

Authorised Version No. 013

Bail Regulations 2003

S.R. No. 1/2003

Authorised Version incorporating amendments as at
1 January 2011

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Bail Regulations 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 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.

Reg. 5(a)
amended by
S.R. No.
155/2009
reg. 5.

Reg. 6
amended by
S.R. No.
155/2009
reg. 6.

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

* * * * *

Reg. 7
amended by
S.R. No.
155/2009
reg. 7,
revoked by
S.R. No.
121/2010
reg. 5.

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.

Reg. 10
amended by
S.R. No.
155/2009
reg. 8.

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 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 remand warrant must be in Form 10.

Reg. 13 amended by S.R. No. 121/2010 reg. 6.

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 remand warrant must be in Form 11.

Reg. 14 amended by S.R. No. 121/2010 reg. 7.

* * * * *

Reg. 15 revoked by S.R. No. 121/2010 reg. 8.

* * * * *

Reg. 16 revoked by S.R. No. 121/2010 reg. 9.

17 Application for variation of amount or conditions of bail

- (1) For the purposes of section 18AC(1) of the **Bail Act 1977**, Form 14 is prescribed.
- (2) Notice of an application under section 18AC(1) of the **Bail Act 1977** must be filed in the court a reasonable time before the hearing of the application.

Reg. 17 amended by S.R. No. 155/2009 reg. 9, substituted by S.R. No. 121/2010 reg. 10.

17A Notice of application for variation to be given to sureties

For the purposes of section 18AI(2)(a) of the **Bail Act 1977**, Form 14 is prescribed.

Reg. 17A inserted by S.R. No. 121/2010 reg. 10.

Reg. 18
amended by
S.R. No.
155/2009
reg. 10.

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 an accused must be in Form 15.

Reg. 19
amended by
S.R. No.
155/2009
reg. 11.

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 an accused 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.

Reg. 21
(Heading)
amended by
S.R. No.
155/2009
reg. 12(1).

21 Warrant to arrest if person released on undertaking to attend fails to attend

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

Reg. 21
amended by
S.R. No.
155/2009
reg. 12(2).

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.

* * * * *

Reg. 23
expired by
force of
S.R. No.
1/2003
reg. 23(2)².

Bail Regulations 2003

Form 1

S.R. No. 1/2003

I enter this undertaking of bail and acknowledge receipt of a notice setting out the obligations of the *accused/infringement offender 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 accused/infringement offender 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/infringement offender 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 accused/infringement offender 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

*Accused/Infringement Offender

*Address of Accused/Infringement Offender

*Occupation of Accused/Infringement Offender

*Nature of Charge (*State Briefly*)/Infringements Court Case Number that appears on the Infringement warrant

Bail Regulations 2003

S.R. No. 1/2003

Form 1

*Deposit

The *accused/infringement offender came before me and signed this undertaking of bail.

* 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 accused/infringement offender 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 accused/infringement offender that *he/she *and the surety/*sureties understood the nature and extent of the obligations of *the accused/infringement offender 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.

* The sheriff or another person authorised by the **Infringements Act 2006** to discharge the infringement offender from custody on bail.

* Delete if inapplicable.

Ss 3, 4, 5

Form 2
amended by
S.R. Nos
155/2009
reg. 14,
121/2010
reg. 12.

FORM 2

Bail Act 1977

Bail Regulations 2003

UNDERTAKING OF BAIL FOR ATTENDANCE 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 attendance at the trial.

1. The conditions of this undertaking are that the accused must—
 - (a) attend 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 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.
 - (d) [insert any other conditions imposed]

Bail Regulations 2003

S.R. No. 1/2003

Form 2

- †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 attendance 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 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 accused 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 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 accused 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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S.R. No. 1/2003

Form 2

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.

S. 4(4)

Form 3
amended by
S.R. Nos
55/2003 reg. 3,
155/2009
reg. 15.

