

NORTHERN TERRITORY OF AUSTRALIA

BAIL REGULATIONS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1983, No. 18*

Regulations under the *Bail Act*

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Bail Act*.

Dated this twenty-seventh day of June, 1983.

E.E. JOHNSTON
Administrator

BAIL REGULATIONS

1. CITATION

These Regulations may be cited as the *Bail Regulations*.

2. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Bail Act*.

3. FORMS

(1) A reference in these Regulations to a form by number is a reference to a form so numbered in the Schedule.

* Notified in the *Northern Territory Government Gazette* on 29 June, 1983.

G. L. DUFFIELD, Government Printer of the Northern Territory

Price: 90 cents

Bail Regulations

(2) Pursuant to section 53(2)(f) of the Act, for the purposes of the section or sections of the Act specified in each of the following paragraphs, the form specified in that paragraph is the form to be used:

- (a) sections 25(1), 27(1), (2), 29 and 30(1) - Form 1;
- (b) section 27(2)(b), (4) and (5) - Form 2;
- (c) section 31(1) - Form 3; and
- (d) section 31(2)(a) - Form 4.

(3) A form referred to in sub-regulation (2) shall be completed in accordance with such directions and instructions as are specified in the form.

SCHEDULE

FORM 1

Regulation 3(2)(a)

NORTHERN TERRITORY OF AUSTRALIA

Bail Act

Sections 25(1), 27(1),
(2), 29 and 30(1)

PART A: BAIL UNDERTAKING AND AGREEMENT BY
ACCUSED PERSON WITH GUARANTOR

PART A.1 - BAIL UNDERTAKING AND AGREEMENT BY
ACCUSED PERSON
[PLEASE USE BLOCK LETTERS]

I,.....,
(*full name of accused person*)

.....,
(*occupation of accused person*)

live at.....
(*permanent residential address of accused person*)

and I undertake to appear at the Children's Court/Court of
Summary Jurisdiction/Supreme Court* at.....
(*place of court*)

at.....o'clock a.m./p.m.*, on the.....day
(*time*) (day)

of....., 19... or at any other time and place at
(*month*)

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which the proceedings may be continued for the following
offence(s):

.....
.....
.....
.....
(list offence(s) with which accused person is charged)

And I agree to comply with the following conditions while
at liberty:

.....
.....
.....
.....
(list conditions other than those specified in Part C)

IF YOU DO NOT APPEAR ANY MONEY OR SECURITY GIVEN BY YOU
MAY BE LOST BY ORDER OF THE COURT.

I agree that if I do not keep my undertaking or agreement
I will pay \$.....to the Territory Government.
(amount of bail)

Signature of accused person:.....
* Delete where inapplicable.

PART A.2 - AGREEMENT BY GUARANTOR(S)
[PLEASE USE BLOCK LETTERS]

I/We*.....,
(full name of guarantor)
.....,
(occupation of guarantor)
of.....
(permanent residential address of guarantor)

Bail Regulations

AND*

.....
(full name of guarantor)

.....
(occupation of guarantor)

of.....
(permanent residential address of guarantor)

agree that if the accused person does not keep his under-
taking I/We* will pay \$.....to the Territory
Government. (amount of bail)

IF YOU SIGN THIS AGREEMENT YOU MAY, IF THE ACCUSED PERSON
DOES NOT APPEAR AT COURT, AND IF THE COURT SO ORDERS, LOSE
THE AMOUNT OF MONEY OR SECURITY MENTION HEREIN.

Signature(s) of guarantor(s):

.....

This undertaking and agreement was entered into on the
.....day of....., 19...
(day) (month)
before me at.....and a completed
(place)
copy of this form was handed to each person who signed
this bail undertaking and agreement.

.....
(signature of authorized member/
Justice of the Peace*)

SECURITY/CASH DEPOSITED BY
ACCUSED PERSON
\$.....Receipt No.....

SECURITY/CASH DEPOSITED BY
GUARANTOR(S)
\$.....Receipt No(s)....

ANY GOODS DEPOSITED AS SECURITY MAY BE LOST IF THE ACCUSED
PERSON DOES NOT COMPLY WITH HIS BAIL CONDITIONS, WHICH ARE
ATTACHED/OVERLEAF.

* Delete where inapplicable.

Bail Regulations

PART B: BAIL UNDERTAKING AND AGREEMENT BY
ACCUSED PERSON
[PLEASE USE BLOCK LETTERS]

I,.....,
(full name of accused person)

.....,
(occupation of accused person)

live at.....
(permanent residential address of accused person)

and I undertake to appear at the Children's Court/Court of
Summary Jurisdiction/Supreme Court* at.....
(place of court)

at.....o'clock a.m./p.m.*, on the.....day
(time) (day)

of....., 19... or at any other time and place to
(month)

which the proceedings may be continued for the following
offence(s):

.....
.....
.....
.....
(list offence(s) with which accused person is charged)

And I agree to comply with the following conditions while
at liberty:

.....
.....
.....
.....
(list conditions other than those specified in Part C)

IF YOU DO NOT APPEAR ANY MONEY OR SECURITY GIVEN BY YOU
MAY BE LOST BY ORDER OF THE COURT.

I agree that if I do not keep my undertaking or agreement
I will pay \$.....to the Territory Government.
(amount of bail)

Signature of accused person:.....

Bail Regulations

This undertaking and agreement was entered into on the
day of....., 19...
 (day) (month)
 before me at.....and a completed
 (place)
 copy of this form was handed to the person who signed this
 bail undertaking and agreement.

.....
 (*signature of authorized member/
 Justice of the Peace**)

PARTICULARS OF SECURITY/CASH DEPOSITED

\$.....Receipt No.....

