

Version No. 002
Bail Regulations 2012

S.R. No. 148/2012

Version incorporating amendments as at
17 April 2013

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Version No. 002
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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 21 January 2013.

4 Revocation

The following regulations are **revoked**—

- (a) the Bail Regulations 2003¹;
- (b) the Bail (Amendment) Regulations 2003²;
- (c) the Bail (Amendment) Regulations 2006³;
- (d) the Bail Amendment Regulations 2009⁴;
- (e) the Bail Amendment Regulations 2010⁵.

5 Undertaking of bail

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

- (a) except as provided in paragraph (b), an undertaking of bail must be in Form 1;
- (b) if an accused is awaiting trial, an undertaking of bail must be in Form 2.

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—

- (a) record a statement of reasons for making the order in Form 3; and
- (b) 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.

7 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 4.

8 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 5.

9 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 6.

10 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 to a person in custody by a member of the police force, the sheriff or a person authorised under section 84(5) of the **Infringements Act 2006** must be in Form 7.

11 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 8.

12 Certificate of bail

For the purposes of sections 12(1)(a) and 12(2)(a) of the **Bail Act 1977**, if bail is granted, a certificate on a remand warrant must be in Form 9.

13 Certificate of refusal of bail

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

14 Application by the accused for variation of amount or conditions of bail

- (1) For the purposes of section 18AC(1) of the **Bail Act 1977**, Form 11 is prescribed.
- (2) 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.

15 Application by the informant or the Director of Public Prosecutions for variation of the amount or conditions of bail, or for the imposition of conditions

- (1) For the purposes of section 18AC(2) of the **Bail Act 1977**, Form 12 is prescribed.
- (2) An application under section 18AC(2) of the **Bail Act 1977** must be filed in the court a reasonable time before the hearing of the application.

16 Application for revocation of bail

For the purposes of section 18AE(1) of the **Bail Act 1977**, Form 13 is prescribed.

17 Notice of application for variation by the accused to be given to sureties

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

18 Warrant to arrest if surety applies for discharge

For the purposes of section 23(2) of the **Bail Act 1977**, a warrant to arrest an accused must be in Form 15.

19 Warrant to arrest to impose additional conditions

For the purposes of section 25 of the **Bail Act 1977**, a warrant to arrest an accused for the purpose of amending or supplementing the conditions of bail 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 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.

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.

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Form 1

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

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Form 1

*Deposit

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

* The *surety/sureties 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 or she *and the *surety/sureties understood the nature and extent of the obligations of *the accused/infringement offender under the conditions of his or her bail and the consequences of his or her failure to comply with them.

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

* Judge

* Magistrate

* Bail Justice

* Prothonotary

* Deputy prothonotary

* Registrar of the County Court

* Deputy registrar of the County Court

* Registrar of the Magistrates' Court

* Deputy 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

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Form 1

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

* The sheriff or another person authorised under section 84(5) of the
Infringements Act 2006 to discharge the infringement offender from
custody on bail

* Delete if inapplicable.

Ss 3, 4, 5

Reg. 5(b)

FORM 2

Bail Act 1977

Bail Regulations 2012

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 *a.m./p.m.
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 or her *and his or her *surety/sureties by the Director of Public Prosecutions by notice in writing and then surrender himself or herself;
 - (b) not depart without the leave of the Court and, if leave is given, return at the time specified by the Court and again surrender himself or herself into custody;
 - (c) *reside at and if 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]*

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Form 2

- †2. If the hearing is postponed or adjourned and the *surety has/sureties have consented to the inclusion of this provision in this undertaking, the Court postponing or adjourning the hearing may extend the undertaking without the further consent of the *surety/sureties.
3. If any surety changes his or her place of residence or business from the place appearing in this undertaking as his or her address, he or she must 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 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 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.)

(Reverse Side)

UNDERTAKING OF BAIL

*Supreme Court

*County Court

Informant

Accused

Accused's Address

Accused's Occupation

Nature of Charge (*State Briefly*)

*Deposit

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

Accused

Address

Occupation

*Deposit

* The *surety/sureties 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 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 that he or she *and the *surety/sureties understood the nature and extent of the obligations of the accused under the conditions of his or her bail and the consequences of his or her failure to comply with them.

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Form 2

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

- * Judge
- * Magistrate
- * Bail Justice
- * Prothonotary
- * Deputy prothonotary
- * Registrar of the County Court
- * Deputy registrar of the County Court
- * Registrar of the Magistrates' Court
- * Deputy 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 of the prison at of or above the rank of Senior Prison Officer

* Delete if inapplicable.

S. 4(4)

Reg. 6(a)

FORM 3
Bail Act 1977

Bail Regulations 2012

Form 3
amended by
S.R. No.
39/2013 reg. 4.

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, 37A, 123, 123A or 125A of the **Family Violence Protection Act 2008** 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 against section 100 of the **Personal Safety Intervention Orders Act 2010** and the circumstances set out in section 4(4)(bb)(i) or 4(4)(bb)(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 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;
- * subject to section 4(2)(aa) of the **Bail Act 1977**, with an offence under section 307.1, 307.2, 307.5, 307.6, 307.8 or 307.9 of the Criminal Code of the Commonwealth;
- * 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.