FORM 3
Bail Act 1977
Bail Regulations 2003

STATEMENT OF REASONS FOR GRANTING BAIL

Informant

Accused

Nature of Offence

The Accused 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 37 or 123 of the **Family Violence Protection Act 2008** and the circumstances set out in section 4(4)(ba) of the **Bail Act 1977** are satisfied;
- * with an offence against section 32 of the **Stalking Intervention Orders Act 2008** and the circumstances set out in section 4(4)(bb) 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 accused or any person acting in concert with the accused is alleged to have used or threatened to use a firearm, offensive weapon or explosive within the meaning of that section;
- * with an offence of arson causing death under section 197A of the **Crimes Act 1958**;
- * 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;

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Form 3

* 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;

* 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 Accused 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 accused be released from custody upon his or her signing an undertaking to attend 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 accused is required to surrender himself or herself under the conditions of the bail.

Bail Regulations 2003

Form 4

S.R. No. 1/2003

* * * * *

**Form 4
amended by
S.R. No.
155/2009
reg. 16,
revoked by
S.R. No.
121/2010
reg. 13.**

S. 9(3)

FORM 5

Bail Act 1977

Bail Regulations 2003

Form 5
amended by
S.R. Nos
155/2009
reg. 17,
121/2010
reg. 14.

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 attend 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

*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
- * In the case of an infringement warrant within the meaning of the **Infringements Act 2006**, the sheriff or a person authorised under section 84(5) of that Act
- * For the purposes of section 9(3B)(b) of the **Bail Act 1977**, a person authorised by Part IV of the **Evidence (Miscellaneous Provisions) Act 1958** to take affidavits.

* 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".

S. 9(4)

FORM 6

Bail Act 1977

Bail Regulations 2003

Form 6
amended by
S.R. Nos
155/2009
reg. 18,
121/2010
reg. 15.

**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 attend 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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Form 6

S.R. No. 1/2003

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

* In the case of an infringement warrant within the meaning of the **Infringements Act 2006**, the sheriff or a person authorised under section 84(5) of that Act

*For the purposes of section 9(3B)(b) of the **Bail Act 1977**, a person authorised by Part IV of the **Evidence (Miscellaneous Provisions) Act 1958** to witness the signing of statutory declarations.

* 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".

S. 9(6)

FORM 7
Bail Act 1977
Bail Regulations 2003

Form 7
amended by
S.R. No.
155/2009
reg. 19.

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

In the Court

at

Informant

Accused

of

Nature of charge [*state shortly*]

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

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

* 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 accused is
suspected to be and to arrest *him/her and cause the accused 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

Form 7

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

* Delete if inapplicable.

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."

S. 11

Form 9
amended by
S.R. Nos
155/2009
reg. 20,
121/2010
reg. 16.

FORM 9

Bail Act 1977

Bail Regulations 2003

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

Informant

Accused

of [address]

Nature of Offence [state shortly]

The Accused 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 attend 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 attend 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 attended to answer the charge any surplus would be refunded to him or her.

Dated at _____, 20 _____.

Signature of member of Police Force

releasing the accused

Rank _____ No. _____

Deposit of \$ _____

Signature of Accused

* Delete if inapplicable.

S. 12(1)(2)

FORM 10

Bail Act 1977

Bail Regulations 2003

CERTIFICATE OF BAIL

Form 10
amended by
S.R. Nos
155/2009
reg. 21,
121/2010
reg. 17.

I certify that I [*name*]

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

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

Dated at , 20 .

*Judge of the *Supreme/County Court

*Magistrate

* Delete if inapplicable.

S. 12(1)(2)

Form 11
amended by
S.R. No.
155/2009
reg. 22.

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 accused on the following grounds:

Dated at _____, 20 ____ .

*Judge of the *Supreme/County Court

*Magistrate

* Delete if inapplicable.

Bail Regulations 2003

S.R. No. 1/2003

Form 12

* * * * *

**Form 12
amended by
S.R. No.
155/2009
reg. 23,
revoked by
S.R. No.
121/2010
reg. 18.**

* * * * *

**Form 13
amended by
S.R. No.
155/2009
reg. 24,
revoked by
S.R. No.
121/2010
reg. 19 .**

Ss 18AC(1), 18AI(2)(a)

Form 14
amended by
S.R. Nos
155/2009
reg. 25,
121/2010
reg. 20.

