

**MAGISTRATES COURT (BAIL) (PRESCRIBED FORMS) RULES
2006**

BR 12 / 2006

MAGISTRATES ACT 1948

1948 : 25

**MAGISTRATES COURT (BAIL) (PRESCRIBED FORMS) RULES
2006**

Magistrates, in exercise of the power conferred on them by section 21(1) of the Magistrates Act 1948 and with the approval of the Chief Justice, make the following Rules:

Citation

1 These Rules may be cited as the Magistrates Court (Bail) (Prescribed Forms) Rules 2006.

Prescribed forms

2 The forms listed under Schedule 1 are hereby prescribed as those required under sections 7 and 9 of the Bail Act 2005.

Forms

3 The forms set out under Schedule 2, pursuant to the forms prescribed under Schedule 1, shall be the forms to be used in connection with Bail in the Magistrates Court.

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**SCHEDULE 1 (Rule 2)
LIST OF FORMS**

Form No.	Description
Form 1	Record of Decision to grant Bail under section 7(1)(a) of the Bail Act 2005
Form 2	Record of Decision to withhold Bail under section 7(1)(b) of the Bail Act 2005
Form 3	Record of Time or Place (or Different Time or place) to Surrender to Custody under section 7(1)(c) of the Bail Act 2005
Form 4	Record of Decision to Vary Conditions of Bail under section 7(1)(d) and (6) of the Bail Act 2005
Form 5	Certificate as to Hearing of full Argument for Bail Application under section 7(9) of the Bail Act 2005
Form 6	Record of Reconsideration of Decision to grant Bail under section 9(12) of the Bail Act 2005

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**SCHEDULE 2 (Rule 3)
FORMS**

Form 1 Bail Act 2005

Record of Decision to Grant Bail (section 7(1)(a))

MAGISTRATES COURT

DATE: _____

Name of Defendant: _____

Date of Birth: _____

Case No.: _____

Offence(s): _____

The defendant is granted bail with a duty to surrender to the custody of the court on _____ at _____ and any subsequent date and time appointed by the court.

CONDITIONS of Bail Included: Yes/No

- (a) recognizance _____
- (b) security _____
- (c) surety(ies) _____
- (d) no contact with witnesses _____
- (e) surrender travel documents _____
- (f) submit to a curfew _____
- (g) report to police station _____
- (h) make self available for inquiries/ reports _____
- (i) section 4(5)(murder cases) _____

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(j) other _____

**REASONS FOR GRANTING BAIL/ WITH CONDITIONS (section 7(3) &
(5))**

Magistrate

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Form 2 Bail Act 2005

Record of Decision to Withhold Bail (section 7(1)(b))

MAGISTRATES COURT

DATE: _____

Name of Defendant: _____

Date of Birth: _____

Case No.: _____

Offence(s): _____

Reasons For Withholding Bail (section 7(5)(a)) :

The court is of the view that the following exceptions to bail contained in Schedule 1 apply:

Part 1, paragraph(s) -

Part 2, paragraph(s) -

OTHER REASONS _____

Accordingly, the defendant is remanded/committed in custody to the Magistrates Court

Until _____ at _____ for:

- a. Mention
- b. Sentence
- c. Committal Proceedings
- d. Trial

Magistrate

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Form 3 Bail Act 2005

**Record of Time or Place (or Different Time or Place) to
Surrender to Custody (section 7(1)(c))**

MAGISTRATES COURT/ CUSTODY OFFICER

DATE: _____

Name of Defendant: _____

Date of Birth: _____

Case No.: _____

Offence(s): _____

TIME/ PLACE (ORIGINALLY) APPOINTED FOR SURRENDER:

DIFFERENT TIME/ PLACE APPOINTED FOR SURRENDER

Magistrate

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Form 4 Bail Act 2005

**Record of Decision to Vary Conditions of Bail (section 7(1)(d)
& (6))**

MAGISTRATES COURT

DATE: _____

Name of Defendant: _____

Date of Birth: _____

Case No.: _____

Offence(s): _____

The Defendant having been granted bail by the Magistrates Court on
_____ with conditions and application having now
been made by _____ for variation of those conditions,
THE

APPLICATION IS HEREBY:

REFUSED/ GRANTED

CONDITIONS NOW VARIED TO INCLUDE:

- (a) recognizance _____
- (b) security _____
- (c) surety(ies) _____
- (d) no contact with witnesses _____

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- (e) surrender travel documents _____
- (f) submit to a curfew _____
- (g) report to police station _____
- (h) make self available for inquiries/ reports _____
- (i) section 4(5) _____
- (j) other _____

REASONS FOR VARYING CONDITIONS OF BAIL (section 7(6))

Magistrate

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Form 5 Bail Act 2005

**Certificate as to Hearing of full Argument for Bail Application
(section 7(9))**

MAGISTRATES COURT

DATE: _____

Name of Defendant: _____

Date of Birth: _____

Case No.: _____

Offence(s): _____

It is hereby certified that on the above mentioned date the court heard full argument on an application for bail made by/on behalf of the Defendant named herein before refusing the application and remanded the Defendant in custody.

The court has not previously heard such argument on application in these proceedings;

OR

The court has previously heard full argument from the Defendant in these proceedings but is satisfied that there has been a change in the Defendant's circumstances or that new considerations have been placed before the court.

Changed Circumstances are:

New Considerations are:

Magistrate

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Form 6 Bail Act 2005

**Record of Reconsideration of Decision to Grant Bail (section
9(12))**

MAGISTRATES COURT

DATE: _____

Name of Defendant: _____

Date of Birth: _____

Case No.: _____

Offence(s): _____

The Defendant having been granted bail by the Magistrates Court on _____ with conditions, And Application having now been made By the Prosecutor for Reconsideration of that Decision:

DECISION ON RECONSIDERATION:

REASON(S) section 9 (12):

Magistrate

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Made, this 14th day of February, 2006

Senior Magistrate
On behalf of Magistrates

Approved this 20th day of February, 2006

Chief Justice