of my real and personal property is sufficient to cover my liability in *that matter/all those matters.

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And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Signature of Surety

Declared at _____ in the State of Victoria on _____, 20__.

Before me—

* Magistrate

* A Bail Justice

* A Registrar of the Magistrates' Court at

* A member of the Police Force *of or above the rank of Sergeant/for the time being in charge of the Police Station at

* The Governor of the Prison at

* An officer in charge of the prison at _____ of or above the rank of Senior Prison Officer.

* Delete if inapplicable.

FORM OF QUESTIONS TO BE USED IN THE TAKING OF
DECLARATION

1. Do you solemnly and sincerely declare that this declaration is signed with your name and handwriting?
2. Do you solemnly and sincerely declare that the contents of this declaration are true and correct in every particular?
3. Do you make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury?

To each question the declarant must reply by saying "I do".

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S. 9(6)

FORM 7

Bail Act 1977

Bail Regulations 2003

**WARRANT TO ARREST IF A SURETY GIVES FALSE
INFORMATION IN SUPPORT OF AN UNDERTAKING OF BAIL**

In the Court

at

Informant

Defendant

of

Nature of charge [*state shortly*]

To all members of the Police Force of the State of Victoria:

On , 20 the defendant and [*name of surety*]
as surety signed an undertaking of bail conditioned for the appearance of the
defendant

* before the *Supreme/County Court at at its sittings
commencing on the , 20 .

* before the Court at at *a.m./p.m.
on , 20 .

* which undertaking was extended to , 20 at
* a.m./p.m.

And this Court is of the opinion that the surety for bail has sworn an
*affidavit of justification/*made a declaration of justification which *he/she
knew to be false in a material particular, namely—

Now I authorise you to break enter and search any place where the defendant
is suspected to be and to arrest *him/her and cause the defendant when
arrested—

- (a) to be brought before a bail justice or the court as soon as practicable to
be dealt with according to law; or
- (b) to be released on bail in accordance with the endorsement on the
warrant.

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Dated at _____, _____ 20 ____.

*Judge of the *Supreme/County Court

* Delete if inapplicable.

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S. 10(2)

FORM 8

Bail Act 1977

Bail Regulations 2003

**STATEMENT FOR A PERSON IN CUSTODY WHEN BAIL IS
REFUSED OR OBJECTION IS TAKEN TO THE AMOUNT FIXED
OR CONDITIONS OF BAIL**

To

Take notice that, under the provisions of section 10(2) of the **Bail Act 1977** (the relevant provisions of which are set out below), where a member of the Police Force refuses to fix bail or where you object to the amount fixed for bail or any condition of bail, you may apply to a bail justice for—

1. Discharge from custody.
2. Variation of the amount of bail.
3. Variation of the conditions of bail.

Bail Act 1977, Section 10(2)

"Where a member of the police force refuses to discharge a person from custody under sub-section (1) or any person held in custody objects to the amount fixed for bail or any condition of bail the member of the police force shall **advise** the person in custody that he is entitled, should he so desire, to apply to a bail justice for discharge from custody or for variation of the amount of bail or conditions of bail or shall give to the person **a statement in writing** setting forth the provisions of this sub-section and if the person elects so to apply the member—

- (a) shall cause the person to be brought before a bail justice as soon as practicable;
 - (b) shall cause to be produced before the bail justice the warrant, file or papers referred to in sub-section (3); and
 - (c) shall abide by the decision of the bail justice in relation to that person."
-

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S. 11

FORM 9

Bail Act 1977

Bail Regulations 2003

**NOTICE OF DEPOSIT TO SECURE PAYMENT OF ANY PENALTY
IMPOSED BY THE MAGISTRATES' COURT**

Informant

Defendant

of [address]

Nature of Offence [state shortly]

The Defendant was released by me from custody on his or her making a deposit in the amount of dollars and at the time I released him or her—

- (a) I notified him or her that he or she was required to appear before the Magistrates' Court at at *a.m./p.m. on 20 to answer the charge; and
- (b) I explained to him or her that, if he or she failed to appear at the time and place, the charge might be heard in his or her absence, and that the deposit would be appropriated to the payment or part payment of any fine which might be imposed upon him or her by the Court and any surplus paid into the Consolidated Fund, but that if he or she appeared to answer the charge any surplus would be refunded to him or her.

Dated at , 20 .

Signature of member of Police Force

releasing the defendant

Rank No.

Deposit of \$

Defendant's Signature

* Delete if inapplicable.