S. 9(3)

Reg. 7

FORM 4

Bail Act 1977

Bail Regulations 2012

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/do solemnly and sincerely 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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Form 4

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

Before me—

- * Judge
- * Magistrate
- * Bail Justice
- * Prothonotary
- * Deputy prothonotary
- * Registrar of the County Court
- * Deputy registrar of the County Court
- * Registrar of the Magistrates' Court at _____
- * Deputy 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 the Police Station at _____
- * The Governor of the Prison at _____
- * An officer 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 surety is to repeat the following words:

"I swear [*or the surety may promise*] by Almighty God [*or the surety may name a god recognised by his or her religion*] that I have truthfully answered all questions put to me in this matter."

or

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

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Form 4

The surety 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 surety must reply by saying "Yes".

Form 5

S. 9(4)

Reg. 8

FORM 5

Bail Act 1977

Bail Regulations 2012

**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 5

I acknowledge that this declaration is true and correct, and I make it in the belief that a person making a false declaration is liable to the penalties of perjury.

Declared at _____ in the State of Victoria on _____, 20____ Signature of Surety

Before me—

- * Judge
- * Magistrate
- * Bail Justice
- * Prothonotary
- * Deputy prothonotary
- * Registrar of the County Court
- * Deputy registrar of the County Court
- * Registrar of the Magistrates' Court at _____
- * Deputy 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 the Police Station at _____
- * The Governor of the Prison at _____
- * An officer 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 FROM A SURETY

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?

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Form 5

3. Do you make this solemn declaration conscientiously believing it to be true and correct, and in the belief that a person who makes a false declaration is liable to the penalties of perjury?

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

S. 9(6)

Reg. 9

FORM 6

Bail Act 1977

Bail Regulations 2012

**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.

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

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

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Form 6

Dated at _____, _____ 20 ____ .

*Judge of the *Supreme/County Court

*Magistrate

* Delete if inapplicable.

S. 10(2)

Reg. 10

FORM 7

Bail Act 1977

Bail Regulations 2012

**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 section 10(2) of the **Bail Act 1977** (set out below), where a member of the police force, the sheriff or a person authorised under section 84(5) of the **Infringements Act 2006** refuses to release you on 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 subsection (1) or the sheriff or a person authorised under section 84(5) of the **Infringements Act 2006** refuses to release a person from custody under subsection (1A) or any person held in custody objects to the amount fixed for bail or any condition of bail the member of the police force, the sheriff or a person authorised under section 84(5) of the **Infringements Act 2006** (as the case requires) 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 subsection and if the person elects so to apply the member, the sheriff or a person authorised under section 84(5) of the **Infringements Act 2006**—

- (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 subsection (3); and
- (c) shall abide by the decision of the bail justice in relation to that person."

Form 8

S. 11(2)

Reg. 11

FORM 8

Bail Act 1977

Bail Regulations 2012

**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)(a)(2)(a)

Reg. 12

FORM 9

Bail Act 1977

Bail Regulations 2012

CERTIFICATE OF BAIL

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

*Bail Justice

* Delete if inapplicable.

Form 10

S. 12(1)(b)(2)(b)

Reg. 13

FORM 10

Bail Act 1977

Bail Regulations 2012

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

*Bail Justice

* Delete if inapplicable.

S. 18AC(1)

Reg. 14

FORM 11

Bail Act 1977

Bail Regulations 2012

**APPLICATION BY ACCUSED FOR AN ORDER TO VARY
AMOUNT OF BAIL OR CONDITION(S) OF BAIL**

In the _____ Court

at _____

Applicant [*insert name of Accused*]

Respondent [*insert name of Informant and/or Director of Public Prosecutions*]

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 *Registrar of the _____ Court/Prothonotary of the Supreme Court at _____

AND To the Respondent _____

*AND to the *Surety/Sureties _____

The Applicant will apply to the _____ Court at _____ 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*].

This application is *by consent/contested.

Date: _____

(Signed) Applicant

Form 11

LISTING OF APPLICATION

This application is listed for hearing before the _____ Court at *[place]* at
[time] *a.m./p.m. on *[date]*.

Date:

* Registrar of the _____ Court/Prothonotary of Supreme Court

* Delete if inapplicable.

S. 18AC(2)

Reg. 15

FORM 12

Bail Act 1977

Bail Regulations 2012

**APPLICATION BY INFORMANT OR DIRECTOR OF PUBLIC
PROSECUTIONS FOR AN ORDER TO VARY AMOUNT OF BAIL,
VARY CONDITION(S) OF BAIL OR IMPOSE CONDITIONS
OF BAIL**

In the Court at

Applicant [*insert name of Informant or Director of Public Prosecutions*]

Respondent [*insert name of Accused*] of [*address*]

Nature of charge

On 20 , the respondent 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 *Registrar of the Court/Prothonotary of the Supreme
Court at

AND To the Respondent

*AND to the *Surety/Sureties

The Applicant will apply to the Court at 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*];

* imposing *a condition/conditions of bail as follows [*insert details of
the conditions sought*].

