

31. Different time and place for appearance may be substituted

- (1) A different time or a different time and place may be substituted in accordance with this section for the time and place for appearance specified, or deemed by this section to be specified, in a bail undertaking.
- (2) A different time, or a different time and place, for the appearance by the defendant may be substituted as mentioned in subsection (1) —
 - (a) upon an adjournment of proceedings at which the defendant is present, by the judicial officer, if he has power to grant bail for that appearance, fixing a time and place for the resumed proceedings and notifying the defendant orally thereof;
 - (b) upon an adjournment of proceedings from which the defendant is absent for reasonable cause, by the judicial officer, if he has power to grant bail for that appearance, fixing a time and place for the resumed proceedings and directing the clerk or registrar of the court to give written notice thereof to the defendant;
 - (c) where —
 - (i) a Judge of the Supreme Court or a Judge of the Children’s Court has granted bail to a defendant under section 15; and
 - (ii) a judicial officer, other than such a Judge, has committed the defendant to the Supreme Court,by a Judge of the Supreme Court notifying the defendant orally, or directing the clerk or registrar of the court to give written notice to the defendant of the time or time and place for the proceedings;
 - (d) where —
 - (i) a Judge of the Supreme Court or a Judge of the Children’s Court has granted bail to a defendant under section 15;
 - (ii) a judicial officer has subsequently adjourned a preliminary hearing (within the meaning in the *Justices Act 1902*) or proceedings prior to the commencement of a preliminary hearing; and
 - (iii) the judicial officer is satisfied that there has been no material change in the facts or circumstances which applied on the grant of bail,by the judicial officer notifying the defendant orally, or directing the clerk or registrar of the court to give written notice to the defendant, of the time or time and place for the resumed proceedings;
 - (e) upon a committal to the Supreme Court or District Court, by a judicial officer, if he has power to grant bail for that appearance, fixing a specified day in a specified sitting or session of that court and directing the clerk or registrar of the court to give written notice thereof to the defendant;
 - (f) where a defendant has been committed for trial in the Supreme Court or the District Court in a specified sitting or session thereof or on a specified day in a specified sitting or session thereof, by an officer of the court fixing a time for the trial in that sitting or session and giving written notice thereof to the defendant;

- (g) if the parties agree to a different time or a different time and place for the proceedings, by an officer of the court giving written notice thereof to the defendant.
- (3) Where a different time or a different time and place is notified to a defendant pursuant to subsection (2) the bail undertaking shall be deemed to be amended to specify that time or that time and place for appearance, and the terms and conditions thereof shall continue to apply as so amended as if the defendant had entered into the bail undertaking in that form.
- (4) Where the power in subsection (2) (b) is exercised upon an adjournment of proceedings the right of the defendant to be at liberty under section 11 (1) does not lapse by reason only that there is an interval between the adjournment of the proceedings and the time when he is notified of the time and place for the resumed proceedings.

[Section 31 amended by No. 15 of 1988 s.13; No. 49 of 1988 s.87.]