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S. 12(1)(2)

FORM 10

Bail Act 1977

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CERTIFICATE OF BAIL

I certify that I [*name*]

a [*insert title of person or court fixing bail*] consent to the defendant being released from custody upon his or her signing an undertaking to appear before the Court at on 20 , on the following conditions:

1. A deposit of \$ or other security;
2. A surety/sureties in the amount of \$;
3. A deposit of \$ or other security and a surety/sureties in the amount of \$;
4. [*insert any other conditions imposed*]

Dated at , 20 .

*Judge of the *Supreme/County Court

*Magistrate

* Delete if inapplicable.

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S. 12(1)(2)

FORM 11

Bail Act 1977

Bail Regulations 2003

CERTIFICATE OF REFUSAL OF BAIL

I certify that I [*name*]

a [*insert title of person or court refusing bail*]

have refused bail for the release of the defendant on the following grounds:

Dated at _____, 20____.

*Judge of the *Supreme/County Court

*Magistrate

* Delete if inapplicable.

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S. 15(2)

FORM 12

Bail Act 1977

Bail Regulations 2003

DUPLICATE OF A CERTIFICATE OF BAIL UNDER SECTION 15(2)

In the Magistrates' Court
at

Informant

Defendant

Nature of charge

A *Warrant to arrest/Remand Warrant was issued against the defendant on
20 and a certificate of bail endorsed on that warrant.

The defendant is in custody in the prison at and it is inconvenient
for the *surety/sureties to attend the prison to sign the undertaking of bail.

I certify that the following is a duplicate of the certificate endorsed on the
warrant:

"I certify that I [*name of bail justice etc.*]

a [*insert title of person or court fixing bail*]

consent to the defendant named in this warrant being released from custody
upon his or her signing an undertaking to appear before the Court at
on 20 , *on the following conditions:

1. A deposit of \$ or other security;
2. A surety/sureties in the amount of \$;
3. A deposit of \$ or other security and a surety/sureties in the
amount of \$.
4. [*insert any other conditions imposed*]

Bail Regulations 2003
S.R. No. 1/2003

Dated at the day of , 20 .

*Bail Justice

* Delete if inapplicable.

Bail Regulations 2003
S.R. No. 1/2003

S. 15(3)

FORM 13

Bail Act 1977

Bail Regulations 2003

**WARRANT OF DELIVERANCE ON PRISONER BEING ADMITTED
TO BAIL**

In the Court

at

Informant

Defendant

Nature of charge [*state shortly*]

To the Officer in Charge of the Prison at
in the State of Victoria.

The defendant has signed an undertaking of bail before me, conditioned for
his or her appearance—

* before the *Supreme/County/Magistrates' Court at at its sitting
commencing on the day of 20 .

* before the Court at *a.m./p.m.
on the day of 20 .

You are commanded that if the defendant remains in your custody in
prison for the offence and for no other you must immediately allow
*him/her to go at large.

Dated at 20

*Judge of the *Supreme/County Court

*Magistrate of the Magistrates' Court

* Delete if inapplicable.

Bail Regulations 2003
S.R. No. 1/2003

-
2. You as *surety/sureties are entitled to appear at the hearing of such application and to give evidence.

Dated at _____, 20 ____.

(Signed) Applicant

* Delete if inapplicable.

Bail Regulations 2003
S.R. No. 1/2003

S. 23(2)

FORM 15

Bail Act 1977

Bail Regulations 2003

**WARRANT TO ARREST IF A SURETY APPLIES TO BE
DISCHARGED FROM LIABILITY UNDER AN UNDERTAKING OF
BAIL**

In the Court

at

Informant

Defendant

of

Nature of charge [*state shortly*]

To all members of the Police Force of the State of Victoria

On 20 the defendant and [*name of surety*]

as surety signed an undertaking of bail conditioned for the appearance of the
defendant—

* before the *Supreme/County Court at at its sittings
commencing on the 20 .

* before the Court at at *a.m./p.m. on
20 .

* which undertaking was extended to 20 at
* a.m./p.m.

The surety has made application for *his/her discharge from liability under
the undertaking.

You are authorised to break, enter and search any place where the defendant
is suspected to be and to arrest *him/her and cause the defendant when
arrested—

(a) to be brought before a bail justice or the Court as soon as practicable
to be dealt with according to law; or

Bail Regulations 2003
S.R. No. 1/2003

(b) to be released on bail in accordance with the endorsement on the warrant.

Dated at 20 .

*Judge of the *Supreme/County Court

*Magistrate

* Delete if inapplicable.