This application is *by consent/contested.

Date:

(Signed) Applicant

Form 12

LISTING OF APPLICATION

This application is listed for hearing before the _____ Court at *[place]* at
[time] *a.m./p.m. on *[date]*.

Date:

* Registrar of the _____ Court/Prothonotary of Supreme Court

* Delete if inapplicable.

S. 18AE(1)

Reg. 16

FORM 13

Bail Act 1977

Bail Regulations 2012

**APPLICATION BY INFORMANT OR DIRECTOR OF PUBLIC
PROSECUTIONS FOR AN ORDER TO REVOKE BAIL**

In the _____ Court at _____

Applicant [*insert name of Informant or Director of Public Prosecutions*]

Respondent [*insert name of Accused*] of [*address*]

Nature of charge _____

On _____ 20____, the respondent 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 *Registrar of the _____ Court/Prothonotary of the Supreme
Court at _____

AND To the Respondent

*AND to the *Surety/Sureties

The Applicant will apply to the _____ Court at _____ for an
order revoking bail.

This application is *by consent/contested.

Date: _____

(Signed) Applicant

Form 13

LISTING OF APPLICATION

This application is listed for hearing before the _____ Court at *[place]* at
[time] *a.m./p.m. on *[date]*.

Date:

* Registrar of the _____ Court/Prothonotary of Supreme Court

* Delete if inapplicable.

S. 18AI(2)(a)

Reg. 17

FORM 14

Bail Act 1977

Bail Regulations 2012

**NOTICE TO SURETY OF APPLICATION BY ACCUSED FOR AN
ORDER TO VARY AMOUNT OF BAIL OR CONDITION(S) OF BAIL**

In the _____ Court at _____

Applicant [*insert name of Accused*] of [*address*]

Respondent [*insert name of Informant and/or Director of Public
Prosecutions*]

Nature of charge _____

On _____ 20____, I [*insert name*], 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*].

On _____ you [*insert name*], as my surety, signed the undertaking of
bail requiring that I attend at the
*Supreme/*County/*Magistrates'/*Children's Court at
on _____ .

*The undertaking of bail was extended to _____ .

TAKE NOTICE—

1. I will apply to the _____ Court at _____ 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*].

Bail Regulations 2012
S.R. No. 148/2012

Form 14

-
2. As surety you are entitled to attend at the hearing of such application and to give evidence.

Date:

(Signed) Applicant

* Delete if inapplicable.

S. 23(2)

Reg. 18

FORM 15

Bail Act 1977

Bail Regulations 2012

**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 or 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 or 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 2012
S.R. No. 148/2012

Form 15

Dated at 20 .

*Judge of the *Supreme/County Court
*Magistrate

* Delete if inapplicable.

S. 25

Reg. 19

FORM 16

Bail Act 1977

Bail Regulations 2012

**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 or 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 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 or 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 2012
S.R. No. 148/2012

Form 16

Dated at 20 .

*Judge of the *Supreme/County Court
*Magistrate

* Delete if inapplicable.

S. 26(1)

Reg. 20

FORM 17

Bail Act 1977

Bail Regulations 2012

**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 or 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 of the opinion
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 or 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 2012
S.R. No. 148/2012

Form 17

Dated at 20 .

*Judge of the *Supreme/County Court
*Magistrate

* Delete if inapplicable.

S. 26(2)

Reg. 21

FORM 18

Bail Act 1977

Bail Regulations 2012

**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 or 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.

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 or 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 2012
S.R. No. 148/2012

Form 18

Dated at 20 .

*Judge of the *Supreme/County Court
*Magistrate

* Delete if inapplicable.

ENDNOTES

1. General Information

The Bail Regulations 2012, S.R. No. 148/2012 were made on 11 December 2012 by the Governor in Council under section 33 of the **Bail Act 1977**, No. 9008/1977 and came into operation on 21 January 2013: regulation 3.

The Bail Regulations 2012 will sunset 10 years after the day of making on 11 December 2022 (see section 5 of the **Subordinate Legislation Act 1994**).

Endnotes

2. Table of Amendments

This Version incorporates amendments made to the Bail Regulations 2012 by statutory rules, subordinate instruments and Acts.

Bail Amendment Regulations 2013, S.R. No. 39/2013

Date of Making: 16.4.13

Date of Commencement: 17.4.13: reg. 3

3. Explanatory Details

¹ Reg. 4(a): S.R. No. 1/2003. Reprint No. 1 as at 15 August 2006.
Reprinted to S.R. No. 104/2006. Subsequently amended by
S.R. No. 155/2009 and S.R. No. 121/2010.

² Reg. 4(b): S.R. No. 55/2003.

³ Reg. 4(c): S.R. No. 104/2006.

⁴ Reg. 4(d): S.R. No. 155/2009.

⁵ Reg. 4(e): S.R. No. 121/2010.