
JUSTICE

JU301

Criminal Procedure Act 2004

Criminal Procedure Amendment Rules 2020

SL 2020/53

Made by the judges of the Supreme Court.

1. CitationThese rules are the *Criminal Procedure Amendment Rules 2020*.**2. Commencement**

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on the day after that day.

3. Rules amendedThese rules amend the *Criminal Procedure Rules 2005*.**4. Part 7A inserted**

After rule 30 insert:

Part 7A — Application and notice for *Bail Act 1982* s. 54**30A. Forms for purposes of *Bail Act 1982* s. 54**

- (1) An application for a summons or warrant under the *Bail Act 1982* section 54(2)(b) must be made by lodging a Form 6A.
- (2) If a police officer arrests an accused without warrant under the *Bail Act 1982* section 54(2)(a) for the purposes of causing the accused to appear before an appropriate judicial officer under section 54(1) of that Act, the police officer must lodge a notice in the form of Form 6B.

- (3) An application referred to in subrule (1) or notice referred to in subrule (2) must be supported by an affidavit unless the court orders otherwise.
- (4) Despite rule 23(2), an application referred to in subrule (1) is not required to be served.

5. Schedule 1 Forms 6A and 6B inserted

After Schedule 1 Form 6 insert:

6A. Application under *Bail Act 1982 s. 54(2)(b)* (r. 30A(1))

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|--|--|--|--|--|--|--|---|---|--|---|--|---|---|---|
| <i>Criminal Procedure Act 2004</i> <i>Criminal Procedure Rules 2005</i> | | Application for summons or warrant under the <i>Bail Act 1982 s. 54(2)(b)</i> | | | | | | | | | | | | |
| Supreme Court/District Court At: Number: | | | | | | | | | | | | | | |
| Case | | <i>[Names of all parties]</i> | | | | | | | | | | | | |
| Applicant | Name | | | | | | | | | | | | | |
| | Address | | | | | | | | | | | | | |
| | Telephone No. | | | | | | | | | | | | | |
| Application details | <p>The applicant applies:</p> <p><input type="checkbox"/> under the <i>Bail Act 1982 s. 54(2)(b)</i> for a summons for the purpose of causing the accused mentioned above to appear before an appropriate judicial officer as provided in s. 54(1) of that Act.</p> <p><input type="checkbox"/> under the <i>Bail Act 1982 s. 54(2)(b)</i> for a warrant for the purpose of causing the accused mentioned above to appear before an appropriate judicial officer as provided in s. 54(1) of that Act.</p> <p>The grounds for the application are:</p> <p><input type="checkbox"/> accused unlikely to appear in court in compliance with requirement of bail undertaking (<i>Bail Act 1982 s. 54(1)(a)(i)</i>)</p> <p><input type="checkbox"/> breach or likely breach of the following condition(s) of bail undertaking (<i>Bail Act 1982 s. 54(1)(a)(ii)</i>):</p> <table border="0"> <tr> <td><input type="checkbox"/> not to be in the company of a particular person</td> <td><input type="checkbox"/> report to a Community Corrections Officer</td> </tr> <tr> <td><input type="checkbox"/> not to go within a specified distance of a specified place or person (not to approach or enter)</td> <td><input type="checkbox"/> obey direction of a Community Corrections Officer</td> </tr> <tr> <td><input type="checkbox"/> not to make contact with a particular person</td> <td><input type="checkbox"/> comply with curfew</td> </tr> <tr> <td><input type="checkbox"/> attend drug and alcohol testing</td> <td><input type="checkbox"/> report to Police</td> </tr> <tr> <td><input type="checkbox"/> attend drug and alcohol counselling</td> <td><input type="checkbox"/> reside at a particular address</td> </tr> <tr> <td><input type="checkbox"/> undertake a mental health assessment</td> <td><input type="checkbox"/> surrender passport</td> </tr> </table> | | <input type="checkbox"/> not to be in the company of a particular person | <input type="checkbox"/> report to a Community Corrections Officer | <input type="checkbox"/> not to go within a specified distance of a specified place or person (not to approach or enter) | <input type="checkbox"/> obey direction of a Community Corrections Officer | <input type="checkbox"/> not to make contact with a particular person | <input type="checkbox"/> comply with curfew | <input type="checkbox"/> attend drug and alcohol testing | <input type="checkbox"/> report to Police | <input type="checkbox"/> attend drug and alcohol counselling | <input type="checkbox"/> reside at a particular address | <input type="checkbox"/> undertake a mental health assessment | <input type="checkbox"/> surrender passport |
| <input type="checkbox"/> not to be in the company of a particular person | <input type="checkbox"/> report to a Community Corrections Officer | | | | | | | | | | | | | |
| <input type="checkbox"/> not to go within a specified distance of a specified place or person (not to approach or enter) | <input type="checkbox"/> obey direction of a Community Corrections Officer | | | | | | | | | | | | | |
| <input type="checkbox"/> not to make contact with a particular person | <input type="checkbox"/> comply with curfew | | | | | | | | | | | | | |
| <input type="checkbox"/> attend drug and alcohol testing | <input type="checkbox"/> report to Police | | | | | | | | | | | | | |
| <input type="checkbox"/> attend drug and alcohol counselling | <input type="checkbox"/> reside at a particular address | | | | | | | | | | | | | |
| <input type="checkbox"/> undertake a mental health assessment | <input type="checkbox"/> surrender passport | | | | | | | | | | | | | |