Bail Regulations 2003
S.R. No. 1/2003

S. 25

FORM 16

Bail Act 1977

Bail Regulations 2003

**WARRANT TO ARREST TO AMEND OR SUPPLEMENT THE
CONDITIONS OF AN UNDERTAKING OF BAIL**

In the Court

at

Informant

Defendant

of

Nature of charge [*state shortly*]

To all members of the Police Force of the State of Victoria

On 20 the defendant signed an undertaking conditioned
for *his/her appearance

* before the *Supreme/County Court at at its sittings
commencing on the 20 .

* before the Court at at *a.m./p.m. on
20 .

* which undertaking was extended to 20 at *a.m./ p.m.

And as the Court is of the opinion that it is necessary or advisable in the
interests of justice that the conditions of the undertaking be amended or
supplemented.

You are authorised to break, enter and search any place where the defendant
is suspected to be and to arrest *him/her and cause the defendant when
arrested—

(a) to be brought before a bail justice or the Court as soon as practicable
to be dealt with according to law; or

Bail Regulations 2003
S.R. No. 1/2003

(b) to be released on bail in accordance with the endorsement on the warrant.

Dated at 20 .

*Judge of the *Supreme/County Court

*Magistrate

* Delete if inapplicable.

Bail Regulations 2003
S.R. No. 1/2003

S. 26(1)

FORM 17

Bail Act 1977

Bail Regulations 2003

**WARRANT TO ARREST IF A PERSON HAS BEEN RELEASED
WITH INSUFFICIENT SECURITY OR WITH SECURITY WHICH
HAS BECOME INSUFFICIENT**

In the Court

at

Informant

Defendant

of

Nature of charge [*state shortly*]

To all members of the Police Force of the State of Victoria

On 20 the defendant signed an undertaking of bail
conditioned for *his/her appearance

* before the *Supreme/County Court at at its sittings
commencing on the 20 .

* before the Court at at *a.m./p.m. on
20 .

* which undertaking was extended to 20 at *a.m./p.m.

The Court, being the Court that admitted the defendant to bail, is satisfied
that the defendant was released with *insufficient security/*security which
has become insufficient.

You are authorised to break, enter and search any place where the defendant
is suspected to be and to arrest *him/her and cause the defendant when
arrested—

- (a) to be brought before a bail justice or the Court as soon as practicable
to be dealt with according to law; or

Bail Regulations 2003
S.R. No. 1/2003

(b) to be released on bail in accordance with the endorsement on the warrant.

Dated at 20 .

*Judge of the *Supreme/County Court

*Magistrate

* Delete if inapplicable

Bail Regulations 2003
S.R. No. 1/2003

S. 26(2)

FORM 18

Bail Act 1977

Bail Regulations 2003

**WARRANT TO ARREST IF A PERSON RELEASED ON
UNDERTAKING FAILS TO APPEAR**

In the Court

at

Informant

Defendant

of

Nature of charge [*state shortly*]

To all members of the Police Force of the State of Victoria

On 20 the defendant signed an undertaking of bail
conditioned for *his/her appearance—

* before the *Supreme/County Court at at its sittings
commencing on 20 .

* before the Court at at *a.m./p.m. on
20 .

* which undertaking was extended to 20 at *a.m./p.m.

And the defendant has in breach of the undertaking failed to appear this day
before this Court.

You are authorised to break, enter and search any place where the defendant
is suspected to be and to arrest *him/her and cause the defendant when
arrested—

(a) to be brought before a bail justice or the Court as soon as practicable
to be dealt with according to law; or

Bail Regulations 2003
S.R. No. 1/2003

(b) to be released on bail in accordance with the endorsement on the warrant.

Dated at 20 .

*Judge of the *Supreme/County Court

*Magistrate

* Delete if inapplicable.

=====

Bail Regulations 2003
S.R. No. 1/2003

ENDNOTES

1. General Information

The Bail Regulations 2003, S.R. No. 1/2003 were made on 22 January 2003 by the Governor in Council under section 33 of the **Bail Act 1977**, No. 9008/1977 and came into operation on 1 February 2003.

The Bail Regulations 2003 will sunset 10 years after the day of making on 22 January 2013 (see section 5 of the **Subordinate Legislation Act 1994**).

Bail Regulations 2003
S.R. No. 1/2003

2. Table of Amendments

There are no amendments made to the Bail Regulations 2003 by statutory rules, subordinate instruments and Acts.

3. Explanatory Details

¹ Reg. 4: S.R. No. 177/1992.