*Delete where inapplicable.

PART C: BAIL CONDITION(S)

The bail was granted on the following condition(s):

- * (a) you enter into an agreement to observe the requirements as to your conduct specified in your bail undertaking while at liberty on bail;
- * (b) one (or) acceptable person(s) acknowledge that he is or they are acquainted with you and that he regards you, or they regard you, as a responsible person who is likely to comply with your bail undertaking;
- * (c) you enter into an agreement, without security, to forfeit the amount of money specified in your bail undertaking if you fail to comply with your bail undertaking;
- * (d) one (or) persons enter into an agreement or agreements, without security, to forfeit the amount or amounts of money specified in your bail undertaking if you fail to comply with your bail undertaking;
- * (e) you enter into an agreement, and deposit acceptable security, to forfeit the amount of money specified in your bail undertaking if you fail to comply with your bail undertaking;
- * (f) one (or) persons enter into an agreement or agreements, and deposit acceptable security, to forfeit the amount or amounts of money specified in your bail undertaking if you fail to comply with your bail undertaking;

Bail Regulations

*(g) you deposit with an authorized member or a court the amount of money specified in your bail undertaking, in cash, and enter into an agreement to forfeit the amount deposited if you fail to comply with your bail undertaking;

*(h) one (or) persons deposit with an authorized member or a court the amount or amounts of money specified in your bail undertaking, in cash, and enter into an agreement or agreements to forfeit the amount deposited if you fail to comply with your bail undertaking.

Dated this.....day of....., 19...

.....
(signature of authorized member/
Justice of the Peace*)

* Delete where inapplicable.

FORM 2

Regulation 3(2)(b)

NORTHERN TERRITORY OF AUSTRALIA

Bail Act

Section 27(2)(b),
(4) and (5)

ACKNOWLEDGEMENT
[PLEASE USE BLOCK LETTERS]

I,
(full name of person making acknowledgement)

.....
(occupation of person making acknowledgement)

of.....
(permanent residential address of person making
acknowledgement)

acknowledge that I have been acquainted with.....
.....
(full name of accused person)

of.....
(permanent residential address of accused person)

for years.

Bail Regulations

I regard him as a responsible person who is likely to comply with his bail undertaking.

The nature of my acquaintance with him is.....
.....
(e.g., employer, partner, parent, friend, &c.)

Before making this acknowledgement I have been warned that it is an offence under section 44 of the *Bail Act* to wilfully make an acknowledgement under section 27(2)(b) of that Act knowing it to be untrue.

Signature of person making acknowledgement:.....

This acknowledgement was made before me at
(place)

on.....after I had complied with section 44
(date)

of the *Bail Act*. I gave the person signing this acknowledgement a copy of it after I read and explained it to him.

.....
(signature of authorized member/
Justice of the Peace*)

* Delete where inapplicable.

Bail Regulations

FORM 3

Regulation 3(2)(c)

NORTHERN TERRITORY OF AUSTRALIA

Bail Act

Section 31(1)

APPLICATION FOR DISCHARGE FROM LIABILITY
[PLEASE USE BLOCK LETTERS]

I,
(full name of guarantor)

.....
(occupation of guarantor)

of.....
(permanent residential address of guarantor)

guarantor for the accused person.....
(full name of accused person)

of.....
(permanent residential address of accused person)

apply pursuant to section 31(1) of the Bail Act to the Court, it being the Court -

(a) which granted the accused person bail; or

(b) before which the accused person is to appear,* for my liability to be discharged in respect of an agreement entered into as a condition of bail on.....
(date)

at.....
(place)

The accused person had undertaken to appear before the Children's Court/Court of Summary Jurisdiction/Supreme Court* at.....on.....
(place) (date)

Bail Regulations

The grounds of my application are:

.....
.....
.....
.....

.....
(signature of guarantor)

Date...../...../.....

NOTICE OF HEARING

TAKE NOTICE that this application will be dealt with by
the Children's Court/Court of Summary Jurisdiction/Supreme
Court* at.....on.....
(place) (date)

.....
(signature of Clerk/Sheriff*)

Date...../...../.....

A warrant of apprehension has been issued today by me
returnable on the date on which this application is to be
dealt with.

.....
(signature of Justice
of the Peace)

Date...../...../.....

* Delete if inapplicable.

Bail Regulations

FORM 4

Regulation 3(2)(d)

NORTHERN TERRITORY OF AUSTRALIA

Bail Act

Section 31(2)(a)

WARRANT OF APPREHENSION WHERE GUARANTOR HAS
APPLIED TO BE DISCHARGED FROM LIABILITY
[PLEASE USE BLOCK LETTERS]

TO ALL MEMBERS OF THE NORTHERN TERRITORY POLICE FORCE

On the.....the
(date of undertaking)

defendant.....,
(full name of accused person)

of.....,
(permanent residential address of accused person)

and the guarantor.....,
(full name of guarantor)

of.....,
(permanent residential address of guarantor)

entered into a bail undertaking for the accused person to
appear before the Children's Court/Court of Summary Juris-
diction/Supreme Court* at.....
(place)

on.....in respect of the offence(s) of:
(date)

.....
.....
.....
.....
(list offence(s) with which accused person is charged)

The guarantor has made application to that court for him
to be discharged from his liability under the bail under-
taking.

YOU ARE ORDERED TO APPREHEND AND BRING THE ACCUSED PERSON
before the above court or another convenient court to be
dealt with according to law.

Bail Regulations

Dated this.....day of....., 19...
at.....
(place)

.....
(signature of Justice
of the Peace)

* Delete where inapplicable.

NOTE: This warrant should not be executed after the date on which the accused person has undertaken to appear without first contacting the court of issue.