| | | |
|----------------------------------|---|--|
| | <input type="checkbox"/> undertake a physical health examination <input type="checkbox"/> attend/reside at a specialist treatment centre | <input type="checkbox"/> not to consume specified/illicit/prohibited substance(s) <input type="checkbox"/> other: |
| | <input type="checkbox"/> attend other counselling/programmes as specified <input type="checkbox"/> breach of home detention condition (<i>Bail Act 1982</i> s. 54(1)(a)(iii)) <input type="checkbox"/> surety no longer suitable or dead (<i>Bail Act 1982</i> s. 54(1)(b)(i)) <input type="checkbox"/> other (specify): | |
| Description of grounds | | |
| Signature of applicant or lawyer | Applicant / Applicant's lawyer | Date |

6B. Notice that accused arrested without warrant under *Bail Act 1982* s. 54(2)(a) (r. 30A(2))

| | | | | | |
|--|---|--|--|--|--|
| <i>Criminal Procedure Act 2004</i> <i>Criminal Procedure Rules 2005</i> | | Notice that accused arrested without warrant under the <i>Bail Act 1982</i> s. 54(2)(a) | | | |
| Supreme Court/District Court At: Number: | | | | | |
| Case | | <i>[Names of all parties]</i> | | | |
| Police officer lodging notice | Name | | | | |
| | Address | | | | |
| | Telephone No. | | | | |
| Details | The accused has been arrested without warrant under the <i>Bail Act 1982</i> s. 54(2)(a) for the purposes of causing the accused to appear before an appropriate judicial officer under section 54(1) of that Act to show cause why the accused's bail should not be varied or revoked. The grounds for causing the accused to appear are: <input type="checkbox"/> accused unlikely to appear in court in compliance with requirement of bail undertaking (<i>Bail Act 1982</i> s. 54(1)(a)(i)) <input type="checkbox"/> breach or likely breach of the following condition(s) of bail undertaking (<i>Bail Act 1982</i> s. 54(1)(a)(ii)): <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input type="checkbox"/> not to be in the company of a particular person</td> <td style="width: 50%; border: none;"><input type="checkbox"/> report to a Community Corrections Officer</td> </tr> </table> | | | <input type="checkbox"/> not to be in the company of a particular person | <input type="checkbox"/> report to a Community Corrections Officer |
| <input type="checkbox"/> not to be in the company of a particular person | <input type="checkbox"/> report to a Community Corrections Officer | | | | |

| | | |
|---------------------------------------|--|--|
| | <input type="checkbox"/> not to go within a specified distance of a specified place or person (not to approach or enter) <input type="checkbox"/> not to make contact with a particular person <input type="checkbox"/> attend drug and alcohol testing <input type="checkbox"/> attend drug and alcohol counselling <input type="checkbox"/> undertake a mental health assessment <input type="checkbox"/> undertake a physical health examination <input type="checkbox"/> attend / reside at a specialist treatment centre <input type="checkbox"/> attend other counselling / programmes as specified | <input type="checkbox"/> obey direction of a Community Corrections Officer <input type="checkbox"/> comply with curfew <input type="checkbox"/> report to Police <input type="checkbox"/> reside at a particular address <input type="checkbox"/> surrender passport <input type="checkbox"/> not to consume specified / illicit / prohibited substance(s) <input type="checkbox"/> other: |
| Description of grounds | <input type="checkbox"/> breach of home detention condition (<i>Bail Act 1982</i> s. 54(1)(a)(iii)) <input type="checkbox"/> surety no longer suitable or dead (<i>Bail Act 1982</i> s. 54(1)(b)(i)) <input type="checkbox"/> other (specify): | |
| Signature of police officer or lawyer | Police officer/ Lawyer | Date |

Dated 30 April, 2020.

The Hon. Chief Justice PETER QUINLAN, Chief Justice of Western Australia, Supreme Court of Western Australia.