FORM 14

Bail Act 1977

Bail Regulations 2003

**NOTICE OF APPLICATION FOR AN ORDER TO VARY
*AMOUNT OF BAIL
*CONDITION(S) OF BAIL**

In the Court

at

Applicant [*insert name of Accused*]

Respondent [*insert name of Informant*]

Nature of charge

On 20, I, the applicant, was admitted to bail upon signing an undertaking on the following conditions:

- *(a) A deposit of \$;
- *(b) A surety/sureties [*insert name and address of first surety*] of in the amount of \$ [*insert name and address of second surety*] of in the amount of \$
- *(c) [*insert any other condition imposed*]

To the abovenamed *surety/sureties

Take notice that—

1. I will apply to the Court at *a.m./ p.m. for an order—
 - * varying the amount of bail fixed as follows [*insert details of the variation sought*]
 - * varying *a condition/the conditions of bail as follows [*insert details of the variation sought*].
2. You as *surety/sureties are entitled to attend at the hearing of such application and to give evidence.

Bail Regulations 2003

S.R. No. 1/2003

Form 14

Dated at _____, 20 ____ .

(Signed) Applicant

* Delete if inapplicable.

S. 23(2)

Form 15
amended by
S.R. No.
155/2009
reg. 26.

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

Accused

of

Nature of charge [*state shortly*]

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

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

as surety signed an undertaking of bail conditioned for the attendance of the accused—

* 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 accused is suspected to be and to arrest *him/her and cause the accused 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.

Bail Regulations 2003

S.R. No. 1/2003

Form 15

Dated at 20 .

*Judge of the *Supreme/County Court

*Magistrate

* Delete if inapplicable.

S. 25

Form 16
amended by
S.R. No.
155/2009
reg. 27.

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

Accused

of

Nature of charge [*state shortly*]

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

On 20 the accused signed an undertaking conditioned for
*his/her attendance

* 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 accused is
suspected to be and to arrest *him/her and cause the accused 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.

Bail Regulations 2003

S.R. No. 1/2003

Form 16

Dated at 20 .

*Judge of the *Supreme/County Court

*Magistrate

* Delete if inapplicable.

S. 26(1)

Form 17
amended by
S.R. No.
155/2009
reg. 28.

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

Accused

of

Nature of charge [*state shortly*]

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

On 20 the accused signed an undertaking of bail
conditioned for *his/her attendance

* 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 accused to bail, is satisfied that
the accused was released with *insufficient security/*security which has
become insufficient.

You are authorised to break, enter and search any place where the accused is
suspected to be and to arrest *him/her and cause the accused 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.

Bail Regulations 2003

S.R. No. 1/2003

Form 17

Dated at 20 .

*Judge of the *Supreme/County Court

*Magistrate

* Delete if inapplicable

S. 26(2)

Form 18
amended by
S.R. No.
155/2009
reg. 29.

FORM 18
Bail Act 1977
Bail Regulations 2003

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

In the Court

at

Informant

Accused

of

Nature of charge [*state shortly*]

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

On 20 the accused signed an undertaking of bail
conditioned for *his/her attendance—

* 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 accused has in breach of the undertaking failed to attend this day
before this Court.

You are authorised to break, enter and search any place where the accused is
suspected to be and to arrest *him/her and cause the accused 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.

Bail Regulations 2003

S.R. No. 1/2003

Form 18

Dated at 20 .

*Judge of the *Supreme/County Court

*Magistrate

* Delete if inapplicable.

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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: regulation 3.

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**).

2. Table of Amendments

This Version incorporates amendments made to the Bail Regulations 2003 by statutory rules, subordinate instruments and Acts.

Where a provision has expired, the provision has been omitted and an explanatory sidenote included.

Bail (Amendment) Regulations 2003, S.R. No. 55/2003

Date of Making: 11.6.03

Date of Commencement: 11.6.03

Bail (Amendment) Regulations 2006, S.R. No. 104/2006

Date of Making: 15.8.06

Date of Commencement: 15.8.06: reg. 3

Bail Amendment Regulations 2009, S.R. No. 155/2009

Date of Making: 8.12.09

Date of Commencement: 1.1.10: reg. 3

Bail Amendment Regulations 2010, S.R. No. 121/2010

Date of Making: 26.10.10

Date of Commencement: 1.1.11: reg. 3

3. Explanatory Details

¹ Reg. 4: S.R. No. 177/1992.

² Reg. 23 (*expired*): This regulation ceased to have effect on 31 December 2003.