

7A. Bail for appeal under *Criminal Procedure (Summary) Act 1902*

- (1) If a person is in custody and an appeal has been commenced under Part 2 of the *Criminal Appeals Act 2004* in connection with the decision by virtue of which the person is in custody, the person may apply for bail —
 - (a) if the appeal is to be heard and determined by the Court of Appeal or if an application has been made to the Court of Appeal for leave to appeal to the Court of Appeal — to the a judge of appeal; or
 - (b) in any other case — to a Judge of the Supreme Court.
- (2) Bail shall not be granted to an applicant for bail under subsection (1) until he has given notice of his application for bail to —
 - (a) the State Solicitor; or
 - (b) the Deputy Director of Public Prosecutions (Commonwealth) in Perth,

as the case may require, and that official has been given an opportunity to be heard on the application.

[Section 7A inserted by No. 33 of 1989 s. 18; amended by No. 65 of 2003 s. 88(2); No. 45 of 2004 s. 28(4); No. 59 of 2004 s. 141; No. 84 of 2004 s. 11.]